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MURANG'A COUNTY ASSEMBLY
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**MURANG'A COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 17th April, 2015

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THE MURANG'A COUNTY WARD DEVELOPMENT ACT, 2014

No. 4 of 2014

Date of Assent: 5th June, 2014

Date of Commencement: See Section 1

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THE MURANG'A COUNTY WARD DEVELOPMENT ACT, 2014
AN ACT of the County Assembly of Muranga to provide for the establishment of the Murang'a Ward Development Fund and for connected purposes

ENACTED by the County Assembly of Murang'a, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Ward Development Fund Act, 2014 and shall come into operation immediately after enactment.

Interpretation

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

“Board” means the Ward Development Fund Board established by section ;

“Executive Committee member” means the equivalent of county executive committee member for the time being responsible for Departmental matters relating to the Ward Development Fund in Murang'a County;

“Clerk” means the Clerk of Muranga County Assembly;

“Chairperson” means the Chairperson of the Board or the Chairperson of various assembly select and sectoral committees;

“Chief Executive Officer” means the Chief Executive Officer of the County Development Fund Board appointed under section 10;

“community” means residents of a particular geographical area or region in Murang'a County defined as a ward, location, sub location or sub county and having common interests;

“ward” has the meaning assigned to it in the Elections Act, 2011; and for the purpose of this act the wards are as follows according to IEBC boundary delimitation 2012 but can be amended by IEBC in accordance with the constitution:

“Ward Development Fund Committee” means the committee established in accordance with section 30

“Ward Development Fund Bank Account” means the account maintained for every Ward in accordance with section 55;

“Assembly Committee” means a committee of the county assembly established in accordance with section 38;

“bursary fund” mean fund given to bright pupils and students as bursary from needy family background to enable them pursue their secondary, polytechnic, college or university studies.

“total orphan” mean pupil or student who have lost both parents and don't have other sponsors.

“public schools” mean all public primary and secondary schools in Muranga County.

“village polytechnic” means post primary or secondary institution for training of youth in extra curriculum activities with object of acquiring self reliance skills.

“sports” means games meant for competition, talent search or fun.

“County Projects Committee” means the committee established under section 51;

“Fund” means the Ward Development Fund established under this Act.

“County Treasury” means the institution established under section 103 of Public Finance Management Act, 2012.

“Ward development fund Board Account” means the Ward Development Fund Board Account maintained under section 56;

“Officer of the Board” means an officer of the Board, appointed under the act;

“project” means an eligible development project as described in the Ward Development Fund Act;

“ward project management committee” means a committee or board of persons elected or nominated to implement a project, manage an institution, including a committee existing and which is assuming the responsibility of implementing a project funded under the Act;

“sub-project” means a complete unit or part of a project that can be put to use towards the achievement of the project objectives;

“ward offices” means offices located in the wards to be used by the elected members of county assembly in murang'a while discharging their constitutional duties of oversight and representation to those who elected them. The offices may also house village council meetings and ward administrators.

“Ward representative” means any person elected under Article 177 (1) (a) of the Constitution of Kenya, 2010

Objectives and purpose of this Act

3. (1) To further devolve the county resources to the ward level.
- (2) To address the very local problems at the village level.
- (3) To ease giving services to the general population of Muranga County.
- (4) To alleviate poverty and create employments in the general population of Muranga County.
- (5) The provisions of this Act shall apply, as more specifically provided for in the Act, and shall ensure that a specific portion of the Murang'a County annual budget is devolved to the 35 Wards for purposes of in frastructural development, wealth creation and in the fight against poverty at the Ward level.
- (6) To enhance the Act of rights enshrined for in the Constitution of Kenya, 2010.

PART II—ESTABLISHMENT OF THE WARD DEVELOPMENT FUND

4. There shall be established a fund to be known as the Ward Development Fund which shall—

- (1) be a ward fund consisting of monies of an amount of not less than 17.5% (seventeen point five per centum) of the allocation made to Muranga County Government from the National Government and revenue collected within the county under article 203 (2) of the Constitution of Kenya, 2010.
- (2) comprise of any monies accruing to or received by the Board from any other source;
- (3) be monies disbursed by the county government through the Board to Wards as a grant to be channelled to Wards in the manner provided for by this Act ;
- (4) Be monies disbursed by the Central Government as Constituency Development fund to the constituencies in Murang'a County when and if they will cease to operate in line with the Constitution of Kenya, 2010;
- (5) be administered by the Board;
- (6) shall be shared and allocated to all wards of the county subject to the provisions of this Act;
- (7) For the purposes of this act, considering that the budget for the year 2013/2014 had been passed prior to the enactment of this act, the County Assembly shall determine the first allocations to the fund through

a supplementary budget or amendment(s) to the Appropriation Act of the said year.

