

SPECIAL ISSUE

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TRANS NZOIA COUNTY BILLS, 2018

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**THE TRANS NZOIA COUNTY PROJECTS IMPLEMENTATION
AND MANAGEMENT BILL, 2018**

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**THE TRANS NZOIA COUNTY PROJECTS
IMPLEMENTATION AND MANAGEMENT BILL,
2018**

A Bill for

AN ACT of the County Assembly of Trans Nzoia to give effect to Article 176 (2) and 185 and Schedule IV of the constitution and to provide for establishment of county project management and implementation units and for connected purposes

ENACTED by the County Assembly of Trans Nzoia County as follows—

PART I—PRELIMINARY

1. This Bill may be cited as the County Government of Trans Nzoia Project Implementation and Management Bill, 2016 and shall come into force on the date of assent.

Short title

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

Interpretation.

“facility” means any development projects established under this Bill or determined by the County Government;

“projects” means all such development undertakings undertaken on behalf of the County Government by committees established under this Bill;

“Executive Member” means the Executive committee member of the specific devolved function which the project falls;

“management units” means project implementation committees or bodies established or designated under this Bill;

“Special project committee” means committee established under this Act for special or specified projects not necessarily within the County Integrated Plan and the Budget but are to be undertaken by the County Government.

3. The object and purpose of this Bill is to provide for a legal framework for further devolution of the County Government functions, establishing project implementation and management committees, and to—

Object and purpose of the Bill

- (a) ensure harmony between county, sub-county and Ward project management requirements;

- (b) facilitate the participation of local communities in the implementation of county development projects.
 - (c) ensure efficient and effective service delivery across the county;
 - (d) provide a platform to harmonize and ensure equity in the implementation of county development projects and services;
 - (e) ensure effective project implementation at integrated areas of economic and social activity;
 - (f) provide for management of county projects in a manner that ensures reduction of bureaucracy in procurement and availability of funds;
 - (g) Provide a framework that allows direct funding of county development projects on need basis.
 - (h) To further devolve the functions and resources of the County Government and to ensure participation and involvement of the county citizenry in management of its affairs.
4. The principles of project implementation and management in the county shall be to—
- (a) integrate community, county and national values in all processes and concepts;
 - (b) protect the right to self-fulfillment of the communities within the county and bear responsibility to future generations;
 - (c) promote good corporate governance principles in all procurement and implementation of development projects;
 - (d) ensure effective resource mobilization for sustainable development;
 - (e) promote the pursuit of equity in resource allocation within the county;
 - (f) provide a platform for unifying project management, budgeting, financing, programme implementation and performance review; and
 - (g) serve as a basis for engagement between county government and the citizenry, other stakeholders and interest groups.

Principles of county project management and implementation.

PART II—ADMINISTRATION

5. (a) There is established such county project management and implementation units as shall be determined by the County Executive Committee Member in consultation with the County Executive Committee for each devolved functions with the approval of the County Assembly.
- (b) Every project management committee shall compose of at least five members but not exceeding nine to include the following—
- (i) The Chairman who shall be elected from members of the community and appointed by the County Executive Member who is—
 - (a) A holder of minimum a diploma from a recognized university or collage with at least five years experience in management; or
 - (b) Respected community Leader with experience of at least five (5) years in Public Management elected in the same manner; and
 - (c) be of good moral standing.
 - (i) vice-Chair who shall have similar qualifications as the chair and shall be of opposite gender to that of the chair.
 - (ii) the Secretary – who shall be the officer In Charge of the Facility in case of a Health Facility or a school or the manager of the specific County Government project who shall be the custodian of all the Committee documents provided that in respect of new project the committee shall elect an interim secretary.
 - (iii) The Project Treasurer who shall have knowledge in finance and administration matters.
 - (iv) The area member of County Assembly who shall be the Patron.
 - (v) The area Ward Administrator who shall be an ex officio member.

Establishment of the
county project
management unit

- (vi) Three other members from the community who shall be elected in the same manner as the Chairperson and appointed by the relevant County Executive Committee Member to represent the youth, women and persons with disabilities, and who shall be residents of that area of jurisdiction.
- (c) A person shall not be appointed as a treasurer of the committee unless that person holds at least O-Level certificate of education or its equivalent.
- (d) All the Committee Members shall be appointed by the relevant County Executive member after confirmation that they are of good moral standing and meet the thresh hold laid down in Chapter 6 of the Constitution of Kenya.
- (e) The executive member may remove any member of the committee on petition by the members of the public and upon hearing the accused member and satisfied of the breach of the ethics and standing required of his membership that makes him non suited to serve a public office.
- (f) A member of the committee shall, apart from the ex-officio and the Patron, shall hold office for a period of three years and shall be eligible for reappointment for one further term.
- (g) The committee shall meet at most eight times in a financial year and maintain a record of all its deliberations provided that extra sittings may be allowed with the written permission of the relevant County Executive Member.
- (h) The quorum for the meeting of the Committee shall be five of all the members.
- (i) The Committees established shall include the following among others—
 - (i) Hospital Management Committees
 - (ii) County Polytechnics Management committees
 - (iii) Cattle Dips Management Committees,
 - (iv) Early Childhood and Child Care Management Centres, and

- (v) Dams management Committees
- (vi) Any other projects to be approved by the County Executive Committee.

