

SPECIAL ISSUE

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TAITA TAVETA COUNTY BILLS, 2018

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CONTENT

Bill for Introduction into the County Assembly of Taita Taveta —

PAGE

The Taita Taveta County Assembly Ward Offices Bill, 2018..... 1

**THE TAITA TAVETA COUNTY ASSEMBLY WARD OFFICES
BILL, 2018**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title and Commencement
- 2—Interpretation
- 3—Objects of the Act

**PART II—ACQUISITION OF AN OFFICE BY LEASING OR
CONSTRUCTION**

- 4—Leasing of an office
- 5—Preparation of lease agreement
- 6—Restrictions on where to rent an office
- 7—Signage on ward office
- 8—Maximum rent for the office
- 9—Security of the office
- 10—Complaints on misuse of ward office
- 11—Construction of the Ward office
- 12—Relocation of ward office

PART III—FINANCIAL PROVISIONS

- 13—Procurement procedures
- 14—Sources of finances
- 15—Accounting for Ward expenditure
- 16—Bank account
- 17—Bank statements and financial record

PART IV—STAFFING OF THE WARD OFFICES

- 18—Ward office staff
- 19—Recruitment of staff
- 20—Terms of service
- 21—Vacation of office
- 22—Qualifications of staff

23—Duties and responsibilities of ward staff

PART V—HANDING OVER OFFICES

24—Transition between sitting Members

25—Accounting for property of the Board

PART VI—MISCELLANEOUS PROVISIONS

26—Regulations

**THE TAITA TAVETA COUNTY ASSEMBLY WARD
OFFICES BILL, 2018**

A Bill for

**AN ACT of the Taita Taveta County Assembly to
provide for the establishment of the Taita Taveta
County Assembly Service Ward Offices, the
procedure for the management thereof,
recruitment of ward office employees and for other
connected purposes**

ENACTED by the Taita Taveta County Assembly as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Taita Taveta County
Assembly Ward Offices Act, 2018 and shall come into
operation on such date as shall be published in the Gazette.

Short title and
commencement

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

Interpretation

“Assembly” means the County Assembly of Taita
Taveta;

“Authority to incur expenditure” means a delegated
responsibility by the Clerk to the Ward Office Manager to
enable the manager authorize expenditure;

“Bank account” means an account opened at a
commercial bank for the purpose of running a ward office;

“Board” means the Taita Taveta County Assembly
Service Board established under section 12 of the County
Governments Act, 2012;

“Chief Officer” means a public officer appointed by
the Governor pursuant to section 45 of the County
Governments Act, 2012;

“Clerk” means the Clerk of the County Assembly
appointed under section 13 of the County Governments
Act, 2012;

“Direct financial interest” means a case where a
member is part of or co-owner of a building where the ward
office is located;

“Landlord” for purposes of this Act includes landlady;

“Member” means an elected Member of the County
Assembly;

“Speaker” means the Speaker of the County Assembly elected pursuant to Article 178 of the Constitution of Kenya;

“Staff” means an employee or employees of a Member working for the member in the ward office;

“Ward” means one of the wards into which the Taita Taveta County is divided under section 26 of the County Governments Act, 2012 or a single member ward established under Article 89 of the Constitution of Kenya, 2010;

“Ward office” means an office set up by a Member within the ward he/she represents in accordance with this Act;

“Ward Office Manager” means a staff employed by a Member to perform duties specified under section 28 of this Act; and

“Ward Office Support Staff” means a staff employed by a Member to support the Manager in performing ward office duties;

3. The main objects and purposes of this Act is to—

Objects of the Act

- (a) establish offices for Members of the county assembly at the ward they represent to enhance the representation function;
- (b) provide mechanisms for coordination and dissemination of assembly business at the ward level; and
- (c) provide framework for employment of staff for propagation of assembly business and provision of assistance to the Member at the ward level.

PART II—ACQUISITION OF OFFICE BY LEASING OR CONSTRUCTION

4. (1) Upon publication in the gazette of an elected Member of the County Assembly after a general election, the Clerk shall initiate the process of availing a ward office for the Member.

Leasing of an office

(2) The County Assembly may subject to budget allocations allowing, construct an office at a central location in each ward to serve as a ward office.

(3) Where the county assembly does not have enough funds to construct a ward office, the Board may upon identification of a suitable premises by a Member, acquire on a five year renewable term, suitable premises to serve as a ward office in each ward.

(4) For purposes of facilitating the opening of an office for the Member, the Clerk shall write to the Chief Officer responsible for the County Department of Health, Public Works and Housing respectively, to—

- (a) inspect and verify that an office identified by a member is fit for human habitation and meets basic public health standards and requirements;
- (b) confirm that the office building is structurally sound; and
- (c) assess the value of the office through a qualified government property valuer to confirm the market renting price for such an office.

