

SPECIAL ISSUE

Embu County Gazette Supplement No. 17 (Bills No. 11)



REPUBLIC OF KENYA

***EMBU COUNTY GAZETTE
SUPPLEMENT***

BILLS, 2015

NAIROBI, 5th June, 2015

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THE EMBU COUNTY WARD DEVELOPMENT FUND BILL, 2015

A Bill for

AN ACT of County Assembly of Embu to provide for the establishment of a Fund for promoting development in the Wards and to set up institutional framework for co-ordinating development initiatives and projects in the Wards, and for connected purposes

ENACTED by the County Assembly of Embu, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Embu County Ward Development Fund Act, 2015 and shall come into operation on the date of publication in the *Gazette*.

Interpretation

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

“County Projects Coordination Committee” means the County Projects Co-ordination Committee established under section 30.

“Board” means the Ward Development Fund Board established under section 5;

“County” means the Embu County—

“Executive Member” means the County Executive Member responsible for County Development and Planning;

“Fund” means the Ward Development Fund established under section 4;

“Governor” means the Governor of Embu County;

“Projects Management Committee” means the projects management committee provided under section 24

“Ward Committee” means the Ward Fund Development Committee established under section 16

Object and purpose of Act

3. The object and purpose of this Act is to provide for a legal framework for establishment of a Fund to promote County development at Ward level in order to—

- (a) promote economic growth and development in the County;
- (b) promote equity and equality in access to development services;
- (c) ensure rural and regional development within the County;
- (d) improve the standards of living among the residents of Embu;
- (e) promote interests of marginalized communities;
- (f) enhance provision and access to basic services such as health, education, transport and communication and water.

PART II—ESTABLISHMENT OF THE WARD DEVELOPMENT FUND

Establishment of the Fund

4. (1) There is established a Fund to be known as Ward Development Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly which amount shall not be less than ten per centum of the transfers received from the National Government in accordance with Article 202 (1) and Article 203 (2) of the Constitution;
- (b) any other funds received by the Board from any source.

(3) The Fund shall be used for meeting capital and recurrent expenditure relating to—

- (a) development projects in the Wards; and
- (b) operations of the Board and Committees established under this Act.

Establishment of the Board

5. (1) There is established a Board to be known as the Ward Development Fund Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

- (3) The Board shall consist of—
 - (a) non-executive Chairperson appointed by the governor with the approval of County Assembly;
 - (b) the Chief Officer for the time being responsible for matters related to County Planning and Development;
 - (c) the Chief Officer for the time being responsible for finance or Chief Officer responsible for County Administration where the Chief Officer responsible for finance is also responsible for County Planning and Development;
 - (d) one person from each Sub-County, qualified in matters relating to finance, accounting, administration, engineering, economics, social services, development, or law, appointed by the Executive Member through a competitive process taking into account regional, ethnic and gender balance provided that one person shall be a person with disability;
 - (e) the Chief Executive Officer who shall be an *ex officio* member and the secretary to the Board.
- (4) A person shall be qualified for appointment as Chairperson under subsection 3 (a) if the person—
 - (a) holds a degree from a recognized university;
 - (b) has knowledge and experience of at least five years in matters relating to development, public administration and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) has had a distinguished career in their respective fields.
- (5) A person shall be qualified for appointment as a member under sub section (3) (d) if the person—
 - (a) holds at least a diploma from a recognized institution of higher learning;
 - (b) has knowledge and experience of at least two years in matters relating to local development, administration, community mobilization, and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) is a resident of the County.

Conduct of business and affairs of the Board

6. (1) The conduct and regulation of the business and affairs of the Board shall be as provided in the Fourth Schedule.

(2) Except as provided in the Fourth Schedule, the Board may regulate its own procedure.

Functions of the Board

7. (1) The functions of the Board shall be to—

- (a) consider and approve project proposals submitted from each Ward;
- (b) ensure timely and efficient disbursement of funds to each Ward;
- (c) ensure efficient management of the Fund;
- (d) receive and consider annual reports and returns from each Ward;
- (e) facilitate capacity development of each Ward Committee and provide necessary support to Ward committees in discharge of their functions under this Act;
- (f) receive and address complaints and disputes and take any appropriate action;
- (g) perform any other function in furtherance of the objects of this Act or as may from time to time be assigned by the Executive Member.

