KISII COUNTY GAZETTE SUPPLEMENT

BILLs, 2015

NAIROBI, 14th August, 2015

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THE KISII COUNTY HEALTH MANAGEMENT SERVICES
FUND BILL, 2015
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THE KISII COUNTY HEALTH MANAGEMENT SERVICES FUND BILL, 2015

A Bill for

AN ACT of the County Assembly of Kisii to provide for the establishment of a Fund for the improvement of health care service delivery in health facilities; to provide for levying of user fees and other contributions to the Fund and for connected purposes

ENACTED by the County Assembly of Kisii, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kisii County Health Management Services Fund Act, 2015.

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

   “Committee” means the County Health Management Services Fund Committee established under Section 5;

   “Director for Medical Services” means the County Director of Health appointed by the County Public Service Board;

   “Financial year” means the period of twelve months ending on the 30th June each year;

   “Executive Committee Member” means County Executive Committee Member for the time being responsible for matters relating to Health;

   “exemption” means an automatic excuse from payment based on the patient meeting a certain criteria set down in circulars by the Department of Health;

   “Fund” means the County Health Management Services Fund established by section 3;

   “Health Facility” includes a County Hospital, Sub-County Hospital, Health Centre, Clinic or Dispensary;

   “Health Facility management committee” means the respective Health Facilities Committees established in section 11;

   “Officer administering the Fund” means the Accounting Officer of the Department for the time being responsible for matters relating to Health;
“Secretary” means secretary to the Committee appointed under section 9;

“user charges” means cost sharing charges paid by a patient seeking health services at a public health facility.

“waiver” means a release from payment based on financial hardship.

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE FUND

3. (1) There is established a Fund to be known as Kisii County Health Management Services Fund.

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

(a) sue and be sued;

(b) take, purchase or otherwise acquire, hold, charge or dispose of movable and immovable property; and

(c) do or perform all other things or acts that may be lawfully done or performed by a body corporate for the proper discharge of its functions under this Act.

4. The object and purposes of the Fund are—

(a) to provide financial resources for medical supplies, rehabilitation and medical equipment for health facilities in the County;

(b) support capacity building in the management of health facilities;

(c) support and empower rural communities to take charge of improving their own health facilities;

(d) to give decision making autonomy to health facilities management committees, to plan and manage the resources within their control;

(e) to provide grants for strengthening of faith based health facilities through their respective secretariats, and

(f) improve the quality of health care services in the health facilities.

5. (1) The management of the Fund shall vest in the County Health Management Services Committee which shall consist of—
(a) a chairperson appointed by the Executive Committee Member from persons who are not public officers;

(b) the Chief officer in the County department for the time being responsible for matters relating to Finance;

(c) the chief Officer in the County department for the time being responsible for matters relating to Health;

(d) the County Director of Health Services who shall be the Secretary;

(e) three persons appointed by the Executive Committee Member, representing both gender of whom two shall be women and one of whom shall be appointed by virtue of his or her knowledge or experience in financial management, and one other shall be appointed by virtue of his or her experience in health care delivery management, and

(f) the Chief Executive Officer of Kisii teaching and Referral Hospital or his or her representative appointed in writing.

(2) The chairperson and the members referred to under paragraph (1) (e) shall hold office for a period of three years and shall be eligible for re-appointment for a further term of three years.

(3) A person shall not be appointed as chairperson under sub-section (1) (a) unless that person:

(a) holds a degree from a university recognized in Kenya, and

(b) has at least five years' experience in financial, business or economic management.

6. (1) A member of the Committee may be removed from office for—

(a) violation of the Constitution or any other law;

(b) gross misconduct, whether in the performance of the member's functions or otherwise;

(c) physical or mental incapacity to perform the functions of office; or
(d) incompetence or neglect of duty.

(2) The Executive Committee Member may, upon the recommendation of the Committee terminate the appointment of a member of the Committee on any of the grounds specified under paragraph (1).

(3) The office of a member of the Committee, shall fall vacant if the member—

(a) resigns in writing addressed to the Executive Committee Member through the Secretary;

(b) is adjudged bankrupt by a competent court of law;

(c) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months, or if the offence directly or adversely downgrade his or her status as a member of the Committee;

(d) is absent from three consecutive meetings of the Committee without a reasonable excuse; or

(e) dies.

