

SPECIAL ISSUE

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**BUSIA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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**THE BUSIA COUNTY WARD DEVELOPMENT
FUND ACT, 2014**

No. 1 of 2014

Date of Assent: 30th January, 2014

Date of Commencement: 4th February, 2014

AN ACT of the County Assembly of Busia to establish the Ward Development Fund for the eradication of poverty through the implementation of community-based projects and for connected purposes

ENACTED by the County Assembly of Busia as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Ward Development Fund Act, 2014 and shall come into operation three days after the Governor's assent

Short title and commencement

2. (1) In this Act, unless the context otherwise requires-

Interpretation

“Ward Development Committee” means the committee established under section 7A;

“County Committee” means the Ward Development Fund Committee established by Section 5A(1).

“Chief Officer” means a Chief Officer appointed under the County Government Act to head a department in the County Government.

“Member of the Executive Committee” means the Member of the Executive Committee responsible for finance in the County

“Community” means residents of a particular geographical area or region defined as a Ward, location, sub location or village and having common interests;

“Ward” has the meaning assigned to it in the Elections Act, 2011;

“Ward Fund Account” means the account maintained for every Ward in accordance with section 15(1)

“Fund” means the Ward Development Fund established under section 4;

“County Assembly Committee” means a County Assembly Committee established in accordance with section 9(1)

“Project” means an eligible development project as described in this Act;

“Prescribed” means prescribed by the Member of the Executive Committee responsible for finance;

“Emergency” means an urgent, unforeseen need for expenditure in the ward for which it is in the opinion of the county committee, that it cannot be delayed until the next financial year without harming the public interest of the people.

“Sub-project” means a complete unit or part of a project that can be put to use towards the achievement of the project objectives;

“Youth” means a person who has attained at the age of eighteen years but has not attained the age of thirty five years.

3. The purpose of this Act is to provide a comprehensive, harmonized, efficient and effective legal and regulatory framework for the management and operation of the Ward Development Fund for Busia County to achieve the following objectives:-

Object and purpose of the Act

- (a) Channel the use of public funds at the lowest level of governance where the most vulnerable exist;
- (b) Ensure equity in the distribution of funds in the County;
- (c) Ensure local-level participation in the identification, prioritization, implementation and evaluation of development activities at the Ward level; and
- (d) provide for accountability and transparency in the disbursement and use of Public resources.

PART II — ESTABLISHMENT AND ADMINISTRATION OF THE WARD DEVELOPMENT FUND

4. There is hereby established a fund to be known as the Ward Development Fund which shall:-

Establishment of the Ward Development Fund

- (a) Comprise of an amount of not less than Kshs 350 million voted for annually by the County Assembly to be distributed equally among the 35 wards of the County; and
- (b) any other moneys accruing to or received by the Ward Development Fund from any other source to be distributed as a grant by the County Government through the County Committee in the manner provided in this Act.

5. (1) The ward development fund established under section 4 shall be utilized to:-

The purpose and administration of the Ward Development Fund

- (a) Promote community based projects that economically empower communities in the Ward.
- (b) Finance studies, planning and design or other technical input for approved project but excluding recurrent cost of the facility
- (c) To finance education bursary schemes, school mock examinations and continuous assessment tests provided that the allocation shall not exceed 25% of the total allocation to the ward in any financial year
- (d) Finance projects aimed at conserving and protecting the environment in the ward provided that the allocation in this respect shall not exceed 2% of the total allocation to the ward in any financial year
- (e) Finance sporting activities to help nurture and develop sporting talents in the ward provided that the allocation in this respect shall not exceed 2% of the total allocation to the ward in any financial year
- (f) Finance programs to promote civic education and public participation in the ward provided that the allocation in this respect shall not exceed 5% of the total allocation to the ward in any financial year
- (g) Finance monitoring and evaluating projects and to conduct capacity building in the wards provided that the allocation in this respect shall not exceed

3% of the total allocation to the ward in any financial year

- (h) Finance such emergencies as may occur within the ward provided that the allocation in this respect shall not exceed 2% of the total allocation to the ward in any financial year.

