

COUNTY GOVERNMENT OF BUSIA



COUNTY ASSEMBLY OF BUSIA
OFFICE OF THE CLERK OF THE COUNTY ASSEMBLY

NOTICE OF PUBLIC PARTICIPATION ON;

THE BUSIA COUNTY DECENTRALIZED UNITS REGULATIONS, 2018

The County Assembly invites the members of the public to submit any representations that they may have on **THE BUSIA COUNTY DECENTRALIZED UNITS REGULATIONS, 2018** pursuant to the provision of Article 196(1) of the Constitution of Kenya.

Written memorandum may be forwarded to: Clerk to the County Assembly, P.O. Box 1018, Busia (K), hand delivery to the office of the Clerk or to be emailed to clerkbusiacountyassembly@yahoo.com to be received on or before 7th April, 2021.

Public hearing will be held on 4th March, 2021 in Agricultural Training Centre at 10.00a.m. in Busia Town.

NB: Members of the public can access the document from the Busia County Government official website www.busiacy.go.ke and the County Assembly Official website www.busiaassembly.go.ke

COUNTY ASSEMBLY OF BUSIA
P. O. Box 1018, BUSIA
CLERK TO THE ASSEMBLY

CLERK TO THE COUNTY ASSEMBLY

*As passed by Hon. Bernard Njiru
on 3/7/2019
Accounted for by Hon. Julius Chege*

THE REPUBLIC OF KENYA

THE COUNTY GOVERNMENT OF BUSIA

BUSIA COUNTY DECENTRALIZED UNITS REGULATIONS 2018

In exercise of the powers conferred by Section 19 of the Busia County Decentralized Units Act 2016, the Executive Committee Member makes the following Regulations,

PART 1- PRELIMINARIES

1. These Regulations shall be called the Busia County Decentralized Units Regulations 2018 and shall come into force as the Executive Committee Member may appoint and publish in the Gazette.
2. In these Regulations, unless the context otherwise requires-
 - “Act” means the Busia County Decentralized Units Act; 2016 Act enacted by the Busia County Assembly
 - “County ” means Busia County;
 - “County Assembly” means Busia County Assembly;
 - “County Government” means the County Government of Busia;
 - “ County Executive” means the County Executive of the County Government;
 - “Decentralized Unit” “Sub-County” “Ward, “Village Administrator” “Village units” “Village Administration” and “Village Elders” have the same meaning as assigned to them in Section 2 of the Act
 - “Member of Executive Committee” means Member of the County Executive Committee responsible for public administration in the County;
 - “Constitution” means the Constitution of Kenya 2010;
 - Gazette” means the County Gazette of Busia County
 - “Governor” means the Governor of Busia County

“Village Council” or “Village Councils” means the Decentralized units as defined in Section 2 of the County Government Act and established under Section 16 of the Act

PART TWO – DETERMINATION AND DELIANATION OF THE BOUNDARIES OF DECENTRALIZED UNITS

boundaries of Sub-
nties and Wards

3 (1) The Decentralized units are the Sub-County or Sub-Counties, Ward or Wards and Village or Villages in the County

(2) The boundaries of a Sub-County and those of a Ward will be consistent with and conform to, respectively, with parliamentary constituency and Ward representation areas as determined by the Independent Electoral and Boundaries Commission and defined in Section 5 of the Act, Section 26 of the County Governments Act and Article 89 of the Constitution

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4 (1) Not less than 12 months before the County Assembly makes a review of the number, names and boundaries of villages or village Administration units in accordance with Section 13 (3) of the Act, the Executive Member shall cause to be conducted in every village meetings under the auspices of the Ward Administrators to solicit for and obtain views of the members of the public in the villages concerning:

- a Any proposed changes in the village administration
- b Proposed changes in name, boundaries or
- c Any other matter

(2) The Executive Member shall ensure to consult and cooperate with the relevant national Government Authorities in accordance with the provisions of Article 6(2) of the Constitution before and in the process of conducting the meetings under (1)

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5 (1) Not later than 6 months before the date proposed by the County Assembly for review, under (1), the Executive Member shall compile and place before the County Executive Committee a report from all the villages in the County touching on the proposed changes and the County Executive Committee shall deliberate upon the report and make appropriate propositions to the County Assembly

e village unit
ndaries

6 (1) In providing for and determining the boundaries of village unit for the purpose of establishing further structures of Decentralization pursuant to and in accordance with Section 54 of the County Government Act and Section 9 of the Act, the Executive Member shall ensure that the proposed boundaries of a village unit:

services

Section 9

- a facilitates efficient and effective delivery of services to the people of the County by providing easy coordination of delivery of services in the devolved functions
- b Facilitates the County to provide proximate and easily accessible in the County to promote social and economic development
- c Enables the people of the County to effectively participate in and manage their own affairs at community level to further their development
- d Enables the people at community level to be engaged in decision making on matters concerning their welfare
- e Enables the people to initiate and develop strategies for social and economic transformation and create a coherent and integrated community

PART 3: PROCEDURE IN THE INITIATION OF DEVELOPMENT, POLICY AND STRATEGIES

7 (1) The village unit shall be the basic unit for initiation of development policy and strategies and every effort shall be made by the Executive Member through the decentralized structures to ensure full participation by the people in decision making at that level

