

SPECIAL ISSUE

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COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

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KISUMU COUNTY ACTS, 2019

NAIROBI, 17th May, 2019

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**THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS)
ACT, 2019**

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73352 - 00200,
NAIROBI, KENYA

No 1 of 2019

Date of Assent 14th May, 2019

Date of Commencement 30th May 2019

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**THE KISUMU COUNTY ADMINISTRATION
(VILLAGE UNITS) ACT, 2019**

AN ACT of the Kisumu County Assembly to provide for the establishment of Village Units, the effective coordination, management and supervision of the general administrative functions in the Village Units and for connected purposes

ENACTED by the County Assembly of Kisumu as follows—

PART I—PRELIMINARY

1 This Act may be cited as the Kisumu County Administration (Village Units) Act, 2019 Short title

2 In this Act, unless the context otherwise provides— Interpretation

“County” means the County of Kisumu,

“County Assembly” means the County Assembly of Kisumu,

“County Government” means the County Government of Kisumu,

“Governor” means the Governor of Kisumu County,

“Village Unit” means an area declared as such by a resolution of the County Assembly in accordance with Section 48 of the County Governments Act 2012

“Elder” means a person holding any position of authority including youth, women and PWDs

3 (1) The object and purpose of this Act are to— Object and purpose

- (a) provide for the establishment of the Village Units in Kisumu County,
- (b) provide for the further decentralization of the functions and provision of services by the Kisumu County Government in accordance with Article 176(2) of the Constitution,
- (c) enable effective participation of the local community in the governance and development of the village units
- (d) enable effective accountability to the local

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communities in matters affecting them,

(2) In administering this Act, the persons and agencies shall ensure—

- (a) participation of local communities in matters concerning the village units,
- (b) inclusion of minorities resident in the village units,
- (c) inclusion of women in decision making,
- (d) inclusion of persons with disabilities and other marginalized groups,
- (e) access to information relating to the village units

PART II—DELINEATION OF VILLAGE UNITS

4 (1) There is Established a committee to be known as the Delineation Committee of the Village units

Establishment of
village units

(2) Village units shall be delineated by a resolution of the County Assembly

(3) The resolution under sub-section 1 shall be based on a report of the Committee on the Delineation of County Village Units

(4) The Committee on Delineation of County Village Units shall comprise—

- (a) County Executive Committee member responsible for Physical planning and Surveying,
- (b) County Executive Member responsible for Finance,
- (c) County Attorney,
- (d) Elected Member of Ward under review to be co-opted as an ex-officio Member

(5) The Clerk of the County Assembly and the County Director of Administration shall be the joint Secretaries of the Committee on Delineation of County Village Units

5 (1) The Delineation Committee shall review the boundaries every 10 years provided that nothing shall preclude the Council from reviewing the boundary within 10 years

Review of Village
Unit Boundaries

(2) The first Committee under this Act shall

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commence its work immediately upon coming into effect of this Act

(3) A Committee on Delineation of County Village Units may review the village units upon occurrence of the following—

- (a) publication of final boundaries delimitation report by the Independent Electoral and Boundaries Commission (IEBC) in accordance with Article 89 of the Constitution,
- (b) review of County Boundaries in accordance with Article 178 of the Constitution
- (c) publication of the final census report, and
- (d) a resolution by the County Assembly

6 The Committee on Delineation of County Village Units shall—

Functions and
proceedings of the
Committee

- (a) hold consultations with interested persons in the county,
- (b) develop a provisional County Village Units delineation report,
- (c) undertake civic education within all units of the county and receive representations and memoranda from the residents of the county,
- (d) develop a final county village units delineation report,

7 In determining the area of the village units and their names, the Committee on Delineation of County Village Units shall have regard to—

Criteria for
determination of
village units

- (a) population size and demographic features,
- (b) geographical features,
- (c) local community interest, traditional classification and historical, economic and cultural ties,
- (d) means of communication,
- (e) boundaries delimitation report published by the IEBC in accordance with Article 89 of the Constitution,