(2) Any funding under this section shall be for a complete or defined phase of a project and may include acquisition of land or buildings.

(3) The County Committee may, with the consent of other financiers or donors of a project, consider part funding of that project financed from sources other than the fund provided that the part funding from the fund shall go to a defined unit, part or phase of the project and ensure that the part so co-funded is completed with the funds allocated under this Act.

(4) Funds provided under this Act shall not be used for the purpose of supporting

- (a) Political bodies or activities
- (b) Religious bodies or activities
- (c) Any personal awards to any person in cash or in kind

(5) Without prejudice to Sub-section (3)(b) of this section the ward development fund committee may with the approval of the county committee identify a religious body as an appropriate specialized agency for the purposes of administering emergency support.

6. The Ward development fund established under section 4 shall be administered through

Structures for Administration of the fund

- (a) The County Committee;
- (b) The Sub-County Committee; and
- (c) The Ward Committee

~~6A.~~ (1) There is hereby established a committee in the County to be known as the County Committee which shall comprise and consist of:-

The establishment and membership of the County Committee:-

- (a) The Chief Officer in the Ministry of Community Development - Chairperson

- (b) The Chief Officer in charge of Finance and Economic Planning- Secretary
- (c) The Chief Officer in the Department of Agriculture and Animal Resources
- (d) The Chief Officer in the Department of Water, Environment and Natural Resources
- (e) The Chief Officer in the Department of Trade, Cooperatives, Tourism and Industry
- (f) The Chief Officer in Charge of Public Service

(2) The County Committee shall conduct its business in accordance with the rules set out in the fourth schedule to this Act.

6B. The County Committee shall:-

Functions of the
County Committee

- (a) ensure timely and efficient disbursement of funds to every Ward;
- (b) ensure efficient management of the Fund;
- (c) receive and discuss annual reports and returns from the Wards;
- (d) ensure the compilation of proper records, returns and reports from the Wards through Sub-County Committees;
- (e) submit the list of approved projects to the Executive Member for transmission to the County Assembly
- (f) receive and address complaints and disputes and take any appropriate action;
- (g) disburse funds to the respective Ward Fund Accounts for the approved projects;
- (h) ensure proper, efficient, effective and economic utilization of the funds; and
- (i) perform such other duties as it may deem necessary for the proper management of the Fund;

6C. (1) The conduct and regulation of the business and affairs of the County Committee shall be as provided in the Fourth Schedule

Conduct of Business
and affairs of the
County Committee

(2) Except as provided in the fourth schedule the County-Committee may regulate its own procedure

6D. The County Committee shall, on a quarterly basis, submit a report to the County Assembly Select Committee detailing:-

Report by County Committee

- (a) a summary of the project proposals received from the Wards and indicating the approval status of such projects;
- (b) a summary of the status of disbursements of funds to the Wards for that preceding month;
- (c) a summary of the status of disbursements from the County Treasury to the Wards Account; and
- (d) any restriction imposed on a Ward account in accordance with the Act

7A. (1) There is hereby established in every Sub-County in the County a committee to be known as Sub-County Committee.

Establishment and composition of sub-county committee

(2) The Sub-County Committee shall comprise:-

- (a) The Sub-County Administrator who shall be the Chairperson;
- (b) The Ward-Administrators in the Sub-County; and
- (c) The Chairpersons of the Ward Development Fund Committees.

(3) The Sub-Committee shall at it's first meeting appoint one person from among it's membership as it's Secretary for such a period of time as it may resolve.

7B. The Sub-County Committee shall:-

Functions of the Sub-County Committee

- (a) Receive and harmonize proposed projects from the wards;
- (b) Submit the list of harmonized and approved projects to the County Committee;
- (c) Provide technical support to the ward committees; and
- (d) To be the liaison committee between the wards and the County Committee in the administration of the Fund.