(2) The Executive Member shall consult, collaborate and cooperate with national authorities and institutions at all levels of the decentralized units to ensure effective and efficient service delivery based on full participation in decision making by the people

8 (1) The Executive Member shall, in consultation with Sub-County, Ward, and Village Administrators, to ensure that:

a Every proposed policy measure is submitted in the village Council for discussion and input

b That the minutes, decisions and resolutions on the proposal are received by the Executive Member

c The Executive Member shall table before the Executive Committee for discussion all such village council minutes, decisions and resolutions

d The Executive Member transmits

to

the devolved unit structures all the functions of the decentralized units

(2) The matters to be deliberated upon in the forums under (1) shall first be considered by the village councils in every ward

consultation on
County Policy and
Strategies

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9 Where there is a legislative measure in the County the Executive Member shall ensure that through the structures of the devolved units, the people of the County are made aware of such proposed legislative measures and that the people's views thereon are collected through the village councils and transmitted to the County Executive Committee

10 Pursuant to and in accordance with Section 7 of the Act, the Executive Member shall in consultation and cooperation with the national authorities and institutions in the Sub-Counties hold and conduct public participation meetings in every Ward for the purpose of:

a informing the people on implementation
of National and County policies and
legislations

b receiving the people's views on priority
areas development within the wards

11(1) At least 6 months before the end of the financial year, the Executive Member shall require the Sub-County and Ward Administrators in consultation with village Administrators to convene special Village Councils at which the village councils shall

a propose priority projects and
development programs for the
of their village units

b Propose Implementation strategies
and methods for the projects and
and programs in the village units

c Propose monitoring and
and evaluation mechanisms
for the proposed projects and

programs

- d Assess and report status of implementation of existing projects programs and service delivery in the village units

(2) To conduct his or her function and discharge his or her role under this Part, the Executive Member shall, pursuant to Article 6 of the Constitution, consult with National authorities and institutions in the County and establish structures and mechanisms for collaboration

PART 4: PROCEDURE FOR APPOINTMENT TO THE VILLAGE COUNCIL

12 (1) The Executive Member shall keep a record of women organizations, youth organizations, organizations of persons with disabilities, religious organizations and development partners operating in every village unit in the County

13 (1) Not later than 3 months before the expiry of the term of a village elder, the Executive Member shall send a notice to the village Administrator requiring the Administrator to

- a send a notice to the village entities contemplated under Section 17(2), through a transparent and competitive process, to each shortlist a maximum of 3 candidates of every vacant village Elder position
- b Ensure that, in compiling the short list, village entities observe the principles of gender balance and inclusivity

(2) On receipt of the notice, the village entities shall publicize the contents of the notice in (1) and invite applications in respect thereof

(3) Each village entity shall, in a transparent and competitive process, short

Educational requirement	list 3 candidates, taking into account gender, age and disabilities, and submit their names to the village administrator together with evidence of publication of the notice under Regulation 13
Nomination by the Executive Member	<p>14 No person shall be shortlisted for appointment nor appointed as a village Elder unless that person has the equivalent of at least 7 years of basic education under the Kenya National Qualification Framework <i>Primary level of Education -</i></p>
Appointment of elders	<p>15 in accordance with Section 17 (2) of the Act, on receipt of the shortlist under Regulation 13(3), the village administrator shall send the entire shortlist to the Executive Member to nominate one person out of the list for appointment by the village administrator</p>
	<p>16 In accordance with Section 17(2) of the Act, the Village Administrator shall, after taking into account the principles of gender balance and inclusivity, ethnic and religious inclusivity, gender balance, interests of persons with disabilities and age appoint as an Elder the person nominated by the Executive Member and, 4 other persons</p>
Meetings	<p>PART 5 CONDUCT OF BUSINESS AND AFFAIRS OF THE VILLAGE COUNCIL</p>
Record of the minutes of the	<p>17(1) The Village Council shall meet at least once every month provided that, where the Council by a unanimous resolution requests that the village council meets more than once in a month, Executive Member may give written authority for a village Council to meet other than as is provided herein</p> <p>(2) The meeting of the village council shall be convened by the Village Administrator who shall chair the meeting unless the Village Administrator shall have, in writing, authorized an Elder to chair the meeting in his absence</p> <p>(3) At least 7 days notice shall be given to every Elder in respect of a village meeting</p> <p>(4) The notice in (3) shall be accompanied with the agenda and minutes of the previous meeting</p> <p>(5) All meetings of the village council shall be open to the public but a member of the public shall not take part in its deliberations</p>

<p>age council to kept</p> <p>orum</p>	<p>18(1) Minutes of the Village Council shall be recorded and kept by a secretary to be appointed by the village Council from among its members at the village Council's first meeting after appointment</p>
<p>ision of the age counsel</p>	<p>19 The quorum of the village Council shall be 4 Elders including the secretary</p>
<p>nsmission of the utes and isions of the age council to Ward ministrator</p>	<p>20 (1) The decisions of the Village Council shall be unanimous as far as is practicable</p> <p>(2) Where the Village Council is unable to reach a unanimous decision, the decision of the Council shall be by majority and the village Administrator shall not vote</p>
	<p>21 As soon as is practicable, but not later than 7 days after a meeting of the Village Council, the Village Administrator shall deliver to the Ward Administrator a full record of the minutes and resolution or decision of the Village Council with a copy to the Executive Member</p>