6. (a) the County Executive Member shall after identification of the project prepare and issue a one month notice to the Member of County Assembly and the specific Community through the Sub County Administrator stating the venue and the date of election of the management unit.
- (b) the notice in (a) above shall include the relevant qualifications required for all the candidates.
- (c) the Sub County Administrator shall preside over the Elections of the management unit and ensure that the same are conducted in a fair and just manner.
- (d) the County Executive Member shall appoint staff from the department who shall aid the Sub County Administrator in presiding over the Elections.

Elections of the
Committee Members

7. The County Executive Member may determine such other special committees as may be necessary for special or specified projects in terms of the provisions of section 5 of this Act.

Establishment of
special project
committees

8. (1) A county project management unit shall be responsible—

Functions of a
county project
management units.

- (a) to undertake management of specified development projects.
- (b) undertake procurement of goods and services in liaison with the line department and in any event not exceeding Kes. 5,000,000.00.
- (c) to generate project development proposals for approval by the line county Government department;
- (d) receive and manage such project implementation funds as shall be allocated by the county treasury, such direct donations and grants;
- (e) (i) To open and operate a bank account at a bank to be approved by the Executive

Member for Finance in consultation with the
County Executive Committee.

- (ii) Any such Accounts opened shall be closed upon completion of the projects.
 - (f) Prepare work plans based on estimates and cause to be kept books of accounts and records of income, expenditure and liabilities of the project.
 - (g) To supervise and control the administration of all funds allocated to the specific project subject to approval by the county treasury to undertake development projects.
 - (h) ensuring linkages between county plans and the project implementation and management ; and
 - (i) ensuring meaningful engagement of citizens in the project management process and
 - (j) account for such funds quarterly to the County Treasury by preparing and submitting certified periodical financial and performance reports as prescribed.
- (2) The county project management unit shall be responsible for the effective implementation of the project management function within the county.
- 9.** In any event that the committee intends to vary any of the projects or its implementation, the committee on receiving such petitions from members of the public, government department, or on its own motion shall write to the County Executive Member responsible who shall issue such directions on the same.
- 10.** Every project implementation plan prepared by the Committee shall be approved by the Chief Officer for the respective department prior to commencement of implementation.
- 11.** (a) All project management and implementation shall be undertaken in the context of the priorities set by the County Integrated Development Plan based on availability of funds.
 - (b) all development projects shall be based on relevant county policies and priorities.

Amending and
variation of
development projects

Approval of county
project plans.

Integrating national
and county project
management

- (c) county plans shall take due cognizance of the financial viability of development programmes.
- (d) county project management shall provide for citizen participation.
- (e) The Committee may co-opt with the approval of the line department any such persons with requisite skills and/or experience desired from time to time as they shall deem necessary.

12. The County Executive Member shall by gazette issue such regulations as may be necessary to give effect to this Bill.

Regulations

13. Any member of the project implementation committee may be held responsible for any acts done in bad faith in the implementation of the county projects.

Responsibility for Liability

14. Any person who obstructs or prevents the operations of the committee commits an offence and shall be liable for a fine not exceeding fifty thousand shillings (Kes.50,000.00) or two months imprisonment or both

Offences

15. Any person who disrupts the elections, or tampers with the election materials commits an offence and shall be liable for a fine not exceeding thirty thousand shillings (Kes.30,000.00) or two months imprisonment or both

Tampering with elections

16. All such development or facility and project implementation committees existing at the time of coming into force of this act may remain in office for a period of one year or stand dissolved at the completion of the project.

Transitional provisions

17. The Member of the County Assembly in conjunction with the citizens shall provide oversight over every ward projects.

Oversight

18. The County Public Service Management Department shall build capacity for all members of the project committees within one month of coming into force of this committee and develop such programs to ensure the members are adequately trained on Public finance management, procurement and corporate governance and determine such allowances payable to the committee members.

Capacity building

19. The Committee may be paid such allowances as shall be determined by the County Public Service

Audit

Management Department and subject to any other written law.

20. The County Treasury shall ensure that internal audit is undertaken quarterly in respect of all county projects implementation committees under this Bill and submit the performance report(s) to the County Executive Committee.

Monitoring and
evaluation

21. All departments shall undertake regular monitoring and evaluation of all projects and issues reports to the County Executive Committee.

Quarterly reports

22. Quarterly reports of all projects in specific Wards shall be submitted to the relevant Chief Officer of the department by the Sub county Administrators.

MEMORANDUM OF OBJECTS AND REASONS

A Bill of the County Assembly of Trans Nzoia to give effect to Article 176(2) and 185 and schedule IV of the Constitution and to provide for provide for establishment of County Project Management and Implementation units and for other connected purposes.

Dated this 1st October, 2018.

LAWRENCE CHESHARI MOKUSSU,
Chairperson, Implementation Committee

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