

SPECIAL ISSUE

Kenya Gazette Supplement No 1 (Wajir County Bills No 1)



REPUBLIC OF KENYA

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WAJIR COUNTY BILLS, 2020

NAIROBI, 10th March, 2020

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**THE WAJIR COUNTY DISASTER MANAGEMENT
(AMENDMENT) BILL, 2020**

A Bill for

**AN ACT of County Assembly of Wajir to amend the Wajir County
Disaster Management Act, 2014 and for connected purposes**

ENACTED by County Assembly of Wajir as follows—

Short title

1 These Act may be cited as the Wajir County Disaster Management (Amendment) Act, 2020

Amendment of section 2 of No 1 of 2014

2 Section 2 of The Wajir County Disaster Management Act, (in this Act referred to as the “executive member”) is amended by deleting “the county executive committee member responsible for matters relating to disaster management in the county” and substituting with the following new definition “the County Executive Committee Member for Finance,”

Amendment of section 2 of No 1 of 2014

3 Section 2 of the principal Act is amended by deleting the words “executive member” and substituting therefore with the words “Executive Committee Member”

Amendment of section 4 (2) of No 1 of 2014

4 Section 4 (2) of the principal Act is amended by deleting the words “the chief executive officer appointed in section 7” and substituting therefore with the words “Executive Committee Member”

Amendment of section 7 (1) of No 1 of 2014

5 Section 7 (1) of the principal Act is amended by deleting the words “a chief executive officer” and substituting therefore with the words “Executive Committee Member”

Amendment of section 7 (2) of No 1 of 2014

6 The principal Act is amended by deleting section 7 (2) and substituting therefore with the following new subsection—

7(2) With the exception of the Executive Committee Member, the other staff of the Directorate shall be persons recruited, employed and deployed by the County Public Service Board

Amendment of section 19(1) of No 1 of 2014

7 Section 19 (1) of the principal Act is amended by deleting the words “chief executive officer” and substituting therefore with the words “Executive Committee Member”

Amendment of section 19(4) of No 1 of 2014

8 Section 19 (4) of the principal Act is amended by deleting the words “chief executive officer” and substituting therefore with the words “Executive Committee Member”

Insertion of new sections in No 1 of 2014

9 The principal Act is amended by inserting the following new sections immediately after section 19 —

Fund administrator

19 A The Executive Committee Member shall be the Administrator of the Fund and shall be responsible for the running of the day-to-day activities of the Fund

Functions of the fund administrator

19B (1) The Fund Administrator shall —

- (a) prepare accounts for the Fund for each financial year, and
- (b) not later than three months after the end of each financial year submit financial statements relating to those accounts to the Auditor General which shall include—
 - (i) the date and amount of each payment made from the Fund,
 - (ii) the person to whom the payment was made,
 - (iii) the purpose for which the payment was made,
 - (iv) whether the person to whom the payment was made has spent the money for that purpose and a statement made to that effect, and
 - (v) a statement indicating how the payment conforms to Section 112 of the Public Finance Management Act, 2012
- (c) present the financial statements to the County Assembly, and
- (d) supervise and manage the operations of the Fund

(2) Accounts for the Fund and the annual financial statements relating to those accounts shall comply with the accounting standards prescribed and published

Power to make payments from the fund

19 C The Executive Committee Member may with the approval of the Committee make payments from the Fund if he or she establishes that—

The Wajir County Disaster Management (Amendment) Bill, 2021

- (a) payment not budgeted for cannot be delayed until a later financial year without harming the general public interest,
- (b) the payment is meant to alleviate the damage, loss, hardship or suffering which may be caused directly by the event, and
- (c) the damage caused by the event is on a small scale and limited to the county

Limitation on powers to make payments

19 D The Executive Committee Member may not, during a financial year, make a payment from the Emergency Fund exceeding two per cent of the total county government revenue as shown in the county government's audited financial statements for the previous financial year

County assembly to ratify payments

19 E (1) The Executive Committee Member shall seek ratification of the County Assembly within two months after payment is made from the Emergency Fund

(2) If the County Assembly is not sitting during the period referred to in sub-regulation (1), the Executive Committee Member shall seek ratification for the payment within fourteen days after the County Assembly next sits

(3) As soon as practicable after the County Assembly has ratified the payment, the Executive Committee Member shall cause a draft of the Appropriation Bill to be introduced in the County Assembly for the appropriation of the money paid and for the replenishment of the county government's Emergency Fund to the extent of the amount of the payment

MEMORANDUM OF OBJECTS AND REASONS

The principal purpose and objectives of this Bill is to amend The Wajir County Disaster Management Act, 2014 to ensure that it is inline with the Public Finance Management Act ,2012

The bill clearly provides for the administrator of the fund who is the executive committee member for finance as contemplated under section 111of the Public Finance Management Act ,2012

As provided by section 113 of the Public Finance Management Act, 2012, the bill addresses the 2% limit of the utilization of the emergency fund

The bill further addresses the process of seeking approval from the county assembly when the fund has been utilized

The enactment of this Bill shall not occasion significant additional expenditure of public funds

Dated the 10th March, 2020

SHAMSA MOHAMED OMAR,
*Chairperson Children Culture and
Community Services Committee*