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THE TURKANA COUNTY YOUTH COUNCIL ACT, 2015

AN ACT of the County Assembly of Turkana to establish the County Youth Council, to provide for its incorporation, powers and functions, and for connected purposes

ENACTED by the County Assembly of Turkana as follows—

PART I—PRELIMINARY

Short Title

1. This Act may be cited as the Turkana County Youth Council Act, 2015.

Interpretation

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

“Board” means the Youth Advisory Board established under section 16;

“CEC” means a County Executive Committee member save for the County executive Committee Member responsible for youth affairs;

“Council” means the County Youth Council established under section 3;

“financial year” means the period of twelve months ending on the thirtieth June in each year;

“Executive Committee Member” means the executive committee member for the time being responsible for youth affairs;

“County Youth Policy” means a policy on youth formulated by the Department for the time being responsible for County Youth Affairs; and

“youth” means a person aged between eighteen and thirty-five years in the County.

PART II— ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COUNCIL

Establishment of the Council

3. There is established a Council to be known as the County Youth Council.

Functions of the Council

4. The functions of the Council shall be to—

(a) promote and popularize the County Youth Policy and other policies that affect the Youth;

- (b) facilitate the periodic review of the county youth policy in line with other government policy statements;
- (c) mobilize resources to support and fund youth programmes and initiatives;
- (d) lobby for legislation on issues affecting the youth;
- (e) liaise with other organizations to ensure that the youth gain access to resources and services appropriate to their needs;
- (f) promote relations between youth organizations and other bodies both in the County and Nationally with similar objectives or interests;
- (g) inspire and promote the spirit of Unity, Patriotism, Volunteerism and service among the youth;
- (h) formulate operational guidelines that protect the youth against any form of abuse or manipulation;
- (i) mobilize and sensitise relevant stakeholders on the concept of community youth service;
- (j) act as a voice and bridge to ensure that the Government and other policy makers are kept informed of the views and aspirations of the youth ;
- (k) promote research, collation and analysis of data on youth issues;
- (l) promote the inclusion of youth agenda in the formulation of policy by public institutions and organisations;
- (m) promote the inclusion of youths in decision making bodies, boards, agencies and other public institutions and organisations;
- (n) promote and popularize the County Youth Enterprise Development Fund and such other devolved funds targeting the youth as may be established from time to time;
- (o) perform any other function that may directly or indirectly contribute to the attainment of the foregoing.

Composition of the Council

5. (1) The Council shall consist of —

- (a) a Chairperson nominated by the Council and appointed by the executive committee member responsible for youth affairs;

- (b) seven youths elected by the youth forming the County youth congress in such a manner as may be prescribed, and appointed by the CEC responsible for youth affairs;
- (c) not more than seven other youths forming county youth congress of whom at least three shall be of the female gender and one shall be a youth with disability, nominated by the County Youth Congress in such manner as may be prescribed and appointed by the CEC;
- (d) the Secretary, appointed under section 10.

(2) A person shall not be appointed as a Chairperson unless such person—

- (a) possesses at least an undergraduate degree from a recognized institution;
- (b) has at least three years experience in youth development matters gained locally or internationally;
- (c) has demonstrated ability to provide youth leadership and youth mobilization;
- (d) is knowledgeable in, or has actively contributed to the promotion of, youth development agenda;
- (e) is of high integrity, ethical and responsive to the needs and aspirations of the youth;
- (f) is a youth as defined under this Act.

(3) An appointment under subsection (1) (a), (b) and (c) shall be by name and notice in the County *Gazette*.

Powers of the Council

6. (1) The Council shall have all the powers necessary for the proper performance of its functions under this Act and, in particular but without prejudice to the generality of the foregoing, the Council shall have power to—

- (a) manage, control and administer its assets on behalf of the ministry responsible for youth affairs in such manner and for such purposes as best promote the purpose for which the Council is established;
- (b) receive any gifts, grants, donations or endowments made to the Council or any other moneys in respect of the Council and make disbursements there from in accordance with the provisions of this Act;

- (c) enter into association with such other bodies or organizations within or outside Kenya as it may consider desirable or appropriate and in furtherance of the purposes for which it is established through the County Government;
- (d) open a banking account or banking accounts through the department concerned based on Public Finance Management Act 2012 for the funds of the Committee into which all moneys received by the Committee shall be paid in the first instance and out of which all payments made by the Council shall be made;
- (e) create branches from the village, ward and sub-county to the County level and such other branches as it may deem necessary or desirable for the promotion of youth empowerment and development.