(5) Before a member is removed from office under subsection (1), the member shall be given an opportunity to defend himself or herself against any of the allegations.

(6) Where the office of Chairperson or member becomes vacant under subsection (3), the Secretary shall forthwith notify the vacancy to the appointing authority for appropriate action.

7. The functions of the Committee shall be to—

(a) approve budgets, programmes and plans of all the health facilities in the county;

(b) prepare the Fund's annual budget and plan;

(c) propose variations to user fees to be charged;

(d) to formulate policies for exemptions and waiver of any charge or fees payable by a recipient of services;

(e) formulate strategies on resource mobilisation by health facilities management committees;

(f) resolve any conflicts that arise amongst health facilities whose nature is the allocation of resources, membership of the committees or joint
programmes;

(g) inspect health facilities, prepare reports and forward to the Executive Committee Member for gazettement;

(h) identify implementation challenges and seek corrective actions;

(i) make policy recommendations on cost sharing, public awareness on health and administration of the Fund through the chairman to the Executive Committee Member;

(j) determine such number of standing committees and composition of ad hoc committees required for carrying out the objectives of this Act;

(k) formulate policies for the management of the Fund;

(l) raise and solicit funds and other assistance for the Fund

(m) receive gifts, donations, grants or endowments made to the Fund and Committee;

(n) establish and maintain links with other persons, bodies or organizations within or outside Kenya, as the Committee may consider appropriate for the furtherance of the purposes for which the Fund is established; and

(o) perform and exercise all other functions and powers conferred on the Committee by this Act or any other law.

8. (1) The Committee shall meet at least four times in a year but the Chairperson—

(a) may convene a special meeting of the Committee if there is need to do so; and

(b) shall convene a special meeting upon the request, in writing, by at least four members of the Committee.

(2) The Chairperson shall preside at all the meetings of the Committee and in his or her absent the members present shall elect one of their number to preside at that meeting.
(3) All questions at a meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall, in case of equality of votes, have an original and a casting vote.

(5) The Secretary shall cause the proceedings of the meetings of the Committee to be kept and entered into the Minute-Book kept for that purpose.

(6) Subject to the provisions of this Act, the Committee shall regulate its own proceedings.

9. (1) The County Director of Health Services shall be the Secretary and the Chief Executive Officer of the Committee and as such, shall be responsible for the management of the day-to-day activities of the Committee.

(2) The Secretary shall be the head of the Secretariat and shall be responsible to the Committee in ensuring that the Secretariat satisfactorily carries out duties and performs functions assigned to it by the Committee.

(3) The Secretary shall be an ex officio member of the Committee and shall have no right to vote at the meetings of the Committee.

10. The Committee may delegate its powers and duties to any of its committees, members, officers or the Health Facilities Management Committees as it may deem necessary.

PART III—ESTABLISHMENT AND FUNCTIONS OF HEALTH FACILITIES MANAGEMENT COMMITTEES

11. (1) There is established County Hospital Management Committee, Sub-county Hospital Management Committees and the Health Centre and Dispensary Management Committees respectively for each public health facility whose composition and functions are as specified in the schedule.

(2) The Committees established under sub-section (1) shall exercise specified functions in relation to such public health facilities as may from time to time be gazette by the Executive Committee Member.

(3) The office of a member of the Committee, other than the Chairperson and the Secretary shall fall vacant —
(a) upon resignation of the member in writing addressed to the Executive Committee Member through the Secretary;

(b) if by reason of physical or mental infirmity the member is unable to execute the functions of the office;

(c) if the member is adjudged bankrupt by a competent court of law;

(d) upon conviction of a criminal offence and the member is sentenced to a term of imprisonment of not less than six months or where the offence adversely downgrade his or her status as a member of the committee;

(e) upon contravention of Chapter Six of the Constitution by the member;

(f) if the member is absent from three consecutive meetings of the Committee without a reasonable cause; or

(g) upon death.

(4) Where the office of a member becomes vacant under subsection (3) the Chairperson shall forthwith notify the vacancy to the appointing authority for replacement.

12. (1) For each health facility, the Health Facilities Management Committee shall comprise of—

(a) a chairperson, and

(b) not less than seven and not more than nine members appointed in the manner specified in the Schedule.

