SPECIAL ISSUE

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THE MERU COUNTY RETENTION ENHANCEMENT FUND BILL, 2016

A Bill for

AN ACT of the County Assembly of Meru to make provisions for procedures and guidelines for the efficient disbursement of bursaries within the county and such related matters

ENACTED by the County Assembly of Meru, as follows —

1. This Act may be cited as the Meru County Retention Enhancement Fund Act, 2016.

2. In this Act—

"Fund" means money set aside by the County Government to support skill development and needy student;

"Fresh Student" means any person joining a new level of study;

"County Enhancement Fund Oversight Committee" means a group of seven members in charge of fund allocation at the County Level;

"Executive Committee Member", means the County Executive Committee Member who is in charge of Education;

"Chief Officer" for a public entity, means the person appointed or in an acting capacity when discharging the functions of accounting officer for an administrative unit or department of the County;

"Beneficiary" means a person who receives funds from the County Government through the Ward enhancement fund Committee;

"Regulations" mean guidelines under this Act;

"Secretariat" means a body at the County headquarters charged with the mandate of overseeing fund management

"Ward enhancement fund committee" means a body at the Ward level created to coordinate allocation of the retention enhancement funds within the Wards.
3. This Act shall come into operation upon publication in the Gazette.

4. The purpose of the Act is to establish procedure and guidelines for efficient allocation and disbursement of fees, retention enhancement funds and other related scholarships by County Government of Meru.

5. This Act will apply in respect to—
   (a) disbursement of county government retention enhancement funds and fees support;
   (b) management of all sponsorship channeled through the County Government.

6. If there is a conflict between this law and any other law of Meru County Assembly as relates to matters of retention enhancement funds this law shall prevail.

PART II—THE COUNTY ENHANCEMENT FUND OVERSIGHT COMMITTEE

7. (1) There is established a county committee, which shall have powers necessary to perform its functions.

   (2) The county committee shall be an oversight body.

   (3) The county committee shall be an institution of exemplary administrative and technical competence.

   (4) Every member of the county committee shall respect the non-partisan nature of the secretariat.

   (5) The county committee shall uphold and maintain the highest ethical standards in the discharge of its functions.

   (6) The county committee shall maintain honesty, accountability and integrity in the delivery of services, having regard to the principles of efficiency, equality, fairness, courtesy and discipline.

8. (1) The county committee shall consist of seven members appointed by the Governor and approved by the County Assembly;
(2) The seven members shall comprise of—

(a) the Chief Officer Education and Technology—Secretary;
(b) County secretary—Member;
(c) The Chief Officer finance—Member;
(d) A representative of the County Education Board—Chairperson;
(e) County Director of Education—Member;
(f) County Director of TVET—member;
(g) Chief Officer in charge of Gender, Youth, Culture and Social Services.

9. The county committee shall—

(1) Equitably share the funds among the 45 wards existing in the county.
(2) Review allocations to ensure support offered is adequate and sufficient.
(3) Approve disbursement of fee support to awarded students.
(4) Monitor allocations of support to ensure needy and deserving students benefit.
(5) Maintain an updated database of all applicants and beneficiaries of the fund.
(6) Periodically produce and share disbursement reports with the governor and the county assembly.

10. (1) The chairperson shall convene a meeting of the county committee at least four times every financial year.
(2) Except as agreed under the minimum operation procedures and requirements, the county committee may regulate its own operations.
(3) The quorum of the county committee shall be five members.
(4) The county committee may invite any member of the public to attend any of its meetings as long as such person shall not have voting rights.
(5) The county committee shall have at most four meetings in every financial year; however special sittings of the county committee may be convened as long as such meetings do not exceed three in a fiscal year.

(6) The meetings shall be convened by the Chairperson and in his or her absence, the Vice-Chairperson shall preside at that meeting.

(7) The chief officer in charge of Education and Technology shall be the secretary to the county committee.

(8) Any member of the county committee may be removed from office by the appointing authority upon the recommendation of the county committee, if such member—

(a) has been absent for three consecutive meetings of the board without permission of the chairperson;

(b) is in the opinion of the county committee otherwise unable or unfit to discharge the functions of his office.

PART III—WARD RETENTION ENHANCEMENT FUND COMMITTEE

11. (1) There is established a ward retention enhancement fund committee, which shall have powers necessary to perform its functions;

(2) There shall be forty five (45) ward retention enhancement committees with respect to the forty five (45) wards as presently constituted.