7C. (1) There is hereby established in every ward in the County a committee to be known as Ward Development Fund Committee which shall comprise:-

The establishment and membership of the Ward Development Fund Committee

- (a) A Chairperson nominated by the member of the County Assembly representing the ward in consultation with the sub-county administrator
- (b) One person nominated by the member of the county assembly representing the ward in consultation with the Sub-County administrator from among a list of three persons submitted by and to represent each of the following:-
 - i. Representative of the umbrella women organization in the ward;
 - ii. The umbrella youth organization in the ward;
 - iii. The umbrella organization representing people with disability;
 - iv. Representative of religious forum in the ward and
 - v. A representation of development partners operating in the ward

Provided that the heads of the departments and other Public Officers of the county government in the ward may attend the meetings of the Ward Development Fund Committees as ex-officio members.

(2) A person nominated in sub-section 1 shall, be appointed in writing by the Executive Committee Member and shall, save as is otherwise provided in this Act serve for a period of 3 years renewable once.

(3) The Ward Administrator shall be the secretary and the Chief Executive Officer of the Ward Development Fund whose duties shall be to:-

- (a) Keep minutes and records of the Ward Development Fund Committee;
- (b) Prepare reports of the Ward Development Fund Committee;
- (c) Transmit the list of proposed projects to the Sub County Administrator;
- (d) Transmit reports required under this section to be submitted to the Sub County Administrator and
- (e) Act as the main project implementing agent in the Ward

7D. The Ward Development Fund Committee shall:-

Functions of the Ward
Development Fund
Committee

- (a) Receive proposals from the village administrators
- (b) Interrogate and prioritize the proposals received
- (c) Submission to the sub-county Administrator
- (d) Communication of outcome to the beneficiary-communication liaison
- (e) Oversight and reporting on project status
- (f) Completion of reports
- (g) Monitoring & Evaluation of the fund
- (h) Maintain data base on planned on going and completed projects in the ward

7E. (1) The conduct and regulation of the business and affairs of the Ward Development Fund shall be as provided for in the Sixth Schedule.

Conduct of Business
and Affairs of the
Ward Development
Fund Committee

(2) Except as provided in the Sixth Schedule, the Ward Development Committee may regulate its own procedure

PART III — IDENTIFICATION AND SUBMISSION OF WARD PROJECT PROPOSALS

8. (1) Every village in the county shall through the village council prepare a list of not less than 5 and not more than 10 priority community based projects that the village proposes for funding under this Act.

(2) The Village Administrator shall submit the list under subsection 1 to the Ward Administrator not later than 31st December of every year

(3) The Ward Administrator shall receive from the Village Administrator the priority community based projects list and compile a full list of the proposed priority community based projects from the villages in the Ward and table it before the Ward Development Fund Committee for harmonization, prioritization and approval

(4) Upon approval by the Ward Development Fund Committee, the Ward Administrator shall compile the approved list of priority community based projects in the forms set out in the First and Second Schedules to this Act accompanied by minutes of the Ward Development Fund

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committee that approved the projects and submit the list to the Sub-County Committee.

(5) On receipt of the list of priority ward development projects from the ward under sub-section (4), the Sub-county Administrator shall table the same before the Sub County Committee for its consideration, harmonization and technical in-put and submit it to the County Committee before the end of January in each year.

(6) The County Committee shall receive, review and scrutinize the lists of proposed priority projects; and

(a) Approve the projects for funding if satisfied that the proposed projects are consistent with the Act; or

(b) Reject the projects and refer back to the ward development fund committee the proposed project(s) with reasons as to why it has declined to approve the project(s).

(7) Where the County Committee approves the proposed projects under sub-section 5, it shall submit the approved list to the Executive Committee Member to forward to the County Assembly for approval of funding.

**PART IV – COUNTY ASSEMBLY SELECT
COMMITTEE ON WARD DEVELOPMENT FUND**

9. (1) The County Assembly shall, in accordance with its Standing Orders, establish a Select Committee consisting of a Chairperson and not more than ten other members of the County Assembly.

Establishment of the
County Assembly
Select Committee

(2) In determining the membership of the County Assembly Select Committee, the County Assembly shall ensure proportionate representation of the official parties represented in the County Assembly.

(3) The term of office of the members of the County Assembly Select Committee shall be three years renewable or upon the appointment of a new committee in a manner provided for in this Act, whichever comes earlier.

