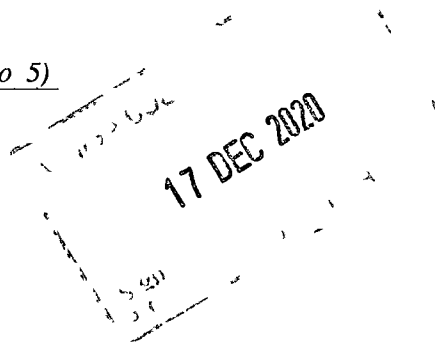


SPECIAL ISSUE

Kenya Gazette Supplement No 16 (Vihiga County Acts No 5)



REPUBLIC OF KENYA



KENYA GAZETTE SUPPLEMENT

VIHIGA COUNTY ACTS, 2019

NAIROBI, 5th July, 2019

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Vihiga County Farm Inputs Fund

2019

THE VIHIGA COUNTY FARM INPUTS FUND ACT, 2019

AN ACT of the County Assembly of Vihiga to provide for the growth and development of the agricultural sector, enhance production and improve quality by value addition, and marketing, to establish the County Farm Inputs Fund to finance the agricultural sector and for connected purposes

ENACTED by the County Assembly of Vihiga as follows—

PART I—PRELIMINARY

Short title

1 This Act may be cited as the Vihiga County Farm Inputs Fund Act, 2019 and shall come into operation upon publication in the *Kenya Gazette*

Interpretation

2 In this Act, unless the context otherwise requires—

“Agriculture” includes—

- (a) fruit, vegetable, cereals, legumes, fodder, roots, tubers, bulbs, flower and seed farming,
- (b) breeding and keeping of livestock Dairy farming, poultry farming pig farming, sericulture, shoats, aquaculture, bee keeping, and emerging livestock,
- (c) the use of the land for grazing, market gardening, or for nursery grounds,
- (d) agro-forestry
- (e) use of land for the production transformation and trade of crop and livestock products, or
- (f) such other use of land for purposes of food and animal production,

Board means Vihiga County Farm Inputs Fund Board as established under Section 7 of this Act

“County Executive Committee Member” means the County Executive Committee Member, responsible for matters related to Agriculture, Livestock, Fisheries and Co-operatives

“Farm inputs” includes all resources that are used in farm production, such as chemicals, equipment, feed, animal and plant seeds, drugs and vaccinations, green manure, water harvesting and water pans,

‘Kenya Gazette’ means an official publication of the Government of Kenya

Object and purposes

3 The object and purposes of this Act are—

- (a) to provide a legislative anchor for the development and management of the agricultural sector,
- (b) to establish the Vihiga County Farm Input Fund,
- (c) facilitating the provision of farm inputs to farmers including fertilizers, seeds, agro-chemicals, animal breeding, animal drugs and feeds, Artificial Insemination services and fishing equipment and supplies,
- (d) to establish appropriate mechanisms for the proper and prudent harnessing of sustainable food production and productivity in the County,
- (e) to provide incentives for farmers and other value chain actors to promote sustainable agricultural production and productivity,
- (f) to create an enabling environment for and towards investment in the agricultural sector,
- (g) to initiate and strengthen Public Private Partnerships for market access and linkages for agricultural produce and products,
- (h) to harness, develop and strengthen local capacity through training and transfer of skills and technologies among staff and stakeholders for the proper growth and development of the agricultural sector,
- (i) to enhance social inclusivity in the agricultural sector,
- (j) to promote Climate Smart Agriculture

Guiding Principles

4 All persons under this Act shall, in the performance of their functions under this Act be guided by the following principles in addition to the national values and principles set out under Article 10 of the Constitution—

- (a) universality, non-discrimination and equity in the access to adequate food,
- (b) preservation of the freedom and dignity of every human being,
- (c) co-ordinated public participation in the formulation, implementation, monitoring and control of policies and plans related to farm inputs in every sector of the county government,