(2) The names of the chairpersons and members of Health Facilities Management Committees shall be gazetted by the Executive Committee Member in the County gazette before the start discharging the functions of their respective Committees.

13. The functions of the Health Facilities Management Committees shall be as respectively specified in the schedule.

14. (1) The Chairperson shall preside at all the meetings of each Committee unless he or she is absent from a particular meeting in which case the members present
shall elect one of them to preside at that particular meeting or part thereof.

(2) The Committee shall meet at least, three times in every year but the chairperson shall, upon requisition in writing by at least three members, convene a special meeting of the Committee at any time.

(3) All questions at any meeting of the Committee shall be determined by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall, in case of equality of votes, have an original and a casting vote.

(5) The proceedings of the Committees’ meetings shall be entered into the Minute-Book kept for that purpose.

(6) Subject to the provisions of this Act, each Committee shall regulate its own proceedings.

PART IV—USER FEES AND OFFICER ADMINISTERING THE FUND

15. (1) The fees payable as user charges under the cost-sharing programme shall be reviewed from time to time by the Executive Committee Member in consultation with the Committee and the County Treasury and shall be notified in the gazette before taking effect.

(2) The user charges received by the health facilities under cost-sharing are hereby except by this Act from being deposited in the County Revenue Fund in accordance with the provisions of Section 109 (1) (b) of the Public Finance Management Act.

16. The existing government financial and procurement Regulations and procedures shall apply in the administration of the Fund.

17. (1) The officer administering the Fund shall—

(a) supervise and control the administration of the Fund;

(b) in consultation with the Committee open and operate a bank account at a bank approved by the Executive Committee Member for the time being responsible for finance;

(c) develop a criteria for the allocation of funds for approval by the County Health Committee;
(d) prepare annual distribution of resources to facilities;

(e) if he or she thinks fit, in consultation with the Committee, impose conditions on the expenditure authorized by him or her or on his or her behalf and may impose any reasonable prohibition, restriction or other requirement concerning such use or expenditure;

(f) Institute prudent measures for proper utilization for monies deposited in the Fund, issue suitable internal controls and appropriate mechanisms for accountability including audit of accounts by internal auditor of the department responsible for matters relating to finance;

(g) cause to be kept books of accounts and records relating to all receipts, payments, assets, and liabilities of the Fund and or any other activities and undertakings financed by the Fund;

(h) prepare, sign and transmit to the Controller and Auditor-General in respect of each financial year and within three months after the end thereof, a statement of account relating to the Fund specifying all contributions to the Fund and the expenditure incurred from the Fund, and such details as the Treasury may from time to time direct, in accordance with the provisions of the Public Audit Act; and

(i) furnish such additional information as may be required that is proper and sufficient for the purpose of examination and audit by the Controller and Auditor-General in accordance with the provisions of the Public Audit Act.

The officer administering the Fund shall in discharging his or duties act in consultation with the Committee.

PART V—FINANCIAL PROVISIONS OF THE FUND

18. The Fund shall consist of—

(a) moneys allocated and appropriated to the Fund from the County Revenue Fund, from time to time, by the County Assembly;

(b) any grants, gifts, donations, loans or other
endowments given to the Fund;
(c) monies received as user charges;
(d) income generated from the proceeds of services rendered;
(e) moneys that may accrue to the Fund in the course of the exercise or performance of the functions of the Committee under this Act; and
(f) moneys from any other lawful source accruing to the Fund.

19. (1) There shall be paid from the Fund—

(a) money for medical supplies and equipping of health facilities in the county;
(b) money to support capacity building in the management of health facilities;
(c) money to improve the quality of health care services in the health facilities approved by the Committee;
(d) operational expenses incurred in the administration of the Fund; and
(e) monies as are necessary for the functioning and operation of the Committee under this Act.

20. (1) The Committee shall open a bank account of the Fund and such other accounts of the Committee in commercial banks decided by the Committee with the approved of the Executive Committee Member for Finance.

(2) The signatories to the bank accounts maintained under subsection (1) shall be the Fund manager, Secretary to the Committee and two other persons appointed by the Committee with the approval of the Executive Committee Member.

(3) The signing instructions shall be such that the signature of the Secretary to the Committee shall be mandatory on all payment cheques or other instrument intended for actual release of money from the fund, in addition any two of the other three signatories.