(2) The Committee may, when it considers it necessary or desirable, create or take part in the creation of or otherwise become a member of, or associated with, corporations or other bodies or associations designed to assist or promote youth programmes and initiatives through the department responsible for youth.

(3) The Council may authorize a member or an employee to exercise on its behalf such of its powers as it may from time to time specify, but the exercise of such powers shall, to the extent required by the Council, be reported within the specified time to a meeting of the Council.

Conduct of business and affairs of the Council

7. (1) The conduct and regulation of the business and affairs of the Council shall be as provided in the First Schedule.

(2) Except as provided in the First Schedule, the Council may regulate its own procedure.

Delegation by the Council

8. The Council may, by resolution either generally or in any particular case, delegate to any committee of the Council or to any officer, member of staff or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

Remuneration of members of the Council

9. The members of the Council shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the CEC for the time being responsible for finance, on the recommendation of the Council.

Secretary

10. (1) There shall be a Secretary who shall be a youth appointed by the Council.

(2) The Secretary shall hold office for a period not exceeding five years, or until he or she attains the age of thirty-five years, whichever is the earlier, on such terms and conditions of service as the Council may, from time to time determine.

Functions of the Secretary

11. (1) The Secretary shall, in consultation with the Council, be responsible for the direction of the affairs and transactions of the Council, the exercise, discharge and performance of its objectives, functions and duties.

(2) The Secretary shall—

- (a) ensure the maintenance of efficiency and discipline by all staff of the Council;
 - (b) manage the budget of the Council to ensure that its funds are properly expended and accounted for; and
 - (c) perform such other duties as the Council may, from time to time, assign.
- (3) (a) The Secretary shall submit to the ministry responsible for youth affairs for consideration, not later than three months before the commencement of each financial year, a programme of activities of the committee in respect of that financial year;
- (b) Any expenses incurred by any person in any suit or prosecution brought against him in any court in respect of any act is done or purported to be done by him under the direction of the Council shall, if the court holds that such act was done in good faith, be paid out of the general funds of the Council, unless such expenses are recovered by him in such suit or prosecution.

PART III— ESTABLISHMENT AND FUNCTIONS OF THE COMMITTEE**Establishment of the Committee**

12. (1) There is hereby established a Committee to be known as the Youth Advisory Committee.

- (2) The Committee shall be an unincorporated body comprising of—
- (a) a Chairperson appointed by the Governor;

- (b) the Executive Committee Member in charge of youth affairs;
- (c) seven youths nominated by the Council and appointed by the Executive Committee Member in charge of youth affairs;
- (d) one person each nominated by each of the following bodies, and appointed by the Executive Committee Member —
 - (i) the Turkana County Private Sector Alliance;
 - (ii) the Turkana County Council of Nongovernmental Organisations;
 - (iii) the Turkana County University Students Association;
 - (iv) the joint forum of religious organizations described in subsection (3).
 - (v) Turkana Persons with disabilities organization;
 - (vi) the County (NACADA) branch office;

Provided that at least one-third of the persons appointed under paragraph (d) shall be of either gender;

- (e) three directors responsible for youth affairs i.e director youth and gender, director social services and director culture and arts, appointed by the Executive Committee Member in charge of youth affairs.

(3) The joint forum of religious organizations referred to in subsection (2) (d) (iv) shall consist of representatives of—

- (a) the Supreme Council of Kenya Muslims;
- (b) the Kenya Catholic secretariat- Diocese of Lodwar;
- (c) the National Council of Churches of Kenya; and
- (d) the Hindu Council of Kenya.

Functions of the Committee

13. (1) The principal function of the Committee is to advise the Council generally on the exercise of its powers and the performance of its functions under this Act.

(2) The Committee shall have such other functions as may be conferred on it by or under this Act.

