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MEMORANDUM OF OBJECT AND REASONS

THE COUNTY GOVERNMENT VILLAGE ADMINISTRATION BILL, 2018

A Bill for:

An Act of the County Assembly of Turkana to provide for the delineation and administration of village units in Turkana county; and to provide for the roles and functions of village administrators and for connected purposes.

ENACTED by the County Assembly of Turkana, as follows—

Clause

PART I—PRELIMINARY

1. This Act may be cited as the Turkana County Village Administration Bill, 2018 and shall come into force upon publication in the Kenya Gazette. Short Title and commencement
2. In this Bill, unless the context otherwise requires— Interpretation
 - “County” means any one of the counties into which the territory of Kenya is divided as specified in the First Schedule to the Constitution;
 - “Executive Committee Member” means the Executive Committee Member responsible for matters relating to the execution of county government functions as outlined in Article 183 of the Constitution of Kenya;
 - “Village administrator” means the person appointed for any administrative unit to the office of village administrator in county public service;
 - “Village council” is the council established to assist village administrator to handle administrative tasks at the village level.
 - “Village elder” a person appointed as such under this Act and who has attained the age of 40 years.
 - “Village Unit” means any one of the smallest possible administrative units into which a ward is divided into.
 - “Ward administrator” means the person appointed for any administrative area to the office of ward administrator in public service;
3. The object of this Act is to— Objects of the Act
 - (a) Give effect to Article 176(2) of the constitution in respect of further decentralization;

(b) To provide for delineation and administration of village units in Turkana County as provided for in Sections 52 and 53 of the County Governments Act, 2012.

4. Nothing in this Bill shall be construed as changing the powers of the governor. Powers of the governor

PART II: ESTABLISHMENT AND ADMINISTRATION OF VILLAGE UNITS.

5. (1) There shall be established in the County, such number of village units with the names and boundaries thereof determined by the County Assembly and administered by a Village Administrator in accordance with section 52 of the County Governments Act, 2012. Establishment of village units

(2) In establishing a village unit, the County Assembly shall take into consideration the;

(a) Population size;

(b) Geographical area and features;

(c) Means of communication;

(d) Community of interest, historical, economic and cultural ties.

6. Without prejudice to the provisions of section 7, there shall be an initial 156 village units as provided for in the schedule. Number of village units

7. The number, names and boundaries of village units shall be reviewed within one year after every review of ward boundaries by the Independent Electoral and Boundaries Commission. Review of village boundaries

8. (1) The Governor shall appoint a taskforce committee to undertake review of the boundaries and number of village units referred to in Section 7. Village boundaries review

(2) The County Executive Member responsible for administration shall make regulations to give effect to the provisions of this section. taskforce

9. The recommendations of the taskforce on review of village units shall be submitted to the County Assembly for approval with or without amendment. Approval of the recommendations of the taskforce

10. Each village unit shall be administered by a village administrator who will be appointed by the County Public Service Board from persons who possess professional and technical qualifications in administration. Appointment of village administrator

11. The village administrator will perform the following functions;- Roles of village administrator
- (1) Pursuant to paragraph 14 of Part II of the fourth schedule of the Constitution of Kenya, 2010;-
 - (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 at the local level;
 - (c) facilitating the community in development of policies and plans
 - (d) ensuring effective and efficient service delivery;
 - (e) coordinating county government development activities that will empower the community;
 - (f) providing and maintaining infrastructure and facilities for effective service delivery for public services by the county;
 - (g) chair village council;
 - (h) facilitating civic education and public participation.
 - (2) Exercise of any functions and powers delegated by the County Public Service Board pursuant to the provisions of section 86 of the County Governments Act 2012.
 - (3) In carrying out the functions and obligations under this section, the Village Administrator shall report to the relevant Ward Administrator.
12. The Village Administrator shall be paid such remunerations as may be determined from time to time by the Salaries and Remunerations Commission. Remuneration of village administrator
13. The Village Administrator shall be removed from office on the following grounds - Removal of village administrator
- 1) Gross violation of a provision of the constitution;
 - 2) Where there are serious reasons for believing that he has committed a crime under national or international law; and
 - 3) For gross misconduct.
14. There is established in every village unit a village council comprising- Village council
- (1) the village unit administrator who shall be the chairperson;
 - (2) a secretary who shall be appointed from amongst the members of the village council; and