(4) The procedures and rules for the operations of the County Assembly Select Committee shall be governed by the Standing Orders of the County Assembly

10. The County Assembly select committee shall:

Duties and responsibilities of the County Assembly

- (a) Consider and recommend to the County Assembly any matter requiring action by the County Assembly pursuant to the provisions of this Act;
- (b) Oversee the implementation of this Act and in this respect annually submit a report to the County Assembly and where necessary, propose any amendments to the Act in any matter.
- (c) Oversee the policy framework and legislative matters that may arise in relation to the Fund
- (d) Continually review the framework set out for the efficient delivery of development programmes financed through the Fund:
- (e) Consider and report to Assembly with recommendations, names of persons required to be approved by the County Assembly under this Act; and
- (f) Carry out any other functions relevant to the work of the Fund

11. (1) Upon receipt of the list of selected priority projects submitted in accordance with section 8 the Speaker of the County Assembly shall transmit the list and other documents received to the County Assembly Select Committee on Ward Development Fund for that Committee to consider the proposals in line with the County Development plans and other considerations and submit a report to the County Assembly.

(2) The County Assembly shall on receipt of the report of the County Assembly Select Committee on Ward Development Fund consider the report and approve the projects for funding with or without amendments and submit it's report to the County Committee for disbursement and implementation.

PART V – DISBURSEMENT OF THE FUND

12. (1) The funds approved by the County Assembly for the purposes of this Act shall be kept by the County Treasury in a bank account opened and maintained with a reputable commercial bank approved by the County Executive Member and which shall be separate from that of the County Treasury.

Ward Development
Fund Bank Account

(2) The signatories to the account of the Fund maintained in accordance with subsection (1), shall be the Chief Officer responsible for Finance and three other persons appointed by the County Committee from amongst its members.

(3) The signing instructions shall be such that the signature of the Chief Officer responsible for Finance shall be mandatory on all payment cheques and /or instruments intended for actual release of money from the fund, plus any two of the other three signatories.

(4) Each and every disbursement of the Fund shall be approved and minuted by the County Committee

(5) Disbursements from the Fund shall be for specific projects as submitted by the Wards and approved in accordance with the provisions of this Act

(6) All disbursements by the County Committee shall be made through the Ward bank accounts maintained for every ward in accordance with *section 15 of the Act*.

13. (1) The County treasury shall in accordance with the County Assembly approval disburse funds to each Ward in accordance with this Act and the funds so disbursed for any project shall be cumulative for that project and may only be re-allocated for another purpose with the approval of the County Assembly

Allocation of funds

(2) The funds allocated for a particular financial year and which shall not be fully utilized shall be carried forward from one year to the next including such funds as may be returned to the account in accordance with **subsection 4** of this section

(3) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the Fund and credited to the account of the Ward from which the funds were withdrawn.

(4) Unspent funds shall be allocated by the County Committee with the approval of the County Assembly to any eligible project in the ward and such project may be new or ongoing at the end of the financial year

(5) For the avoidance of doubt, a return as set out in the third Schedule shall be made for the current financial

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year and every previous financial year on which some funds remain unspent.

14. All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be returned to the Fund and applied in accordance with section 13(3) of this Act

Funds to be retained in the Fund

15. (1) For the purposes of disbursement of funds to the wards under this Act, there shall be opened and maintained in the name of each ward for which it is opened, only one account with a reputable commercial bank approved by the Member of the Executive Committee responsible for finance.

Ward Bank Accounts

(2) The bank account opened pursuant to subsection (1), shall be separate from that of the County Treasury.

(3) All funds for the ward disbursed under this Act shall be kept into the ward account.

(4) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward account and the signing instructions shall be such that there shall be at least one signature of an officer seconded by the County Committee and at least two signatures of two members of the Ward Development Fund Committee

(5) The Ward Administrator shall hold the authority to incur expenditure of the funds at the Ward account

(6) Funds from the Ward account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 12 of this Act

(7) Every payment or instruction for payment out of the Ward fund account shall be strictly on the basis of a minuted resolution of the Ward Development Fund Committee

(8) All receipts, savings and accruals to the Ward account and the balances there of at the end of each financial year shall be retained in the Fund Account

(9) All unutilized funds shall remain in the Ward account and no expenditure shall be permitted, until an approval is obtained from the County Committee

(10) Funds meant for a project that is cancelled or discontinued shall be returned to Ward Account in accordance with section 13 of this Act.

