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VIHIGA COUNTY BILLS, 2017

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CONTENT

Bill for Introduction into the County Assembly of Vihiga —

The Vihiga County Ward Development Fund (Amendment) Bill, 2017

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER NAIROBI
THE VIHIGA COUNTY WARD DEVELOPMENT FUND
(AMENDMENT) BILL, 2017

A Bill for

AN ACT of the County Assembly of Vihiga to amend the Vihiga
County Ward Development Fund, 2014

ENACTED by the County Assembly of Vihiga as follows

Short title

1 This Act may be cited as the Vihiga County Ward Development
Fund (Amendment) Act, 2017

Amendment of Section 2 of the Act No 1 of 2014

2 The Vihiga County Ward Development Act, 2014, in this Act
referred to as the Principal Act is amended in section (2), which reads,
“Officer Administering the Fund” means the person appointed as such
under Section 8 as follows—

(a) by deleting the words, “Officer Administering the Fund”, and
Substituting therefor the words, “Fund Administrator”

(b) “Fund Administrator” means the person appointed as such under
Section 8,

Amendment of Section 4 of Act No 1 of 2014

3 Section 4 (1) of the Vihiga County Ward Development Act in this
Act, herein after referred to as “Principal Act”, which reads, “There is
established a Fund to be known as Ward Development Fund which shall
be administered by the Officer Administering the Fund under the direction
of the County Management Committee is hereby amended by—

(a) deleting the words “Officer Administering the Fund” and
substituting therefor the words, ”Fund Administrator”

(b) deleting the words “under the direction of County
Management Committee”

To read as follows, “There is established a Fund to be known as the
Ward Development Fund which shall be administered by the Fund
Administrator”

Amendment of Section 5 of Act No 1 of 2014

Section 5 of the Principal Act is amended by deleting subsection (2)
(d)
Amendment of Section 4 (2) (a) of Act No 1 of 2014

Section 4 (2) (a) which reads, “An amount of not less than five percent of all the ordinary revenue of the Vihiga County in every financial year is hereby amended

(a) by deleting the word “five” and Substituting therefor the word “seven”

To read as follows,” An amount of not less than seven percent of all the ordinary revenue of the County of Vihiga in every financial year

Amendment of Section 5 (2) (g) of Act No 1 of 2014

Section 5 (2) (g) which reads, “The Officer Administering the Fund who shall be an ex-officio member” is hereby amended—

(a) by deleting the words, “Officer Administering the Fund” and inserting the words “Fund Administrator”

(b) It is further amended in conformity with amendment No 2 and also by deleting the words, “an ex officio member’ and substituting therefor the words, ‘the secretary to the committee”

To read as follows—

“The Fund Administrator who shall be the secretary to the committee”

Amendment of Section 8 (1) of Act No 1 of 2014

Section 8 (1) of the Principal Act which reads, “There shall be an Officer Administering the Fund who shall be appointed from the County Public Service and has, is hereby amended by—

(a) deleting the words ‘Officer Administering the Fund” and substituting therefor the words, “Fund Administrator”

(b) deleting the words, “appointed from the county public service”, and inserting the words, “designated by Member of the County Executive Committee”

To read as follows—

‘There shall be a Fund Administrator who shall be designated by the Member of the County Executive Committee and has—”

Amendment of Section 8 (2) of Act No 1 of 2014

Section 8 (2) of the Principal Act which reads, “The Officer Administering the Fund shall be the chief executive officer of the Fund
and Secretary to the County Management Committee and shall subject to the directions of the County Management Committee—"

Is hereby amended by deleting” the words, “Officer Administering the Fund” and substituting therefor the words, “Fund Administrator”

To reads as follows—

“The Fund Administrator shall be the chief executive officer of the Fund and Secretary to the County Management Committee and shall subject to the directions of the County Management Committee—“

Amendment of Section 8 (4) of Act No 1 of 2014

9 Section 8 (4) of the Principal Act which reads, “The Officer Administering the Fund shall—”

Is hereby amended by deleting the words, “Officer Administering the Fund”

To read as follows—

“The Fund Administrator shall”

