

KISUMU COUNTY GOVERNMENT



**DEPARTMENT OF COUNTY ADMINISTRATION, PUBLIC SERVICE
AND PARTICIPATORY DEVELOPMENT**

**THE PROPOSED KISUMU COUNTY ADMINISTRATION OF VILLAGE
UNITS REGULATIONS, 2024**

**FORMULATED BY THE CEC MEMBER FOR COUNTY ADMINISTRATION,
PUBLIC SERVICE AND PARTICIPATORY DEVELOPMENT
PURSUANT TO SECTION 6 OF THE KISUMU COUNTY ADMINISTRATION (VILLAGE
UNITS) (AMENDMENT) ACT, 2023**

ARRANGEMENT OF REGULATIONS.

PART I – PRELIMINARY

- 1 - Citation
- 2 - Interpretation
- 3 - Application of these Regulations
- 4 - Values and Principles Guiding County Administration

PART II – COMPLIANCE WITH MINIMUM NORMS AND STANDARDS OF COUNTY ADMINISTRATION

- 5 - Responsibilities of the Director
- 6 - Conduct of the Village Administrator
- 7 - Vacancy in the Office of the Village Administrator
- 8 - Investigation of allegations of misconduct

PART III – ADMINISTRATION OF THE VILLAGE UNIT

- 9 - Issuance of Notice of Vacancy of the Village Council
- 10 - Administration at the Village Unit
- 11 - Powers of the Village Council
- 12 - Reporting
- 13 - Meetings of the Village Council
- 14 - Elections of the Secretary of the Village Council
- 15 - Records of Meetings
- 16 - Quorum
- 17 - Date and time of Council Meetings
- 18 - Decisions of the Council
- 19 - Minutes of Council Proceeding
- 20 - Validity of Proceedings

PART IV – MISCELLANEOUS PROVISIONS

- 21 - Monitoring and Evaluation
- 22 - Cases not covered in the Regulations

THE COUNTY GOVERNMENTS ACT, 2012
(No. 17 of 2012)

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

**KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS)
(AMENDMENT) ACT, 2023**

IN EXERCISE of the powers conferred by Section 6 of the Kisumu County Administration (Village Units) (Amendment) Act, 2023, the CEC Member for County Administration makes the following Regulations –

**THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS)
REGULATIONS, 2024**

PART I – PRELIMINARY

1. These Regulations may be cited as the Kisumu County Administration (Village Units) Regulations, 2024. *Citation*

2. 1) In these Regulations unless the context otherwise requires – *Interpretation*
 - “**apolitical**” means having no interest in political campaigns, political sloganeering and in political lobbying;
 - “**Council**” means the Village Council established pursuant to Section 53 of the County Governments Act, 2012;
 - “**County Administrator**” means an officer appointed to perform duties related to County Administration for the management and administration of County public affairs;
 - “**CEC Member**” means the County Executive Committee Member for the time being responsible for County Administration;
 - “**Chief Officer**” means the Chief Officer for the time being responsible for County Administration;
 - “**days**” means a period of days from the happening of an event or the doing of an act or thing deemed to be exclusive of public holidays, weekends and the day on which the event happens or the act or thing is done.
 - “**Director**” means the Director for the time being responsible for County Administration;
 - “**Occurrence**” means a notable event that has occurred during the hours of active duty;
 - “**Principal Act**” means the Kisumu County Administration (Village Units) (Amendment) Act, 2023;

“**Village Clusters**” means households defined by their physical locations and common interests whose residents know the details of each other, and who pay attention and look out for one another;

“**Project Management Committee**” means the Committee established pursuant to Section 7 of the Project Management Act, 2022.