(11) Any accruing revenues, interest and liabilities from any Ward account shall be declared to the County Committee together with the annual returns.

16. (1) An accurate record of all disbursements made for every project in a Ward shall be kept and updated every month by the County Committee

Record of disbursements to be kept

(2) The disbursement of funds to the Ward fund account shall be effected at the beginning of the first quarter of each financial year with an initial amount equivalent to twenty-five per centum of the annual allocation for the Ward and thereafter the Ward fund account shall be replenished in three equal installments at the beginning of the second, third and fourth quarters of the Financial Year

(3) The Chairperson of the County Committee shall, through the county Executive Member submit to the County Assembly an annual report on the activities, operations and expenditure under the Act.

(4) At the end of every Financial Year, the County Committee shall submit, through the County Executive Member, separate accounts of the wards and the County Committee to the Auditor General.

PART VI – IMPLEMENTATION OF PROJECTS

17. (1) Projects under this Act shall be implemented by the Ward Development Committee with the assistance of the relevant department of the County Government in any case.

(2) All payments shall be processed and effected in accordance with Government Regulations for the time being in force

(3) All fixed and movable assets including equipment bought for purposes of implementation for projects under this Act shall be the property of and be insured in the name for the County Government

(4) Where a project in a Ward involves the purchase of equipment, such equipment shall remain for the exclusive use of that Ward

(5) Assets or equipment acquired under this section shall only be disposed of in accordance with the Public Procurement and Disposals Act 2005.

(6) Any proceeds that may accrue from the disposal of any asset acquired pursuant to sub-section (5) shall be credited to the account of the Ward from whose funds the asset was acquired and such funds shall be reflected and declared as part of the following year's Ward fund for that Ward.

(7) The County Committee shall be responsible for monitoring the implementation of projects

18. All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Disposals Act 2005 and the relevant regulations.

Procurement of
services and Works

19. The Ward Administrator shall compile and maintain a record showing all receipts, disbursements and actual expenditures on a monthly basis in respect of every project and sub-project under this Act and shall:-

Record of receipts and
disbursement

- (a) Table such record at a meeting of the Ward Development Fund Committee in every month; and
- (b) Submit a summary of the record for the year to the County Committee not later than thirty days after the end of every financial year.

PART VII — MISCELLANEOUS PROVISIONS

20. For the proper administration of the Fund and discharge of the functions under this Act, The County Government shall, from time to time as will be necessary, assign personnel to:-

Secondment of staff

- (a) The County Committee
- (b) Sub-County Committee
- (c) The Ward Development Fund Committee

21. (1) The expenditure for running the County Committee and related purposes shall be set aside at the beginning of the financial year and not more than five per centum of the total allocation to the Fund in the financial year may be used for this purpose, the annual budget of

Finances of the
County Committee

which shall be approved by the Member of the Executive Committee

(2) The personal emoluments of Government officers working or involved in the management of the Fund shall be provided for under the recurrent expenditure of County Government.

(3) Sitting allowances of the members of the Sub-County Committee and the Ward Development Fund Committee shall be paid out of funds set aside as administrative costs of the fund provided that such administrative costs shall not exceed 2 percent of the total fund in any one year

22. All funds received under this Act and the accounts of each ward and the committees shall be audited and reported upon by the Auditor-General in accordance with the Public Audit Act No. 12 of 2003 and Public Finance Management Act No. 18 of 2012. Audit

23. (1) The member of the County Executive Committee may make regulations for the smooth running of the Fund and such regulations shall be approved by the County Assembly before implementation Power to make Regulations

(2) The member of the Executive Committee may amend any of the Schedules through a notice in the County Gazette, provided that such amendments shall first be approved by the County Assembly before implementation.

