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CONTENT

Acts—

PAGE

The Machakos County Government Administrative Structures Act, 2015 1

**MACHAKOS COUNTY GOVERNMENT ADMINISTRATIVE
STRUCTURES ACT, 2015**

No. 10 of 2015

Date of Assent: 3rd December 2015

Date of Commencement: 20th April 2016

ARRANGEMENTS OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Object of the Act.
- 4—Guiding principles.
- 5—Access to county government services.

**PART II— ESTABLISHMENT OF ADMINISTRATIVE UNITS
AND DELINEATION OF VILLAGES**

- 6—Establishment of administrative units.
- 7—Delineation of village boundaries.
- 8—Coordination of the county administrative structure.
- 9—County administrative officers.
- 10—Qualification for appointment.
- 11—Functions of sub county Administrators.
- 12—Functions of Ward Administrator.
- 13—Functions of Village Administrator.
- 14—Powers of administrative officers.
- 15—Cooperation with national government.
- 16—Administrative offices.

PART III—COUNTY GOVERNMENT SERVICES COMMITTEES

- 17—Establishment of the County government services Committee.
- 18—Sub County Committee.
- 19—Ward Committee.

PART IV—CONDUCT AND AFFAIRS OF THE COMMITTEE

20—Meetings of the Committee.

21—Quorum.

22—Functions of the Committee.

PART V—GENERAL PROVISIONS

23—Conduct of administrative officers.

24—savings.

25—Regulations.

SCHEDULE

AN ACT of the Machakos County Assembly to give effect to section 48 of the County Governments Act; to provide for the delineation and establishment of village units in the county; to provide for the co-ordination of county government service delivery; to provide for powers and responsibilities of county administrative officers; and for connected purposes

ENACTED by the County Assembly of Machakos as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Machakos County Government Administrative Structures Act, 2015.

Interpretation

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

“administrative unit” means one of the administrative units into which the County is divided;

“administrative officer” means a person appointed as such under section 8;

“Chief officer means” the chief officer responsible for matters relating to decentralized units ;

“county” means county government of Machakos;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to decentralized units;

“sub-county” means an administrative unit designated as such under this Act;

“village” means an administrative unit designated as such under this Act; and

“county administrative structure” means the administrative units collectively as may be designated from time to time.

Object of the Act

3. The object of this Act is to—

- (a) give effect to Part VI of the County Governments Act;
- (b) provide for the establishment of county administrative structure;
- (c) co-ordinate service delivery by the county government;
- (d) provide for powers, functions, and responsibilities of administrative officers;
- (e) coordinate the provision of county government services in all parts of the county; and
- (f) provide mechanisms for cooperation between the county government and national government.

Guiding principles

4. In fulfilling its mandate, the county administration shall act in accordance with the national values and principles of governance set out in Article 10, 189, 201(d) and 232 of the constitution.

Access to County government services

5. The county government shall ensure reasonable access to its services in all parts of the county so far as it is appropriate to do so having regard to the nature of the service.

**PART II— ESTABLISHMENT OF ADMINISTRATIVE UNITS
AND DELINEATION OF VILLAGES****Establishment of administrative units**

6. (1) The county shall be divided into administrative units on the

(2) For the avoidance of doubt, the administrative units shall be—

- (a) sub counties;
- (b) wards; and
- (c) villages.

(2) For purposes of sections 52 and 53 of the County Governments Act, the county shall be divided into the villages specified in the Schedule. No. 1 of 2013.

(3) Until the delineation of village boundaries as contemplated under section 6 is finalized, the administrative units known as sub locations under the National Government Coordination Act shall be the villages for purposes of this Act.

Delineation of village boundaries

7. (1) The boundaries of every village unit shall be such that the number of inhabitants is, as nearly as possible equal to the other villages but the number may vary to take into account—

- (a) geographical features and urban centres;
 - (b) population density and demographic trends;
 - (c) cost of administration;
 - (d) physical and human infrastructure;
 - (e) the views of the affected communities;
 - (f) community of interest, historical, economic and cultural ties; and
 - (g) means of communication.
- (2) Any review of boundaries shall accord with and respect the system of devolved government established under the Constitution.

Coordination of the county administrative structure

8. (1) An administrative unit shall be administered in the manner provided under Part VI of the County Governments Act.

(2) Pursuant to the provisions of the Constitution, the national government and county government shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.

County administrative officers

No. 17 of 2012

9. (1) The administrative units established under section 6 shall be headed by for every—

- (a) sub county a sub county administrator;
- (b) ward a ward administrator; and

(c) village , a village administrator

(2) For every village there shall be a village council established in accordance with section 53 of the County Governments Act.