3. Subject to Sections 51 and 52 of the County Governments Act, 2012 and the Kisumu County Administration (Village Units) (Amendment) Act, 2024, these Regulations shall apply to the Administration of the Village Units and all persons holding or acting in an administrative capacity of the village council, the Wards and the Sub-Counties within Kisumu County. *Application of these Regulations*
4. 1) The Village Unit Administration shall be guided by the national values and principles of governance in Article 10 and the values and principles of public service in Article 232 of the Constitution. *Values and Principles guiding County administration*
- (2) Every County Administrator shall comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007
- (3) Every County Administrator shall uphold the principle that it is the right of every person to be accorded ethical, responsive, prompt, effective, efficient, impartial and equitable public service.

PART II – COMPLIANCE WITH MINIMUM NORMS AND STANDARDS OF COUNTY ADMINISTRATION AT THE VILLAGE UNIT

5. 1) The Director for the time being responsible for County Administration shall be responsible for compliance and standards in County Administration. *Responsibilities of the Director*
- 2) In carrying out the mandate contemplated in sub-regulation (1), the Director for County Administration shall;
- (a) evaluate the appropriateness of norms and standards and their basis of measurement as determined by the CEC Member in relation to County public administration and management;
- (b) promote and monitor compliance with minimum norms and standards determined by the CEC Member in relation to public administration management;
- (c) advise the Chief Officer and the CEC Member on the execution of their duties with regard to—

- (i) the determination of minimum norms and standards contemplated in these Regulations; and
- (ii) enforcing compliance with the minimum norms and standards;
- (d) conduct capacity and functionality audits of skills, systems, processes and advise on capacity building initiatives for County Administrators;
- (e) develop and implement an early warning system to detect county administration non-compliance; and
- (f) report in writing—
 - (i) at least once every quarter to the Chief Officer on the performance of County Administration; and
 - (ii) as directed by the Chief Officer or CEC Member on the progress made on performance of County Administration.

Conduct of the Village Administrator

- 6. (1) The Village Administrator shall conduct himself in a professional manner and provide quality services to the residents of the Village Unit.
- (2) Without prejudice to the foregoing, the Village Administrator shall—
 - (a) report to the Ward Administrator all matters related to the operations of County Administration within the Village Unit including matters contemplated in Regulation No.....these Regulations
 - (b) comply with any notice served on the Village Administrator by the CEC Member either by himself, his agent or servant or any other person(s) whatsoever acting under his direct or indirect instructions within the time specified in the notice and;
 - (c) remain apolitical during the term of his services;
 - (d) remain non-partisan.

Vacancy in the Office of the Village Administrator

- 7. 1) The office of the Village Administrator shall become vacant if the holder—
 - (a) resigns by notice in writing, to the County Secretary;
 - (b) is found guilty of contravening the provisions of Regulation 6 of these Regulations;

- (c) is convicted of any criminal offence;
- (d) is declared bankrupt by a court of competent jurisdiction;
- (e) fails to convene and/or attend three consecutive meetings of the Village Council without notice to the Director.

Investigation of allegation of misconduct

8. (1) Any allegation of misconduct against the Village Administrator or a member of the Village Council shall be forwarded to the Ward Administrator.
- (2) The Ward Administrator shall upon receiving any allegation of misconduct against a member of the Village Council, refer the matter to the Sub-County Administrator;
- (3) Where the complaint is against the Village Administrator, the Ward Administrator shall refer the matter to the Director who shall course investigation and determination on the matter in accordance with the code of conduct of public service and the village administrator shall be accorded an opportunity to be heard.
- (4) Where an action is recommended against a member of the Village Council by the Sub-County Administrator,
- a) the Director may recommend that such action as he may consider necessary be taken on the member of the Council in addition to the action taken by the Sub-County Administrator and;
 - b) the Sub-County Administrator where applicable may in the course of the investigations hear such witnesses and receive such documentary evidence as may, in their opinion, assist in the investigations.
- (5) The Director shall, expeditiously, but not later than seven days after termination of the hearing contemplated in sub-regulation (3) above, submit a report to the Chief Officer on whether –
- i. the Village Administrator is cleared of the allegations or;
 - ii. the village administrator is put under caution, warned or reprimanded;
- (6) Without prejudice to the provisions of sub-regulation (5) above, the County Public Service Board shall, within fourteen days upon completion of the investigation, take such action as may be appropriate.