Establishment of the Ward Development Fund Board

5. (1) There is established a Board to be known as the Ward Development Fund Board which shall draw its funds from the County Treasury.

(2) The Board shall be administered by a Board of Directors which shall consist of—

- (a) the Executive Committee Member in the County responsible for Finance and Economic Planning or a designated alternate, not being below the level of County Chief Officer;
- (b) five persons, qualified in matters relating to finance, accounting, engineering, economics, community development or law, appointed by the County Public Service Board.
- (c) The Chief Executive Officer shall be an ex-officio member and shall be vetted by the Assembly Sectoral Committee on Finance and Planning and approved by the Assembly; and shall be secretary to the Board.

(3) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) seeking grant money or making investments for the purposes of this Act; and
- (d) implementing its mandate for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

(4) The board shall appoint the Chairperson from its composition the Board from amongst the five persons appointed.

(5) Before appointing persons as members of the Board under the act the County Secretary shall ensure that those persons must first have been vetted and cleared by the relevant assembly committee and their appointment approved by Muranga County Assembly.

Functions of the Board

6. (1) The functions of the Board shall be—

- (a) to ensure timely and efficient disbursement of funds to every ward;
- (b) to ensure efficient management of the Fund;
- (c) to receive and discuss annual returns and audit reports from the wards;
- (d) to ensure the compilation of proper records, returns and reports from the wards;
- (e) to receive and address complaints and disputes and take any appropriate action;
- (f) to consider project proposals submitted from various Wards in accordance with the Act, approve for funding those projects proposals that are consistent with this Act and send funds to the respective Ward Fund bank account of the approved projects;
- (g) perform such other duties as the Board may deem necessary from time to time for the proper management of the Fund.

Conduct of Business and Affairs of the Board

7. The Chairperson or a member of the Board other than ex-officio members shall, subject to the provisions of this Act, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for appointment for not more than two terms.

Vacation of Office

8. A member other than an *ex-officio* member may —

- (1) At any time resign from office by notice in writing to the County executive committee member for finance and planning;
- (2) Be removed from office by the County executive committee member for finance and planning on recommendation of the Board if the member —
 - (a) has been absent from three consecutive meetings of the Board without its permission;
 - (b) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - (c) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (d) is otherwise unable or unfit to discharge his functions.

(3) The Chairperson shall not be removed from office unless such removal is in accordance with sub section (1) above.

Meetings

9. (1) The Board shall meet not less than six and not more than eighteen times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subsection (1) above, the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be 50 percent of members.

(5) The Chairperson shall when present, preside at every meeting of the Board but the members present shall elect one member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

(8) Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee, of the Board and for the attendance of other persons at its meetings and may make standing orders in respect thereof.

(9) The County Development Fund Board may establish such committees as it may Board deem appropriate to perform such functions and responsibilities as it may determine.

(10) The Board shall appoint the chairperson of a committee established under subparagraph (1) from amongst its members.

(11) The Board may where it deems appropriate, invite any person to attend the deliberations of any of its committees

(12) All decisions by the committees appointed under subsection Disclosure of shall be ratified by the Board interest.

(13) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(14) Such a member may excuse himself from the meeting as they discuss the specific contract the member has interest in.

(15) A disclosure of interest made under subparagraph 13 and 14 shall be recorded in the minutes of the meeting at which it is made.

(16) A member of the Board who contravenes subparagraph (13,14,15) shall cease to be a member of the Ward Development Fund Board upon direction of the contracts and county executive legal secretary instruments.

(17). Any contract or instrument which, if entered into or executed--by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

(18). The common seal of the Board shall be—

(a) kept in such custody as the Board may direct and shall not be, used except on the order of the Board.

(b) The affixing of the common seal of the County Development Fund Board shall be authenticated by the signature of the Chairperson, the Chief Executive Officer and one member nominated by the Board and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson, the Chief Executive Officer and that member nominated by the Board.

(c) The common seal of the Board when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

Chief Executive Officer of the Board

10. (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Board on a competitive basis and whose terms and conditions of service shall, subject to this Act—

- (a) be determined by the Board in the instrument of appointment or otherwise in writing from time to time;
 - (b) the salary and remuneration shall be in tandem with the state officers in a category by the salary and remuneration commission.
- (2) No person shall be appointed under this section unless such person—
- (a) has a university degree in finance, accounting, engineering, economics, community development, law or a related field from a recognized university;
 - (b) has at least five years' working experience in the relevant field.
- (3) The Chief Executive Officer shall subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board.
- (4) The Chief Executive Officer shall serve for a renewable term of six years and shall not exceed two terms.