- (3) not less than three and not more than five village elders appointed by the village administrator in consultation with the relevant village unit stakeholders.
15. The Village Council shall be responsible for;- Roles of village council
- (1) ensuring and coordinating the participation of the village unit in governance;
 - (2) assisting the Village Administrator to develop the administrative capacity for the effective exercise of the functions and powers at the local level;
 - (3) monitoring the implementation of policies and development plans at the village level;
 - (4) advising the village administrator on matters pertaining to the village unit; and
 - (5) any other function necessary for the betterment of the village unit as may be assigned from time to time.
16. The appointment of the village council members shall be conducted in a public *baraza* attended by residents of the village unit. Appointment of village council members
17. A person shall be eligible for appointment as a village elder if the person;- Eligibility for Appointment to the village council
- (1) is a citizen of Kenya;
 - (2) has been a resident of the respective village unit for a continuous period of not less than five years prior to the appointment date;
 - (3) should be of good standing in the public of the respective village unit.
18. In appointing members of the village council, the appointing authority shall have due regard to the principle that not more than two thirds of the council shall be of the same gender. Principle of gender representation
19. A member of the village council who does not hold office by virtue of his employment shall serve in the village council for a period of three years renewable only once. Term of office for village council member
20. The village administrator may remove a member of the village council from office for gross misconduct. Removal of a village council member
21. A vacancy in the membership of a village council committee shall be filled by the village administrator within a period of one month. Vacancy in the village council

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| <p>22. (1) The village council shall hold at least one meeting in a month and at any other time the village administrator may deem extremely necessary for the performance of the functions of the village council.</p> <p>(2) The village administrator shall notify and obtain the consent of the ward administrator of the intention of the village council to hold any meeting other than the monthly meeting and such consent shall not be unreasonably withheld.</p> <p>(3) A meeting of the village council shall be properly constituted if at least two-thirds of the members are present.</p> | <p>Meetings of the village council</p> |
| <p>23. The proceedings of the meetings shall be documented and submitted to the Ward administrator for further action.</p> | <p>Proceedings of village council meetings</p> |
| <p>24. Members of the council shall be paid such remunerations as may be determined from time to time by the County Executive Committee Member for the time being responsible for Administration.</p> | <p>Remuneration for village council members</p> |

PART III - MISCELLANEOUS PROVISIONS

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| <p>25. A village administrator shall be a county public service officer and may serve in any part of the County.</p> | <p>Transfer of staff</p> |
| <p>26. The County Executive Committee member may make regulations to give effect to the provisions of this Act.</p> | <p>Regulations</p> |
| <p>27. This Act shall be complementary to the County Governments Act 2012 in relation to the establishment and administration of the village units within the County.</p> | <p>Act to be complementary</p> |
| <p>28. For identification, visibility and distinctiveness, the Member of the County Executive Committee, shall prescribe an official attire of the Village Administrator.</p> | <p>Uniforms for ward administrators</p> |

SCHEDULE

SUB –COUNTY AND CODE	WARD NAME AND CODE	NAME OF VILLAGE UNIT	NO. OF VILLAGES
(123) Turkana North	0613 – Lapur	1. Nattoo 2. Nakalale 3. Kachoda 4. Karebur 5. Kokuro 6. Meyan	6
	0612 - Lake zone	7. Todonyang 8. Kataboi 9. Lowarengak 10. Riokomor/Kokuselei 11. Nachukui 12. Katiko/Lomekwi	6
	0613- Nakalale	13. Lolupe 14. Losajait 15. Naduat 16. Lokore 17. Kaenyangaluk	5
	0614- Kaaleng/kaikor	18. Kaikor 19. Kaaleng 20. Kakelae 21. Loruth 22. Nalita 23. Kotome	6
	0611 – Kaeris	24. Kaeris 25. Kanukurudio 26. Kangakipur 27. Nadunga 28. Nakapelewoi	5
	0615 – Kibish	29. Natapar/Kaemothia 30. Lokamarinyang/Natodomeri 31. Kibish 32. Naita/Koyasa 33. Kaitede/ Karach 1 34. Napak/Lobulono	6
	Kibish		
(124) Turkana West	0622 – Lokichoggio	35. Lokichoggio 36. Lokariwon 37. Lotetelei 38. Loriemet 39. Nadapal	5
	0623 – Nanam	40. Mogila 41. Lopiding 42. Nanam 43. Lomeyan 44. Kapetadiye 45. Lotikipi 46. Lokwee	7