5. (1) A Member shall, subject to the fulfillment of the provisions of section 4, forward a copy of the signed lease agreement together with the relevant letters from the County Department of Works, Housing and Health to the Clerk for custody.

Preparation of lease agreement

(2) The Member shall as an agent of the Board, sign the lease agreement on behalf of the Board and shall therefore be responsible for the accuracy of all the information contained in the lease agreement.

6. (1) In situations where the county assembly acquires a ward office by way of lease, the following will not be permitted—

Restrictions on where to rent an office

- (a) renting of office space in a building owned by a Member;
- (b) renting office in a building where the Member has direct financial interest; and
- (c) renting office space at the Member's home.

7. (1) The Clerk shall ensure that each ward office has a signage imprinted on it at a conspicuous place and which is visible from a distance of at least 50 metres.

Signage on ward office

(2) The signage shall indicate the name of the ward, followed by the name of the Member and preceded by the title "Honourable".

8. (1) A Member shall be entitled to one ward office but may with authority of the Board depending on the size of the Ward rent upto a maximum of two Ward offices with the minimum rented office space for a ward office being 100 square metres.

Maximum rent for the office

(2) The Board shall determine periodically, and in any case at intervals of not less than four years, the maximum rent payable per month for each ward office, but the same shall not exceed KSh. 10,000 for a single ward office or a total of KSh. 15,000 where the Member has rented two offices.

(3) The Board shall pay the rent directly to the landlord of the premises on such terms agreed upon in the lease agreement.

9. The Ward Office Manager shall ensure that there is sufficient security for the ward office premises and in liaison with the Member shall therefore ensure that at least one guard is employed for that purpose.

Security of office

10. (1) Any complaint regarding the misuse of ward office shall be reported to the Member in writing and the general public may also direct such complaints in writing to the Clerk.

Complaints on misuse of ward office

(2) Upon receipt of any complaint pursuant to subsection (1), the Member shall investigate the complaints and take action as it deems appropriate.

11. (1) In the event of construction of a ward office, the Board shall ensure that—

Construction of office

- (a) the office is built on public land; and
- (b) the process of procurement of goods and services for the construction of the office is in line with Government procurement procedures and financial regulations.

12. (1) Where a ward office has been acquired by way of leasehold, the Member may not relocate from the office to another without giving notice to the Board.

Relocation of ward office

(2) The Member shall also satisfy the Board that the new premises he is relocating to meets the minimum conditions specified in section 4 (4).

PART III — FINANCIAL PROVISIONS

13. (1) The Board shall avail to the ward office basic supplies to enable it function effectively.

Procurement procedures

(2) For the supplies not availed by the Board, the Ward Office Manager shall purchase the same as may be necessary to effectively run the office and the same shall be reimbursable by the Board.

14. At the commencement of every financial year, the Ward Office Manager shall be issued with an Authority to incur Expenditure by the Clerk for the approved budget in respect of that ward for that financial year and an initial amount shall be credited to the account of the ward account opened as specified in section 16.

Sources of finances

15. (1) The Ward Office Manager shall ensure that the money available to the office pursuant to section 14 is spent prudently and in conformity with existing Government financial regulations to facilitate quick, efficient and effective delivery of services.

Accounting for ward expenditure

(2) No reimbursement pursuant to subsection (1) above shall be effected before the Ward Office Manager properly accounts for the expenditure incurred on the disbursed funds.

16. (1) An account approved by the Board shall be opened for every ward with a reputable commercial bank at the nearest location from the ward office.

Bank account

(2) The Board shall cause to be deposited in the account on regular intervals amounts for payment of salaries and wages as determined by the Board and for the other operational expenses of the ward.

(3) The Ward Office Manager and two other staff as the Member may appoint shall be signatories to the Bank account.

(4) The Member shall be required to endorse all cheques or documents before any transaction on the account is done, particularly withdrawals.

17. Copies of bank statements and any other financial records from every ward office shall be availed to the Clerk before the seventh day after the end of every quarter.

Bank statements and
Financial records

PART IV — STAFFING OF WARD OFFICES

18. A Member shall employ a Ward Office Manager and a number of other staff as the member shall require subject to the maximum number recommended by the Board and the ceiling of staff salaries approved by the Board and budgeted for.

Ward office staff

19. (1) A Member shall initiate recruitment of all the ward office staff and determine their terms of employment and salary scales, though the salary scales will be aligned to that recommended by the Board.

Recruitment of staff

(2) The staff recruited pursuant to this section shall be public officers and shall not hold any post in a political party.

(3) Notwithstanding the provisions of subsection (1), the staff recruited shall not be paid house allowance, overtime allowance or any honorarium but shall be entitled to service gratuity at the end of their contract period, provided that Service gratuity shall only be payable to a staff who has served for a minimum period of one year.

