

SPECIAL ISSUE

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REPUBLIC OF KENYA



**BOMET COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

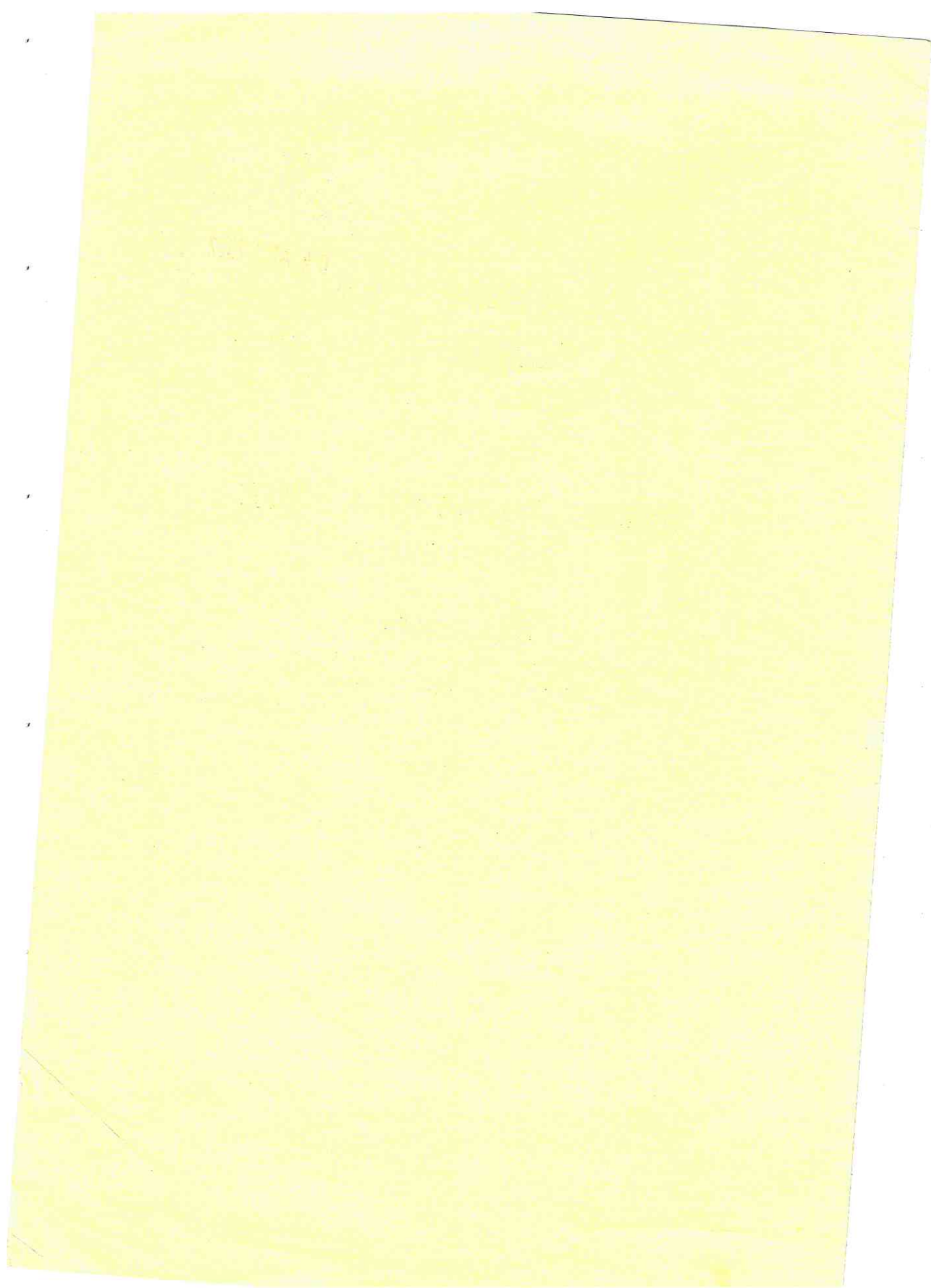
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THE BOMET COUNTY EMERGENCY FUND BILL, 2014

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THE BOMET COUNTY EMERGENCY FUND BILL, 2014

A Bill for

AN ACT of the County Assembly of Bomet to provide for the establishment of an Emergency Fund and for connected purposes.

