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THE PUBLIC FINANCE MANAGEMENT (BARINGO COUNTY EMERGENCY
FUND) REGULATIONS, 2015

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THE PUBLIC FINANCE MANAGEMENT ACT 2012

(No 18 of 2012)

IN EXERCISE of the powers conferred by section 110 (1) of the Public Finance Management Act 2012 the County Executive Committee Member for Finance with the approval of the Assembly makes the following Regulation —

THE PUBLIC FINANCE MANAGEMENT (BARINGO COUNTY EMERGENCY FUND) REGULATIONS 2015**Short title**

1 These Regulations may be cited as the Public Finance Management (Baringo County Emergency Fund) Regulations 2015

Interpretation

2 In these Regulations unless the context otherwise requires-

‘Act’ means the Public Finance Management Act 2012

“affected area” means an area or part of the county affected by a disaster

“Committee” means the Emergency Fund Management Committee established under regulation 8

"County Disaster Management Committee" has the meaning given to it by the County Disaster Management Policy

Executive Committee Member’ means the County Executive Committee Member responsible for Finance

Emergency Fund means the County Emergency Fund established by the County Executive in accordance to Section 110(1) of the Act

disaster’ means a catastrophe mishap calamity or grave occurrence in any area arising from natural or man made causes or by accident or negligence which results in substantial loss of life or human suffering or damage to and destruction of property or damage to, or degradation of environment and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area

‘Disaster management’ means a continuous and integrated process of planning organising coordinating and implementing measures which are necessary or expedient for—

- (a) Prevention of danger or threat of any disaster
- (b) mitigation or reduction of risk of any disaster or its severity or consequences
- (c) Capacity Building
- (d) Preparedness to deal with any disaster
- (e) Prompt response to any threatening disaster or disaster

- (f) Assessing severity or magnitude of any disaster
- (g) Evacuation rescue and relief,
- (h) Rehabilitation and reconstruction

Establishment of the Fund

3 There is established a fund for the County Government to be known as the Baringo County Emergency Fund

Purpose and Objectives of the Fund

- 4 (1) The purpose and object of the Fund is to—
- (a) allow the County Executive Member to make payments when there is an urgent and unforeseen need for expenditure for which there is no specific legislative authority and
 - (b) meet expenses for emergency preparedness and mitigation

Initial Capital and other resources of the Fund

5 (1) The initial capital of the Fund shall consist of monies appropriated by the County Assembly for the 2014/2015 Financial Year

- (2) Subsequent and continuous capital of the Fund shall consist of—
- (a) any amount that may, from time to time, be allocated by the county government and appropriated by the county assembly,
 - (b) loans, aid or donations from the National government and national or international agencies, and
 - (c) all other sums of money that may, in any lawful manner, become payable to or vested in the Fund including gifts, grants, bequeath and donations

Bank account

6 All monies appropriated, received or payable into the Fund shall be paid into a bank account opened for that purpose in accordance with section 111(2) of Public Finance Management Act 2012

Criteria and Guidelines for Payment from the Fund

7 (1) The Executive Committee Member or his or her nominee shall administer the Emergency Fund for the county government in accordance to these Regulations as approved by the county assembly

(2) County Executive Committee Member may make payments from the Emergency Fund only if he or she is satisfied that there is an urgent and unforeseen need for expenditure for which there is no legislative authority and shall be in accordance with operational guidelines made under this regulations

(3) There is an urgent and unforeseen event for expenditure if the County Executive Committee member for finance guided by regulations and relevant laws, establishes that—

- (a) payment not budgeted for cannot be delayed until a later financial year

without harming the general public interest

- (b) payment is meant to alleviate the damage loss hardship or suffering which may be caused directly by the event and
- (c) the damage caused by the event is on a small scale and limited to the County
- (4) For purposes of this regulations the unforeseen event is one which—
 - (a) threatens damage to human life or welfare or
 - (b) threatens damage to the environment

Establishment of the Emergency Fund Management Committee

8 (1) There is established Committee to be known as Emergency Fund Management Committee whose membership shall be—

- (a) the County Chief Officer responsible for Finance who shall be the Chairperson
- (b) the County Chief Officer for Water and Irrigation
- (c) the County Chief Officer for Education
- (d) the Director of County Disaster Management Unit (CDMU)
- (e) the member representing National Disaster Management Authority in the CDMC and
- (f) the County Director for Agriculture

Functions of the Committee

9 The functions of the Committee shall be to—

- (a) receive and consider recommendations of the County Disaster Management Committee
- (b) authorize payments, on behalf of the County Executive Committee Member, out of the Fund with regard to disaster management in accordance with recommendations in (a) above
- (c) receive and discuss quarterly and annual reports and returns from the Fund
- (d) oversee the efficient management and operation of the Fund and other matters that may arise in relation to the Fund
- (e) ensure all monies received or payable into the Fund are promptly collected and credited into the bank account opened for the purpose