(2) The Board shall before approving any project under this Act, ensure that all the project proposals are in line with the County development plans and the County budget for the respective financial year.

Chief Executive Officer

8. (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Executive Member on recommendation of the Board and recruited through a competitive process.

(2) For a person to be appointed as chief executive officer, the person must have—

- (a) a degree from a recognized University;
- (b) has knowledge and experience of at least five years in matters relating to local development, administration, community mobilization, and management or any other related field; and
- (c) meets the requirements of Chapter Six of the Constitution;

(3) The Chief Executive Officer shall be subject to the direction of the Board, be responsible for the day to day management of the affairs of the Board.

(4) The Chief Executive Officer shall serve for a term of three years on such terms and conditions as the Board may determine, may be eligible for re-appointment for a further and final term of three years.

(5) The Chief Executive Officer shall be the Administrator of the Fund.

Staff of the Board

9. The Executive Member in consultation with County Public Service Board shall ensure that the Board has the necessary staff to effectively carry out its functions.

Reporting

10. (1) The Board shall prepare and submit annual report to the Executive Member for transmission to the County executive committee.

(2) The report shall address among others-

- (a) status of funds disbursements;
- (b) status of projects' implementation;
- (c) challenges faced in the implementation of the Act, measures taken to address the challenges and proposed interventions;
- (d) contribution made through the Fund to local communities in relation to poverty reduction and improvement of standards of living;
- (e) any other matter as the Executive Member may prescribe.

PART III—FUNDS ALLOCATION AND DISBURSEMENTS

Allocation of funds

11. (1) The Executive Member, with the approval of the County Assembly, shall for each financial year allocate funds to each Ward in accordance with this Act.

(2) For the purposes of sub section (1), all Wards shall be allocated equal amounts of funds set aside for the purposes of this Act.

(3) Once funds are allocated for a particular project, they shall remain allocated for that project and may only be re-allocated for any other purpose during the financial year with the approval of the Board.

(4) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the Fund and credited to the account of the Ward from which the funds were withdrawn.

(5) Unspent funds shall be allocated to any eligible project within the respective Ward and such project may be new or ongoing at the end of the financial year.

(6) For the avoidance of doubt, a return as set out in the third schedule shall be made for the current financial year and every previous financial year on which some funds remain unspent.

Disbursement from the Fund

12. (1) Each disbursement from the Fund shall be approved by the Board.

(2) All disbursements from the Fund shall be for specific projects as submitted by the Ward Committees in accordance with this Act.

(3) The Board shall set out general conditions and requirements for release of funds, to ensure efficient and effective management of resources.

(4) The Executive Member may prescribe further requirements or conditions to be imposed by the Board in regard to disbursements of the funds.

Funds to be retained in the Fund

13. (1) All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be returned to the Fund and applied in accordance with section 11 (5) of this Act.

(2) All funds allocated to a Ward shall be cumulative and shall be carried forward from one financial year to the next, including funds returned into the accounts in accordance with section 11 (3) or funds which are not utilized for whatever reasons.

Emergency reserve

14. (1) A portion of the Fund, equivalent to five per centum (hereinafter referred to as the "Emergency Reserve") shall remain unallocated and shall be available for emergencies that may occur within the Ward.

(2) "Emergency" shall be construed to mean an urgent, unforeseen need for expenditure for which it is in the opinion of the committee that it cannot be delayed until the next financial year without harming the public interest of the Ward residents.

(2) The sum set aside under sub-section (1) shall be properly accounted for and proper books of accounts kept and returns made to the Board on how the sum has been used.

PART III—PROJECTS MANAGEMENT**Establishment of Ward Committee**

15. (1) There is established the Ward Fund Development Committee for each Ward.

(2) The Ward Committee shall consist of—

- (a) Ward Administrator as the secretary;
- (b) eight residents elected by Ward residents;

(c) one person designated by the County government as the Fund manager who shall be *ex-officio*;

(3) The eight residents referred to in sub-section (2) (b) shall be elected in accordance with the following procedure—

(a) Within forty–five days of being sworn in, each Member of County Assembly for a particular Ward in collaboration with the Ward Administrator shall convene open public meetings within the Ward;

Provided that this time limit shall not apply to the first County Assembly.

(b) The public in the Ward public meeting convened by member of County Assembly in collaboration with Ward Administrator shall elect the eight persons who are members of the Ward fund development Committee taking into account geographical, ethnic, cultural and social diversity and interests:

(c) The Ward Administrator shall be the secretary of respective public meetings.

(4) The Ward Committee members shall elect from among members stipulated under sub-section (2) (b) the Chairperson of the Committee.

(5) The County Executive Member in charge shall publish the names of the Ward Committee members in the *Gazette*.

(6) The term of office of the members of the Ward Committee shall be three years, which may be renewed for another term of two years or for the remaining term before the next general elections whichever is applicable and shall come to an end upon the appointment of a new Ward Committee after the general elections or Ward by-elections.

Provided that this time limit shall not apply to the first County Assembly.

(7) The Fund manager shall convene the first meeting of the Ward Committee within fourteen days after publishing of the names in the *Gazette*.

(8) The quorum of the Ward Committee meetings shall be one half of the members.

(9) A member of the Ward Committee may be removed from the Committee on any of the following grounds—

(a) contravention of Chapter six of the Constitution or any written law governing ethics of public officers and economic crimes;

- (b) incapacitation due to physical or mental infirmity;
- (c) absence from Committee meetings from more than three consecutive times without reasonable grounds;
- (d) inability to discharge duties.

(10) A decision to remove a member under subsection (9) shall not have effect unless supported by a resolution of at least two thirds of the members:

Provided that the member who is subject of the decision shall be granted fair hearing.

(11) A vacancy arising as a result of the removal of a member under sub-section (9) shall be filled in the same manner set out under this section.

(12) The procedure for conducting business and affairs of the Ward Committee shall be as provided in the Fourth Schedule with necessary modifications or as the Executive Member may prescribe.

Functions for Ward Committee

16. The Ward Committee shall be responsible for-

- (a) receiving and preparing project proposals and budgets;
- (b) co-ordinating projects implementation under this Act;

Technical support

17. The Executive Member in consultation with County Public Service Board shall ensure that each Ward Committee has the necessary technical support on need basis and resources to effectively carry out its functions.

Reports

18. A Ward Committee shall prepare a financial and programme report every three months in relation to projects implementation and transmit the report to the Board and the County project co-ordinating committee.

Local development meetings

19. (1) The Chairperson of the Ward Committee in collaboration with member of County Assembly for the Ward and the Ward Administrator shall, within the first year of a new County Assembly and at least once every two years thereafter, convene open public meetings within the Ward to deliberate on development matters in the Ward.

(2) The form of notices for meetings under this section shall be as prescribed.

Projects identification

20. (1) The member of County Assembly and the Ward Administrator shall mobilize and facilitate public meetings for residents of the Ward to identify priority development projects in the Ward in each year.

(2) Upon projects identification at the Village level, the Ward Administrator shall convene the Ward Projects Forum to harmonize and prioritize all projects in the Ward.

Submission of project proposals

21. The Ward Committee shall submit the list of proposed Ward based projects to the Board and County Project Co-ordinating Committee on or before 31st January in each year in order to ensure timely inclusion of the projects in the County budget for the following financial year.

Provided that this time limit shall not apply to the first County Assembly.

Submission form

22. (1) The list of projects shall be submitted on a projects submission form set out in the First Schedule and accompanied by minutes of the Ward Committee.

(2) All projects proposed for every Ward shall be listed in the Form together with the cost estimates, amounts allocated and amounts disbursed to such projects.

(3) For every project listed in the Form, there shall be attached a project description form set out in the Second Schedule.

Projects approval

23. (1) The list of projects received by the Board pursuant to section 23 shall be tabled for review at a meeting of the Board.

