

SPECIAL ISSUE

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No. 6 of 2022

Date of Assent: 1st March, 2022

Date of Commencement: See Section 1

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THE TANA RIVER COUNTY SERVICE DELIVERY CO-ORDINATION (AMENDMENT) ACT, 2022

AN ACT of the County Assembly of Tana River to amend the Tana River County Service Delivery Co-ordination Act, 2016 and for connected purposes

ENACTED by the County Assembly of Tana River, as follows—

Short title

1. This Act may be cited as the Tana River County Service Delivery Co-ordination (Amendment) Act, 2022.

Amendment to Section 1 of Act No. 1 of 2016

2. The Tana River County Service Delivery Co-ordination Act, 2016 (hereinafter referred to as the “Principal Act”) is amended in Section 1 by deleting the words “and shall commence on such a day as the Governor may determine” immediately after the figure “2016;”.

Amendment to Section 2 of Act No. 1 of 2016

3. Section 2 of the Principal Act is amended by—

(a) deleting the definition of the term “administrator” and substituting therefor with the following new definition—

“administrator” includes a sub-county administrator, a ward administrator, a village administrator and a town administrator;

(b) deleting the definition of the term “elder” and substituting therefor with the following new definition—

“elder” means an elder appointed under Section 53 (3) of the County Governments Act;

(c) inserting the following new definition in its proper alphabetical sequence—

“manager” includes a municipal manager and a city manager appointed under section 29 of the Urban Areas and Cities Act.

Amendment to Section 3 of Act No. 1 of 2016

4. Section 3 of the Principal Act is amended in Sub-Section (2) by deleting the terms—

“(b), (c) and” immediately after the figure “(1)”.

Amendment to Section 4 of Act No. 1 of 2016**5. Section 4 of the Principal Act is amended—**

- (i) in Sub-Section (1) by inserting the words “in respect of each sub-county” immediately after the word “administrator”.
- (ii) in Sub-Section (4) by inserting the words “and submit the same to the County Assembly” immediately after the words “delivery in the sub-county”.

Amendment to Section 5 of Act No. 1 of 2016**6. Section 5 of the Principal Act is amended in Sub-Section (1) by—**

- (a) deleting the word “two” immediately after the word “competitively” and substituting therefor the word “one”;
- (b) deleting the word “administrators” immediately after the word “deputy sub-county” and substituting therefor the word “administrator”.

Amendment to Section 6 of Act No. 1 of 2016**7. Section 6 of —****(a) in Sub-Section (1) by—**

- (i) deleting the expression “/Area” immediately after the word “Village”
- (ii) inserting the words “in respect of each Ward” immediately after the word “Administrator”.

(b) in Sub-Section (3) by deleting paragraph (c) and substituting therefor with the following new paragraph—

“(c) professional qualification and knowledge in administration”.

(c) in Sub-Section (4) by—

- (i) inserting the word “submit” immediately after the words “in the ward and”;
- (ii) deleting the words “Member of the” immediately after the words “the same to the”.

Amendment to Section 7 of Act No. 1 of 2016**8. Section 7 of the Principal Act is amended—****(a) in Sub-Section (1) by—**

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- (i) deleting the expression “/Area” immediately after the word “Village”;
- (ii) inserting the words “in respect of each Ward” immediately after the word “Administrator”;
- (b) in Sub-Section (3) by deleting paragraph (c) and substituting therefor with the following new paragraph—
 - “(c) professional qualification and knowledge in administration”.
- (c) in Sub-Section (5) by inserting the words “and submit the same to the County Assembly” immediately after the words “delivery in the village”.