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- (d) empowerment and capacity building as a means of facilitating the attainment of the right to food,
- (e) transparency in the implementation of programs and activities relating to farm inputs and the allocation and utilization of public and private resources,
- (f) availability and access to timely and reliable information through the establishment of a simple, fair and accessible procedure enabling a person to seek relevant information, and
- (g) ensure that interventions are based on objective information gathering methods, and monitoring mechanisms and regular evaluations are established, thus ensuring transparency in the public management and social audit and that the needs of the population are taken into account

PART II — ESTABLISHMENT AND ADMINISTRATION OF VIHIGA FARM INPUTS FUND

Establishment of the Vihiga County Farm Input Fund

5 (1) There shall be established a Fund to be known as the Vihiga County Farm Inputs Fund

(2) The Fund shall consist of—

- (a) funds appropriated by County Assembly for purposes for which the Fund is established ,
- (b) gifts, donations, grants and endowments made to the Fund from any lawful source,
- (c) income from sales of farm inputs and
- (d) monies from any other lawful source approved by the Board

(3) There shall be paid out of the Fund any expenditure approved by the Board pursuant to this Act and in accordance with Regulation 197 (1) (d) of the Public Finance Management (County Government) Regulations 2015, including debts and liabilities incurred by the fund

(4) The Fund shall be managed by the Fund Administrator who shall be competitively appointed by the County Executive Committee Member for Finance in consultation with the County Executive Committee Member for Agriculture and the County Public Service Board pursuant to the provisions of the Public Finance Management Act 2012 In the execution of the duties of the office, the fund administrator shall report to the Board

(5) The Fund Administrator shall, subject to the direction of the Board, be responsible for the following duties—

- (a) open and operate a bank account at a bank to be approved by the County Executive Member responsible for finance,
- (b) consult with the Board on matters relating to the administration of the Fund,
- (c) Ensure the earnings of, or accruals to the Fund are retained in the Fund,
- (d) cause to be kept proper books of accounts and other books and records in relation to the Fund, of all activities and undertakings financed from the Fund,
- (e) prepare quarterly financial reports and submit to the County Executive Committee Member and a copy to the Controller of Budget,
- (f) 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 and submit a copy to the County Treasury and the statements shall be prepared in such a manner as the Public Sector Accounting Standards Board shall prescribe,
- (g) furnish additional information as he or she may consider to be proper and sufficient for the purpose of examination and audit by the Auditor General in accordance with the provisions of the Public Audit Act,
- (h) resolve any issues resulting from an audit that remains outstanding,
- (i) ensure that all contracts entered into by the fund are lawful and are complied with,
- (j) ensure that all applicable accounting procedures are followed when acquiring or disposing off goods and services and that in the case of goods adequate arrangements are made for their custody, safe guarding and maintenance in accordance with Public Procurement and Disposal Act,
- (k) prepare a strategic plan for the Fund in conformity with the medium fiscal framework and financial objectives of the County government,
- (l) prepare estimates of expenditure of the Fund in conformity with the strategic plan referred to in paragraph (xi),

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- (m) submit the estimates of the Fund, to the Board who, after approving it, shall forward it to the County Executive Committee member,
 - (n) manage the assets of the Fund to ensure that it receives value for money when acquiring, using or disposing of its assets,
 - (o) dispose off assets at the most competitive price and at the lowest possible cost ensuring that the proceeds from all assets are deposited in a bank account of the Fund,
 - (p) ensure that the fund has adequate systems and processes in place to plan, procure, account for, maintain, store and dispose off assets, including an asset register that is current, accurate and available to the County Treasury or the Auditor –General,
 - (q) provide the County Treasury with any information it may require to fulfill its functions under this Act,
 - (r) provide information on any frauds, losses or any violations and provide explanations for the actions taken to prevent similar conduct in future, and
 - (s) carry out such other responsibilities as may be specified in regulations by the County Executive Committee Member,
 - (t) any other function that may be assigned by the Board
- (6) A person is qualified for appointment as the Fund Administrator if that person —
- (a) is a citizen of Kenya
 - (b) holds a degree from a university recognized in Kenya,
 - (c) has at least five years experience in senior management,
 - (d) is a professional in the fields of Finance Agri-economics Banking or Investment, and
 - (e) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution
- (7) The Fund Administrator shall hold office for a term of five years and is eligible for re - appointments once
- (8) The Fund Administrator may be removed from office on the recommendation of the Board to the County Executive Committee on the grounds provided under Section 9