Conduct of business of Committee

14. (1) The business and affairs of the Committee shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the Second Schedule, the Committee may regulate its own procedure.

(3) The members of the Committee shall be paid such allowances as may be approved by the CEC for the time being responsible for finance as provided for by the Salaries and Remuneration Commission (SRC).

(4) The Committee may invite any person to attend any of its meetings and to participate in its deliberations but such a person shall not have a vote in any decision of the Committee.

PART IV—FINANCIAL PROVISIONS

Funds of the Council

15. The funds and assets of the Council shall comprise of—

- (a) such moneys as may be appropriated by the County Assembly for the purposes of the Council;
- (b) such moneys or assets as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (c) such gifts as may be given to the Council; and
- (d) all moneys from any other source provided, donated or lent to the Council.

Annual Estimates

16. (1) At least three months before the commencement of each financial year, the Council shall cause to be present budgetary estimates of the revenue and expenditure to the relevant ministry responsible for youth affairs for consideration.

(2) The annual estimates shall make provision for all estimated expenditure of the Council for the financial year and in particular, shall provide for—

- (a) the proper maintenance, repair and replacement of the equipment and
- (b) other movable property of the Council shall be done in the department responsible for youth affairs.

(3) The annual estimates shall be approved by the ministry responsible for youth affairs before the commencement of the financial year to which they relate and, once approved, shall be submitted to the Executive Committee Member for approval and, after the Executive Committee Member's approval, the Council shall not increase the annual estimates without the consent of the Executive Committee Member;

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Council given with prior written approval of the Executive Committee Member in charge of youth affairs, and the CEC for the time being responsible for Finance.

Accounts and Audit

17. (1) The Council shall cause to be kept proper books and records of accounts of the income, expenditure, assets and liabilities of the Council.

(2) Within a period of three months after the end of each financial year, the Council books of accounts shall be subjected to the normal government audit procedure (internally and externally) in respect of that year in line with the Public Finance Management Act 2012 and the Public Audit Act

(a) a statement of the income and expenditure of the Council during that financial year; and

(b) a statement of the assets and liabilities of the Council on the last day of that financial year.

(3) The accounts of the Council shall be audited and reported upon by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act, Chapter 412B Laws of Kenya.

PART V—MISCELLANEOUS

Establishment of Management Structures

18. The Council may establish such management structures or organs as it may deem necessary for the effective and proper discharge of its functions under this Act in as long as such management structures are in-line with the spirit of devolution as espoused in the constitution. Such management structures may include village to the county.

Regulations

19. The Executive Committee Member in charge of youth affairs will provide recommendation and regulations for effective implementation of this Act.

FIRST SCHEDULE (s. 7)**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE COUNCIL****Tenure of Office**

1. (1) Any member of the Council, other than an *ex officio* member shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, on such terms as may be specified in the instrument of the member's appointment, but shall be eligible for reappointment for one further term of three years.

(2) The members of the Council shall be elected at different times so that the respective expiry dates of their terms of office fall at different times.

(3) Appointment to the Council shall be by notice in the County Gazette

Vacation of Office

2. (1) A member of the Council, other than an *ex officio* member, may—

- (a) at any time resign from office by notice in writing to the Executive Committee Member;
- (b) be removed from office by the Executive Committee Member if the member—
 - (i) has been absent from three consecutive meetings of the Council without the permission of the Chairperson;
 - (ii) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors;
 - (iii) is convicted of fraud, forgery, uttering a forged document, or for any offence under the Anti- Corruption and Economic Crimes Act, 2003 or chapter six on leadership and integrity- of the Constitution 2010 part A, paragraph I and II;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Council; or

(vi) fails to comply with the provisions of this Act relating to disclosure.

Meetings

3. (1) The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the Chairperson or any three other members of the Council may call a special meeting at any time where it is deemed expedient for the transaction of the business of the Council, by giving not less than seven days' written notice to the members.

(3) The members of the Council shall, at the first meeting of the Council, elect from amongst their number, a vice chairperson.

(4) Unless three-quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council.

(5) The quorum for the conduct of the business of the Council shall be two-thirds of the members excluding the Secretary.

