

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF TRANS NZOIA

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COUNTY ASSEMBLY OF TRANS NZOIA

REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE ON TRANS NZOIA COUNTY WARD DEVELOPMENT FUND BILL 2014

The title of the Fund was amended by deleting “Wards” and replace with “Ward” between County and Development to read;

“TRANS NZOIA COUNTY WARD DEVELOPMENT FUND BILL, 2014”.

PRELIMINARY

Section 1 was adopted with no amendments

Section 2 was amended to read;

“Clerk” means the Clerk of the County Assembly of Trans Nzoia.

Introduce **“County”** to mean **“Trans Nzoia County”**

Delete “and economic planning” to read; “

Member of the County Executive Committee” **means the Member of the County Executive Committee responsible for finance.**

Delete **“every”** and replace with **“each”** to read

“Ward Fund Account” means the account maintained for each ward in accordance with section 16.

Section 3 was adopted without amendment

Part II

Delete **“Dministration”** and replace with **“Administration”** on the title of Part II

Section 4 sub section 2 (a)

Delete “five” between not less than and percent and replace with “thirty” to read;

“An amount of not less than thirty percent of all the County Development Revenue for every financial year.”

Section 4 sub section 3;

Delete “most recent audited accounts of revenue received” and replace with “budget” to read;

“The amount referred to in section 2 (a) shall be calculated on the basis of the budget as approved by the County Assembly”

Section 4 subsections (4 and 5) were adopted without amendment

Section 5 subsection 1 delete “wards” and replace with “ward” and amend to read;

“There is established a committee to known as the County Ward Development Fund Management Committee”

In section 5 subsection 2 (a) delete “Officers and economic planning” and replace with “Officer” and amend to read;

“The Chief Officer of the County Department for the time being responsible for matters relating to finance or a designated alternate not being below the level of Deputy Chief Officer”

Introduce paragraph (b) to read;

“Chief Officer for the Economic Planning”

And the other paragraphs to change in sequence

Paragraph (c) and (d) were adopted with no amendments

Paragraph (e) delete “four” and replace with “five” and introduce “one from each Sub County” between “persons” and “qualified” to read;

“five persons one from each Sub County qualified in matters relating to finance, accounting, engineering, economics, community development or law, competitively and transparently recruited and appointed by the Member of the County Executive Committee in accordance with subsection (4) taking into account gender balance and the diversity of the County ”

Paragraph (f and g) of subsection (2) were adopted with no amendment.

Section 5(3) delete “the member of the county executive”,also delete “four” between amongst the and persons appointed and replace with “five”,also delete “paragraph (d)” between

accordance with and of subsection (2) and replace with “**paragraph (e)**” and amend the entire paragraph to read as:

“The Committee shall elect a Chairperson from among the members contemplated in section 5 (2) (e).”

Section 5 (4) Introduce “**County Public Service Board**” between nominated and as members and amend the entire paragraph to read;

“The names and curriculum vitae of the persons competitively and transparently nominated by the County Public Service Board as members of the County Management Committee pursuant to paragraph of subsection (2) (e) shall be submitted to the County Assembly for approval before appointments are made.”

Section 6(1 & 2) was adopted without amendment.

Section 7 paragraphs (a),(b),(c),(d),(e),(f),(g),(h),and(i) were adopted with no amendment.

Section 8 (1) and (2) was adopted without amendment.

Section 9(1) and (2) was adopted without amendment.

Section 10 was adopted without amendment.

PART III- FINANCIAL PROVISIONS.

Section 11(1) was adopted without amendment.

Delete “**outlines**” and replace with “**outlined**” and amend section 11(2) to read;

“All disbursements from the Fund shall be for specific projects as submitted by the wards in accordance with the procedures outlined in this Act”

Section 11(3) Delete “**every**” between maintained for and Ward and replace with “**each**” and amend the paragraph to read;

“All disbursements shall be made through the ward bank accounts maintained for each Ward in accordance with section 16 of this Act”

Section 11 subsections (4), (5), (6) and (7) were adopted with no amendment

Section 12 subsections (1), (2), (3), (4) and (5) were adopted with no amendment.

Section 13 subsections (1) and (2) were adopted with no amendment.

Section 14 (1 & 2) was adopted with no amendment.

Section 14(3) delete the last word “**constituents**” and replace with “**Community**”

Section 14(4 & 5) was adopted without amendment.

Section 15(1), (2) & (3) was adopted without amendment.

Section 16(1) delete “**Every**” and replace with “**Each**” between Account for and Ward. Also delete “**Member of the County Executive Committee**” and replace with “**County Management Committee**” between approved by the and into which.

Section 16(2), (3), (4), (5), (6), (7), (8), (9) & (10) were adopted with no amendment

Section 17(1) & (2) was adopted without amendment.

Section 17(3) delete “the” and replace with “this” between under and Act.

Section 17(4) was adopted without amendment.