Amendment of Section 11 (3) of the Act No 1 of 2014

11 Section 11 (3) of the Principal Act which reads, “All disbursements shall be made through the ward bank accounts maintained for every ward in accordance with Section 16 of this Act” is hereby amended by—

deleting the word, “Accounts” and substituting therefor the word, “account”

To read—

“All disbursements shall be made through the ward bank account maintained for every ward in accordance with Section 16 of this Act”

Amendment of Section 14 (1) (2) (3) (4) of Act No 1 of 2014

12 Section 14 (1) (2) (3) of the Principal Act is deleted

13 Section 14 (4) which reads, “For each project, the Project Management Committee shall set aside a sum of five percent of the total allocation for the project to cater for the administration expenses of the project, is hereby amended by—

deleting the word, “five” and substituting therefor the word, “three”

To read as follows—

“For each project, the Project Management Committee shall set aside a sum of three percent of the total allocation for the project to cater for the administration expenses of the project”
Amendment of Section 15 (2) of Act No 1 of 2014

14 Section 15 (2) which reads, “The signatories to the account of the fund maintained in accordance with subsection (1), shall be the Officer Administering the Fund and two other persons appointed by County Management Committee from amongst its members” –

Is hereby amended by deleting the words, “Officer Administering the Fund” and substituting therefor the words, “Fund Administrator”

To read as follows, “The signatories to the account of the fund maintained in accordance with subsection (1), shall be the Fund Administrator and two other persons appointed by County Management Committee from amongst its members”

Amendment of Section 15 (3) of Act No 1 of 2014

15 Section 15 (3) which reads, “the signing instructions shall be such that the signature of the Officer Administering the Fund shall be mandatory on all payment cheques or instruments intended for actual release of money from the Fund, plus any one of the other two signatories”

Is hereby amended by deleting the words, “Officer Administering the Fund” and substituting therefor the words, “Fund Administrator”

To read as follows, “the signing instructions shall be such that the signature of the Fund Administrator shall be mandatory on all payment cheques or instruments intended for actual release of money from the Fund, plus any one of the other two signatories”

Amendment of Section 16 (3) of Act No 1 of 2014

16 Section 16 (3) which reads, “At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward Fund Account and the signing instructions shall be such that there shall be at least one signature of an officer seconded to the County Management Committee and at least two signatures of two members of the Ward Development Fund committee”

Is hereby amended by deleting the words, “an officer seconded by the County Management Committee” and substituting therefor the words, “the Ward Fund Manager”

To read as follows, “At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward Fund Account and the signing instructions shall be such that there shall be at least one signature of the Ward Fund Manager and at least two signatures of two members of the Ward Development Fund committee”
Amendment of Section 18 (2)

15 Section 18 (2) is hereby deleted

Amendment of Section 20 (1)

16 Which reads, "The list of proposed ward projects shall be submitted to the County Management Committee before the end of February in each year or such other month as may be determined by the Member of the County Executive Committee in order to ensure timely inclusion of the projects in the annual government budget of a particular financial year"

Is hereby amended by deleting the word, "February" and substituting therefor the word "December"

It is further amended by deleting the words, "or such other month as may be determined by the Member of the County Executive Committee in order"

To fully read as follows, "The list of proposed ward projects shall be submitted to the County Management Committee before the end of December in each year to ensure timely inclusion of the projects in the annual government budget of a particular financial year"

Deletion of Section 26

17 Section 26 is hereby deleted in its entirety i.e. Section 26 (1) (a), (b) and (2)

Insertion of new Section 28 (1) (c)

18 Section 28 (1) of the Principal Act is amended by inserting the following new subsection (c) immediately after subsection (b)

(c) be drawn from the County Integrated Development Plan and the Annual Development Plan for that financial year as contemplated under the Fourth Schedule of the Constitution

Deletion of Section 28 (5)

19 Section 28 (5) is hereby deleted

Deletion of Section 28 (8)

20 Section 28 (8) (a–f) is hereby deleted

Amendment to Section 33 (1) of Act No of 2014

21 Section 33 (1) of the Principal Act which reads, "There shall be a Ward Development Fund Committee for every ward which shall be constituted by the elected Member of County Assembly within thirty days of a new Assembly"
Is hereby amended by deleting the words, “elected Member of County Assembly”, and inserting the words, “County Executive Committee Member of Finance”