(6) The Chairperson shall preside at every meeting of the Council at which he is present but, in his absence, the vice chairperson shall preside and, in his absence, the members present shall elect one of their numbers who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(8) Subject to subparagraph (5), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

(9) A resolution in writing or such resolutions consisting of several documents in like form, each signed by the members of the Council, shall be as valid and effectual as if it had been passed at a meeting of the Council duly convened and held.

(10) Subject to the provisions of this Schedule, the Council may determine its own procedures and the procedure for any committee of the Council and for the attendance of any other persons at its meetings and may make rules, inter alia, in respect of—

(a) the conduct and management of the affairs of the Council;

- (b) the manner in which all payments, including cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and all receipts for moneys paid to the Council shall be signed, drawn, accepted, endorsed or otherwise executed; and
- (c) the procedure for meetings and other business of the Council.

Disclosure of interest

4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during the consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Council may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

SECOND SCHEDULE (s. 18)

PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND AFFAIRS OF THE COMMITTEE

Tenure of Office

1. The Chairperson and members of the Committee shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years on such terms and conditions as may be specified in their instrument of appointment, but shall be eligible for reappointment in the same manner as provided for under this Act for first appointments for one more term of a period not exceeding three years.

Mode of Appointment

2. (1) Members of the Committee shall be appointed at different times so that their respective dates of expiry of their terms of office shall fall at different times.

(2) Appointment to the Committee shall be by notice in the Gazette.

Vacation of office

3. A member of the Committee may—

- (a) at any time, by notice in writing addressed to the CEC, resign from office;
- (b) be removed from office if the member—
 - (i) has been absent from three consecutive meetings of the Committee without permission of the Chairman;
 - (ii) is adjudged bankrupt or enters into a composition or scheme of arrangement with his creditors;
 - (iii) is convicted of fraud, forgery, uttering a forged document, or for any offence under the Anti- Corruption and Economic Crimes Act, 2003 or chapter six on Leadership and Integrity of the constitution 2010 part A paragraph I and II;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months, or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness; or
 - (vi) is unable or unfit to discharge the functions of a member of the Committee.

Quorum

4. A quorum at a meeting of the Committee shall be two thirds of the members.

Resolution of the Board

5. A resolution at a meeting of the Committee shall require the affirmative votes of one half of the members present except the Chairman, who shall have a casting vote only.

Staff of the Board

6. The secretary and any other staff of the Board shall be seconded to the Committee from among the staff of the Council.

Minutes

7. The Committee shall cause minutes of all proceedings of the Committee to be entered in books kept for that purpose.

THIRD SCHEDULE**COUNTY YOUTH COUNCIL ELECTION RULES****Introduction**

1. Pursuant to the provisions of Section 5 (h) and (i) of the County Youth Council Act, election of youth representatives should be done as per the following guidelines.

Registration of voters

2. (1) To be allowed to register the youth must—

(a) be between 18 and 35 years and present him or herself in person and; and

(b) have a national identity card

(2) On registration every youth will append his or her signature in the register. The election registers shall indicate the name, ID card number and the age of the voter

(3) Upon registration the youth will be issued with a voting slip indicating his or her serial number, ID number and name. The voting slip will be safely kept because it will be required on the voting day.

(4) The registration of voters shall—

(a) be undertaken at village level;

(b) have a commencement and end date; and

(c) be conducted by the respective Ministry of Youth official or his/her representative, appointed in writing and assisted by the Village Election Supervisory Committee officials.

(5) Registration of voters shall be done between 8.00am and 5.00pm

(6) Double registration shall lead to automatic disqualification as a voter

Nomination of Candidates

3. (1) A candidate for elections at the village level must be a duly registered voter and shall be nominated by at least twenty registered youth

(2) Each nominating group shall present two (2) names of candidate of either gender or a person with disability

(3) Nominations will be done by registered youth voters who will indicate their names, ID numbers, serial numbers as in the election register and append their signatures on the prescribed nomination forms.

(4) Nominations forms should be collected from the respective Sub County Youth Officers

(5) Voters will only be allowed to sign one nomination form

(6) Candidates wishing to vie for leadership—

(a) at the village should return their duly signed nomination forms on or before the closing date for registration.