Section 18(1) & (3) was adopted without amendment.

Section 18(2) delete “that” between reimbursed but and not more than

PART IV-SUBMISSION OF WARD PROJECT PROPOSALS

Section 19(1) & (2) was adopted without amendment.

Sections 20(1) delete “February” and replace with “January” between month of and in each year.

Delete section 20(2).

Section 21 and section 22 were adopted without amendment.

Section 23(1) delete “review” and replace with “assess” between tabled for and at a meeting.

Section 23(2) & (3) was adopted without amendment.

Section 24 and Section 25 were adopted without amendment.

Section 26(1)(a) delete “**eighty five**” and replace with “**Ninety**” before percent.

Section 26(1) (b) delete “**Fifteen**” and replace with “**Ten**” before per cent.

Section 26(2) was adopted without amendment.

Section 27(1) (a) was adopted without amendment.

Section 27(b) introduce **“section 23”** between contravention and of subsection (2)

Section 27(c) introduce “section 23” between accordance with and subsection (3)

PART V-TYPES OF PROJECTS

Section 28(1), (2), (3), (4) and (6) were adopted without amendments.

Section 28(5) delete “section 12” and replace with “section 14” between purposes of and with regard.

Section 28(7) delete “section 11” and replace with “section 14” between item under and “and where applicable”

Section 28(8) (a) was adopted with no amendment.

Section 28(8) introduce paragraphs (b) and (c) and change the sequence as follows: paragraphs (d), (e) and (f)

Section 29(1), (2),(3),(4) and (5) was adopted without amendment.

Section 30 (1) and (2) was adopted without amendment.

Section 31(1) delete “section 14” and replace with “section 19” between “in accordance with” and “of the act”

Section 31(2) delete “twenty five” and replace with “Fifteen” between “more than” and “per centum”. Also delete “finds” and replace with “Funds” between “the totals” and “allocated for”

Section 32 was adopted with no amendment.

PART VI- THE WARD DEVELOPMENT FUND COMMITTEE AND THE COUNTY ASSEMBLY SELECT COMMITTEE

Section 33(1) introduce **“upon enactment of this Act”** between **“County Assembly”** and **“within the”** and delete **“thirty”** and replace with “forty five” between “first” and “days” also introduce “or upon the expiry of office of the current committee”

Section 34(1) paragraphs (a),(b),(c),(d) and (e) were adopted without amendment.

Section 34(1), (f) delete **“the secretary”** and replace with **“an ex-official member”**

Introduce paragraph (g) to section 34 to read; **“the officer of the Fund shall be the Secretary”**

Introduce paragraph (h) to section 34 to read; **“The MCA shall be the patron”**

Section 34(2) delete “seven” and replace with **“six”** between **“The”** and **“persons”**

Section 34(2), (a) delete **“forty five”** and replace with **“thirty”** between **“within”** and **“days”**
Also introduce **“at least four ”** between **“convene”** and **“open public meetings”**

Section 34(2),(b) introduce “of the said meetings” between “Each” and “shall”

Section 34(2), (c) delete **“the wards in the ward”** and replace with **“the meetings as in (2), (b)”** Also delete **“seven”** and replace with **“six”** between **“shall appoint”** and **“persons”** Also delete the word **“paragraph”** and replace with “section 34(1)(a)”

Delete paragraph (e) of section 34(2)

Change the sequence of numbering of section 34 after subsection (2) as follows;

Subsection (3),(4),(5),(6),(7),(8),(9),(10),(11), and (12).

Section 34(3) was adopted without amendment.

Section 34(4) delete **“or a by election by the county government official at the ward or in his or her absence”** and replace with **“or upon the enactment of this Act”**

Section 34(5) delete “ward administrator” and replace with “officer of the Fund” between “the” and “for every ward” ,also delete “in every ward” and replace with “at least four different venues” between “public meetings” and “in the ward”

Section 34(6) delete “Each sub ward” and replace with “Each of the public meetings mentioned in subsection (5)”

Section 34(7) delete “but shall be renewable” and replace with “may be eligible for reappointment” between “assembly term” and “and”

Section 34(8) delete the last statement “or a by election”

Section 34(9),(10), and (11) were adopted without amendment

Section 34(12) delete “subsection (13)” and replace with “subsection (11)” between “employed under” and “shall”

Section 35(1) was adopted with no amendment.

Section 35(2) delete the last word “section (14)” and replace with “section (20)”

Section 35(3) delete “one half of the membership” and replace with “five members”

Section 36(1),(2),(3),(4) and (6) were adopted without amendment.

Section 36(5)(a),(c),(d), and (e) was adopted with no amendment

Section 36(5) (b) delete “after every two years” between “shall” and “submit”, introduce “annually” between “report” and “to the county Assembly”

Section 37(1) delete “monthly” and replace with “Quarterly”

Section 37(1), (a) delete “in the preceding month” between “the wards” and “and indicating”

Section 37(1), (b) delete “preceding month” and replace with “period/Quarter”

Section 37(1), (c) introduce “ward fund” between “County” and “Account”

Section 37(2) was adopted with no amendment.