20. (1) The terms of service for ward office staff shall be a maximum of five-year contract or the duration the Member appointing them shall serve in the county assembly.

Terms of service

(2) Each staff shall sign a contract in three counterparts with the Member retaining one, the staff the other and the last one being submitted to the Clerk.

(3) Each staff shall be entitled to twenty-one working days as annual leave but shall not be entitled to a leave allowance.

(4) The official working days and hours for the ward staff shall conform to those of officers working in the public service in the local jurisdiction.

21. The office of staff of ward office shall fall vacant—

Vacation of office

- (a) when the officer dies;
- (b) when the officer resigns by giving notice of not less than 30 days to the Member;
- (c) upon expiry of his contract or vacation of office by the Member; and
- (d) upon termination of his services in accordance with employment statutes.

22. (1) The Ward Office staff shall possess the following as minimum qualifications—

Qualifications of staff

- (a) ward office manager shall possess a post – secondary school training, in addition to having a good understanding of Government procedures and local problems;
- (b) all other Ward Office Staff shall—
 - (i) have basic education; and
 - (ii) be fluent in English and Kiswahili and the local vernacular language as appropriate.

23. It shall be the responsibility of the Ward Office Manager to—

Duties and responsibilities of ward staff

- (a) provide administrative and institutional support to a Member
- (b) keep the Member well informed about the transactions of the ward bank account established under section 16;
- (c) conduct official correspondence;
- (d) prioritize incoming mail and enquiries;
- (e) undertake general office management; and
- (f) maintain a Member's diary at the ward office by recording all major ward events that require the Member's attention.

(2) The Ward Office Staff shall perform such duties as shall be assigned to them by the Ward Office Manager from time to time.

PART V—HANDING OVER OFFICES

Transition between
sitting Members

24. When the office of a Member falls vacant, the Ward Office Manager shall be responsible for running the ward office until a new Member is elected and assumes office.

(2) Any outgoing Member shall vacate the ward office within seven working days after the gazettment of the new Member.

(3) The cost for transporting personal papers and effects of a Member who has ceased to be the representative of a particular ward shall be the responsibility of the outgoing Member.

(4) If a Member resigns, all payments to the ward office shall cease with effect from the date the Speaker receives the letter of resignation from the Member

25. (1) It shall be the responsibility of the outgoing Member and his or her Ward staff to fully account for Board property in the ward office, including the bank account transactions within 30 days of the gazettment of a new Member.

Accounting for
Property of the
Board

(2) The returns specified in sub-section (1) shall be signed by the ward office manager and handed over to the Clerk or his appointed representative within 30 days of the swearing in of Members of the County Assembly.

(3) The Clerk shall satisfy himself that all the handing over procedures have been fully complied with before making last payments of salaries and allowances, if any, to the out-going Ward Office Manager and other staff.

PART VI— MISCELLANEOUS PROVISIONS

26. (1) The County Assembly Service Board may make regulations, not inconsistent with this Act respecting any matter that is necessary or convenient to be prescribed under this Act or for the carrying out or giving effect to this Act.

Regulations

(2) Regulations under subsection (1) shall not take effect unless approved by a resolution passed by the Assembly

(3) Regulations approved under subsection (2) shall take effect on the day after the date the Assembly has approved them or if a later date is specified in the regulations, on that date.

(4) If the Assembly does not make a resolution either approving or rejecting any Regulations within twenty-one sitting days after submission to it for approval, the Assembly shall be deemed to have approved those regulations on that 21st sitting day.

MEMORANDUM OF OBJECTS AND REASONS

This bill seeks to provide mechanisms of contracting space, construction of offices, financial provision and management of ward office staff.

Part I of the Bill provides for citing, interpretation and general provisions.

Part II provides for office rental or construction of ward offices and lays down guidelines and conditions on how property can be leased or constructed, from who it can be leased and outlines the custodian of lease agreements.

Part III provides for financial procedures in the ward offices. It sets guidelines of how expenditure is managed i.e. who the signatories of accounts are and who approves expenditure. It also provides for an elaborate system for reporting and accountability.

Part IV provides for staffing of ward offices. This Part sets out guidelines on how recruitment is done, who determines remuneration of ward office staff, qualifications of such staff, their entitlement and procedure to be followed when staff term comes to an end.

Part V provides for handing over of the offices. This part gives guidelines on what takes place during the transition period when a Member vacates office and before another Member takes over and who takes care of transition expenses and for what duration.

Part VI provides for the miscellaneous provisions and more particularly the powers of the County Assembly Service Board with respect to making regulations.

Dated the 26th March, 2018.

NEWTON KIFUSO SALIM,
Chairperson Committee on Implementation.

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