CONTENT

Bill for Introduction into the County Assembly of Narok—

The Narok County Maasai Mara Community Support Fund
(Amendment) Bill 2020

Page

1
THE NAROK COUNTY MAASAI MARA COMMUNITY SUPPORT FUND (AMENDMENT) BILL, 2020

A Bill for

AN ACT of the County Assembly of Narok to amend the Maasai Mara Community Support Fund Act, 2014 and for connected purposes

ENACTED by the County Assembly of Narok, as follows—

Short title

1 This Act may be cited as the Narok County Maasai Mara Community Support Fund (Amendment) Act, 2020 and shall come into force upon publication in the Kenya Gazette

Amendment of interpretations

No 17 of 2012

2 The Maasai Mara Community Support Fund Act 2014 (in this Act is referred to as the “Principal Act”) is amended in section 2 by—

(a) inserting the following interpretations—

“Chief Officer” means a county chief officer appointed under section 45 of the County Governments Act 2012,

“Committee” refers to the Maasai Mara Community Support Fund Management Committee established under section 7 of this Act, and

“County Public Service Board” refers to the institution established under section 57 of the County Governments Act, 2012

Amendment of section 4

No 18 of 2012

3 The principal Act is amended in section 4 (1) by—

(a) deleting the words,“ by the Board of the Fund established under section 7 (1) this Act ” and substituting with the words “in accordance with the Public Finance Management Act 2012”

Amendment of section 5

4 The principal Act is amended in section 5 by—

(a) deleting the section heading in its entirety and substituting with “Officers of the Fund”

(b) deleting the expression “Board” and substituting therefore the expression “Committee”,
(c) deleting paragraph (b) in its entirety

(d) inserting the following term immediately after the word "Fund" in (c) "by the County Public Service Board"

Amendment of section 6

5 The principal Act is amended in section 6 by repealing subsection (4) in its entirety

Amendment of Part III

6 The Principal Act is amended by deleting the word "BOARD" in the title of Part III and substituting with the word "COMMITTEE"

Amendment of section 7

7 The principal Act is amended in section 7 by—

(a) deleting the word "Board" and substituting with the word "Committee"

(b) repealing subsection (2) in its entirety

Amendment of section 8

8 The principal Act is amended in section 8 by—

(a) deleting subsection (1) and substituting with

   (1) The Committee shall comprise of the following persons—

   (a) Chief Officer for the time being in charge of finance and economic planning,

   (b) Chief Officer for the time being in charge of roads

   (c) Chief Officer for the time being in charge of health matters

   (d) Chief Officer for the time being in charge of education,

   (e) Chief Officer for the time being in charge of tourism, and

   (f) Fund Administrator who shall be the an ex officio member and secretary of the committee

(b) deleting subsection (2) and substituting with "the committee members in (a), (b), (c) (d) and (e) shall elect a chairperson and vice – chairperson among themselves"
Amendment of section 9

9 The principal Act is amended in section 9 by—
(a) deleting the word “Board” and substituting with the word “Committee” in the entire section
(b) deleting paragraph (g),
(c) deleting the word “committee” and substituting with the expression “sub committee” in paragraph (h)
(d) deleting the word “committee” and substituting with the expression “sub committee” in subsection (2),
(e) deleting the expression “any other member, Ward Committee” in subsection (2)
(f) inserting the following term immediately after the word “finance” in subsection (3) “in consultation with the Salaries and Remuneration Commission”

Repeal of section 10

10 The principal Act is amended by repealing section 10

Amendment of section 11

11 The principal Act is amended in section 11 by—
(a) inserting the following expression “from among existing staff or upon recruitment by the County Public Service Board” at the tail end of subsection (1),
(b) deleting subsection (2) and substituting with the following sentence “the Fund Administrator shall be designated administrator of the fund by the County Executive Committee Member for the time being in charge of finance pursuant to section 116(2) of the Public Finance Management Act, 2012”
(c) deleting subsection 3 and replacing with “a person qualifies for appointment under subsection (1) if such person has a degree in finance accounting engineering economics community development or a related field from a university recognized in Kenya and has at least five years experience in the relevant field”
(d) deleting subsection (4) and substituting with “the functions of the Fund Administrator shall include—
(i) prepare accounts for the fund for each financial year,
(ii) not later than three months after the end of each financial year submit financial statements relating to those accounts to the Auditor-General,”
The Narok County Maasai Mara Community Support Fund (Amendment) Bill 2020