12. (1) The ward retention enhancement committee shall consist of the following—

(a) the member of county assembly for that ward who shall be the patron;

(b) the ward administrator for that ward, who shall be the secretary to the committee;

(c) a representative from the sub-county Education Board;

(d) one person from Kenya primary schools Heads Association;
(e) one person from Kenya Secondary Schools Heads Association;
(f) a representative from a learning institution;
(g) a representative from every village unit within the ward;
(h) three representatives from the main sponsors;
(i) a representative from the parents (PTA);
(j) a representative of persons with disabilities;
(k) three persons to represent the community, that is from the youths, women and marginalized persons.

13. The ward retention enhancement fund committee shall perform the following functions—

(a) invite applications for fees support;
(b) receive applications;
(c) scrutinize and verify all applicants supporting documents submitted by the applicants;
(d) identify beneficiaries of the retention enhancement fund;
(e) verify all allocated retention enhancement funds to beneficiaries;
(f) prepare data bank for the beneficiaries prepare and display separate list of applicants and beneficiaries indicating the amount awarded per beneficiary for public viewing; and
(g) forward to the county secretary minutes and records of nominated funds beneficiaries.

14. (1) The chairperson and the vice-chairperson, shall be elected from among members during the first sitting of the committee.

(2) The members of the ward enhancement fund committees shall be competitively and transparently elected by members of their respective categories wards.
15. The following shall be the roles of the chairperson—

(a) act as the spokesperson of the committee;
(b) schedule and call for committee meetings;
(c) chair committee meetings;
(d) ensure committee agenda is exhaustively addressed; and
(e) ensure all members of the committee participate fully in all committee meetings and that consensus is reached in all decisions.

16. The secretary to the committee shall perform the following functions—

(a) receive and document all retention enhancement fund applications;
(b) keep records of the committee deliberations;
(c) take minutes during committee meetings and circulate the same to the members; and
(d) rendering expert, non-partisan and impartial advice to the members of the committee on committee procedure and practice.

17. The role of the patron shall be as follows—

(a) call the first meeting of the members to order;
(b) provide leadership to the committee;
(c) provide liaison between the committee and other institutions and donors within and outside the ward;
(d) oversee all the ward retention enhancement fund committee activities.

18. The retention enhancement fund committee—

(a) shall have at least four meetings in every financial year;
(b) special committee sittings may be convened but only by request of at least a third of total membership of the committee whenever an urgent fee request occurs; such special sittings shall not exceed three in a financial year;

(c) a fourteen day notice shall be issued before any meeting of the committee is convened;

(d) decision of the committee shall be by a simple majority constituting a quorum who is present, in case of a stalemate in the voting, the person Chairing shall have the deciding vote;

(e) the ward retention enhancement fund committee shall serve for a two year non-renewable term;

(f) members of the committee shall be entitled to a sitting' allowance and not wages or a salary.

19. The office of a member of the Ward Retention Enhancement Fund committee shall become vacant if the member—

(a) is absent without the permission of the Chairperson for three or more consecutive meetings of the Ward enhancement fund committee;

(b) resigns the office in writing under his or her hand delivered to the chairperson of the ward enhancement committee;

(c) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;

(d) is found guilty of an offence which in the opinion of ward enhancement fund committee renders him or her unsuitable to continue to hold office;

(e) becomes for any reason including infirmity of body or mind, incompetent or incapable of performing the functions of his or her office;

(f) is otherwise unable to discharge the functions of his or her office.
PART IV—THE FUND

20. (1) There shall be one retention enhancement fund for the County Government of Meru to cater for needy students at all levels.

(2) The retention enhancement fund shall draw funding from the County Government consolidated fund. The budgetary allocation shall be set aside in every financial year’s county budget.

(3) The fund will also draw funding from other external sources as follows—

(a) donors;
(b) investors and individual donations;
(c) lottery.

(4) The retention enhancement fund shall be distributed equally in all wards within the county.

21. In line with the Meru County Strategic Plan the Fund shall target the following—

(a) students in secondary schools, technical colleges, medium level colleges, vocational training centers and public universities;
(b) students with disabilities;
(c) students pursuing subjects in professions in high demand like medicine, nutrition, nursing, engineering in all levels of study
(d) fresh students;
(e) students joining National secondary schools;
(f) students admitted to public universities through Joint Admission Board (JAB); and
(g) Students pursuing skill development courses including carpentry, masonry, tailoring and plumbing among others.

22. For one to qualify for the fund he or she shall—

(a) be a resident of the ward in which the retention enhancement fund is being sought;
(b) be admitted or is a continuing student in a secondary school, technical college, medium level college, vocational training Centre, or and public university;
(c) be an orphan partial or total with no financially stable guardian;
(d) hail from an extremely poor background;
(e) be of good academic standing and moral character; and
(f) be pursuing a course in professions in high demand in the county like medicine, education, nutrition, nursing or engineering.