To read as follows, “There shall be a Ward Development Fund Committee for every ward which shall be constituted by the County Executive Committee Member of Finance within sixty days of a new Assembly”

Amendment to Section 34 (1) (a) of Act No 1 of 2014

22 Section 34 (1) (a) of the Principal Act which reads, “A chairperson nominated by the elected Member of County Assembly,”

Is hereby amended by deleting the words, “nominated by elected Member of County Assembly” and substituting therefor the words, “who shall be elected from amongst the members of the committee on their first sitting”

To read as follows,” A chairperson who shall be elected from amongst the members of the committee on their first sitting”

Amendment to Section 34 (1) (b) of Act No 1 of 2014

23 Section 34 (1) (b) which reads, “Two persons representing the male in the Ward of whom one shall be a youth”

Is hereby amended by deleting the words, “in the Ward of whom one shall be a youth” and substituting therefor the words, “and female genders”, between the words “male” and “in”

To read as follows, “Two persons representing the male and female genders in the Ward”

Amendment to Section 34 (1) (c) of Act No 1 of 2014

24 Section 34 (c) which reads “Two persons representing the female in the Ward of whom one shall be a youth”

Is hereby deleted in its entirety and new words inserted to read, “One person representing the youth in the ward”

Insertion of new Section 34 (1) (g)

25 Section 34 (1) is hereby amended by inserting a new subsection (g) immediately after (f) to read,

(g) “The Ward Fund Manager who will be the AIE holder”

Amendment of Section 34 (2) (a, b, c) (e)

26 Section 34 (2) (a, b, c) (d) (e) of the Principal Act is hereby deleted
Amendment of Section 34 (2)

27 A new Section 34 (a) which reads, “The County Executive Committee Member shall nominate members to the Ward Development Fund Committee in consultation with stakeholders in the Ward taking into account the geographical diversity within the Ward, communal, religious, social and cultural interests in the Ward and the requirements of gender, youth and representation of persons with disabilities”, is hereby inserted.

28 A new Section 34 (b) which reads, “The County Executive Committee Member shall upon nomination of the Ward Development Fund Members for all the twenty five wards forward the names to the County Assembly for approval” is hereby inserted.

29 Section 34 (d) of the Principal Act which reads, “Upon conclusion of the election of the chairperson in the manner stipulated in paragraph (d), the officer of the Ward Development Fund Committee shall forward the names of the members of the Ward Development Fund Committee to the Officer Administering the Fund for onward transmission to the Member of the County Executive Committee for gazettement,” is hereby amended by deleting letter (d) between the words, “paragraph” and “the” and inserting “34 (1) (a)”.

It is further amended by deleting the words “Officer Administering the Fund” and inserting the words, “Fund Administrator”.

To read as follows, “Upon conclusion of the election of the chairperson in the manner stipulated in paragraph 34 (1) (a), the officer of the Ward Development Fund Committee shall forward the names of the members of the Ward Development Fund committee to the Fund Administrator for onward transmission to the Member of the County Executive Committee for gazettement.”

Amendment of Section 34 (2) (f)

30 Section 34 (2) (f) which reads “The Secretary to the Committee to be appointed by the Member of County Assembly for the Ward from amongst its members” is hereby amended by deleting the words, ‘to be appointed by the Member of County Assembly for the Ward from amongst its members’ and inserting the words, “shall be the Ward Fund Manager”.

To read as follows, “The Secretary to the Committee shall be the Ward fund Manager”.

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Amendment of Section 34 (5)

31 Section 34 (5) which reads, “The first meeting of the Ward Development Fund Committee shall be convened within sixty days of a new County Assembly or a by-election, by the county government official at the Ward, or his or her absence, an officer of the Ward Development Fund Committee seconded to the Ward, on such a day as may be designated by the Member of the County Executive Committee”

Is hereby amended by deleting the words, “county government official at the Ward, or in his or her absence, an officer of the Ward Development Fund Committee seconded to the Ward”, and inserting the words, “Ward Fund Manager”

To read as follows, “The first meeting of the Ward Development Fund Committee shall be convened within sixty days of a new County Assembly or a by-election, by the Ward Fund Manager on such a day as may be designated by the Member of the County Executive Committee”

Amendment of Section 34 (12)