(2) In carrying out its functions the Committee shall at all time ensure compliance to all existing legislations of the County and National Government

Meetings of the Committee

10 (1) Subject to this regulation the Committee shall regulate its own procedure and meetings

(2) The Committee shall meet at such place as the Chairperson may determine and the meetings shall be convened by the Chairperson

(3) Every meeting shall be presided over by the Chairperson and in his or her absence the members present shall appoint from among themselves a person to chair

(4) The officer administering the Fund referred to in regulation 11 shall be the secretary to the Committee and shall provide technical advice on the operations of the Fund

(5) The Committee may invite any person to attend any of its meetings and to participate in its deliberations but such person shall not have a vote in any decision of the Committee

(6) The quorum for the Committee meetings shall be the Chairperson and any other three members

(7) Decisions of the Committee shall be through resolutions recorded in the Minutes of the Committee

Officer administering the Fund

11 (1) The County Executive Committee Member shall designate a person responsible for administering the Fund in accordance with section 111(1) of the Act

(2) The officer administering the Fund—

(a) shall supervise and control the administration of the Fund

(b) may impose conditions on the use of any moneys in the Fund and impose reasonable restriction or other requirement concerning such use in consultation with the County Executive Member

(c) shall cause to be kept proper books of accounts and other books and records in relation to the Fund

(d) shall prepare sign and transmit to the Auditor-General in respect of each financial year and within three months after the end thereof a statement of accounts relating to the Fund specifying the income of the Fund and showing the expenditure incurred from the Fund in such details as the County Executive Member may from time to time direct in accordance with the 2012 PFM Act

(e) shall furnish such additional information as he or she may deem proper and sufficient for the purpose of examination and audit by the Auditor General

(3) All expenses incurred by the Committee in the execution of its functions including—

- (a) legal expenses audit fees supplies stationery and other incidental expenses may be met from the Fund

Financial Year

12 The financial year of the Fund shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year

Estimates of the income and expenditure

13 (1) At least three months before the commencement of each financial year the Committee shall prepare estimates of the income and expenditure of the Fund for that year

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Fund for the relevant financial year and shall provide for—

(a) disaster fund management and

(b) the cost of the administration and operations of the Committee

(5) Upon the approval of the estimates by the County Assembly all monies appropriated for purposes of the Fund and the Committee shall be paid into the relevant account established under regulation 6

Ceiling of payments from Emergency Fund

14 The County Executive Committee Member for finance may not during a financial year make a payment from the Emergency Fund exceeding two per cent of the total county government revenue as shown in the county government's audited financial statements for the previous financial year except for the first year

Approval of payments from the Emergency Fund by County Assembly

15 (1) The County Executive Committee Member for finance shall seek approval of the county assembly within two months after payment is made from the Emergency Fund

(2) If the County Assembly is not sitting during the period referred to above or soon thereafter the County Executive Committee Member for finance shall seek the approval for the payment within fourteen days after the County Assembly next sits

(3) As soon as practicable after the County Assembly has approved the payment the County Executive Committee Member for finance shall cause a draft of the appropriation Bill to be introduced in the county assembly for the appropriation of the money paid and for the replenishment of the County Government's Emergency Fund to the extent of the amount of the payment

Books of Accounts

16 (1) The officer administering the Fund shall cause to be kept proper books and records of account of the income expenditure assets and liabilities of the Committee and the Fund

(2) Within a period of three months after the end of each Financial Year the officer administering the Fund shall submit to the Auditor-General the accounts prepared under paragraph (1) in respect of that year together with a statement of –

- (a) the income and expenditure of the fund and
- (b) the assets and liabilities of the Fund during that year

(3) The annual accounts referred to under this regulation shall be prepared audited and reported upon in accordance with the provisions of Articles 226 of the Constitution and the Public Audit Act, 2003
Annual report

17 (1) The Committee shall prepare quarterly financial reports during the financial year on the operations of the Fund

(2) The Committee shall submit the report to the County Executive Member for review publish, publicize and submit it to the County Assembly

Disclosure of Interests

18 (1) A member who has an interest in any matter before the Committee who is present at a meeting of the Committee shall as soon as reasonably practicable after the commencement of the meeting, disclose the interest and shall not take part in the discussion of or vote on that matter or be counted in the quorum of the meeting during the consideration of the matter

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

Supplementary Terms

19 (1) The provisions of these Regulations shall be supplemented by details provided in the application of resolutions of meetings of the Committee in the form of minutes and other reports adopted as well as provisions of the Disaster Management Policy

Made on the 27th October 2014

Hon GEOFFREY BARTENGE
*County Executive Committee Member
Treasury and Economic Planning*