SPECIAL ISSUE

Garissa County Gazette Supplement No. 1 (Bills No. 1)

NATIONAL COUNCIL FOR LAW REPORTING LIBRARY

REPUBLIC OF KENYA

GARISSA COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 4th June, 2014

CONTENT

Bill for Introduction into the Garissa County Assembly—

PAGE

The Garissa County Emergency Fund Bill, 2014 1

NATIONAL COUNCIL FOR LAW REPORTING
RECEIVED
25 SEP 2014
P.O. Box 19443-00100
NAIROBI, KENYA
TEL: 2719231 FAX: 2719694

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

THE GARISSA COUNTY EMERGENCY FUND BILL, 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.

THE GARISSA COUNTY EMERGENCY FUND BILL, 2014

A Bill for

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

ENACTED by the Garissa County Assembly, as follows—

PART I— PRELIMINARY

1. This Act may be cited as the Garissa County Emergency Fund Act, 2014. Short title.

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

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

"County" means the County Government of Garissa;

"County Assembly" means the County Assembly of Garissa 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.

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

PART II—EMERGENCY FUND

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

5.The purpose of the Fund is to enable payments to be made in respect of a County when an urgent and unforeseen Purpose of the

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.

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.

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 Bill 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

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;

(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 ha 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.

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

MEMORANDUM OF OBJECTS AND REASONS

The Bill establishes the Garissa 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 Garissa residents that may be caused by unforeseen events such as drought, fire, floods, storm, or outbreak of diseases, famine among others.

The Bill 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 Bill. 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.

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

NASSIR MOHAMED,
Chairman,
Special Programmes Committee.