24. (1) The provisions of this Act shall be complimentary to any other development efforts by the national government, the county governments or any other agency and nothing in this Act shall be taken or interpreted to mean that an area may be excluded from any other development programmes Provisions in the Act are complimentary

(2) For the avoidance of doubt, normal County Government development allocations shall continue alongside the projects funded under this Act

25. Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand shillings or to both. Offences and penalties

26. (1) Disputes of a civil nature arising out of the administration of this Act shall be referred to the County Committee in the first instance and where necessary an arbitration panel whose costs shall be borne by the parties to the dispute, shall be appointed by consensus of the parties to consider and determine the matter.

Disputes resolution

(2) Notwithstanding subsection (1), parties shall be at liberty to jointly appoint an arbitrator of their choice in the event of a dispute but where parties fail to jointly agree on an arbitrator the County Executive member for Finance may appoint an arbitrator whose costs shall be jointly borne by the parties.

(3) A person aggrieved by the determination of the arbitrator may apply to the court for a resolution

(4) Complaints of a criminal nature shall be forwarded to the relevant government agencies

(5) Subject to this Act, no person in the management of the Fund shall be held personally liable for any lawful action taken in his official capacity or for any disputes against the Fund.

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THIRD SCHEDULE S. 13(5)**PROJECT RE-ALLOCATION FORM**

Ward No. Name Financial year

Project No.	Project Title	Amount allocated (KSh.)	Amount disbursed (KSh.)	Balance (KSh.)	Unspent to be re-allocated

Name Position

Signature Date

FOURTH SCHEDULE:-**CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY COMMITTEE****Meetings**

1. (1) The County Committee shall meet at least ones in every quarter or as often as the need may arise

(2) Notwithstanding sub paragraph (1), the Chairperson may, and upon requisition in writing by at least three members shall, convene a special meeting of the County Committee at any time for the transaction of the business of the County Committee

(3) Unless three quarters of the total members of the County Committee otherwise agree, at least fourteen days' written notice of every meeting of the County Committee shall be given to every member of the County Committee

(4) The quorum for the conduct of the business of the County Committee shall be four members

(5) The Chairperson shall when present, preside at every meeting of the County Committee but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the County Committee shall be by a majority of the votes of the members present and voting, and in case of a tie of votes, the Chairperson or the person presiding shall have a casting vote

(7) Subject to subparagraph (4), no proceedings of the County Committee shall be invalid by reason only of a vacancy among the members thereof

(8) Subject to the provisions of this Schedule, the County Committee may determine its own procedure and the procedure for any Sub-Committees of the County Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Sub-Committees of the County Committees

2. (1) The County Committee may establish such sub-committee as it may deem appropriate to perform such functions and responsibilities as it may determine

(2) The County Committee shall appoint the Chairperson of a sub-committee established under subparagraph (1) from amongst its members.

(3) The County Committee may where it deems appropriate, invite any person to attend the deliberations of any of its sub-committee provided that any invited person shall not have the right to vote

(4) All decisions of the sub-committees appointed under sub-section (1) shall be ratified by the County Committee

Disclosure of interest

3. Members of the County Committee shall at all times abide by the Public Servants rules of ethics and regulations.

FIFTH SCHEDULE

CONDUCT OF BUSINESS AND AFFAIRS OF SUB-COUNTY COMMITTEE

Tenure of Office

1. A member of the sub-county committee other than a person who is a member by virtue of that person's public office shall hold office for a period of three years upon such terms and conditions as may be specified in the instrument of appointment and shall, be eligible for re-appointment for only one more term.

