

SPECIAL ISSUE

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REPUBLIC OF KENYA

**TANA RIVER COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 24th June, 2014

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**TANA RIVER COUNTY SERVICE DELIVERY
CO-ORDINATION BILL, 2014**

A Bill for

**AN Act of the Tana River County Assembly to
provide for decentralized units of the county of
Tana River; to establish offices to oversee the
decentralized units; and for matters incidental
thereto**

ENACTED by the Tana River County Assembly as
follows:—

PART I – PRELIMINARY

1. This Act may be cited as the Tana River County
Service Delivery Co-ordination Act, 2014; and shall
commence on such a day as the Governor may determine.

Short Title and
Commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“administrator” means the Sub-County, Ward and
Village Administrators, and the offices established under
the Urban Areas and Cities Act, No. 13 of 2011;

“council” means the village council established under
section 7 of this Act;

“elder” includes the member representing the youth
under section 8(2) of the Act;

“sub-counties” has the same meaning assigned to a
constituency within the county, identified under Article 89
of the Constitution;

“urban areas” has the same meaning as the urban
areas identified by the relevant national government
agency under the Urban Areas and Cities Act, No. 13 of
2011;

“village” has the same meaning assigned to it under
section 48(1)(d) of the County Governments Act, No. 17
of 2012; and

“ward” has the same meaning assigned to a ward
within the county, identified under Article 89 of the
Constitution, and section 26 of the County Governments
Act No. 17 of 2012.

PART II – DECENTRALISED UNITS

3. (1) There is established the following decentralized units for the county: —

- (a) urban areas within the county;
- (b) sub-counties;
- (c) wards; and
- (d) village units.

Decentralized
Units

No. 17 of
2012.

(2) For the avoidance of doubt, the decentralized units under subsection (1) (b), (c) and (d) shall be those specified in the Schedule.

4. (1) There is established the Office of the Sub-County Administrator.

Sub-County
Administrator

No. 17 of
2012.

(2) The Sub-County Administrator shall be recruited competitively by the County Public Service Board; and shall possess the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) hold at least a Bachelors degree from a university recognized in Kenya, with five years' working experience in middle level administration or management; or
- (c) hold at least a Diploma with at least fifteen years' working experience in the public service.

(3) The Sub-County Administrator shall perform the same functions assigned under section 50(3) of the County Governments Act.

(4) The Sub-County Administrator shall submit quarterly reports to the county chief officers on service delivery in the sub-county.

5. The County Public Service Board may also appoint two deputy sub-county administrators for every sub-county, who shall deputise the Sub-County Administrator.

Deputy Sub-
County
Administrator.

(2) A Deputy Sub-County Administrator shall hold the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) hold at least a Bachelors degree from a

university recognized in Kenya, together with at least five years' working experience in administration or management in the public or private sector; or

- (c) hold at least a Diploma together with at least fifteen years' working experience in the public service.

6.(1) There is established the Office of the Ward Administrator.

Ward
Administrator

No. 17 of
2012.

(2) The Ward Administrator shall be recruited competitively by the County Public Service Board; and shall possess the following minimum qualifications:

- (a) be a Kenyan citizen—
- (b) hold at least a diploma or other post-secondary qualifications; and
- (c) experience in community service or community development.

(3) The Ward Administrator shall perform the same functions assigned under section 51(3) of the County Governments Act.

(4) The Ward Administrator shall submit quarterly reports to the Sub-county Administrator on service delivery in the ward.

7.(1) There is established the Office of the Village/Area Administrator.

Village/Area
Administrator

No. 17 of
2012.

(2) The Village Administrator shall be recruited competitively by the County Public Service Board.

(3) A Village Administrator shall possess the following minimum qualifications—

- (a) be a Kenyan citizen;
- (b) attained at least O-Level education; or
- (c) five years' experience in public administration.

(4) The Village Administrator shall perform the same functions assigned under section 52(3) of the County Governments Act.

(5) The Village Administrator shall submit quarterly reports to the Ward Administrator on service delivery in the village.

8. (1) The Village Administrator shall competitively appoint five village elders to constitute the Village Council under section 53(1)(b) of the County Governments Act; taking into account the principle that not more than two thirds of the members of the Council shall be of the same gender.

Village
Council No. 17
of 2012.

(2) The Village Administrator shall ensure that the youth are represented in the membership of the Council.

(3) In appointing the village elders under subsection (1), the Village Administrator shall also endeavor to incorporate the traditional village elders recognized as such in the village to the farthest extent possible.

The Council shall deliberate on matters affecting their village or area of jurisdiction.

PART III – PARTICIPATORY GOVERNANCE

9. (1) The administrators shall ensure that members of the public within their areas of jurisdiction participate effectively in matters affecting them, by providing timely access to information in policy, planning and budgeting.

Participatory
Governance.

(2) The information referred to in sub-section(1) shall be presented to the members of the public in a language and form most easily understood.

10. The administrators shall employ the modalities and platforms for citizen participation under section 91(a) to (g) of the County Governments Act; and any other platforms more suitable for the sub-county, ward or village.

Modalities and
platforms for
citizen
participation.

PART IV– GENERAL PROVISIONS

11. No action or proceeding may be commenced against the administrators or their agents for any act done in good faith in the performance or intended performance of a responsibility or in the exercise or intended exercise of an authorized action under this Act, or for any neglect or default in the performance of a responsibility or the exercise of an authorized action in good faith.

Protection
from personal
liability.

12. The allowances for the administrators as may be determined by the County Public Service Board; and any funds for the operationalization of this Act shall be drawn

from the County Revenue Fund.

13. The Governor may prescribe regulations for—

Financial
Provisions.

(a) the appointment of village elders;

(b) the procedure for meetings of the Council; and

(c) any other matter that may be necessary for the proper implementation of the Act.

Regulations.

SCHEDULE

Tana River Sub-Counties

1. Bura
2. Galole
3. Garsen

Tana River County Wards

1. Bangale
2. Sala
3. Madogo
4. Hirimani
5. Chewele
6. Wayu
7. Chewani
8. Mikinduni
9. Kinakomba
10. Garsen North
11. Garsen West
12. Garsen Central
13. Garsen South
14. Kipini West
15. Kipini East

There shall be one hundred and thirty village units in the county; to be determined by the County Assembly.

Sec. 48(1)(d)
No.17 of 2012

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to give effect to the provisions of the County Governments Act 2012 on the following decentralized offices:

1. urban areas and cities;
2. sub-counties;
3. wards; and
4. village units.

The Bill further seeks to expound on the role of Sub-County Administrators; Ward/Area Administrators, Village Administrators and Village Councils.

The Bill seeks to inculcate the principles of public participation in the governance and affairs of the decentralized units particularly in matters relating to policy, planning and budgeting.

Finally, the Bill provides for the sub-counties, wards and number of village units in Tana River County.

The Bill does not contravene any of the provisions of the Constitution; and is not *ultra vires* any of the provisions of any national laws relating to devolution. In case of any conflict between the Bill and any national laws, the provisions of Article 191 of the Constitution shall take effect.

Dated the 27th May, 2014.

BORU DELA MASHA,
Leader of Majority Party, Tana River County Assembly.