PART III – ADMINISTRATION OF THE VILLAGE UNIT

Formation of the Village Council

9. 1) The Village Administrator shall within 42 days upon appointment by the Public Service Board, nominate Members of the Village Council. *Issuance of Notice of Vacancy in the Village Council*
- 2) Members of the Village Council nominated by the Village Administrator shall be members seconded from at least three (3) or at most five (5) Village Clusters or local village community groups within the Village Unit.
- 3) If the Village Unit has no Village Clusters or local village community groups, the Village Administrator shall inform the Director who shall within 7 days determine any means of secondment that may be convenient for the Village Unit.
- 4) Any means of secondment done in accordance with the procedures provided for in Sub-Regulation (2) and (3) above shall;
- a) cause the submission of two persons to the Village Administrator, who shall be male and female of senior position and respected within the community and;
 - b) shall be persons with no criminal record including petty crimes.
- 5) Upon receipt of seconded persons, the Village Administrator shall;
- a) conduct an independent background check on all persons seconded for nomination within 14 days and shall ensure that persons seconded;
 - i. are senior and respected within the Community;
 - ii. do not have any criminal record including petty crimes; and
 - iii. have a verifiable record of Community Service.
 - b) upon completion of the background check contemplated in paragraph (a) above, nominate qualified persons to the Village Council and ensure that the nominated council meets the two-thirds gender rule.
- 6) In performance of the function contemplated in Sub-Regulation (1) and (2) above, the Village Administrator shall issue a 14-day notice of the vacancy in the Village Council in available media with maximum circulation within the Village Unit and may include issuance of notices in churches, mosques or temples, public *barazas*, market places or any accessible Public Information Platform.
- a) The Notice shall inform the public;

- i. the date, time and venue of conducting nomination of members of the village council and;
- ii. the manner of conducting the nomination.

b) In determining the reasonableness and validity of a notice of the vacancy in the Village Council, the Village Administrator shall measure the extent of coverage of the media used in disseminating the notice within the Village Unit.

7) The Village Administrator shall within 7 days upon completion of the nomination, submit a list of the proposed members of the Council to the CEC Member for submission to the County Assembly and shall alongside the list of nominees submit;

- a) copy of the notification on the vacancy in the Village Council;
- b) a report on the background check of the Nominees and;
- c) a report on the manner in which the Nomination has been conducted.

8) A default in any submission contemplated in sub-regulation (7) shall render such nomination voidable and the CEC Member or the County Assembly shall order a fresh nomination.

9) Upon an order for a fresh nomination, the procedures for nomination contemplated in these Regulations shall apply.

Administrative Structure of the Village Unit

10. 1) The Village Administrator shall be in charge of County Public Administration at the Village Unit and shall, *Administration at the Village Unit*

- a) report to the Ward Administrator and;
- b) perform any other function within the Village Unit that shall be accordingly instructed by the Ward Administrator.

2) The provisions of sub-regulation (1) above shall not prejudice the administrative authority of the Sub-County Administrator or any other County Administrative Officer with a rank higher than the Sub-County Administrator in the performance of *bonafide* administrative functions within the Village Unit.

11. 1) In the performance of County Public Administrative functions within the Village Unit, the Village Council shall be the administrative authority at the Village Unit. *Powers of the Village Council*

2) No administrative decision on any matter incidental to the Village Unit shall be made by the Village Administrator without a special resolution of

the Village Council, unless such decision is done in consultation with the Director, Ward Administrator and/ or the Sub-County Administrator.