21. (1) Each health facility shall with the approved of the Executive Committee Member for Finance operate a bank account in its own name.

(2) The Executive Committee Member shall with the
approval of the Executive Committee Member for Finance designate three mandatory signatories to these bank accounts who may be—

(a) the Chief Officer in the County Treasury;
(b) the Chief Officer responsible for medical services,
(c) Director of Medical Services for the health facility.

(3) The health facility accountant shall obtain bank statements on a monthly basis and prepare bank reconciliation statements and submit the same to the Committee.

(4) Each Health Facilities Management Committee shall review and approve monthly bank reconciliation statements and shall upon approval submit the same to the County the Health Management Services Committee.

(5) The Health Facilities Management Committees shall ensure that basic books of accounts and financial records of the hospital are maintained by ensuring that—

(a) the health facility’s financial management system is up to date and conforms to the required accounting standards; and
(b) the hospital financial management system has the capacity to capture useful information and produce required reports for monitoring and management decision making.

(6) The Health Facilities Management Committee shall ensure that certified financial reports are prepared and submitted to the Committee in good time for onward transmission to the auditor.

22. The financial year of the Fund shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year.

23. (1) At least three months before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Committee and the Fund for that year.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Committee and the Fund for the relevant financial year and shall provide for—

(a) the cost of the administration and operations of the
Committee, including payment of salaries, allowances, pensions, gratuities and other charges payable to the staff and members of the Committee and

(b) the payment and reimbursement of members of the Committee of monies in respect of expenses incurred during the attendance of the meetings of the Committee.

(3) The financial estimates referred to under subsection (1) and (2) shall—

(a) differentiate between recurrent and disbursement expenditure; and

(b) itemize every activity that the Committee intends to undertake in respect of the Fund in the coming financial year under a separate vote head.

(4) The annual estimates shall be approved by the Committee before the commencement of the financial year to which they relate and shall be submitted to the Executive Committee Member for tabling in the County Assembly for its approval.

(5) No expenditure shall be incurred by the Committee except in accordance with the annual estimates approved under subsection (4).

(6) Upon the approval of the estimates by the County Assembly, all monies appropriated for purposes of the Fund and the Committee shall be paid into the relevant accounts established under section 20 and 21.

24. (1) The Committee shall, within a period of three months after the end of each financial year or within such longer period as the Executive Committee Member may approve in writing, submit to the Executive Committee Member a report of the operations of the Fund during that year.

(2) The Executive Committee Member shall lay the reports before the County Assembly, including the balance sheet and the statements of accounts, within a period of fourteen days of the receipt of the reports and statements, or, if the County Assembly is not sitting, within fourteen days of the commencement of its next sitting.

25. (1) The Committee shall cause to be kept all annual report accounts and audit.
proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) Within a period of three months after the end of each financial year, the Committee shall submit to the Auditor-General the accounts prepared under subsection (1) in respect of that year together with a statement of—

(a) the income and expenditure of the Committee and all health facilities during that year;
(b) the income and expenditure of the Fund and
(c) the assets and liabilities of the Committee on the last day of that financial year.

(3) The annual accounts referred to under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act.

PART VI—MISCELLANEOUS PROVISIONS

26. (1) The Committee may appoint such qualified officers and staff as are necessary for the proper functioning and management of the Fund and upon terms and conditions that the Committee with the approval of the Executive Committee Member may determine.

(2) A management structure of the Committee shall be developed, established and where necessary varied by the Executive Committee Member with the approval of the Governor.

27. (1) The chairperson and members of the Committee or Health Facilities Committees, other than the ex-officio members, shall be paid such allowances and other benefits as the County Executive Committee, with the approval of the County Assembly and on the advice of the Salaries and Remuneration Commission, shall determine.

(2) The ex-officio members of the Committee and Health Facilities Committees shall be paid such allowances and benefits that the County Executive Committee may on the advice of the Salaries and Remuneration Commission, determine.

28. No act, matter or thing done or omitted to be done by any member of the Committee or any of its committees, any member of staff or other person in the service of the officers and staff of the Committee.

No. 12 of 2003 Officers and Staff of the Committee.

Remuneration of members and staff.

Protection from personal liability.
Committee; or any person acting under the direction of the Committee, shall, if that act, matter or thing was done or omitted to be done in good faith in the execution of a duty or direction, render that member or person personally liable to any civil liability.