(iii) ensure that the earnings of, or accruals to a county public fund are retained in the fund unless the County Executive Committee Member for the time being in charge of finance directs otherwise,

(iv) ensure that money held in the fund, including any earnings or accruals is spent only for the purposes for which the fund is established,

(v) institute prudent measures for the proper utilization for monies deposited in the Funds using suitable internal controls and appropriate mechanism for accountability including audit of accounts by internal auditors,

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

(vii) present the financial statements to the county assembly,

(viii) 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”

(e) deleting subsection (5) and substituting with the words “the Fund Administrator shall be an employee of the County Public Service Board and shall serve upon such terms and conditions of service as the County Public Service Board may, in consultation with the Salaries and Remuneration Commission, determine”

Repeal of Part IV

12 Part IV is repealed in entirety

Amendment of section 16

13 The principal Act is amended in section 16 by deleting the words “in consultation with the ward committees” and deleting the word “Board” and substituting therefore with the word “committee” in subsection (1)

Repeal of section 17

14 The principal Act is amended in section 17 by repealing the entire section

Repeal of section 19

15 The principal Act is amended in section 19 by repealing the entire section
Repeal of section 20

16 The principal Act is amended in section 20 by repealing the entire section

Repeal of section 21

17 The principal Act is amended in section 21 by repealing the entire section

Repeal of section 22

18 The principal Act is amended in section 22 by repealing the entire section

Amendment of section 23

19 The principal Act is amended in section 23 by—

(a) deleting the word "below",

(b) deleting the expression "all projects shall support projects and" and substituting with the words "A project" in subsection (1),

(c) repealing subsection (2) and (4)

Amendment of section 24

20 The principal Act is amended in section 24 by deleting the expression "Ward committees and" and substituting with the word "committee" in subsection (2)

Amendment of section 25

21 The principal Act is amended in section 25 by—

(a) repealing subsection (3),

(b) deleting the word "Board" and "committee" and substituting with the words "Committee" and "sub committee" respectively in subsection (4),

(c) deleting the word "Board" and substituting with the words "Committee" in subsection (5)

Repeal of section 26

22 The principal Act is amended in section 26 by repealing the entire section

Amendment of section 27

No 33 of 2015

23 The Principal Act is amended in section 27 by—
(a) deleting the reference to “Public Procurement and Disposal Act 2005” and substituting with “Public Procurement and Assets Disposal Act, 2015”

(b) repealing subsection (2)

**Amendment of section 29**

24 The Principal Act is amended in section 29 by deleting the word “Board” and substituting with the words “Committee” in subsection (2)

**Repeal of section 30**

25 The principal Act is amended in section 30 by repealing the entire section

**Repeal of section 31**

26 The principal Act is amended in section 31 by repealing the entire section

**Repeal of section 32**

27 The principal Act is amended in section 32 by repealing the entire section
SECOND SCHEDULE

Amendment of the Second Schedule

28 The Second Schedule of the Principal Act is amended by deleting the word “Board” and substituting with the words “Committee” in the entire schedule

THIRD SCHEDULE

Repeal of the Third Schedule

29 The Third Schedule of the Principal Act is amended by repealing the entire schedule

FIFTH SCHEDULE

Amendment of the Fifth Schedule

30 The title of the Fifth Schedule of the Principal Act is amended by deleting the words “WARDS AROUND AND ABOUT THE MARA” and substituting with the words “OTHER WARDS”
MEMORANDUM OF OBJECTS AND REASONS


The Bill also endeavours to comply with traditional doctrines of separation of powers and principles of prudent use of financial resources as provided in the Public Finance Management Act, No 18 of 2012.

The Bill repeals, deletes and substitutes and inserts clauses into the principal Act in full view of statutory compliance.

The enactment of this Bill shall not occasion additional expenditure of County funds.

TIPAPA KIROKOR JULIUS,
Member of County Assembly