ENACTED by the County Assembly of Bomet as follows—

Short title.

1. This Act may be cited as the Bomet 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 Bomet;

“County Assembly” means the County Assembly of Bomet;

“Fund” means the County Emergency Fund established under section 3;

“County Executive Committee Member” means the County Executive Committee member responsible for finance;

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

Establishment of the Fund.

Section 110(1)

3. (1) There is established a Fund to be known as the Bomet 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.

(3) The County Assembly shall, in appropriating monies under subsection (2)(a) in each financial year, ensure that the monies contained in the Fund are at least 0.5 per centum of the County’s budget.

Purpose of the Fund.

Section 110 (2)

4. (1) The object and purpose of the Fund is to enable payments to be made when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.

(2) The Executive Committee Member for Finance shall only pay any monies out of the Fund after approval and ascertaining of the emergency by the Executive Committee.

Officer responsible for administering the Fund.

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

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

Power of Executive Committee Member.

6. (1) The Executive Committee Member may make payments from the Fund only—

- Section 112 (1) & 112 (2)*
- (a) if there is an approval by the Executive Committee;
 - (b) if satisfied that there is an urgent and unforeseen need for the expenditure for which there is no legislative authority; and
 - (c) if satisfied that it is for the public interest; and
 - 112 3 (a) & (b)* (d) if 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 Executive Committee 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 of powers of
Executive Committee Member.

Section 13

Accruals.

Report to the County
Assembly.

Section 11(4)
(2)

Financial Statement.

Section 11(1)
of the PFMA

7. The Executive Committee Member shall not, during a financial year, make a payment under section 6 if the payment exceeds two per cent of the total County Government's revenues as shown in the audited financial statements for the previous financial year.

8. 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.

9. (1) The Executive Committee Member shall make a report to the County Assembly within two months after payment has been made out of the Fund.

(2) If the County Assembly is not sitting during the period referred to in subsection (1), the Executive Committee Member shall ensure that the report is before the Assembly within fourteen days after it next sits.

10. (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 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 6 of this Act, the legislation or the policy of the County relating to disaster management.

Regulations.

11. The Executive Committee Member for Finance may make regulations for the better carrying out of the provisions of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The Bill establishes the Bomet County Emergency Fund to provide payments to cater for unforeseen emergencies expenditure of 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 Bomet residents that may be caused by unforeseen events such as drought, fire, flood, storm, or outbreak of disease to humans or animals, among others.

Clause 1 of the Bill provides for the short title of the Act.

Clause 2 provides for the interpretations of terms as used in the Bill. This is intended to provide clarity of terms for ease of understanding to enable smooth implementation of the Act.

Clause 3 establishes the Fund. It provides that the Fund will consist of funds appropriated by the County Assembly. It further provides the minimum per centum of monies the Fund should have in relation to the total budget of the County. The section also provides for the fund to be maintained in a separate bank account.

Clause 4 highlights the purpose of the establishment of the Fund. It also requires that the approval of the Executive Committee is first sought before the monies are expended from the Fund.

Clause 5 provides for the administration of the fund by the Executive Committee Member responsible for finance while **Clause 6** sets out the power of the Executive Committee Member in relation to making payments out of the Fund in the case of an emergency.

Clause 7 sets out the limitation to the powers of the Executive Committee Member to make payments out of the Fund not exceeding two per cent of the County's budget.

Clause 8 provides for the retention of the monies in the Fund at the close of the financial year in the Fund.

Clause 9 requires the Executive Committee Member to make a report to the County Assembly for the payments made out of the Fund within two months of such payment.

Clause 10 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 11 confers on the Executive Committee Member the powers to make Regulations under the Act.

This Bill is not a money Bill in terms of Article 114 of the Constitution.

Dated this 4th day of December, 2014.

JOSEPHAT KIRUI,
Leader of Majority