Vacation of office

2. A member of the Sub-Committee other than a person holding such membership by reason of their public office may at any time:-

- (a) Resign from office by giving notice in writing to the ward representative with a copy to the sub-county administrator
- (b) Upon recommendation of the Sub-County Committee be removed from office by the ward representative in consultation with the Sub-County Administrator if the member:-
 - i. has been absent from three consecutive meetings of the Sub-County Committee without it's permission
 - ii. is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - iii. is incapacitated by prolonged physical or mental illness for a period exceeding six months or
 - iv. is otherwise unable or unfit to discharge his functions

Meetings

3. (1) The Sub-County Committee shall meet at least ones in every quarter

(2) Notwithstanding sub paragraph (1), the Chairperson may, and upon requisition in writing by at least 1/3 of the membership of the Sub-County Committee shall, convene a special meeting of the Sub-County Committee at any time for the transaction of the business of the Sub-County Committee

(3) Unless two thirds of the total members of the Sub-County Committee otherwise agree, at least fourteen days' written notice of every meeting of the Sub- County Committee shall be given to every member of the Sub-County Committee

(4) The quorum for the conduct of the business of the Sub-County Committee shall be fifty per cent of the members of the Sub-County Committee.

(5) The Chairperson shall when present, preside at every meeting of the Sub-County Committee but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Sub-County Committee shall be by a majority of the votes of

the members present and voting, and in case of a tie of votes, the Chairperson or the person presiding shall have a casting vote

(7) Subject to subparagraph (4), no proceedings of the Sub-County Committee shall be invalid by reason only of a vacancy among the members thereof

(8) Subject to the provisions of this Schedule, the Sub-County Committee may determine its own procedure and the procedure for any Sub-Committees of the Sub-County Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Disclosure of interest

4. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Without prejudice to paragraph 1 of this rule, members of the Sub-County Committee who are public officers shall at all times abide by the Public Servants' rules of ethics and regulations

(4) A member of the Sub-County Committee who contravenes sub-paragraph (1) shall cease to be a member of the Sub-County Committee upon direction of the Executive Member for Finance

SIXTH SCHEDULE (S. 7 C)

CONDUCT OF BUSINESS AND AFFAIRS OF THE WARD DEVELOPMENT COMMITTEE

Tenure of Office

1. A member of the Ward Development Committee other than a person who is a member by virtue of that person's public office shall hold office for a period of three years upon such terms and conditions as may be specified in the instrument of appointment and shall, be eligible for re-appointment for only one more term.

Vacation of office

2. A member of the Ward Development Committee other than a person holding such membership by reason of their public office may at any time:-

- (a) Resign from office by giving notice in writing to the ward representative with a copy to the sub-county administrator
- (b) Upon recommendation of the Ward Development Committee be removed from office by the ward representative in consultation with the Sub-County Administrator if the member:-
 - i. has been absent from three consecutive meetings of the Ward Development Committee without it's permission
 - ii. is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - iii. is incapacitated by prolonged physical or mental illness for a period exceeding six months or
 - iv. is otherwise unable or unfit to discharge his functions

Meetings

3. (1) The Ward Development Committee shall meet at least ones in every month

(2) Notwithstanding sub paragraph (1), the Chairperson may, and upon requisition in writing by at least 1/3 of the membership of the Ward Development Committee shall, convene a special meeting of the Ward Development Committee at any time for the transaction of the business of the Ward Development Committee

(3) Unless two thirds of the total members of the Ward Development Committee otherwise agree, at least fourteen days' written notice of every meeting of the Ward Development Committee shall be given to every member of the Ward Development Committee

(4) The quorum for the conduct of the business of the Ward Development Committee shall be fifty per cent of the members of the Ward Development Committee.

(5) The Chairperson shall when present, preside at every meeting of the Ward Development Committee but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Ward Development Committee shall be by a majority of the

votes of the members present and voting, and in case of a tie of votes, the Chairperson or the person presiding shall have a casting vote

(7) Subject to subparagraph (4), no proceedings of the Ward Development Committee shall be invalid by reason only of a vacancy among the members thereof

(8) Subject to the provisions of this Schedule, the Ward Development Committee may determine its own procedure and the procedure for any Ward Development Committees of the Ward Development Committee and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

Disclosure of interest

4. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Without prejudice to paragraph 1 of this rule, members of the Ward Development Committee who are Public Officers shall at all times abide by the Public Servants rules of ethics and regulations

(4) A member of the Ward Development Committee who contravenes sub-paragraph (1) shall cease to be a member of the Ward Development Committee upon direction of the Executive Member for Finance