23. All retention enhancement fund beneficiaries must submit the following documents before applying for the next retention enhancement fund allocation—
(a) their progress report for that particular year;
(b) fee balance report from the institution;
(c) an admission letter in case of a new student;
(d) a cash receipt for the last allocation;
(e) death certificate of parents in the case of orphans; and
(f) a letter from administrator to verify the family’s financial status.

24. (1) All eligible students shall be required to collect application forms from their ward offices free of charge.
(2) Duly completed application form accompanied with all required attachments and shall be returned in sealed envelopes at the ward administrator’s offices.
(3) The sealed envelopes shall be received and dated by the ward administrator through an official register.

25. (1) At the end of the application period, the ward retention enhancement fund committee shall meet to open and record all applications.
(2) The ward retention enhancement fund committee shall hold its meetings in public with members of the public present.

(3) Selected applicants for retention enhancement fund support shall be publicly displayed in the ward, schools, public notice boards, churches or such other places that are accessible and which are frequented by the public.

(4) Successful applicants will be notified through county gazette notice as well as written communication and any other convenient means.

(5) Fees for successful applicants will be paid into their school or college accounts through a Cheque or direct funds transfer.

PART V—FUND ALLOCATION

26. (1) The following shall be the mode of splitting the funds—

(a) 30% of the funds shall go towards supporting students pursuing degree, diploma, certificate courses at both, technical and institutions of higher learning;

(b) 30% of the fund shall be for the secondary school Students;

(c) the remaining 40% shall be for skills development centers and grants.

27. (1) While ensuring that the spirit of equity and fairness is observed all times the ward retention enhancement fund committee and the county committee is required to give priority to special category of students/applicants.

(2) Special category applicants will include the following—

(a) bright but total orphans with no financially stable guardians;

(b) persons with disability; and
(c) members of marginalized and disadvantaged groups within the ward.

(3) Full support and assistance will be accorded to this category of students/applicants.

(4) Any student/applicant being supported by other donors/funds shall not be considered to avoid duplication.

(5) In case of a double funding to any applicant a return of allocated retention enhancement fund shall be done.

(6) In the event that the said payment is made to a non-refundable account the applicant shall not benefit anymore.

PART VI—MISCELLANEOUS

28. In case of any dispute arising from the ward in relation to the disbursement process, the county committee shall have the final word.

29. The funds shall—

(1) Be disbursed directly to the respective institutions by way of bankers Cheque and a list of the successful beneficiaries displayed at the ward offices.

(2) Be allocated once per year.

30. The Committee shall be paid allowances for every single sitting as follows—

(1) Sitting allowances, of KSh. 2,000, for the county retention enhancement fund oversight committee and

(2) KSh. 1,000 for the ward retention enhancement fund committee.

31. (1) The Executive Member may establish a scholarship scheme for persons who are eligible for retention enhancement fund under this Act.

(2) The Executive Member shall prescribe procedures for administration and management of the scholarship scheme.
32. (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 scope, and procedures of administration of the scholarship scheme;

(b) prescribe the additional guidelines regarding enhancement fund awards;

(c) prescribe the forms.
MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to provide for the administration and regulation of the County Government of Meru Bursary Fund.

Part I (clause 1-6), of the Bill contains preliminary provisions. It names the proposed Act, defines the words and expressions used in the Bill, and provides for the meaning of the words regularly and specifically used in the Bill. Part one also outlines application of the Bill and way out in case there is a conflict between the Bill and other laws.

Part II (clauses 7-10) of the Bill establishes the County Bursary Committee its composition, functions and procedure for conduct of business, for the said committee.

Part III (clauses 11-18) provides for the establishment of the Ward Bursary committees, its compositions, functions, election and the responsibilities of the Ward Bursary Fund Officials

Part IV (clauses 19-24) sets out the scope of the bursary fund, the minimum eligibility criteria, qualifications for allocation, mode of Allocation, and the selection, process.

Part V (clauses 25-26) of the Bill provides for the Bursary allocations; applicable allocation per category of student and special category of students.

Part VI (clauses 27-28) of the Bill sets out the mechanism for dispute resolution and modalities for disbursement of the bursary fund.

This law when enacted will confer on a number of bodies and persons authority to make provisions, having the force of law in Kenya in terms of Article 94 (6) of the Constitution of Kenya, 2010.

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

JENNIFER MUROGOCHO,
Chairperson, Committee on Education.