12. 1) The Village Administrator shall report to the Ward Administrator and shall maintain a register provided for in the first schedule of these Regulations indicating — **Reporting**
- a) households within the village unit;
 - b) non-state actors operating within the village unit;
 - c) complaints, memoranda, petitions submitted to the village administrator;
 - d) programs and projects undertaken by various sectors of the County Government with the village unit and;
 - e) maintain a register of government assets within the village unit;
 - f) occurrences within the village unit.
- 2) Without prejudice to the generality of sub-regulation (1) above the Village Administrator may provide timeous reports on matters related to the village unit whenever necessary for prompt administrative action.
- 3) A Quarterly Report on the Operations of the Village Council contemplated in sub-regulation (1) above shall;
- a) indicate the resolutions of the village council meetings;
 - b) provide report on decisions adopted by the Village Council in the exercise of public authority and which generally or specifically determined the rights or duties of persons within the Village Unit;
 - c) provide a report of any committee or council meetings where the Village Administrator is a member or was in attendance.
 - d) indicate any occurrence in the Village Unit within the quarter and;
 - e) provide a report on observations on ongoing projects within the Village Unit.
- 3) The Ward Administrator shall within 2 days upon receipt of the Report contemplated in Sub-Regulation (2) above submit the Report to the Sub-County Administrator who shall within 7 days submit the Report to the Director for exposition of Policy.

Conduct of Business and Affairs of the Village Council

13. (1) The chairperson shall within 21 days upon the establishment of the council convene the inaugural meeting of the council, *Meetings of the Village Council*
- (2) The Council shall meet at most once in every quarter for the transaction of council business and it may convene special meetings in accordance with the principal Act
- (3) Notice of every meeting of the Council shall be given in writing to each member at least five days before the day of the meeting.
- (4) A Notice of meeting contemplated in Sub-Regulation 4 above shall be written in a language understandable to majority of the members of the Council.
- (5) The Chairperson shall preside at every meeting of the Council and in his absence, nominate a member from among the council members present to preside over the meetings.
- a) Resolutions of meetings conducted in the absence of the Chairperson shall be submitted to the Chairperson and sent to the Ward Administrator for administrative action;
 - b) A member nominated by the chairperson to chair a meeting in the absence of the Chairperson shall have no power to call for a meeting of the Council.
- (6) The Chairperson or, in his absence the Ward Administrator, may at any time call a special meeting upon a written request by a majority of the members.
14. At the first meeting, the Council shall elect a Secretary amongst their number and regard may be taken to ensure that the Chairperson and Secretary shall be of opposite gender. *Election of the Secretary*
15. The Secretary shall keep a record of the members present and the business transacted at every meeting of the Village Council and shall submit adopted copies of the minutes in accordance to regulation No. 21 to the Chairperson within two days from the date of the meeting. *Records of meetings*
16. (1) Subject to Regulation 13, four members, shall constitute a quorum for the conduct of business at any meeting of the Council. *Quorum*
- (2) When there is no quorum at, or for the continuation of, a meeting of the Council only because of the exclusion of a member from the deliberations on a matter in which he has disclosed a personal interest, the other members present may if they deem it expedient so to do—
- a) postpone the consideration of that matter until there is a quorum without that member; or

b) proceed to consider and decide the matter as if there was a quorum.

17. A meeting of the Council shall be held on such a date and at such time as the Council may determine but shall be convened in the Office of the Village Administrator. *Date and time of Council meetings*
18. (1) All questions proposed at a meeting of any of the Council shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the chairperson shall have a casting vote in addition to his deliberative vote. *Decisions of the Council*
- (2) A decision may be made by the Council without a meeting; by circulation of the relevant papers among the members of the Council and by the expression of the views of the majority of the members in writing but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the Council.
19. (1) The Council shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Council at the next meeting of and signed by the chairperson. *Minutes of proceeding*
- (2) The Chairperson shall submit to the Ward Administrator a copy of the minutes of each meeting of the Council at the end of each quarter or as soon as the minutes have been confirmed.
20. Subject to Regulation 16, no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof. *Validity of proceedings*
21. Unless otherwise provided by or under any law, all instruments made by and decisions of the Council shall be signified under the hand of the Chairperson. *Signification of instruments and decisions of the Council*
22. Subject to the provisions of these Regulation, the Councils may regulate their own procedure. *Councils to regulate their own procedure.*