Qualifications for appointment

10. (1) A person is qualified for a appointment as a sub county administrator if that person—

- (a) Is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has knowledge and expertise of at least five years in matters relating to—
 - (i) public administration;
 - (ii) gender and social development
 - (iii) economics;
 - (iv) human rights
 - (v) management; or
 - (vi) social sciences; and

(d) meets the requirements of chapter six of the constitution

(2) A person shall be qualified for appointment as a ward or village administrator if that person—

- (a) is a citizen of Kenya residing in the respective area of appointment;
- (b) holds at least a diploma in a relevant field or its equivalent; and
- (c) has no criminal record.

Functions of sub county administrator

11. (1) In addition to the function set in the County Governments Act, the sub county administrator shall be responsible for—

- (a) coordinating the delivery of county government services;
- (b) collaborating with national government in the facilitation and maintenance of law and order;
- (c) developmental activities to empower the community;
- (d) faciatiating public consultation in policy formulation and other initiatives including promotion of nationhood;

2015

Machakos County Administrative Structures

- (e) performing any other function as may be directed by the county executive committee member which is not inconsistent with the constitution or any other law; and
 - (f) co-ordinating disaster management and emergency response.
- (2) In carrying out the functions and obligations in sub section (1), the sub county administrator shall be responsible to the relevant chief officer.

Functions of a ward administrator

12. The Ward administrator shall coordinate, manage and supervise the general administrative functions in the Ward unit, including—

- (a) coordinate the delivery of county government services;
- (b) the development of policies and plans;
- (c) developmental activities to empower the community;
- (d) the provision and maintenance of infrastructure and facilities of public services;
- (e) the county public service;
- (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and
- (g) coordination and facilitation of citizen participation in the development of policies and plans and delivery of services.

(2) In carrying out the functions and obligations in subsection (1), the Ward administrator shall be responsible to the sub-county administrator

Functions of the village administrator

13. A village administrator shall—

- (a) be the chairperson of the village council;
- (b) coordinate, manage and supervise the general administrative functions in the village including—
 - (i) ensuring and coordinating the participation of the village unit in governance;
 - (ii) assisting the village unit to develop the administrative capacity for the effective exercise of the functions; and
 - (iii) powers and participation in governance at the local level.

- (c) exercise of any functions and powers delegated by the County Public Service Board under section 86 of the County Governments Act, No. 17 of 2012.
- (2) 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.
- (3) A person shall be eligible for appointment as a village elder if the person—
 - (a) is a citizen of Kenya;
 - (b) 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;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) is not disqualified for appointment to office by this Act or any other law.
- (4) A village elder shall be paid such allowance as shall be determined by the county assembly.

Powers of administrative officers

14. (1) An administrative officer shall have all the necessary powers for the execution of the functions under this Act, the County Government Act and any other written law.

(2) Without prejudice to the generality of subsection (1), an administrative officer shall have the power to—

- (a) undertake any specific measures on behalf of any government agency;

- (b) initiate measures aimed at assisting government agencies to achieve their goals at the lowest levels;
- (c) educate the public and create awareness on government policies;
- (d) promote peace and co-existence among the residents; and
- (e) conduct mediation, conciliation and negotiations whenever necessary.

(3) In the performance of their duties and exercise of their powers under this Act, an administrative officer may issue orders to be obeyed by the persons residing or being within the local limits of the location of the administrative units for any of the following purposes—

- (a) maintenance of the rule of law and order in the area in respect of which the officer is appointed;
- (a) mobilization of county government agency in the performance of its functions within the area.
- (b) environmental protection including regulating the cutting of timber and prohibiting the wasteful destruction of trees;
- (c) prevention of drug abuse;
- (d) pollution control including pollution of water in any stream, watercourse or water-hole, and preventing the obstruction of any stream or watercourse;
- (e) disease control including preventing the spread of disease, whether of human beings or animals;
- (f) prohibiting any act or thing which may cause damage to any public road or to any work constructed or maintained for the benefit of the community;
- (g) requiring the proper burial of deceased persons in cemeteries or otherwise; and
- (h) any other lawful purpose.

(4) Any person who, without lawful excuse, disobeys or fails to comply with any lawful order issued or given by an administrative officer under this Act commits an offence and is liable to a fine not exceeding fifty thousand shillings and in default of payment, to extra mural penal employment for a period not exceeding fourteen days.

Cooperation with national government

15. A county administrative officers shall—

- (a) perform their functions and exercise their powers, in a manner that respects the functional and institutional integrity of the devolved government;
- (b) respect the constitutional status and institutions of the national government;
- (c) assist, support, consult and where applicable, implement the legislation of the national government; and
- (d) liaise with national government for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

Administrative offices

16. (1) There shall be an administrative office in every administrative unit

(2) The County Executive Committee Member shall determine the location of administrative unit offices in the county.

PART III—COUNTY GOVERNMENT SERVICES COMMITTEE**Establishment of the County Government Services Committee**

17. There is established a Committee to be known as the County Government Services Committee comprised of—

- (a) the county executive committee member who shall be the chairperson;
- (b) the Chief officer who shall be the secretary; and
- (c) all sub county administrators.

