

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**KAJIADO COUNTY BILLS, 2021**

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**THE KAJIADO COUNTY VILLAGES DELINEATION BILL, 2021**

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*Clause*

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**THE KAJIADO COUNTY VILLAGES DELINEATION BILL, 2021****A Bill for**

**AN ACT of the County Assembly of Kajiado, pursuant to Section 48(4) of the County Governments Act, 2012 to provide for the delineation of boundaries and establishment of Village Units in the County and for connected purposes**

**ENACTED** by the County Assembly of Kajiado, as follows—

**PART I— PRELIMINARY****Short title.**

1. This Act may be cited as the Kajiado County Villages Delineation Act, 2020 and shall come in operation 30 days from the date of publication in the *Kenya Gazette*.

**Interpretation.**

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

“County” means the County of Kajiado as established under Article 176 of the Constitutions of Kenya 2010.

“County Governmen” means the Government of Kajiado County;

**No. 17 of 2012**

“County Public Service Board” means the Board established under Section 57 of the County Governments Act, 2012

**No. 17 of 2012**

“Ward” means an electoral area within a county delimited in accordance with Article 89 of the Constitution and Section 26 of the County Government Act, 2012;

**No. 17 of 2012**

“Village” means the decentralized unit of the County Government delimited in accordance with Section 48 of the County Government Act, 2012.

**No. 17 of 2012**

“Sub-County Administrator” means the person responsible for coordination and administration of county affairs in any one of the five sub-counties in Kajiado County and appointed as such as per the County Governments Act,



**No. 17 of 2012**

“Village Administrator” means the person responsible for overall co-ordination and management of county affairs in a particular village in the county and appointed as such as per the County Governments Act.

**No. 17 of 2012**

“Village Council” means the council established under Section 53(1) of the County Governments Act, 2012; and

“Ward Administrator” means the person responsible for overall co-ordination and management of county affairs in a particular ward in Kajiado County appointed as such in accordance with the County Governments Act.

**Objects of the Act**

3. The object and purpose of this Act is to provide for the establishment of the Village Units in Kajiado County so as to provide for the further decentralization of the functions and provision of services by the Kajiado County Government in accordance with Article 176(2) of the Constitution, and Section 48 of the County Governments Act.

**PART II— ESTABLISHMENT OF VILLLAGES AND  
DELINEATION OF VILLAGE BOUNDARIES**

**Establishment of Villages**

4. (1) There is established in Kajiado County an initial One Hundred and Two (102) Villages for proper co-ordination and facilitation of citizen participation in the development of policies and plans and delivery of services as provided for in the First Schedule to this Act.

**No 17 of 2012**

(2) In establishing the village units the County Assembly shall take into account the following factors as envisaged by Section 48 (3) (a) – (d) of the County Governments Act,

- (a) Population size;
- (b) Geographical features;
- (c) Community of interest, historical, economic and cultural ties; and
- (d) Means of communication

**Appointment of Village Administrator**

5. (1) The Village Administrator shall have professional qualifications and technical knowledge in administration and shall be competitively appointed by the Kajiado County Public Service Board.



(2) For avoidance of doubt, no person shall be appointed a Village Administrator unless such person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has attained a minimum academic qualification of a Diploma spanning not less than two years from an institution recognized in Kenya with proof of certification;
- (c) is a resident of the County.

#### **Delineation of Village Boundaries**

6. Each of the established village unit under Section 4 shall be administered by a Village Administrator in accordance with the provisions of Section 52 of The County Governments Act, 2012.

#### **Interval for Delineation of Village Boundaries**

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

#### **County Assembly to consider existing administrative boundaries**

8. (1) The County Assembly shall take consideration of the existing location boundaries and or delineate Village boundaries from other existing boundaries in the sub-counties.

(2) In undertaking these review the County Assembly shall form an Ad Hoc Committee to be known as the Village Boundaries Delineation Committee.

(3) The Committee shall undertake public participation on the names, number, and boundaries of the proposed villages.

(4) The Committee of the County Assembly to table its report within 90 days of its formation for adoption by the County Assembly.

(5) The Committee shall cease to operate as soon as the review is completed and report therefore considered by the County Assembly.

### **PART III— VILLAGE COUNCIL**

#### **Establishment of Village Council**

9. There is established, for each village unit, a Village Council.

#### **Composition of the Village Council**

10. (1) The Village Council shall comprise of the following—

- (a) the Village Administrator who shall be the Chairperson of the Village Council; and



- (b) not less than three and not more than five Village Elders competitively appointed by the Village Administrator with the Approval of the County Assembly taking into account gender balance and people with disabilities. (Proposal to add the appointment will be done in consultation with relevant stakeholders within the village);
- (c) the appointment of the village council members shall be conducted in a public baraza attended by residents of the village unit;
- (d) the Council shall elect one of the Village Elders appointed under Section 11(b) to act as the Secretary to the Village Council.