PART IV– MISCELLANEOUS PROVISIONS

23. 1) The Director shall be responsible for the monitoring and evaluation of County Administration in all Village Units and shall perform such functions either by himself or through the Ward Administrator and the Sub-County Administrator; *Monitoring and Evaluation*
- 2) The Ward Administrator in consultation with the Sub-County Administrator shall supervise County Administrative activities in Village Units within the Ward;

3) In fulfillment of the provision of Sub-regulation (2) above, the Ward Administrator shall report to the Sub-County Administrator at least once in every quarter or as shall be required by the Sub-County Administrator.

24. (1) Any matter not addressed by these regulations shall be dealt with in accordance with such special or general instructions issued by the CEC Member. ***Cases not covered in the Regulations***

(2) Subject to the Constitution and any other written law, nothing in these regulations shall preclude the CEC Member from considering and determining any matter that is within the CEC Member's mandate but has not been addressed in these regulations.

25. (1) A public officer who contravenes any provision of these regulations shall be subject to disciplinary proceedings in accordance with his terms of service and liable to the penalties specified in section of the Principal Act. ***Contravention of these Regulations***

First Schedule

(Pursuant to Regulation 12 of these Regulations)



**THE KISUMU COUNTY GOVERNMENT
DIRECTORATE OF COUNTY ADMINISTRATION
OFFICE OF THE VILLAGE ADMINISTRATOR**

VILLAGE UNIT:

**REPORT ON COUNTY ADMINISTRATION AND PUBLIC AFFAIRS IN THE
VILLAGE UNIT FOR THE PERIOD ENDED (/date/month/year/)**

**Prepared in accordance with Regulation No. 12 of the Kisumu County Administration
(Village Units) Regulations, 2024**

**1.1. STATEMENT OF ADMINISTRATIVE ACTIVITIES FOR THE PERIOD ENDED
.....**

Administrative Activities	Note	Subject and Resolution	Recommendation
No. of meetings convened for the Village Council			
Committees/councils attended by the Village Administrator			
Complaints received			
Memoranda received			
Petitions received			

Departmental/ Sectoral Programs at the Village Unit	No.	Name of Program(s)	Status
Roads and Transport			
Public Health			
Water and Environment			
Agriculture			
Public Affairs			

General Administration			
Any other			

Occurrence	No.	Description	Recommendation
Disaster/ Emergency			
Any Other			
Expenses incurred in the Period	Note	Cost	Recommendation
Office administration expenses			
General expenses			
Total expenses			

The notes set out on pages xxx to xxx form an integral part of these Statements

1.2. STATEMENT OF STATISTICAL PROFILE OF THE VILLAGE UNIT AS AT

.....

Government Assets/Properties in the Village Unit	<i>No.</i>	<i>Description</i>	<i>Under Utility</i>	<i>Not under utility</i>
Public Health				
Roads				
Agriculture				
Water				
General Administration				
Any other				

Demographic Profile	No.	Description	Recommendation
Households in the Village Unit			
Markets in the Village Unit			
County Health Facilities			
Non-State Actors operating within the Village Unit			

The reporting policies and explanatory notes to these statements form an integral part of the Report. The Village Units Report were approved on _____ by the Village Council.

Sign: _____ **Date:** _____
The Village Administrator
Name: _____

**EXPLANATORY MEMORANDUM FOR THE KISUMU COUNTY ADMINISTRATION
(VILLAGE UNITS) REGULATIONS, 2024**

.....