Application of the Fund

6 Subject to this Act, the Fund shall be used to support eligible projects aimed at—

- (a) increasing productivity of crops grown within the County,
- (b) increasing productivity of livestock kept within the County,
- (c) plant and animal disease control,
- (d) creation and expansion of agricultural products markets,
- (e) support emerging crop and livestock enterprises,
- (f) supporting other agricultural development initiatives
- (g) strive to avail assorted certified farm inputs throughout the year addressing the needs of agriculture actors as subsidy or grants
- (h) support adaptive research and demonstrations to capacity build farmers and staff of the department

Composition of Vihiga County Farm Inputs Fund Board

7 (1) There is established a Board known as Vihiga County Farm Inputs Board to be constituted by the County Executive Committee Member for Agriculture

- (2) The Board shall comprise of —
 - (a) chairperson appointed by the County Executive Committee Member for the time being responsible for matters related to Agriculture in consultation with the Governor,
 - (b) seven representatives, one farmer representative from each sub county and two representatives from special interest groups these being the youth and people with disabilities, both nominated by their respective county umbrella organizations,
 - (c) the Chief Officer of the Department for the time being responsible for matters related to Agriculture who is an *ex-officio* member of the Board,
 - (d) the Fund administrator who shall be the secretary of the Board,
 - (e) County Director, Agriculture as *ex-officio* member of the Board,
 - (f) Chief Officer Finance and Economic Planning as an *ex officio* member of the Board

Functions of the Board

8 The Farm Inputs Fund Board shall perform the following functions as prescribed by the County Executive Committee Member for the time being responsible for matters related to agriculture—

- (a) implement policy guidelines for the Fund,
- (b) facilitate and oversee the County Government farm inputs activities implemented by respective sectors in Agriculture,
- (c) authorize the disbursement of monies from the Fund,
- (d) advise the County Executive Committee Member for the time being responsible for agriculture on the Fund,
- (e) mobilize resources for effective response to eligible Agricultural emergencies

Vacation of office

9 A person shall cease to be a member of the Board if such person—

- (a) resigns in writing, to the County Executive Committee Member after being cleared by the board,
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months,
- (c) is declared bankrupt,
- (d) is unable to perform the functions of his or her office by reason of mental or physical infirmity, or
- (e) dies

Filling a vacancy in the Board

10 Where a vacancy occurs in the membership of the Board under section 9, the County Executive Committee Member shall, if the vacancy relates to any of the positions specified under section 7, cause to be appointed a new member in accordance with the provisions of this Act

Secretariat to the Board

11 (1) There shall be a Secretariat to the Board consisting of members deployed from the Department for the time being responsible for agriculture headed by the Fund Administrator

(2) An office and staff shall be allocated to the secretariat with adequate storage facilities for the farm inputs throughout the year

PART III — MISCELLANEOUS PROVISIONS

Regulations

12 (1) The County Executive Committee Member responsible for matters related to Agriculture, in consultation with the Board may make and cause to be Gazetted regulations relating to such other aspects relating to Farm Inputs,

(2) Within the framework of the provisions of the Constitution, the County Executive Committee Member responsible for matters related to Agriculture shall, wherever the subject-matter so demands, liaise with the Cabinet Secretary for the time being responsible for matters related to Agriculture, with a view to ensuring the smooth operationalization of the provisions of this Act, particularly insofar as the same concord with the National Policy Framework

(3) Agricultural Officers at the Sub-County and Ward level shall ensure the implementation of all programs funded under this Act as shall be prescribed

(4) Where a particular program covers several sectors, the CECM responsible for matters related to Agriculture shall cause the formation of an inter-departmental team at the Sub-County, Ward or village level to coordinate the optimal and efficient implementation of the program as may be prescribed

(5) The County Executive Committee Member responsible for matters related to Agriculture shall monitor the implementation of programs under this Act to ensure compliance with the provisions of this Act

(6) All payments for programs to be funded under this Act shall be made, processed and effected in accordance with the relevant laws and regulations for the time being in force