29. (1) The Executive Committee Member may, after consultation with the Committee, make regulations generally for the governance, control and administration of the Fund and effective operation of this Act and in particular for—

(a) the criteria for granting exemptions and waivers;

(b) the criteria for gazetting health facilities that are receiving monies from the Fund;

(c) the settlement of the terms and conditions of service, including the appointment, dismissal, allowances payable of the members of the Health Facilities Management Committees and County Management Committee whose offices are not those in the public service;

(d) the constitution and procedure of meetings of the Committee and the establishment, composition and terms of reference of the Health Facilities Management Committees;

(e) the removal of members from the Health Facilities Management Committees, and the dissolution of Health Facilities Management Committees, and their management thereafter.

(2) Regulations made under subsection (1) shall be approved by the County Assembly before their implementation.

30. In the event of winding up of the Fund, the cash balances shall be transferred to the County Revenue Fund while other assets of the Fund shall be transferred to the department for the time being responsible to the matters relating to medical services.

31. (1) All members of the hospital management committees serving before the enactment of this Act shall continue to serve for a further 3 months or until the appointment of the health facility committee members as provided for by this Act.

(2) Legal Notice No. 155 of 16th October, 2009 shall
no longer apply with respect to hospital management committees, in so far as the composition and membership however all guidelines as to conduct of meetings and format of records shall be utilised until such time that the Executive Member can formulate the Regulations.

(3) On coming into operation of this Act, all assets and liabilities of the Health Management Service Fund under the Exchequer and Audit (Health Sector Services Fund) Regulations, 2007 shall be transferred to and vest in the Fund.

SCHEDULE

COMPOSITION AND FUNCTIONS OF HEALTH FACILITIES MANAGEMENT COMMITTEES

COUNTY REFERRAL HOSPITAL MANAGEMENT COMMITTEE

1. the total membership of the committee shall be at least seven and not more than nine members.

2. (1) The committee shall consist of—

   (a) a chairperson appointed by the Executive Committee member from the members of the committee;

   (b) the area county commissioner or his or her representative;

   (c) the County Director of Health or his or her representative;

   (d) the person in charge of the facility;

   (e) the person in charge of county administration or his or her representative;

   (f) the following persons, who shall be residents of the area of jurisdiction, appointed by the Executive Committee Member;

      (i) one person who shall have knowledge and experience in finance and administration;

      (ii) one person nominated by women groups;

      (iii) one person nominated by faith based organizations; and

      (iv) not more than two persons nominated by
recognized community based development organizations, of whom one shall be a woman.

(2). A member of the Committee, apart from the ex-officio members, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(3). The Committee may, if necessary, appoint sub-committees that shall carry out specific functions.

(4). The Committee shall meet four times in each financial year and shall maintain records of its deliberations.

(5). The quorum for the meeting of the Committee shall be five of all the members including the secretary.

(6). The committee shall be responsible to the officer administering the Fund.

(7). The hospital administration shall provide the necessary secretarial services to the Committee.

**Functions of the Committee**

The Committee shall—

(a) supervise and control the administration of the funds allocated to the facility;

(b) open and operate a bank account at a bank approved by the Executive Committee Member for the time being responsible for finance;

(c) prepare work plans based on estimated expenditure;

(d) Cause to be kept basic books of accounts and records of accounts of the income, expenditure, assets and liabilities of the facility as prescribed by the officer administering the Fund;

(e) prepare and submit certified periodic financial and performance reports as prescribed; and

(f) Cause to be kept a permanent record of all its deliberations.

**SUB-COUNTY HOSPITAL MANAGEMENT COMMITTEES**

1. The total membership of the Committee shall be at least seven and not more than nine members.

2. (1) The Committee shall consist of—
(a) a chairperson appointed by the Executive Committee Member from the members of the Committee;

(b) the area Deputy County Commissioner or his or her representative;

(c) the Sub county Medical Officer of Health or his or her representative;

(d) the person in charge of the health facility;

(e) the person in charge of the Sub county Administrations; and

(f) the following persons, who shall residents of the area of jurisdiction, appointed by the Executive Committee Member.

(i) one person who shall have knowledge and experience in finance and administration Matters;

(ii) one person nominated by women groups;

(iii) one person nominated by the faith based organizations;

(iv) not more than two persons nominated by recognized community based development organization of whom one shall be a women.