SUB –COUNTY AND CODE	WARD NAME AND CODE	NAME OF VILLAGE UNIT	NO. OF VILLAGES
	0620 – Songot	47. Lokangae 48. Lokudule 49. Songot 50. Lopwarin 51. Nakururum	5
	0618 – Lopur	52. Lochor Edome 53. Lopusiki 54. Namon 55. Kangitesiroi/Ngijawoi 56. Nakoyo	5
	0621 – Kalobeyei	57. Kalobeyei 58. Nalapatui 59. Oropoi 60. Natiira/Songot 61. Lonyunduk	5
	0617 – Kakuma	62. Komudei 63. Nadapal 64. Natiir 65. Pokotom 66. Kakuma town	5
	0619 – Letea	67. Loritit/ Katelemoit 68. Loito/Lokipoto 69. Loreng 70. Letea 71. Namor – Kirionok/Nakitongo 72. Tulabalany	6
(126) Loima	0632 - Lorengipi/Lokiriama	73. Lokiriama 74. Lorengipi 75. Namoru-Arengan 76. Urum 77. Nakurio	5
	631 – Loima	78. Namorupth/Locher-Ekuyen 79. Locher-Edome 80. Puch 81. Lochoremeyan	4
	0629 - Lobei/kotaruk	82. Kalemunyang 83. Lobei 84. Kotaruk/Naipa 85. Lokipetot-Arengan 86. Abur/Kangalita	5
	0630 – Turkwel	87. Turkwel 88. Lorugum 89. Nadapal 90. Napeililim 91. Lomeyan 92. Kaapus 93. Napeikar	7
(125) Turkana Central	0627 - Lodwar township	94. Lodwar town 95. Nakwamekwi 96. Napetet 97. Kakwanyang 98. Kawalase	5
	0628 - Kanamkemer	99. Kanamkemer 100. Nawoitrong/Lolupe 101. Nawotin	4

SUB –COUNTY AND CODE	WARD NAME AND CODE	NAME OF VILLAGE UNIT	NO. OF VILLAGES
		102.Loturerei	
	625 – Kangatotha	103.Eliye/Naoros 104.Lomopus 105.Namukuse 106.Lochoraikeny	4
	0626 – Kalokol	107. Kalokol Township 108.Kapua 109.Nabwel-Ekorot 110.Namadak	4
	0624 - Kerio delta	111. Kerio 112.Nakurio 113.Kangirisae 114.Lorengelup 115.Nadoto	5
(127) Turkana South	0636 – Lobokat	116.Kainuk 117.Kakong 118.Loyapat 119.Namambu/Naakujit	4
	634 – Kaputir	120.Nariomoru/Nakwamoru 121.Lorogon 122.Kaputir 123.Kotamarukon	4
	0635 – Katilu	124.Katilu 125.Lokapel 126.Kalemungorok 127.Kanaodon 128.Korinyang	5
	0637 – Lokichar	129.Lokichar 130.Kapese 131.Kasuroi/Lokaburu/Nalemsekon 132.Napusumoru/Kekorisogol 133.Lochwaa/Locheremoit 134.Kakalel/Sopel/Kaaroge	6
	0633 – Kalapata	135. Kalapata 136.Loperot 137.Nakaalei 138.Kootoro 139.Lomeleku	5
(128) Turkana East	0638 - Kapedo/napeitom	140.Lomelo/Katiir 141.Napeitom 142.Kamuge/Ngilukia 143.Kapedo/Silale 144.Nadome/Ekipor	5
	0640 - Lokori/kochodin	145.Lokori 146.Lotubae 147.Kochodin 148.Lochakula 149.Kangitit 150.Nakukulas 151.Lokwii	7
	0639 – Katilia	152.Katilia 153.Elelea 154.Parkati 155.Lopeduru 156.Lomunyen - Akwaan	5

MEMORANDUM OF OBJECTS AND REASONS

The principle purpose of this Bill is to make operational article 179 of the Constitution of Kenya 2010 and sections 30(2)(a), 31(d), 34 of the County Governments Act 2012. It further provides for effective coordination and administration of the County Government functions as set out in article 186 of the Constitution of Kenya 2010 and fourth schedule while providing establishment of village units and institutional framework at the county and decentralized units as prescribed in sections 50 to 53 of the County Governments Act 2012.

PART I of the Bill pertains preliminary provisions including its short title and commencement, interpretation, its objects and powers of the governor

PART II of the Bill outlines the establishment of the village units and their administration.

PART III provides for miscellaneous provisions of the Act.

The Bill is not a Bill concerning National Government.

STATEMENT ON WHETHER THIS IS A MONEY BILL:

The enactment of this Bill shall entail expenditure of public funds to be provided in the county estimates.

Dated

Hon. William Ebenyo Naur

*Chairperson, Committee on County Security, Administration and
Disaster Management,*