(b) at higher levels will be nominated by leaders elected at a lower level

(7) The youth representatives elected at each level shall constitute voters at the next level

(8) Candidates must meet the minimum qualifications as stipulated in part 1 Rule 1 (a) and (b)

(9) The Election Supervisory Committee may disqualify any candidate who fails to meet the requirements or breaks the election rules.

Election Supervisory Committee

4. The Sub County Director of Youth Development shall ensure that the Election Supervisory Committees are constituted from the village, Location, Ward to Sub County level.

(1) The Committee shall comprise of—

(a) an officer from the ministry responsible for youth affairs;

(b) an officer in the department for the time being responsible for matters relating to gender, culture and social services in the County;

(c) Three persons nominated by a FBO, NGOs or civil society or youth serving organization and appointed in writing by the CEC for the time being responsible for matters relating to youth affairs or his representative

(2) Election Supervisory Committee Members will be required to offer voluntary services.

(3) The Election Supervisory Committee may disqualify a candidate or nullify the results of a centre if there are any of the following irregularities—

(a) use of ballots other than the prescribed ballots;

(b) voting in a voting centre which has not been published;

(c) voting outside the specified period and time;

- (d) writing more than one name in the ballot;
- (e) use of force and intimidation;
- (f) misrepresentation;
- (g) corruption; or
- (h) any offence under the Election Offences Act.

Elections

5. (1) Any youth intending to participate in the County Youth elections shall register in the prescribed election register at the Village level

(2) The elections shall be held at different times in different places as may be decided by the various Election Supervisory Committees.

(3) Each voter shall elect only one representative by writing their name on the prescribed ballot form.

(4) Voting shall be by secret ballot

(5) Every voter shall only be allowed to elect one candidate

(6) The youth shall elect six (6) representatives at every level. The youth representatives elected at every level shall constitute votes at the next level

(7) The Election Supervisory Committee shall ensure that no more than two thirds of the youth representatives are of the same gender

(8)

(a) Voting shall take place between 8.00am and 2.00pm.

(b) Counting of votes shall take place between 2.00pm and 5.00pm, after all the voters at the centre have voted.

(9). Election Supervisory Committees shall identify the voting centres at every level which shall be displayed publicly.

Role of Village Administrator

6. (1) Publicity and sensitization of youth on the provisions of the Act and the election guidelines during their public forums

(2) Provide security during registration and the election period

(3) Provide security for election materials

(4) To ensure that the election rules are adhered to

(5) To assist in identifying the convenient voting venues

(6) Provide any other logical support as may be requested, such as transport and facilitation.

Role of Ward Administrator

7. (1) publicity and sensitization of youth on the provisions of the Act and the election guidelines during their public forums

(2) provide security during registration and the election period

(3) provide security for election materials

(4) to ensure that the election rules are adhered to

(5) to assist in identifying the convenient voting venues

(6) provide any other logical support as may be requested, such as transport and facilitation.

Role of Sub- County Administrator

8. (1) publicity and sensitization of youth on the provisions of the Act and the election guidelines during their public forums

(2) provide security during registration and the election period

(3) provide security for election materials

(4) to ensure that the election rules are adhered to

(5) to assist in identifying the convenient voting venues

(6) provide any other logical support as may be requested, such as transport and facilitation.

Role of Sub County Youth Development Officers

(1) To co-ordinate—

(a) the entire election process in Sub County;

(b) the distribution of election materials;

(c) the elections at the Sub County level and send three delegates to the County elections and to the County Youth Congress respectively.

(2) To ensure—

(a) Election Supervisory Committees are put in place

(b) Safe custody of all election materials before and after elections

(c) Proper records of all the processes from the Village to the County level

Role of County Director for Youth Development

9. To—

- (a) Co-ordinate the entire election process in the Sub-County;
- (b) Ensure election supervisory committees are put in place;
- (c) Co-ordinate distribution of election materials;
- (d) Co-ordinate the elections at Sub-County level and send three (3) delegates to the County Elections and three (3) to the County Youth Congress; and
- (e) Ensure proper records of all processes from the Village to the County level.

Application

These Rules shall apply in regard to County Youth Council Elections, Turkana County

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