(2). A member of the Committee, apart from the ex-officio member, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(3). The Committee may, if necessary, appoint sub-committees that shall carry out specific functions.

(4). The Committee shall meet four times in each financial year and shall maintain records of its deliberations.

(5). The quorum for the meeting of the Committee shall be five of all the members including the secretary.

(6). The Committee shall be responsible to the officer administering the Fund.

(7). The hospital administration shall provide the necessary secretarial services to the Committee.

Functions of the Committees
The Committee shall—

(a) supervise and control the administration of the funds allocated to the facility;

(b) open and operate a bank account at a bank approved by the Executive Committee Member for the time being responsible for finance.

(c) prepare work plans based on estimated expenditures;

(d) cause to be kept basic books of accounts and records of accounts of the income, expenditure, assets and liabilities of the facility as prescribed by the officer administering the Fund;

(e) prepare and submit certified periodic financial and performance reports as prescribed; and

(f) Cause to be kept a permanent record of all its deliberations.

HEALTH CENTRE AND DISPENSARY HEALTH FACILITIES MANAGEMENT COMMITTEES

1. The total membership of each committee shall be at least seven and not more than nine members.

2. Each committee shall consist of—

(a) the area Chief or his or her representative in the area of jurisdiction;

(b) the person in charge of the health facility who, shall be the secretary;

(c) the Sub county Medical Officer of Health or a representative duly nominated by him or her in writing;

(d) the person in charge of the ward administrator health facilities or the ward and representative or his or her representative.

(e) the following persons, who shall be residents of the area of jurisdiction, elected by the community and appointed by the Executive County Member or any other person authorized by him in writing—

(i) one person who shall have knowledge and experience in finance and administration.

(ii) four persons of whom three shall be women.
(2). Each committee shall appoint a chairperson, who shall be an *ex officio*, from among its members.

(3). A member of a committee, apart from the ex-officio, shall hold office for a period of three years and shall be eligible for re-appointed for one further term.

(4). A committee may, if necessary appoint sub-committees that shall carry out specific functions.

(5). A Committee shall meet at least four times a year and shall maintain records of its deliberations.

(6). The quorum for the meeting of a committee shall be five of all the members including the secretary.

(7). A committee shall be responsible to the officer administering the Fund.

**Functions of the Committees**

3. Each committee shall—

(a) supervise and control the administering of the funds allocated to the facilities;

(b) open and operate a bank account at a bank to be approved by the Executive Committee Member for Finance.

(c) prepare work plans based on estimated expenditure;

(d) cause to be kept basic books of accounts and records of accounts of the income, expenditure, assets and liabilities of the facility as prescribed by the officer administering the Fund;

(e) prepare and submit certified periodic financial and performance reports as prescribed; and

(f) cause to be kept a permanent record of all its deliberations.
MEMORANDUM OF OBJECTS AND REASONS

The principal purpose of this Bill is to provide for legislative framework for the establishment of a Fund for the improvement of health care service delivery in health facilities; to provide for use of user fees at source and for connected purposes.

Part I of the Bill provides for preliminary matters including the short title to the Bill and the interpretation of words and expressions used in the Bill.

Part II of the Bill provides for the Establishment and administration of the County Health Management Services Fund, functions of the Fund and meetings of the Fund.

Part III of the Bill provides For the Establishment and Functions of the Health Facilities Management Committees, their composition and their functioning.

Part IV makes provisions for application for levying of users fees and exempts the depositing of the same in the County Revenue Fund and application of financial and procurement Regulations.

Part V sets out the financial provisions relating to the Administration of the Fund and the role of the officer administering the Fund.

Part VI provides for financial provisions which include capitalization of the Fund, expenditure from the Fund opening and operation of bank accounts for the Fund and Committees, preparation of financial estimates and financial reports.

Part VII contains miscellaneous provisions which include officers and staff of the Committee, protection from personal liability, remuneration of committee members and other officers, making of Regulations, Winding up of the Fund and Transitional provisions.

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

Statement on Delegated Powers to Legislate

The Executive Committee member responsible for Health is empowered to make necessary regulations for the better functioning of various provisions of the Act.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution of Kenya 2010.


W. M. YOGE,
Chairman, Health Services Committee.