Amendment to Section 8 of Act No. 1 of 2016**9. Section 8 of the Principal Act is amended—**

- (a) in Sub-Section (1) by—
 - (i) inserting the words “not less than three and not more than” immediately after the word “appoint”.
 - (ii) deleting the words “taking into account the principle that not more two thirds of the members of the Council shall be of the same gender” immediately after the words “County Governments Act;”.
- (b) in Sub-Section (2) by inserting the word “as” immediately after the words “shall be”.
- (c) by deleting Sub-Section (3) and inserting the following new Sub-Section —
 - “(3) In appointing the village elders under Sub-Section (1) the village administrator shall take into account that not more than two thirds of the members of a Council shall be of the same gender”.
- (4) in Sub-Section (5) by inserting the word “unit” immediately after the word “village”.
- (5) inserting the following new subsection immediately after subsection (5) —
 - “(5A) the conduct and business of a Village Council shall be as stipulated in the Second Schedule”.

Amendment to Section 12 of Act No. 1 of 2016**10. Section 12 of the Principal Act is amended—**

- (a) in Sub-Section (1) by deleting the words “as may be determined by the County Public Service Board;” immediately after the word “administrators”.
- (b) in Sub-Section (2) by—
 - (i) deleting the words “as may be determined by the County Assembly on the advice of the County Public Service Board;” immediately after the words “village elder”.
 - (ii) adding the letter “s” at the end of the word “elder”.

Substitution of Section 13 of Act No. 1 of 2016

11. The Principal Act is amended by deleting Section 13 and substituting therefor with the following new Section—

“13. (1) The County Executive Committee member responsible for County Public Service may make regulations necessary for the implementation of this Act.

(2) The regulations made under this Section shall be tabled before the County Assembly for approval and shall not take effect until such approval is obtained.”

Insertion of New Schedule

12. The Principal Act is amended by inserting the following new Second Schedule immediately after the First Schedule—

SECOND SCHEDULE*[Section. 8(5)]***THE CONDUCT OF THE BUSINESS AND AFFAIRS OF A VILLAGE COUNCIL**

1. (1) A Village Council shall meet as often as may be necessary for the carrying out ^{Meetings} of its business but it shall meet at least once every calendar month.

(2) A meeting of a Village Council shall be held on such date and at such time as the chairperson shall determine.

(3) Unless the majority of the total membership of a Village Council otherwise agree, at least seven days written notice of every meeting of a Council shall be given to every member of the relevant Council.

Special Meetings

2. The chairperson or in the absence of the chairperson, the vice chairperson, shall, within seven days of receipt of a written application of at least three members, convene a special meeting of the relevant Village Council.

Presiding of meetings

3. (1) The chairperson shall preside at all meetings of the Village Council.

(2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of a Village Council.

(3) In the absence of both the chairperson and the vice-chairperson at the meeting, the members present shall elect one of their number to preside at that meeting of a Village Council.

(4) A person presiding over a meeting of a Village Council under subparagraph (2) or (3), shall, with respect to the meeting and business transacted thereat, have all the powers of the chairperson.

Quorum

4. The quorum for a meeting of a Village Council meeting shall be three members.

Decisions

5. (1) Each Village Council shall endeavour to reach every decision by consensus.

(2) Where on any matter consensus cannot be obtained, the decision of a Council shall require the concurrence of a majority of all the members present at the meeting.

Invitation of professional experts

6. A Village Council may invite any person whose knowledge and experience is required in the deliberation of matters before it, but such a person shall have no right to vote in any decision to be made by a Council.

Validity of proceedings

7. The proceedings of a Village Council shall not be invalidated by reason of a vacancy in its membership or absence of a member, or by the presence or participation of a person not entitled to be present at or to participate in those proceedings.

Minutes

8. Each Village Council shall keep minutes of proceedings of its meetings and decisions taken.

Disclosure of Interest

9. (1) A member of a Village Council shall be considered to have a conflict interest, if the member acquires any pecuniary or other interest that could conflict with the proper performance of the members duties as a member of a Village Council.

(2) If at any time a member of a Village Council has interest in any matter before a village council, or any matter a Village Council could reasonable expect might come before it for consideration and determination, the member shall immediately disclose the conflict of interest to other members of a Village Council and refrain from taking part, or any further part, in the consideration or determination of the matter.

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

Self-regulation

10. Each village council may regulate its own procedure subject to the provisions of this Schedule.