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- (f) county boundaries determined in accordance with the Constitution,
- (g) Any other factor as may be determined by law

8 (1) Within 60 days upon establishment of the County Village Units, the Committee shall develop and publish its report in the official website of the County Assembly

Delineation report to
be laid before the
County Assembly

(2) Upon the lapse of fourteen days of publication in accordance with sub-section (1) the Speaker shall cause the report of the establishment of County Village Units to be published on the official website of the County Assembly

(3) The County Assembly shall open the report to public scrutiny for a period of seven days and receive any views communicated to the Clerk of the County Assembly, having notified the public of such opening

(4) The County Assembly shall consider the report within fourteen days after the seven days provided for in sub-section (3) taking into account any views expressed by the public

(5) The County Assembly shall approve the report of the Committee on Delineation of County Village Units with such amendments as it deems appropriate

(6) The report of the Committee shall take effect upon publication in the County Gazette by the Speaker of the County Assembly

9 There is established the Office of Village Administrator for each village unit

Office of Village
Administrator

10 (1) A Village Administrator shall be appointed through an open and competitive process by the County Public Service Board and approved by the County Assembly in accordance with the provisions of this Act

Qualifications and
appointment of
Village
Administrator

(2) A person shall not be appointed as a Village Administrator unless such a person has post O' level certificate in administration and meets the requirements of Chapter Six of the Constitution

(3) The Village Administrator holds office for a period of three years renewable term

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Functions and
powers of the
Village
Administrator

11 (1) A village administrator shall coordinate, manage and supervise the general administrative functions in the village including—

- (a) ensuring and coordinating the participation of the village unit in governance,
- (b) assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level, and
- (c) the exercise of any functions and powers delegated by the County Public Service Board under section 86 of the County Governments Act 2012

(2) In carrying out the functions and obligations in subsection (3), a village administrator shall be responsible to the relevant Ward Administrator

12 (1) There is established for each village unit, a Village Council consisting of—

Village Council

- (a) the village administrator who shall be the chairperson of the village council and
- (b) not less than three and not more than five village elders competitively appointed by the village administrator through public participation with the approval of the County Assembly, taking into account gender balance

(2) A person shall be eligible for appointment as a Village Council member if the person—

- (a) is a citizen of Kenya,
- (b) has been a resident of or has been the owner of property in the respective village unit for a continuous period of not less than five years prior to the appointment date,
- (c) meets the requirements of Chapter Six of the Constitution, and
- (d) is not disqualified for appointment to office by this Act or any other law

(3) A Village Council member shall serve for such period and shall be paid such sitting allowance and other

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emoluments as shall be determined by the County Assembly

13 A Village Council shall be responsible for—

Functions of the
Village Council

- (a) ensuring and coordinating the participation of the village unit in governance,
- (b) assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level,
- (c) monitoring the implementation of policies and projects in the village unit,
- (d) advising the ward administrator and sub-county administrator on matters pertaining to the village unit, and
- (e) without seeking to limit the generality of the preceding paragraphs and subject to the responsibilities and functions of other agencies coordinating—
 - (i) formulation and implementation of village development programmes,
 - (ii) environmental conservation and development
 - (iii) community health services
 - (iv) recruitment of youths in maintenance of roads and public works,
 - (v) assisting various national and county government agencies in carrying out development works or delivering services,
 - (vi) convening regular social audit of development programmes and activities,
 - (vii) keeping a record of national and county government development programmes and activities
- (f) any other function necessary for the better administration of the village unit as may be assigned by the Governor

14 The Village Council shall appoint from among

Village Council to
appoint secretary

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members a secretary to the Council by consensus who shall be responsible for—

- (a) recording all the proceedings of the Village Council, which record shall be signed by the chairperson
- (b) publishing all communications, notifications and records as may be necessary and such orders, notifications and record shall be signed by the chairperson
- (c) effecting service of and transmitting any communication from the County Government requiring such service or transmission within the village