Sub county committee

18. There is established for every sub county a committee to be known as a sub county government services Committee comprised of—

- (d) The sub county administrator who shall be the chairperson
- (e) The deputy sub county administrator who shall be the secretary; and
- (f) all the Ward administrators in the sub county.

Ward committee

19. There is established for every ward a committee to be known as the ward government services Committee comprised of—

- (a) The ward administrator who shall be the chairperson;
- (b) The village administrator of the village where the ward offices is located who shall be the secretary; and
- (c) all the village administrators in the ward.

PART IV—CONDUCT AND AFFAIRS OF THE COMMITTEES**Meeting of the Committee**

20. (1) The meetings of the committees established under PART III shall be convened by the Secretary in consultation with the respective Chairpersons.

- (2) Each Committee shall have at least one meeting every month.
- (3) A meeting of a Committees shall be presided over by the respective chairpersons or in the absence of the chairperson by a member chosen for that purpose.

Quorum

20. The quorum for meetings of Committees shall be at least half of the memberships.

Functions of the Committee

- 22.** (1) The Committees shall be responsible for—
implementing county government policies within the administrative units;
- (a) coordinating government services to ensure efficiency and effectiveness;
 - (b) recommending priority development to the County government; and
 - (c) advising the county government on promoting cooperation with the county governments.
- (3) The county government services Committee may make recommendations to the executive committee member for the review of the names and boundaries of administrative units as circumstances may require.

- (4) In reviewing the boundaries of administrative units, the county government services Committee shall ensure public participation and consult the persons likely to be affected by the review.

PART V—GENERAL PROVISIONS

Conduct of administrative officers

23. (1) An administrative officer shall not—

- (a) engage in the activities of any political party or act as an agent of any such party;
- (b) publicly show support or opposition to any candidate in an election;
- (c) in the performance, functions or exercise powers of the office under this Act—
 - (i) subject any person to torture or to any other cruel, inhuman or degrading treatment;
 - (ii) enter or search any private premises without a warrant duly issued by a court; or
 - (iii) demand or solicit any donations or collections in a manner likely to suggest that such donations or collections are a pre-condition for any service; or
- (d) maintain a cell or other place of confinement of persons.

Savings

24. Subject to this Act, any person employed as a county administrative officer before the commencement of this Act shall be deemed to be a county government administrative officer appointed under this Act.

Regulations

25. The executive committee member may make regulations for the better carrying into effect of the purposes of this Act, and in particular for—

- (a) regulating the co-ordination of services for the various county departments at the county, sub county, ward and village levels;
- (b) for prescribing further duties to be performed by administrative officers;

- (c) for prescribing procedures for co-coordinating county government programmes;
- (d) cooperation and coordination of the functions of the national and county governments;
- (e) code of conduct for the administrative officers;
- (f) conduct of business and affairs of the Committee;
- (g) the description and issue uniform, accoutrements and necessities to be supplied to the administrative officers; and
- (h) generally, for the good order and management of the county administrative structure.

SCHEDULE**LIST OF VILLAGES**

MACHAKOS COUNTY ADMINISTRATIVE UNITS					
	SUB COUNTY	WARD		VILLAGES	No. of VILLAGES
1	MASINGA	1	KIVAA	Kaewa	8
				Kivaa	
				Iiani	
				Kyondoni	
				Miangueni	
				Eendei	
				Thatha	
				Kithyoko	
		2	MASINGA CENTRAL	Mukusu	8
				Katulye	
				Masinga	
				Musumaa	
				Musingini	
				Kangonde	
				Mikuyuni	
				Kikumini	
		3	EKALAKALA	Ekalakala	4
				Nzukini	
				Itundumuini	
				Ikaatini	
		4	MUTHESYA	Muthesya	4
				Kikule	
				Kathukini	
				Milaani	
		5	NDITHINI	Mananja	4
				Kasuvilo	
				Ndithini	
				Kiatinani	

2	YATTA	6	NDALANI	Ndalani	5
				Kivingoni	
				Kisiiki	
				Mavoloni	
				Kwa Ndolo	
		7	MATUU	Katulani	4
				Kaluluini	
				Matuu	
				Kakuumini	
		8	KITHIMANI	Kambi Ya Ndeke	4
				Kithendu	
				Kithimani	
				Mamba	
		9	IKOMBE	Kitheuni	6
				Makutano	
				Mathingau	
				Kyasioni	
				Ikombe	
				Kinyaata	
		10	KATANGI	Mekilingi	4
				Kyua	
				Syokisinga	
				Katangi	
3	KANGUNDO	11	KANGUNDO NORTH	Ndunduni	5
				Mbilini	
				Kikambuani	
				Kawauni	
				Kitwii	
		12	KANGUNDO CENTRAL	Maiuni	4
				Isinga	
				Muisuni	
				Matetani	
		13	KANGUNDO EAST	Miu	
				Katitu	