32 Section 34 (12) which reads ”The Ward Development Fund Committee shall meet at least six times a year and not more than twenty four times in every financial year including sub-committee meetings”

Is hereby amended by deleting the words,” twenty four” and Substituting therefor the word, “twelve”

To read as follows, “The Ward Development Fund Committee shall meet at least six times a year and not more than twelve times in every financial year including sub-committee meetings”
MEMORANDUM OF OBJECTS AND REASONS

The Principal object of the Bill is to amend the Vihiga County Ward Development Fund, 2014. The Bill seeks to amend various sections of the Principal Act

The Bill also proposes to amend by deleting various subsections and introducing new ones to reinforce its operationalization

HENRY ASAVA,
Chairperson, Finance Committee

Section 2 of Act No 1 of 2014 that the Bill proposes to amend—

Fund Administrator” means the person appointed as such under Section 8,

Section 4 of Act No 1 of 2014 that the Bill proposes to amend—

Section 4 (1) To read as follows, “There is established a Fund to be known as the Ward Development Fund which shall be administered by the Fund Administrator”

Section 5 of Act No 1 of 2014 that the Bill proposes to amend—

Section 5 of the Principal Act is amended by deleting subsection (2)

(d)

Section 4 (2) (a) of Act No 1 of 2014 that the Bill proposes to amend—

Section 4 (2) (a) To read as follows An amount of not less than seven percent of all the ordinary revenue of the County of Vihiga in every financial year

Section 5 (2) (g) of Act No 1 of 2014 that the Bill proposes to amend—

Section 5 (2) (g) To read as follows ‘The Fund Administrator who shall be the secretary to the committee”

Section 8 (1) of Act No 1 of 2014 that the Bill proposes to amend—

Section 8 (1) to read as follows “There shall be a Fund Administrator who shall be designated by the Member of the County Executive Committee and has

Section 8 (2) of Act No 1 of 2014 that the Bill proposes to amend—

To reads as follows “The Fund Administrator shall be the chief executive officer of the Fund and Secretary to the County Management Committee and shall subject to the directions of the County Management Committee—
Section 8 (4) of Act No 1 of 2014 that the Bill proposes to amend—
Section 8 (4) to read as follows “The Fund Administrator shall”

Section 11 (3) of the Act No 1 of 2014 that the Bill proposes to amend—
Section 11 (3) to read as follows “All disbursements shall be made through the ward bank account maintained for every ward in accordance with Section 16 of this Act”

Section 14 (1) (2) (3) (4) of Act No 1 of 2014 that the Bill proposes to amend—
Section 14 (1) (2) (3) of the Principal Act is deleted
Section 14 (4) To read as follows “For each project, the Project Management Committee shall set aside a sum of three percent of the total allocation for the project to cater for the administration expenses of the project”

Section 15 (2) of Act No 1 of 2014 that the Bill proposes to amend—
Section 15 (2) To read as follows ‘The signatories to the account of the fund maintained in accordance with subsection (1), shall be the Fund Administrator and two other persons appointed by County Management Committee from amongst its members”

Section 15 (3) of Act No 1 of 2014 that the Bill proposes to amend—
Section 15 (3) To read as follows “the signing instructions shall be such that the signature of the Fund Administrator shall be mandatory on all payment cheques or instruments intended for actual release of money from the Fund, plus any one of the other two signatories

Section 16 (3) of Act No 1 of 2014 that the Bill proposes to amend—
Section 16 (3) To read as follows, “At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward Fund Account and the signing instructions shall be such that there shall be at least one signature of the Ward Fund Manager and at least two signatures of two members of the Ward Development Fund committee”

Section 18 (2) of Act No 1 of 2014 that the Bill proposes to amend—
Section 18 (2) is hereby deleted

Amendment of Section 20 (1) of Act No 1 of 2014 that the Bill proposes to amend—
Section 20 (1) To fully read as follows, “The list of proposed ward projects shall be submitted to the County Management Committee before
the end of December in each year to ensure timely inclusion of the projects in the annual government budget of a particular financial year.