I. The Purpose of the Kisumu County Administration (Village Units) Regulations, 2024.

1. These Regulations propose to provide procedures for the Administration of the Kisumu County Village Units established and managed in accordance with Sections 51, 52 and 53 of the County Governments Act 2012 read together with the Kisumu County Administration (Village Units) Act, 2019 (rev. 2023);
2. The Kisumu County Government through the Department of County Administration has established the Village Units in fulfillment of Article 176 (2) of the Constitution of Kenya, 2010 read together with the provisions of the County Governments Act, 2012 which demands that the County Government services and functions be decentralized to the extent that it is efficient and practicable to do so. Therefore, by so doing, the Department seeks to operationalize the Village Council established in accordance with Section 53 of the County Governments Act, 2012 with defined operational procedures in order to ensure that the intention of the Article 176 of the Constitution are fulfilled;
3. Subsequently, prior to these Regulations, the CEC Member for County Administration through the County Executive Committee has provide policy directives on the manner of managing the village units from time to time particularly on areas that were not exhaustively legislated by the Kisumu County Administration (Village Units) Act, 2019 (rev. 2023. These include:
4. Policy measures on the provision for equity and efficiency in service delivery at the Village Units and the procedures of reporting by the Village Administrators;
5. To achieve this purpose, the Regulations intends to provide:
 - a) the procedure and criteria for appointment of the members of the Village Council provided for in Section 12 (1) (b) of the Principal Act;
 - b) operational standards of the Village Councils;
 - c) the continuous review, evaluation and monitoring of County Administration policies;
 - d) procedures for the suspension of a village council member; and
 - e) procedures for the fulfillment of the two-thirds gender rule in the composition of the Village Council.

II. The Legislative Context:

6. The County Assembly delegated its legislative powers to the CEC Member responsible for County Administration to formulate Regulations for the management and

administration at the Village Unit. This is provided for under Section 19 of the Kisumu County Administration (Village Units) Act, 2019 (rev. 2023).

7. Taking into account the nature of the Decentralized Units, including the procedures for appointing the members of the Village Council, the CEC Member for County Administration has subjected these Regulations to public consultations, as required under the Statutory Instruments Act, 2013.

III. Policy Background

7. The Village Unit is here managed and administered in order to bolster governance and to bring government services as close as possible to the People. It is also intended that these regulations will provide procedures that may ensure that the people actively take part in governance.
8. These Regulations have therefore established a framework for effective collaboration between the people and the County Government to ensure that the governance within the County becomes governance for the people and by the people.

IV. Public Consultations

10. The CEC Member for County Administration has conducted stakeholder consultations while preparing these Regulations due to the importance of the decentralized units. However, the Regulations shall be subjected to the requisite scrutiny by the County Assembly in accordance with the Statutory Instruments Act, 2013

V. Guidance

11. The CEC Member for County Administration will sensitize stakeholders including the general public, on the provisions of the County Governments Act, 2012, the Kisumu County Administration (Village Units) Act, 2019 (rev. 2023) and the Kisumu County Administration (Village Units) Regulations, 2024.

VI. Performance Monitoring and Evaluation of the Village Units

12. The Director in charge of County Administration shall monitor the administrative activities at the Village Units. This will be done through quarterly reports submitted by the Village Administrators. In addition, the Ward Administrator, Village Administrator and the Village Council shall be responsible for implementing policy directives at the Village Units and will also carry out regular monitoring and evaluation of the specific programmes, projects and recommend policies relating to the general administration and management of the Village Units.

VII. Department of County Administration Contact Person.

13. The contact person at the Department of County Administration is the CEC Member for County Administration, Ms. Judith Aluoch or the Chief Officer, Mrs. Benta Achieng.

Sign:

**JUDITH ALUOCH
COUNTY EXECUTIVE COMMITTEE MEMBER FOR THE DEPARTMENT
OF COUNTY ADMINISTRATION**

Date: