LEGAL NOTICE NO. 2

THE YOUTH AND WOMEN EMPOWERMENT FUND
REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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THE CONSTITUTION OF KENYA

THE PUBLIC FINANCE MANAGEMENT ACT

(No.18 of 2012)

IN EXERCISE of the powers conferred by section 116 (1) of Public Finance Management Act, 2012, the County Executive Member for Finance and Planning, County Government of Turkana, hereby makes the following Regulation—

THE TURKANA COUNTY YOUTH AND WOMEN EMPOWERMENT FUND MANAGEMENT AND ADMINISTRATION REGULATIONS, 2015

PART I—PRELIMINARY

Citation

1. (1) This Regulation may be cited as The Turkana County Youth and Women Empowerment Fund Regulations, 2015.

Interpretation

2. (1) In these regulations, unless the context otherwise provides—

“County Executive” means the County Executive Committee member responsible for matters related to women and youth affairs or finance;

“Fund” means the Turkana County Youth and Women Empowerment Fund;

“Department” means the department responsible for Youth and Women Affairs;

“Project” means any eligible development project as described in these regulations;

“Youth” means a male/female person who has attained the age of 18 years but has not attained the age of 35 years.

“Woman” means a female person who has attained the age of 18 years and above.

“Chief Officer” means the Chief Officer responsible for matters related to women and youth affairs.

“Committee” means the management committee responsible for the management and oversight of the implementation of the fund at the Ward and County levels.

PART II—ESTABLISHMENT OF THE FUND

Establishment of the Fund

3. There is established a Fund to be known as the Turkana County Youth and Women Empowerment Fund.

Object and Purpose of the Regulations

4. The object and purpose of this regulation is to ensure that a portion of the County budget is devoted to the youth and women for purposes of fighting poverty and improvement of their standard of living and social development.

Initial Capital and other resources of the Fund
5. (1) The initial capital of the fund shall be two hundred and twenty million shillings (1.6%) appropriated by the County Assembly in the FY 2013/2014 and FY 2014/2015 and 2.5% of the amount to be appropriated by County Assembly for FY 2015/2016 and FY 2016/2017.

(2) Other resources of the Fund shall consist of:-

(a) Any amounts that may from time to time be allocated by Government and appropriated to the fund by the County Assembly;

(b) All other sums of money that may in any manner become payable to or vested in the Fund including gifts, grants, wills and donations.

PART III- FUND MANAGEMENT AND ADMINISTRATION

Administration of the Fund

6. (1) The County Executive Committee member for finance and planning shall designate a person responsible for administration of the Fund in accordance with section 116(2) of Public Finance Management Act, 2012 with the approval of the County Assembly.

(2) The person designated in paragraph (1) may also be designated as the officer administering the youth and women Fund.

(3) The officer administering the Fund—

(a) Shall supervise and control the administration of the Fund.

(b) may impose conditions on the use of any moneys in the Fund and may also impose any reasonable restriction or other requirement concerning such use;

(c) shall cause proper books of accounts and other books and records to be kept in relation to the Fund and for all grants financed from the Fund;

(d) shall prepare, sign and transmit to the CEC Finance in respect of each financial year and within three (3) months after the end thereof, a statement of accounts relating to the Fund, prepared and signed by him or her specifying the income of the Fund and showing the expenditure incurred from the Fund, in such details as the Committee member may from time to time direct in accordance with Public Finance Management Act;

(e) shall furnish such additional information as he or she may deem to be proper and sufficient for the purpose of examination and audit by the County internal Auditor

(f) ensure compilation of proper records, returns and reports from all the Wards.

(g) perform any other duties as the Committee may deem necessary from time to time for the proper management of the Fund;

(h) Carry out capacity building of the Fund’s beneficiaries

(i) Facilitate the operations of the Ward youth and Women empowerment fund management committee

(j) Prepare the overall performance report of the fund to be sent to CEC Finance, the County Executive Committee and the County Assembly

(4) An accurate record of all disbursements made for projects shall be kept and updated by the Monitoring and Evaluation unit with the assistance of Department of Economic planning and Monitoring of the County
(5) The Officer appointed into this position must satisfy the requirements of Chapter Six of the Constitution of Kenya

Establishment of County Youth and Women Empowerment Fund Management Committee

7. (1) There is established a County Youth and Women Empowerment Fund management committee that will consist of 7 members.

(2) The county Youth and Women Fund Management committee shall consist of—

(a) A non-executive chairperson - not being a public officer - appointed by the CEC Education, Human Resource Development, Culture and Social Services with relevant technical expertise with the approval of the County Assembly.

(b) The chief officer for finance or alternate;

(c) The chief officer responsible for Education, Human Resource Development, Culture and Social Services

(d) Three (3) members from the public representing PWDs, Youth and Women shall be nominated by the CEC Education and approved by the County Assembly

(e) Administrator of the fund designated by the CEC Finance and Planning as the secretary

Removal of County Management Committee Members

8. The Members of the County Youth and Women Empowerment Fund shall be removed from office on any of the following grounds—

(a) Incompetence;

(b) Abuse of office;

(c) Gross misconduct;

(d) Failure to attend without reasonable excuse to attend three consecutive meetings;

(e) Physical or mental incapacity rendering the committee member incapable of performing his or duties;

(f) Adjudged bankrupt; or

(g) Expiry of term

Functions of the County Youth and Women Empowerment Fund Management Committee

9. (1) The functions of the Committee appointed under these regulations shall be to—

(a) Provide overall management and supervision of the operations of the Fund;

(b) Ensure that there is timely and efficient disbursement of funds to youth and women groups by the County Government entities;

(c) Manage public awareness of the Fund;

(d) Receive and address complaints and disputes and take any appropriate actions;

(e) Consider project proposals submitted by ward Youth and Women Fund Management Committee for funding so long as they are consistent with these
regulations and send them to the relevant County Government entity for action;

(f) receive reports, annual work plans and cash flow projections from the Fund Administrator and Ward Youth and Women Fund Management Committee and deliberate on the performance of the Fund;

(g) explore opportunities for business development areas that groups could participate in;

(h) manage the twinning and mentoring of groups with more experienced enterprises;

(2) The county Youth and women Empowerment Fund management Committee will be holding meetings quarterly or as often as the situation demands.

(3) The quorum of the committee shall be four members for all sittings.

County Champion and Patron

10. (1) The Governor shall be the County Champion and Overall Patron of the Fund and shall provide overall policy direction and enhance the Fund’s prestige and profile.

(2) In furtherance to paragraph one, the governor shall—

(a) receive the annual report of the performance of the Fund and review the implementation progress;

(b) set the overall agenda for the Fund, by ensuring commitment at the highest level of governance; and

(c) Recognize the Fund’s success stories of various groups through an annual awards ceremony.

Responsibilities of the County Executive Committee Member

11. (1) The County Executive Member responsible for Education, Social Services and Culture shall facilitate and oversee the operations of County Youth and Women Empowerment Fund Management Committee in the implementation of the Fund and in particular shall—

(a) develop policy measures relating to the Fund in accordance with the policy direction provided by the relevant County Government entity;

(b) give guidelines on the fund allocation formula for distribution to the wards;

(c) through Ward Youth and Women Empowerment Fund management Committee, liaise with local business and corporate enterprises and encourage peer mentoring engagements for all Fund recipient groups.

Establishment of Ward Youth and Women Empowerment Fund Management Committee

12. (1) There shall be an 7 member Ward Youth and Women Empowerment Fund Management Committee in every Ward in the County

(2) The membership of the Ward Youth and Women Empowerment Fund Management Committee shall include—

(a) the Ward administrator or his/her designate who shall be the Secretary;

(b) One person representing minority;
(c) one person appointed by the CEC Education, Human Resource Development, Culture and Social Services;

(d) two youth representatives appointed by the CEC Education, Human Resource Development, Culture and Social Services;

(e) one woman representative appointed by the CEC Education, Human Resource Development, Culture and Social Services; and

(f) one person representing PWDs appointed by the CEC Education, Human Resource Development, Culture and Social Services.

(3) The chairperson shall be elected from among the members in the first meeting.

Removal of Ward Youth and Women Management Committee Members

13. The Members of the Ward Youth and Women Empowerment Fund shall be removed from office on any of the following grounds—

(a) incompetence;

(b) abuse of office;

(c) gross misconduct;

(d) failure to attend without reasonable excuse to attend three consecutive meetings;

(e) physical or mental incapacity rendering the committee member incapable of performing his or duties;

(f) adjudged bankrupt; or

(g) expiry of term.

Functions of the Ward Youth and Women Empowerment Fund Management Committee

14. (1) The functions of the Ward Youth and Women Fund Management Committee shall include the following roles and responsibilities—

(a) identify the targeted groups within the ward using guidelines provided by the Executive Committee Member for Education, Human Resource Development, Culture and Social Services.

(b) receive applications from the groups wishing to be financed;

(c) evaluate applications based on the guidelines for evaluation of applications (Eligibility criteria);

(d) make a decision on the groups that benefit from the Fund (Allocate Funds to Groups);

(e) recommend disbursement of funds to qualified target groups to the County youth and Women Empowerment Fund management committee;

(f) undertake monitoring of the activities including making official impromptu visits to the beneficiary groups;

(g) manage disbursement and oversee the implementation of the Fund at the ward level;
(h) compile, update and forward progress reports to the county youth and women empowerment fund management committee on quarterly basis or as need arises.

(4) The committee will meet monthly to deliberate on applications and other matters relating to the Fund.

(5) The quorum of the committee shall be four members for all sittings.

Terms of Service for Ward and County Youth and Women Empowerment Fund Management Committee

15. The Fund Management Committee and other officers appointed to serve in the fund shall serve for a term of two (2) years after which the Fund’s mandate shall have expired.

Fund allocation

16. The Fund budget allocation shall be divided equally among all the thirty wards in Turkana County.

Application format

17. (1) All groups wishing to receive funds (money) from the Fund will fill an application form prescribed in first schedule to these regulations.

(2) An application for the funds shall be accompanied by—

(a) Minutes of the group’s last meeting requesting for funds
(b) a signed membership list for each youth or women group
(c) bank statement or bank opening slip;
(d) duly filled application form.
(e) A brief proposal on the needs of the group and budget guidelines on how funds and profits shall be revolved among members
(f) A copy of certificate of registration of the group from registrar of societies

Eligibility Criteria for Applicants

18. (1) Applicants shall qualify for the funds approval if the group —

(a) is registered with the department of social services and Registrar of societies and cooperatives;
(b) has members aged between eighteen and thirty five years for youth, whereas the women groups shall be made up of women aged eighteen years and above;
(c) has been in existence for at least three months;
(d) is based and operating within the ward it seeks to make an application for consideration;
(e) holds a bank account in the name of the group in a reputable bank or financial institution within the County; and
(f) is recommended by the Ward Youth and Women Empowerment Fund Management Committee.
(2) Funds under these regulations shall not be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities, or Harambees or settling group debts.

(3) Project proposal which involves personal awards to any person in cash or in kind shall be rejected by the County Youth and Women Empowerment Fund management committee.

(4) Women and Youth groups should conduct economically viable business ventures.

(5) Priority shall be given to groups that have yet to benefit from other financial schemes from the County government or National government.

Operational Costs and Capacity Building of the Fund

19. (1) The expenditure for operational costs and capacity building of the County and Ward committees shall initially be 5% of the total allocation of the Fund.

(2) Upon coming into effect of the Fund, a program of capacity building for target beneficiaries will be undertaken before disbursement of the funds.

(3) The capacity building program will focus on table banking, entrepreneurship, procurement and group dynamics.

(4) The County Government entity responsible for Education, Culture and Human Development shall engage the services of reliable consultants or relevant County departments for capacity building and training of groups.

(5) The County Government entity responsible for Education, Human Development, Culture and Social Services shall conduct continuous capacity building for the Ward and County Youth and Women Fund Management Committees.

(6) The CEC Education, Human Development, Culture and social services shall forward sitting allowances proposals for Ward & County Funds Management Committee to the County Assembly for approval.

Monitoring and Evaluation

20. (1) The Ward Youth and Women Empowerment Fund Management Committee and County Youth and women Empowerment Fund Management Committee shall compile project reports on a quarterly basis and submit them to the County Executive, County Assembly and any another oversight institution through the Executive Committee member responsible for Education, Human development, Culture and Social Services.

(2) To ascertain transparency in the use of funds, effective and efficient implementation of the program, the Management Committee will carry out Project Monitoring and Evaluation using the existing committees at the county and ward levels. These committees will develop Monitoring and Evaluation tools for the program.

(3) If and when monitoring and evaluation reports of the two management committees finds embezzlement or misappropriation of group funds, the group shall no longer benefit from the fund.

(4) Monitoring will be done by the 15th day of the last month of the Quarter.

(5) There shall be an annual evaluation of the fund by the County Monitoring and Evaluation team.
Sustainability of the Empowerment Fund

21. (1) Women and Youth groups who will receive the funds will be required, during internal administration of their funds, to prioritize a member with a need to start up a business rather than one requiring a top up, in order to ensure that all members benefit from the fund.

(2) Women and Youth groups will vet the internal applications for revolving funds amongst members for viability before approval of disbursements and the group members will also monitor the implementation of internal projects and support members' projects.

(3) Women and Youth groups will charge internal monthly subscriptions on funds internally disbursed as well as administrative charges so as to build the groups revolving fund and provide a source of revenue for the fund.

(4) Women and Youth groups with evidence of business enterprises and/or contracts to provide goods or services to Turkana County or County government entity will receive consideration for additional financing through the Fund.

Distribution of Funds

22. (1) The County Executive Committee Member for Education, Human Resource Development, Culture and Social Services shall ensure that allocation of funds to the Youth and Women is equally distributed to all Wards in the county in each financial year.

(2) The Ward and County Funds Management committees shall accomplish relevant documentation and beneficiary groups' identification by end of every financial year.

Funds Disbursement Process

23. (1) The Ward Youth and Women Empowerment Fund Management Committee shall recommend the approved applications to the County Youth and Women Empowerment Fund management committee and upon receipt of the approved applications, the County Youth and Women Empowerment management committee shall make a determination within fourteen days and if approved by the County assembly, it shall forward them to relevant County entity for disbursement of funds.

(2) All disbursement for groups shall be done by the second quarter of every financial year.

(3) The process of disbursement of funds shall be as follows—

(a) The Ward Youth and Women empowerment Fund forwards its recommended lists to the County Youth and Women Empowerment Fund

(b) The County Youth and Women Empowerment Fund scrutinizes all recommendations from the Ward Youth and Women Fund Management Committee

(c) The County Youth and Women Empowerment Fund management committee compiles a list of recommended beneficiaries groups and forwards this to the County Assembly through CEC Education, Human Resource Development, Culture and Social Services

(d) The County Assembly deliberates and approves recommendations by County Youth and Women Empowerment Fund Management Committee
(c) The County Youth and Women Fund Management through County Executive Committee Member for Education, Human Resource Development, Culture and Social Services forwards the approved lists to CEC Finance for transfer of funds to the County Youth and Women Empowerment Fund Account for disbursement by the County Fund management Committee.

(f) The County Youth and Women Empowerment Fund Management copies the approved list to the respective Ward Youth and Women Empowerment Fund Management Committees.

(g) If the County Assembly does not approve the recommendations by the County Youth and Women Empowerment Fund Management Committee, it serves it(County Youth and Women Fund Management) with a copy of the amendments to the recommendations.

(h) The County Youth and Women Empowerment Fund Management upon receipt of Assembly amendments, updates its recommendations before forwarding to the County Assembly for final approval.

Dispute Resolution

24. (1) All disputes arising due to the administration of these regulations at Ward level shall be heard and determined by the Ward Youth and Women Empowerment Fund Management Committee.

(2) All complaints and disputes arising due to the administration of these regulations at the County level shall be determined by County Youth and Women Empowerment Fund Management Committee.

(3) All cases which are deemed difficult to be determined by the County Youth and Women Empowerment Fund Management Committee shall be referred to the County Assembly for a resolution. (4) If the county Assembly finds it hard to make a resolution in three (3) above over the matter, it may recommend the case to be heard and determined by court of law. Such cases as may be referred to court may include to embezzlement of the funds by senior County Government officials, gross violation of these regulations or the Constitution of Kenya.

Proper books of Accounts

25. (1) The officer administering the Fund shall be responsible for maintenance of proper books of accounts and the preparation of annual financial statements which shall include but not limited to the following —

(a) income and expenditure account;
(b) statement of financial position;
(c) statement of cash flows.

(2) The officer administering the Fund shall 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.
(3) The officer administering the Fund shall cause to be prepared quarterly returns to be submitted to County Executive Member for finance and the Committee on or before the tenth day after the end of the quarter.

(4) The Fund’s books of accounting shall be kept according to best practices as enshrined in the Public Finance Management Act of 2014 Article 167

Audit of books of account and financial statements

26. The annual financial statements of the Fund shall be subject to audit by the Auditor-General.

Supplementary terms

27. (1) These Regulations shall be supplemented by such terms as may, from time to time, be detailed in the application form supplied by the Committee and in consultation with the relevant County entity.

(2) Subject to these Regulations, the County Youth and Women Empowerment management Committee shall issue guidelines on—

(a) the criteria for approving and disbursing funds to groups; and

(b) such other matters as may be necessary for the proper management and administration of the Fund.

Power to amend Regulations

28. (1) The County Executive Committee member for finance may, with the approval of the County Assembly, amend these regulations generally for the proper carrying out of the purposes and provisions of these regulations and in particular, may make provisions—

(a) providing for the administration, management and investment of the resources of the fund;

(b) requiring a group to which the funds are granted under these Regulations to furnish such information as may from time to time be required by the Ward and County Youth and Women Empowerment Fund Management Committees;

(c) prescribing the basis on which a grant may be obtained;

(d) prescribing anything which may be or is required to be prescribed under this regulation.

Dissolution of the Fund

29. In the event of dissolving the Fund, the cash balances shall be transferred to the County Government Revenue Account while other assets shall be transferred to the department responsible for matters relating to Women and Youth affairs.

Revocation of Legal Notice No. 30 of 2014

30. The Turkana County Youth and Women Empowerment Fund Regulations, 2014, are hereby revoked.

Dated the 23rd October, 2015.

PAUL NABUIN,

CEC Member, Finance and Planning.
FIRST SCHEDULE (r 17)
TURKANA COUNTY GOVERNMENT
YOUTH AND WOMEN EMPOWERMENT FUND APPLICATION FORM
This form is to be completed in duplicate (original to be sent to the ward Youth and Women Empowerment Committee, and copy kept by the group).

GROUP DATA
Group name........................................ P.O BOX.........................................................
Date of Registration...................................... Reg. No/serial No........................................
Bank....................................... Branch.............. Bank A/C No........................................

(i) LOCATION OF BUSINESS
Village..................................................
Nearest church/primary school to the business..................................................
Name of Village Administrator......................... Ward.............. Tel............. I certify that I know the members of the group and that they are of good conduct to access public funds.
Signature............................................. Official Rubber Stamp..................... Date........................................
(Mandatory)

(ii) LOCATION OF THE GROUP
Sub-county............................................. Ward..............................
Name of Ward Administrator..................................... Tel No..................
I certify that I know the members of the group and that they are of good conduct to access public funds.
Signature............................................. Official stamp..................... Date........................................
(Mandatory)

MEMBERSHIP PROFILE.

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<th>Gender</th>
<th>No. of members</th>
<th>Members with disability</th>
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5. BRIEF BACKGROUND OF THE GROUP.
(i) Purpose/objective (e.g.) improve Economic well-being of members.................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

(ii) Key activities.....................................................................................................................
........................................................................................................................................
........................................................................................................................................
(iii) Achievements

(v) Challenges

6. AMOUNT OF FUNDS APPLIED FOR

Funds applied for KSh

7. STATE THE TYPE OF PROPOSED BUSINESS. Is it a start-up or expansion?

a). Business type (Tick)

(i). Start up (New) (ii) Expansion

b). Does the group have a joint/common business?

YES NO

(c). If NO, state whether you want to start one jointly or each individual will own his or her own.

8. BUSINESS INDIVIDUAL MEMBER PROPOSES TO UNDERTAKE. Complete the table below.

<table>
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<tr>
<th>S/no</th>
<th>Name</th>
<th>ID No.</th>
<th>Nature of Business</th>
<th>Mobile No.</th>
<th>Next of Kin</th>
<th>Relationship</th>
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9.0 GROUP DECLARATION

We, the undersigned, being the validity elected leaders of the group hereby commit the group individually and jointly to adhere to the terms and conditions this funds regulations. We also confirm that the above information is true and authorize the Fund to;

(i) Share information of our performance history with the Registrar of Culture and Social Services.

(ii). Confirm bank details with our bank as and when necessary.

(a) Chairperson..................ID No.............Tel No........ Signature........ Date............

(b) Secretary.....................ID No................Tel No........ Signature........ Date............

(c) Treasurer......................ID No................Tel No........ Signature........ Date............

NB: Please attach 3 current signed minutes of the group meetings that agreed to the terms and conditions of the fund.

FOR OFFICIAL USE


Reasons for recommending approval/decline...................................................................................
...................................................................................................................................................

Chairman................Tel............ID no........ Date........ Signature....................

Secretary................Tel.........ID No........Date........ Signature....................

Minute No....................Date............................................................................................

We have validated and technically assessed the proposal and we recommend as follows:

Approved: Amount KSh. ................................in words............................................................

Deferred: Reasons....................................................................................................................

Rejected: Reasons....................................................................................................................

Signed by chairman ..................................................................................................................

Witnessed by secretary..............................................................................................................

Minutes signed by all committee members sitting on date..........................................................

11. Check list of copies of documents attached

• Certified copy of registration certificate.

• Bank A/C details

• Copies of ID of all members

I, Mr/Mrs/Ms..................................Secretary of fund committee...............................Ward,
confirm that all the documents are attached and relevant information captured.