(2) The Board shall scrutinize and approve for funding the project proposals that are consistent with the Act within thirty days of receipt of the list.

(3) Where the Board does not approve a proposal submitted to it under this section, it shall indicate the reasons to the Ward Committee and whether the proposal may be re-submitted.

(4) The Ward Committee may re-submit to the Board a project proposal once addresses the concerns raised by the Board under subsection (3).

Types of projects

24. (1) Projects under this Act shall be public or community based in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular area and the projects shall be based on the County Integrated Development Plan.

(2) Any funding under this Act shall be for a distinct programme, complete project or a defined phase of a project and may include the acquisition of land and buildings.

(3) All projects shall be projects as defined under this Act and may include costs related to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility.

(4) Funds provided under this Act shall not be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities.

(5) Notwithstanding the provisions of subsection (4), the Ward Committee may identify a religious body or organization as an appropriate specialized agency for purposes of section 14 with regard to emergency support or for implementing a specified project for the sole benefit of the community.

(6) A Ward Committee office project shall be considered as a development project for purposes of the Act and may include appropriate furniture and equipment for the office.

(7) Notwithstanding the provisions of subsection (3), up to a maximum of five per centum of the total annual allocation for the Ward may be used for administration, recurrent expenses of vehicles, equipment and machinery and such use shall be listed in the First Schedule as a project.

(8) Projects may include the acquisition of vehicles, machinery and other equipment for the Ward.

(9) Monitoring and evaluation of on going projects and capacity building of various operatives may be considered as a development project provided that not more than three per centum shall be allocated for this purpose.

(10) Environmental activities may be considered as development projects for purposes of this Act provided that the allocation to such

activities does not exceed two per centum of the total allocation of the Ward in that financial year.

(11) Each of the projects shall be listed on the First Schedule including the emergency item under section 14 and, where applicable, the activities under sub-sections (6), (7), (8), (9), (10) of this section.

Number of projects

25. (1) The number of projects to be included in the Ward Projects Submission Form specified in the First Schedule shall be a minimum of three and a maximum of ten for each Ward in each financial year.

(2) Wards with unspent funds at the end of the financial year shall submit new proposals to the Board for approval in accordance with section 11 (5) of this Act.

(3) Project activities of a similar nature in a particular Ward may be combined and considered as one project for purposes of subsection (1) provided that the sub projects are listed as provided in the Second Schedule.

(4) Wards may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the Board and Ward Committee of each of the participating Wards and shall be reflected on the projects listed for each of the participating Wards.

(5) Where Wards have joint projects, the County Projects Coordinating Committee shall co-ordinate such projects.

Projects identification

26. A Project funded under this Act shall be identified as prescribed.

County Projects Co-ordination Committee

27. (1) There is established in the County the County Projects Co-ordinating Committee.

(2) The County Projects Coordinating Committee shall consist of—

- (a) the Chief Officer responsible for Planning and Development or his designate who shall be the Chairperson;
- (b) the Chairpersons of Ward Committees;
- (c) the Chief Executive Officer of the Board;

(3) All departmental heads in the County government under whose docket the various projects fall may attend County Projects Coordinating Committee meetings as *ex-officio* members, at the invitation of the County Projects Co-ordinating Committee.

(4) The County Projects Coordinating Committee shall meet at least once in three months.

Functions of County Projects Coordinating Committee

28. (1) The County Projects Coordinating Committee shall be responsible for—

- (a) co-ordinating implementation of projects under this Act;
- (b) advising Ward Committees effective project implementation strategies and processes.
- (c) Monitoring and evaluating project implementation

(2) The quorum of the County Projects Coordinating Committee shall be one half of the members.

Secretariat Services

29. (1) The County planning unit established under the County Governments Act No. 17 of 2012 shall provide secretariat services to the County Projects Coordinating Committee.

Duplication of projects

30. The County Projects Co-ordinating Committee shall ensure that no duplication of projects occur particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several Wards in the County.

Cost estimates to be realistic

31. The Ward Committee may make appropriate consultations with the relevant County and National Government departments to ensure that cost estimates for the projects are as realistic as possible.