**Deletion of Section 26 of Act No 1 of 2014 that the Bill proposes**—

Section 26 is hereby deleted in its entirety i.e. Section 26 (1) (a), (b) and (2)

**Insertion of new Section 28 (1) (c) m of Act No 1 of 2014 that the Bill Proposes**—

Section 28 (1) of the Principal Act is amended by inserting the following new subsection (c) immediately after subsection (b)

(c) be drawn from the County Integrated Development Plan and the Annual Development Plan for that financial year as contemplated under the Fourth Schedule of the Constitution

**Deletion of Section 28 (5) that the Bill of Act No 1 of 2014 proposes to delete**—

Section 28 (5) is hereby deleted

**Deletion of Section 28 (8) that the Bill of Act No 1 of 2014 proposes**—

Section 28 (8) (a–f) is hereby deleted

**Amendment to Section 33 (1) of Act No of 2014 that the Bill proposes to amend**—

Section 33 (1) To read as follows, “There shall be a Ward Development Fund Committee for every ward which shall be constituted by the County Executive Committee Member of Finance within sixty days of a new Assembly

**Amendment to Section 34 (1) (a) of Act No 1 of 2014 that the Bill proposes to amend**—

Section 34 (1) (a) To read as follows, “A chairperson who shall be elected from amongst the members of the committee on their first sitting”

**Amendment to Section 34 (1) (b) of Act No 1 of 2014 that the Bill proposes to amend**—

Section 34 (1) (b) To read as follows, “Two persons representing the male and female genders in the Ward

**Amendment to Section 34 (1) (c) of Act No 1 of 2014 that the Bill proposes to amend**—

Section 34 (1) (c) Is hereby deleted in its entirety and new words inserted to read, “One person representing the youth in the ward”
Insertion of new Section 34 (1) (g) of Act No 1 of 2014 that the Bill proposes to amend—

Section 34 (1) is hereby amended by inserting a new subsection (g) immediately after (f) to read, “The Ward Fund Manager who will be the AIE holder

Amendment to Section 34 (2) (a, b, c) (e) of Act No 1 of 2014 that the Bill proposes to amend—

Section 34 (2) (a, b, c) (d) (e) of the Principal Act is hereby deleted

Amendment to Section 34 (2) of Act No 1 of 2014 that the Bill proposes to amend—

A new Section 34 (2) (a) which reads, “The County Executive Committee Member shall nominate members to the Ward Development Fund Committee in consultation with stakeholders in the Ward taking into account the geographical diversity within the Ward, communal, religious, social and cultural interests in the Ward and the requirements of gender, youth and representation of persons with disabilities”, is hereby inserted

28 A new Section 34 (b) which reads, “The County Executive Committee Member shall upon nomination of the Ward Development Fund Members for all the twenty five wards forward the names to the County Assembly for approval” is hereby inserted

29 Section 34 (2) (d) of the Principal Act which reads, “Upon conclusion of the election of the chairperson in the manner stipulated in paragraph (d), the officer of the Ward Development Fund Committee shall forward the names of the members of the Ward Development Fund Committee to the Officer Administering the Fund for onward transmission to the Member of the County Executive Committee for gazettement,”

Is hereby amended by letter (d) between the words, ”paragraph” and “the” and inserting “34 (1) (a)”

It is further amended by deleting the words “Officer Administering the Fund” and inserting the words, ‘Fund Administrator”

To read as follows, “Upon conclusion of the election of the chairperson in the manner stipulated in paragraph 34 (1) (a), the officer of the Ward Development Fund Committee shall forward the names of the members of the Ward Development Fund committee to the Fund Administrator for onward transmission to the Member of the County Executive Committee for gazettement,”
Amendment of Section 34 (2) (f) of Act No 1 of 2014 that the Bill proposes to amend —

To read as follows, “The Secretary to the Committee shall be the Ward fund Manager”

Amendment of Section 34 (5) of Act No 1 of 2014 that the Bill proposes to amend —

Section 34 (5) To read as follows “The first meeting of the Ward Development Fund Committee shall be convened within sixty days of a new County Assembly or a by-election, by the Ward Fund Manager on such a day as may be designated by the Member of the County Executive Committee”

Amendment to Amendment of Section 34 (12) of Act No 1 of 2014 that the Bill proposes to amend —

Section 34 (12) To read as follows, “The Ward Development Fund Committee shall meet at least six times a year and not more than twelve times in every financial year including sub-committee meetings”