

**COUNTY GOVERNMENT OF NAROK**

**SPECIAL ISSUE**

*Narok County Gazette Supplement No. 10 (Act No 10 of 2014)*



NAROK COUNTY GAZETTE SUPPLEMENT

ACTS, 2014

---

NAROK, 18<sup>TH</sup> SEPTEMBER, 2014

---

**CONTENT**

Act for Introduction into the Narok County Assembly—

	PAGE
<b>THE NAROK COUNTY EMERGENCY FUND ACT, 2014 .....</b>	

---

PRINTED AND PUBLISHED BY THE NAROK COUNTY PRINTER, NAROK

---

**THE NAROK COUNTY EMERGENCY FUND ACT, 2014**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I—PRELIMINARY**

- 1—Short title.
- 2—Interpretation.
- 3— Objects of the Act
- 4— Establishment of the Fund
- 5 — Purpose of the Fund
- 6 — Officer responsible for administering the Fund
- 7 — Power of the County Executive Committee Member
- 8 —Limitation of powers of County Executive Committee Member
- 9 — Accruals
- 10 — Approval of the County Assembly
- 11 — Financial Statement
- 12 — Regulations

**A Act for,**

**AN ACT of the Narok County Assembly to make provision for the establishment of an Emergency Fund and for connected purposes**

ENACTED by the Narok County Assembly, as follows—

**PART I— PRELIMINARY**

Short title.

1. This Act may be cited as the Narok County Emergency Fund Act, 2014.

Interpretation.

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

“appropriation” means funds provided for to pay for the supply of services;

“County” means the County Government of Narok;

“County Assembly” means the County Assembly of Narok County;

“Fund” means the County Emergency Fund established under section 4 of this Act;

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

“financial year” means the period of twelve months ending on thirtieth day of June.

“emergency” is a situation that poses an immediate risk to health, life, property, or environment, resulting in a state that calls for immediate action or urgent need for assistance or relief.

Object of the Act.            3. The object of this Act is to establish the County Emergency Fund, its management and operations.

**PART II: EMERGENCY FUND**

Establishment of the County Emergency Fund.            4. (1) There is established a Fund to be known as the Narok County Emergency Fund.

(2) The Fund shall consist of —

- (a) Monies appropriated by the County Assembly; and
- (b) Grants and donations made into the Fund

Purpose of the Fund.            5. The purpose of the Fund is to enable payments to be made in respect of a County when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.

Officer responsible for administering the Fund.            6. (1) The County Executive Committee Member shall be responsible for administering the Fund.

(2) The County Executive Committee Member shall open and maintain a separate account into which all money appropriated to that Fund shall be paid.

---

*The Narok County Emergency Fund Act, 2014*

---

Power of County  
Executive  
Committee  
Member.

7. (1) The County Executive Committee Member may make payments from the Fund only if satisfied that —

- (a) there is an urgent and unforeseen need for the expenditure for which there is no legislative authority; and
- (b) it is for the public interest; and
- (c) an event has caused a damage, loss, hardship or suffering to residents of the County or threatens to damage the environment and the event is limited to the County.

(2) For the purposes of subsection (1) —

(a) There is an urgent and unforeseen need for expenditure if, in the opinion of the County Executive Member —

- (i) payment cannot be delayed until the next financial year without harming the general public interest of the County;
- (ii) the payment is necessary to alleviate the damage, loss, hardship or suffering which may be directly caused by the event; and

(b) need for expenditure is unforeseen and has not been provided for in an appropriation law made by the County Assembly for the current financial year.

Limitation on  
power of County  
Executive  
Committee  
Member.

8. The County Executive Committee Member shall not, during a financial year, make payments under section 7 if the payment exceeds two percent of the total County Government's revenues as shown in that County's audited financial statements for the previous financial year except for the first year.

---

*The Narok County Emergency Fund Act, 2014*

---

Accruals.

9. All receipts, earnings and accruals to the Fund and the balance of the Fund at the close of the financial year shall be retained by the Fund for the purpose for which it is established.

Approval of  
County  
Assembly.

10. (1) The County Executive Committee Member shall notify the County Assembly in writing within two months after payment is made out of the Fund.

(2) If the County Assembly is not sitting during the period referred to in subsection (1) and the County Executive Committee Member has not sought the approval of the County Assembly before the end of that period, the County Executive Committee Member shall seek the approval of the County Assembly for the payment within fourteen days after it next sits.

(3) As soon as practicable after the County Assembly has approved the payment, the County Executive Committee Member shall arrange for an Appropriation Act to be introduced into the County Assembly for the appropriation of the money paid and for the replenishment of the Fund to the extent of the amount of the payment.

Financial  
Statement.

11. (1) Within three months after the end of each financial year, the County Treasury shall prepare and submit to the Auditor-General a financial statement in respect of the Fund for that year.

(2) The financial statement prepared under subsection (1) shall include the following information—

(a) the date and the amount of each payment;

*The Narok County Emergency Fund Act, 2014*

---

- (b) the person to whom the payment was made;
- (c) the purpose for which the payment was made;
- (d) whether the person to whom the payment was made spent the money for that purpose and a statement made to that effect;
- (e) if the person to whom the payment has been made has not spent the money for that purpose, a statement specifying the reasons for not having done so; and
- (f) a statement indicating how the payment conforms to section 7 of this Act, the legislation or the policy of the County relating to disaster management.

Regulations.

**12.** The County Executive Committee Member shall make regulations for the better carrying out of the provisions of this Act.

**MEMORANDUM OF OBJECTS AND REASONS**

The Act establishes the Narok County Emergency Fund to provide payments for unforeseen needs for expenditure which cannot be delayed to the next financial year.

It further provides for payments for the need for expenditures to alleviate damage, loss, hardship or suffering of Narok residents that may be caused by unforeseen events such as drought, fire, floods, storm, or outbreak of diseases, famine among others.

The Act is structured as follows:

Clause 1 provides for the short title of the Act.

Clause 2 provides for the interpretations of terms used in the Act. This is intended to provide clarity during the implementation of the Act.

Clause 3 provides for the objects of the Act

Clause 4 establishes the Fund. It provides that the Fund will consist of funds appropriated by the County Assembly. The section as well provides for the fund to be maintained in a separate bank account.



*The Narok County Emergency Fund Act, 2014*

---

Clause 5 highlights the purpose of the establishment of the Fund.

Clause 6 provides for the administration of the fund by the County Executive Committee Member responsible for finance while Clause 7 sets out the power of the committee Member in relation to making payments out of the Fund in the case of an emergency.

Clause 8 sets out the limitation to the powers of the County Executive Committee Member to make payments out of the Fund not exceeding two percent of the county's budget.

Clause 9 provides for the retention of the monies in the Fund at the close of the financial year in the Fund.

Clause 10 compels the County Executive Committee Member to obtain the approval of the County Assembly for the payments made out of the Fund within two months of such payment.

Clause 11 provides for the County Treasury to prepare a financial statement within three months after the end of each financial year, highlights the information to be contained in the financial statement and requires submission of the statement to the Auditor General.

Clause 12 confers on the County Executive Committee Member the powers to make Regulations under the Act.

*The Narok County Emergency Fund Act, 2014*

---

The Act shall occasion additional expenditure to the County. The expenditure shall be appropriated by the County Assembly.

**LETULAL OLE MASIKONTE  
CHAIRMAN BUDGET & APPROPRIATION  
COMMITTEE**