PART VII –IMPLEMENTATION OF PROJECTS-WALUBENGO

Section 38(2), (3) and (6) was adopted with no amendment.

Section 38(5) insert “ward management committee and” between “the” and “county management committee”

Section 39(1) delete “Disposals” and replace with “**Disposal**” between “procurement and” and “Act 2005”

Section 39(2) was adopted without amendment.

Section 40 (a) and (b) was adopted without amendment.

Section 41 and section 42 (1) and (2) were adopted without amendment

Section 43 delete “several” and replace with “two or more” between “traversing” and “wards in a County”

Section 44(1) was adopted with no amendment

Section 44(2) insert “neighbouring” between “with the” and “ward development”

To read “The Ward Development Fund Committee shall ensure cooperation with the neighboring Ward Development Fund Committee to avoid duplicity of funding to projects within the ward.”

The first subsection (3) was adopted without amendments

Delete the second subsection (3) of section 44

PART VIII – MISCELLANEOUS PROVISIONS

Section 45(1) was adopted without amendment.

Section 45(2) delete the last word “implementation” and replace with “publication”

Section 46(1) and (2) was adopted with no amendment.

Section 47 insert “of” between “a term” and “not less than”, also insert “of” between “fine” and “not less than” introduce “such imprisonment and fine” after both

Section 48(1) delete “due to” and replace with “as a result of” between “arising” and “the administration”

Section 48(2) delete “shall” and replace with “may” between “a criminal nature” and “be forwarded”

Section 48(3) delete “shall” and replace with “may” between “civil nature” and “be referred to” also delete “before the same is referred to court” and replace with “without prejudicing the parties right to further redress in court”

Section 48(4) and (5) was adopted with no amendment

Delete section 49(1)

Section 49(2) be section 49 and delete “Notwithstanding subsection (1)”

FIRST SCHEDULE-CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY MANAGEMENT COMMITTEE

Section 1 was adopted with no amendment.

Section 2(1) and (2) was adopted without amendment

Section 3 (1), (2),(3),(5),(6)and (7) was adopted without amendment

Section 3(4) delete “five” and replace with “seven” between “shall be” and “members”

Section 3(8) delete “standing orders ill” and replace with “rules in”

Section 4(1) and (2) was adopted with no amendment

Delete section 4(3) and change subsection (4) of section 4 to subsection (3)

Section 5(1) and (2) was adopted with no amendment

Section 5(3) delete “direction of the member of the County Executive Committee” and replace “resolution of the 75% of the County Management Committee”

Section 6(1) and (3) was adopted without amendment

Section 6(2) delete “Chief Executive” between “the” and “officer”; insert “administering the Fund” between “officer” and “and one member”

Section 7 was adopted without amendment

SECOND SCHEDULE -

Introduce signatures for;

1. Chairperson-----
2. Officer of the fund-----
3. One Committee Member-----

THIRD SCHEDULE –WARD PROJECTS SUBMISSION FORM

Introduce signatures for;

1. Chairperson-----
2. Officer of the fund-----
3. One Committee Member-----

FOURTH SCHEDULE

No amendments were done.

MEMORANDUM OF OBJECTSAND REASONS

Introduction; delete “five” and replace “with thirty” between “equivalent to” and “per cent”, introduce “development” between “annual” and “revenue” and delete “into” between “paid” and “so as”

Part I was adopted without amendments

Part II delete “Ward Development” and also delete “Administering” and replace with “of”

Part III was adopted without amendments

Part IV delete “elected member of the County Assembly” replace with “Chairperson of the Committee” and also delete “eight five” and replace with “Ninety” between “be based at” and “percent” and also delete “fifteen” and replace with “ten” between “equality and” and “percent based”

Part V, VI, VII and VIII were adopted without amendments

Dated at this 23rd day of March 2015

- 1. HON. DAVID KISAKA CHAIRPERSON**
- 2. HON.SIMON MAKHANU - VICE CHAIRPERSON**
- 3. HON. DAVID KABOLOMAN-MEMBER**
- 4. HON. ALFRED WESWA-MEMBER**
- 5. HON. FRANCIS WERE-MEMBER**
- 6. HON. GILBERT KITIYO-MEMBER**
- 7. HON. JOEL MILIMO - MEMBER**
- 8. HON. MUNENE MUKUHA-MEMBER**
- 9. HON. ANDREW KUTITILA-MEMBER**
- 10. HON. MARGARET WANJALA-MEMBER**
- 11. HON. SAMUEL YATOR-MEMBER**
- 12. HON. PHILIP SAKONG-MEMBER**
- 13. HON. BETTY C. KIPSONGOK - MEMBER**