Personal award excluded

32. A project or any part thereof which involve personal awards to any person in cash or in kind, shall be excluded from the list of projects submitted under this Act.

Counter-part funding

33. For the purposes of this Act, the Board may consider part funding of a project financed from sources other than the Fund—

- (a) so long as the other financiers or donors of that project have no objection; and
- (b) provided that the part funding for the project availed pursuant to this Act shall go to a defined unit or any part thereof or phase of

the project in order to ensure that the particular portion defined in the allocation is completed with the funds allocated under this Act.

Procurement of services and works

No. 3 of 2005

34. All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Disposals Act, 2005.

Community Initiatives to be eligible

35. (1) Projects initiated by a community shall be eligible for support under this Act provided that such projects shall be submitted with the other projects in conformity with the requirements of this Act.

PART IV—FINANCIAL PROVISIONS

Fund administration

36. (1) The Chief Executive Officer shall be the Administrator of the Fund.

(2) The Chief Executive Officer shall—

- (a) prepare accounts for the Fund for each financial year;
- (b) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;
- (c) open and maintain a bank account of the Fund in a commercial bank approved by the County Executive Committee Member for Finance;
- (d) prepare, sign and transmit through the Executive Member for finance to the Auditor-General in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2003 and in such details as the Executive Member for finance may from time to time direct;
- (e) ensure that the accounts for the Fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time;
- (f) present the financial statements to the County Assembly; and

(g) not later than fifteen days after the end of each quarter, submit the quarterly report containing information on financial and non-financial performance of the Fund, to the County Treasury and a copy to the Controller of Budget.

(3) A total of six per centum of the total allocation shall be set aside for the purpose of administration expenses of the fund of which;

- (i) Two per centum shall cater for the expenses of the board; and
- (ii) Four per centum shall be for the Ward Fund Development committee

(4) The expenditure for running the Board, County Projects Coordinating Committee and related purposes shall set aside at the beginning of the financial year and not more than two per centum of the total allocation to the Fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the Executive Member

(5) The sum set aside under sub-section (1) shall be properly accounted for and proper books of accounts kept and returns made to the Board, in case of the Ward Committee and the head of County Treasury in case of the Board, on how the sum has been used.

Records of receipts and disbursements

37. The Fund manager for each Ward shall compile and maintain a record showing all receipts, disbursements and actual expenditures on a monthly basis in respect of every project under this Act and shall—

- (a) table such record at a meeting of the Ward Committee in each month; and
- (b) submit a summary of the record for the year to the Ward Committee not later than thirty days after the end of each financial year

Ward account

38. (1) For the purpose of disbursement of funds under this Act, each Ward Committee shall maintain a Ward account at any commercial bank approved by the Executive Member responsible for finance.

(2) All funds disbursed to the Ward shall be kept in the account and such an account shall be known by the name of the Ward.

(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward account and the signing instructions shall be such that there shall be at

least one signature of Fund manager and at least two signatures of two members of the Ward Committee.

(4) The Fund account manager shall hold the authority to incur expenditure of the funds at the Ward account.

(5) The Ward Committee shall ensure that any decision or resolution for payment or instruction for payment out of the Ward account is recorded in the minutes.

(6) Funds from the Ward account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 11 of the Act.

(7) All receipts, savings and accruals to the Ward account and the balances thereof at the end of each financial year shall be returned to the Board Fund Account.

(8) All unutilized funds disbursed for any project shall be returned to the Ward account at the end of financial year.

PART V—MISCELLANEOUS

Dispute resolution

39. (1) All complaints and disputes by persons arising due to the administration of this Act shall be referred to the Board.

(2) The Executive Member shall prescribe dispute resolution mechanisms.