15 (1) The Chairperson of the Village Council shall convene the meetings of the Village Council—

Proceedings of the
Village Council

- (a) whenever need arises but not less than every two months, and
- (b) when two-thirds of the members in writing request him to do so

(2) The Chairperson of the Village Council shall preside over all the meetings of the said Council

(3) Resolutions made in such meetings shall be properly recorded and shall be signed by both the Chairperson and the Secretary

(4) All proposals and questions shall be decided in these meetings by consensus or, in the alternative, by a simple majority of votes of the members present

(5) The Village Council shall formulate the rules and procedures to guide the conduct of its meetings and the performance of its functions

Tenure of the Council

Tenure of Council

16 (1) Every Village Council, unless sooner dissolved in accordance with this Act shall continue for five years from the date appointed for its first meeting

(2) Provided that the Public Service Board may, by approval of the County Assembly, extend or shorten the life of a Village Council for such periods not exceeding

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eighteen months cumulatively

(3) Provided further that the process of appointment to a village Council shall be completed before the term of the Councils ends

Terms of Office of Council Members

Terms of Office
of Council
Members

17 (1) All members of a Village Council shall hold office during the life of the Council

(2) A member elected to fill a council vacancy shall hold office for the remaining term of office of the member whose seat falls vacant

(3) If a member absents himself continuously in three consecutive meetings of a Village Council without notification to the Chairperson, the village council may in a meeting specially convene for the purpose, declare his seat vacant after giving him an opportunity for a hearing and in such case the Village Council shall communicate the decision to the Governor within seven days of declaration of such vacancy

(4) The Governor shall replace the member upon receipt of a declaration of vacancy from the Council

Dissolution of Village Council Units

Dissolution of
Village Council
Units

18 (1) The County Assembly may by a resolution based on a report from the Governor suspend or dissolve a village or merge a village area unit with another

(2) When a village unit is dissolved under this section

- (a) All members notwithstanding that their terms of office have not expired, shall from the date of the dissolution vacate office
- (b) All powers and duties of the Village Council shall during the period of the dissolution be exercised by the village administrator

Regulations

19 The member of the County Executive Committee responsible for Physical Planning and Survey may make regulations for the better carrying out of the purposes and provisions of this Act with the approval of the County Assembly

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Kisumu County Administration (Village Units)

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552, 00200,
2019
NAIROBI, KENYA

Schedule 1 Kisumu County Village Units (Section 11(6))

CONSTITUENCY	COUNTY ASSEMBLY WARD CODE	COUNTY ASSEMBLY WARD	VILLAGE CODE	VILLAGE NAME
Kisumu East	1186	Kajulu		
	1187	Kolwa East		
	1188	Manyatta B		
	1189	Nyalenda A		
	1190	Kolwa Central		
Kisumu West	1191	South West Kisumu		
	1192	Central Kisumu		
	1193	Kisumu North		
	1194	West Kisumu		
	1195	North West Kisumu		
Kisumu Central	1196	Railways		
	1197	Migosi		
	1198	Shauri Moyo Kaloleni		
	1199	Market Milimani		
	1200	Kondele		

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	1201	Nyalenda B		
Seme	1202	West Seme		
	1203	Central Seme		
	1204	East Seme		
	1205	North Seme		
Nyando	1206	East Kano/Wawidhi		
	1207	Awasi/Onjiko		
	1208	Ahero		
	1209	Kabonyo/Kanyagwal		
	1210	Kobura		
Muhoroni	1211	Miwani		
	1212	Ombeyi		
	1213	Masogo/Nyang oma		
	1214	Chemelil		
	1215	Muhoroni Koru		
Nyakach	1216	South West Nyakach		

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	1217	North Nyakach		
	1218	Central Nyakach		
	1219	West Nyakach		
	1220	South East Nyakach		