(2) The Village Council shall hold meeting as may be provided in the procedure provided for in the Second Schedule to this Act.

#### **Qualifications for appointment into the Village Council**

11. (1) A person shall be eligible for appointment as a Village elder if the person—

- (a) is a citizen of Kenya;
- (b) above 35 years of age;
- (c) has been a resident of or has been the owner of property in the respective village unit for a continuous period of not less than five years prior to the appointment date;
- (d) meets the requirements of Chapter Six of the Constitution; and
- (e) is not disqualified for appointment to the office by the County Government Act or any other law.

#### **Allowances for Members of the Village Council**

12. (1) Village Council members shall be paid an allowance as determined by the County Assembly and indicated in the Third Schedule.

(2) The allowances payable to Village Council shall be reviewed by the County Assembly after every five (5) years.

#### **Powers and Responsibilities of the Village Council**

13. (1) A Village Council shall be responsible for—

- (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 and participation in governance at the local level;
- (c) monitoring the implementation of policies at the village unit;



- (d) advising the ward administrator and sub-county administrator on matters pertaining to the Village; and
- (e) any other function necessary for the better administration of the village unit.

(2) In carrying out the functions and obligations under Sub-section (1), a Village Administrator shall be responsible to the relevant Ward Administrator.

#### **Frequency of meetings**

14. The Village Council must meet at least once every three months.

#### **Terms of Service**

15. The members of the Village Council shall serve for a term of 3 years renewable only once.

#### **Vacancy in the Village Council**

16. (1) The position of a Village Council member shall become vacant upon—

- (a) failure to effectively discharge the designated functions of the office;
- (b) is guilty of gross misconduct; or,
- (c) is an adjudged bankrupt by a court of law; or,
- (d) has breached Chapter six of the Constitution of Kenya; or
- (e) has rendered a resignation in writing to the Village Administrator; or
- (f) is rendered of unsound mind or suffers from an illness resulting in inability to discharge the functions in section (13) above.

### **PART VI—MISCELLANEOUS**

#### **Complimentarity of the Act**

17. The provisions of this Act shall be complimentary to the provisions of the County Governments Act in relation to the establishment and administration of the Village units within the County.

#### **Assembly to have final word**

18. In case of any dispute arising in relation to the restructuring process, the County Assembly shall have the final word.

**Power to make Regulations**

19. (1) The County Executive Committee Member in charge of Public Administration shall make regulations subject to the approval of the County Assembly for the better carrying out of its functions under this Act.

(2) Without prejudice to the generality of Subsection (1), the Regulations shall provide for the procedure for the appointment of Village Unit Council Elders.

(3) Regulations made under this Section shall be tabled before the County Assembly for approval, and shall not take effect until such approval is obtained.



**FIRST SCHEDULE (S.5)****LIST OF COUNTY VILLAGES**

<b>SUB-COUNTY</b>	<b>NUMBER</b>	<b>NAME OF VILLAGE</b>
<b>KAJIADO SOUTH</b>		
	1.	Kuku
	2.	Itilal
	3.	Oloolopon
	4.	Olorika
	5.	Entonet
	6.	Olchoro
	7.	Amboseli
	8.	Rombo
	9.	Njukini
	10.	Entarara
	11.	Kimana
	12.	Isinet
	13.	Enkariak-Rongena
	14.	Mbirikani
	15.	Oltiasika
	16.	Lenkism
	17.	Olgulului
	18.	Eselenkei
<b>KAJIADO EAST</b>		
	19.	Mashuuru
	20.	Ilmunkush
	21.	Emarti
	22.	Arroi
	23.	Imaroro
	24.	Kenyewa



	25.	Merrueshi
	26.	Poka
	27.	Imbuko
	28.	Ilmukutani
	29.	Nkama
	30.	Ilpolosat
	31.	Kisaju
	32.	Isinya
	33.	Oloosidan
	34.	Olturoto
	35.	Oloolotikoshi/Erkeek Lemedungi
	36.	Kitengela/
	37.	Oloosirkon
	38.	Sholinke
<b>KAJIADO NORTH</b>		
	39.	Gichagi/Mathare
	40.	Lekuruki
	41.	Oloolua
	42.	Olkeri
	43.	Ongata Rongai
	44.	Lemelepo
	45.	Olekasasi
	46.	Nkaimurunya
	47.	Kandisi
<b>KAJIADO CENTRAL</b>		
	48.	Ildamat
	49.	Oloyiankalani
	50.	Township
	51.	Nkoile