Regulations

40. (1) The Executive Member may make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe procedures for further administration of the funds under the Act;
- (b) prescribe the forms of notices to be issued under the Act in under this Act;
- (c) prescribe the forms of identification of projects funded under the Act;
- (d) prescribe the requirements and conditions for accessing the funds

FIRST SCHEDULE

(s. 22 (1))

WARD PROJECTS SUBMISSION FORM

Ward No. Ward Name Financial year

Chairman Ward Committee Signature Date

Serial	Name of Project	Amount allocated
Total for the Financial Year		

MEMBERS

NAME	DESIGNATION	ID No.	SIGNATURE

SECOND SCHEDULE

(s. 22 (3))

WARD PROJECT DESCRIPTION FORM**Ward No:** **Ward Name** **Sub-County****Project Number****Project Title**

Sector

**Status of projects (tick one) New Extension On-going
..... Rehabilitation**

**Brief statement on project status at time of submission
.....
.....
.....**

Financial year1st July To 30th June

Original Cost estimates, in KSh. dated

Amount allocated last financial year

Person completing form: Signature

Name Position

Date

THIRD SCHEDULE

(s. 11(6))

WARD PROJECT RE-ALLOCATION FORM**Ward No: Name Financial year**

Project No.	Project Title	Amount allocated (KSh.)	Amount disbursed (KSh.)	Balance (KSh.)	Unspent to be re-allocated

Signature Date**Name Position.....****MEMBERS**

NAME	DESIGNATION	ID No.	SIGNATURE

FOURTH SCHEDULE

(s. 6)

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Tenure of office

1. The Chairperson or a member of the Board appointed under section 5 (3) (e) shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for appointment for not more than two terms.

Vacation of office

2. (1) The Chairperson or a member appointed under section 5 (3) (e) may—

- (a) at any time resign from office by notice in writing to the Executive Member;
- (b) be removed from office by the Executive Member on recommendation of the Board if the member—
 - (i) has been absent from three consecutive meetings of the Board without its permission;
 - (ii) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (iv) is otherwise unable or unfit to discharge his functions.
- (2) The Chairperson shall not be removed from office unless such removal is in accordance with sub-paragraph (1).

Meetings

3. (1) The Board shall meet not less than six and not more than eighteen times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding sub-paragraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be five members.

(5) The Chairperson shall when present, preside at every meeting of the Board but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the Person presiding shall have a casting vote.

(7) Subject to sub-paragraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Committees of the Board

4. (1) The Board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The Board shall appoint the Chairperson of a committee established under sub-paragraph (1) from amongst its members.

(3) The Board may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

Disclosure of interest

5. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the 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

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) shall cease to be a member of the Board upon direction of the Executive Member.

Contracts and instruments

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Common seal

7. (1) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The affixing of the common seal of the Board shall be authenticated by the signature of the Chairperson, the Chief Executive Officer and one member nominated by the Board and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson, the Chief Executive Officer and that member nominated by the Board.

(3) The common seal of the Board when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

(4) The provisions of this Schedule shall apply to the conduct of the business of the Ward Fund Committee but only where no specific provisions have been made in this Act, and only in so far as they do not constitute a contradiction or negation of the provisions of the Act.

MEMORANDUM OF OBJECTIVES AND REASONS

The Bill seeks to promote decentralization of development projects to the Ward level. It provides for the establishment of a Fund for promoting development in the Wards and to set up institutional framework for coordinating development initiatives and projects in the Wards.

Part 1 provides for preliminaries. Specifically, clause 3 provides for the object and purpose of the Bill such as promotion of local economic growth and development, promotion of equity and equality in accessing development services, improving standards of living as well as promoting local development.

Part 2 provides for the establishment of Wards Development Fund for promoting development at Ward level. Specifically, the Part provides for the setting apart of not less than 10% of County transfers from the National Government to the Fund. It also establishes a Board to manage the Fund and ensure equitable distribution of the Fund.

Part 3 provides funds allocation and disbursements. Specifically, it provides for the procedures of disbursements, establishment of Ward Committee as well as local development meetings that ensures that local residents directly participate in development projects. It also provides for the mechanisms of identifying projects as well as the County Projects Coordinating Committee.

Part 4 provides for financial provisions especially matters related to administration of the Fund.

Part 5 provides for miscellaneous provisions such as the power of the Executive Member to make Regulations under the Act.

The enactment of this Bill will occasion additional expenditure of public funds which shall be provided for through the estimates.

IBRAHIM SWALEH,
Member of County Assembly.