4	MATUNGULU			Ngumuti	7
				Iia Itune	
				Kivi	
				Kathome	
				Kavilinguni	
		14	KANGUNDO WEST	Kyevaluki	7
				Kakuyuni	
				Mbusyani	
				Kawethei	
				Mukunike	
				Kithongoni	
				Kathaana	
		15	TALA	Sengani	3
				Kyaume	
				Katine	
		16	MATUNGULU NORTH	Uamani	5
				Kiboko	
				Kayata	
				Kyanzavi	
				Kwakumbu	
		17	MATUNGULU EAST	Katheka	6
				Matheini	
				Kingoti	
				Kambusu	
				Mwatati	
				Muthwani	
		18	MATUNGULU WEST	Koma	
				Kithuani	
				Nguluni	
				Kwangii	
				Kithimani	
				Kalandini	
				Matuu	
				Mukengesya	

5	KATHIANI			Mbuni	11
				Katangini	
				Wendano	
		19	KYELENI	Kyeleni	5
				Kwosau	
				Kwale	
				Nzambani	
				Kituluni	
		20	MITABONI	Mitaboni	6
				Kinyau	
				Miumbuni	
				Mathunya	
				Ngjini	
				Thinu	
		21	KATHIANI CENTRAL	Kathiani	5
				Ngoleni	
				Kaiani	
				Mbee	
				Lita	
		22	UPPER KAEWA/ IVETI	Kaewa	5
				Kalunga	
				Kombu	
				Kaliluni	
				Iveti	
		23	LOWER KAEWA/KAANI	Kitunduni	5
				Kaani	
				Ithaeni	
				Kauti	
				Kithia	
6	MAVOKO	24	ATHI RIVER	Athi River North	2
				Athi River Township	
		25	KINANIE	Kinanie	
				Mathatani	

No. 10**Machakos County Administrative Structures****2015**

7	MACHAKOS TOWN			Kwa Mboo	3
		26	MUTHWANI	Muthwani	5
				Katani	
				Ngelani	
				Githunguri	
				Kamulu	
		27	SYOKIMAU/MULO LONGO	Syokimau	3
				Mulolongo	
				Sabaki	
		28	KALAMA	Kimutwa	9
				Kaathi	
				Kyanzasu	
				Kilitini	
				Nziuni	
				Kakayuni	
				Kyangala	
				Kinoi	
				Konza	
		29	MUA	Mikuyu	7
				Katelembu	
				Kyaani	
				Kitanga	
				Kyanda	
				Mua Hills	
				Katheka Kai	
		30	MUTITUNI	Nzoweni	6
				Ngelani	
				Kamuthanga	
				Kivutini	
				Nduu	
				Mutituni	
		32	MACHAKOS CENTRAL	Upper Kiandani	
				Mjini	
				Eastleigh	

8	MWALA	32	MUMBUNI NORTH	Misakwani	4
				Kasinga	3
				Mung'ala	
				Lower Kiandani	
		33	MUVUTI/KIIMA KIMWE	Muthini	7
				Mwanyani	
				Katoloni	
				Kiima-Kimwe	
				Mbilini	
				Muvuti	
				Kivandini	
		34	KOLA	Iiuni	3
				Muumandu	
				Katanga	
		35	MBIUNI	Ulaani	10
				Kwamutula	
				Etikoni	
				Kabaa	
				Nyaanyaa	
				Mumbuni	
				Makiliva	
				Mbiuni	
				Muthwani	
				Katitu	
		36	MAKUTANO/MWA LA	Kangii	
				Ngulini	
				Kyawango	
				Myanyani	
				Maweli	
				Kibau	
				Kivandani	
				Kamwala	
				Manthunthini	
				Kyamutwii	
				Kyanganga	

		Wetaa	12
37	MASII	Muusini	9
		Uuni	
		Mithini	
		Mbaani	
		Utiithini	
		Embui	
		Kavumbu	
		Kithangaini	
		Mithanga	
38	MUTHETHENI	Kalyambeu	10
		Ngamba	
		Kyawikyo	
		Kikulumi	
		Kalamba	
		Utithini	
		Nthaani	
		Kang'ethe	
		Kionyweni	
		Kyethivo	
39	WAMUNYU	Kilembwa	7
		Kaitha	
		Kambiti	
		Kyangulumi	
		Kwakala	
		Nyaani	
		Kyawango	
40	KIBAUNI	Kitile	
		Mukaa	
		Kamuthwa	
		Matulani	
		Ndithini	
		Ngungi	
		Itumbule	
		Kiundwani	

2015

Machakos County Administrative Structures

				Kilala	9
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