	52.	Kumpa
	53.	Enkaroni
	54.	Sajiloni
	55.	Impiro
	56.	Ilngosuani
	57.	Enkorika
	58.	Orinie
	59.	Oloontulugum
	60.	Kikuro
	61.	Olobelibel
	62.	Isilale
	63.	Namanga
	64.	Oldoinyo Orok
	65.	Eluanata
	66.	Mailua
	67.	Meto
	68.	Oloirimirimi
	69.	Bissil
	70.	Oloililai
	71.	Ilmarba
	72.	Lorong'osua
	73.	Ruanche
	74.	Maparasha
	75.	Emotoroki
	76.	Osilalei
<b>KAJIADO WEST</b>		
	77.	Magadi
	78.	Shompole East
	79.	Shompole West



	80	Olkiramatian West
	81	Olkiramatian East
	82	Oldonyonyoike
	83	Musenke
	84	Loodokilani
	85	Oltepesi
	86	Kilonito
	87	Elang'atawuas
	88	Singiraine
	89	Torosei
	90	Keekonyoike North
	91	Najile
	92	Etashart
	93	Saikeri
	94	Kibiko
	95	Oloirien
	96	Kiserian
	97	Olchoronyori
	98	Keekonyoike Central
	99	Keekonyoike West
	100	Keekonyoike South
	101	Esonorua
	102	Mosiro /Oldepe



**SECOND SCHEDULE {S. 12(d)}****PROCEDURE FOR THE CONDUCT OF THE AFFAIRS OF THE  
KAJIADO COUNTY VILLAGE COUNCILS****Meetings of the Village Council**

1. The meetings of the Village Council shall be convened at least once but not more than three times quarterly by the Chairperson.

2. The Chairperson may, at any time, convene a special meeting of the Village Council and shall do so within fourteen days of the receipt of a written request signed by at least two members.

3. The Chairperson shall preside at all meetings of the Village Council.

4. At every meeting of the Council, the Chairperson shall have a casting as well as a deliberative vote.

5. The quorum for the meetings of the Village Council shall be two thirds of the membership.

**Committees of the Village Council**

6. The Village Council may establish such number of committees as it may deem appropriate to perform its functions and responsibilities.

7. The Village Council shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

8. The Village Council may, where it deems appropriate, invite any person to attend the deliberations of any of its committees.

9. All decisions by the committees appointed under subsection (1) shall be ratified by the Village Council.

**Disclosure of interest**

10. A member who has an interest in any matter before the council and present at a meeting shall at that meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof 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 consideration of the matter.

11. A disclosure of interest made under subparagraph (10) shall be recorded in the minutes of the council meeting at which it is made.

12. A member of the Village Council who contravenes subparagraph (10) shall cease to be a member of the Village Council upon direction of the Ward Administrator and subject to approval by the County Assembly.



**THIRD SCHEDULE {S. 14(1)}**  
**VILLAGE COUNCIL ALLOWANCES**

<b>S/NO.</b>	<b>DESIGNITION</b>	<b>AMOUNT</b>	<b>FREQUENCY</b>
1.	Chairperson	2,000/=	Per Sitting
2.	Secretary	1,800/=	Per Sitting
3.	Member	1,500/=	Per Sitting



**MEMORANDUM OF OBJECTS AND REASONS**

The main object of this Bill is to provide for the delineation and establishment of the village units in Kajiado County so as to provide for the further decentralization of the functions and provision of services by the Kajiado County Government in accordance with Article 176(2) of the Constitution and Section 48(4) of the County Governments Act.

**The Bill is organized into four Parts as follows:**

**Part I** of the Bill provides for preliminary matters including the short title, operationalization, interpretation and the objects and guiding principles.

**Part II** of the Bill deals with the establishment and administration of the Village units.

**Part III** of the Bill contains provisions for the establishment, composition, qualifications, powers and responsibilities of terms of service of Village Councils.

**Part IV** of the Bill contains miscellaneous provisions to include complementarity of provisions in the Bill to the relevant Provisions of the County Governments Act as well as powers to make Regulations.

The Bill also contain three Schedules as follows

First Schedule, provides for a list of an initial 102 Villages.

Second Schedule; Conduct of the affairs of the Kajiado County Village Councils.

Third Schedule; Village Council Allowances.

Dated the 5th May, 2021.

**PETER PARSEN MUSUNKERI,**

*Chairperson, County Assembly Committee on Public Service,  
Administration and Citizens Participation.*