Disbursement of the Ward Development Fund

11. (1) Each and every disbursement from the Fund shall be approved and minuted by the Board.

(2) All disbursements from the Fund shall be for specific projects as submitted by the Wards in accordance with the procedures outlined in this Act

(3) All disbursements shall be made through the Ward bank accounts maintained in every Ward in accordance with this Act.

(4) Notwithstanding the provisions of subsection (3) above, payments for a joint project or a joint procurement, may be made directly to a supplier or to an account established for the purpose with due approval of the Board.

(5) The record of the amounts received by each Ward and the record of expenditure of amounts so received shall be submitted to the Board within thirty days after the close of the relevant financial year together with a copy of the relevant bank account and no disbursements for the succeeding financial year shall be made into the accounts until the said records are duly received.

(6) The Board shall set out general conditions and requirements for release of funds, to ensure efficient and effective management of resources

(7) The Board shall impose reasonable requirements including restrictions, on a particular Ward due to previous misuse of funds and such

restrictions or requirements shall be reported together with monthly returns to be submitted to the County Secretary in accordance with this Act. Such restrictions must be reported to the assembly through the relevant committee within seven days.

Allocation of Funds

12. (1) The executive committee member responsible for finance and planning, with the concurrence of the assembly Committee, shall for each financial year allocate funds to each Ward in accordance with the act for each financial year.

(2) Once the funds are allocated for a particular project they shall remain allocated for that project and shall not be re-allocated during the financial year for any other purpose whether in that Ward or anywhere else without the approval of the Board.

(3) If for any reason a particular project is cancelled or discontinued during the financial year, funds allocated for such a project shall be returned to the Fund and credited to the account of the Ward from which the funds were withdrawn.

(4) Unspent funds shall be allocated to any eligible project and such project may be new or ongoing at the end of the financial year

(5) For the avoidance of doubt, a return shall be made for the current financial year and every previous financial year on which some funds remain unspent.

(6) For purposes of sub-section 5 above the ward development fund committee shall fill and return to the Board a standard annual disbursement return form set out in the fourth schedule.

Funds to be retained in the Fund

13. (1) All receipts, savings and accruals to the Fund and the balance of the Fund at the end of each financial year shall be returned to the Fund and applied in accordance with this Act.

(2) All funds allocated to a Ward shall be cumulative and shall be carried forward from one financial year to the next, including funds returned into the accounts or funds which are not utilized for whatever reasons.

Emergency Reserve

14. (1) A portion of the Fund, equivalent to two per centum (hereinafter referred to as the "Emergency Reserve") shall remain unallocated and shall be available for emergencies that may occur within the ward.

(2) The Ward Development Fund Committee shall determine the allocation of the emergency reserve in accordance with the Act.

(3) "Emergency" shall be construed to mean an urgent, unforeseen need for expenditure for which there is no legislative authority and it is in the opinion of the committee that it cannot be delayed until the next financial year without harming the public interest of the wards.

PART III—SUBMISSION OF WARD PROJECT PROPOSALS

Submission of Projects

15. (1) The list of proposed Ward based projects to be covered under this Act -shall be submitted by the Chairperson of Ward Development Fund Committee to the Board, in consultation with the Ward Representative.

(2) The Board shall receive and compile the list of proposed Ward projects submitted to it under this Act.

Submission Deadline

16. The list of the proposed Ward projects shall be submitted to the Board before the end of the month of January of each year.

Submission Form

17. (1). The list of projects shall be submitted on a Standard Ward Projects Submission Form set out in the Second Schedule to this Act accompanied by minutes of the Ward Development Fund Committee approving the projects.

(2) All projects proposed for every Ward shall be listed in the Form together with the cost estimates, amounts allocated and amounts disbursed to such projects.

Projects Description Form

18. (1) For every project listed in the Form, there shall be attached a Standard Projects Description Form set out in the Third Schedule.

(2) The Board may, with the concurrence of the executive committee member responsible for finance and planing, may amend any of the Schedules to this Act subject to approval of the county assembly.

Approval of Projects

19. (1) The list of projects received by the Board shall be tabled for review at a meeting of the Board.

(2) The Board shall scrutinize and approve for funding those project proposals that are consistent with the Act.

(3) Where the Board does not approve a proposal submitted to it under this section, it shall refer the matter to the Ward Development Fund Committee giving reasons as to why it has declined the proposal.

Discretion of Ward Development Fund Committee

20. The allocation of funds to various projects in each Ward is the responsibility of the Ward Development Fund Committee to be exercised at its own discretion within the provisions of this Act.

List to be Serialised

21. The projects listed for each Ward shall be numbered by the Board and the serial numbers of all projects in a Ward shall bear the number of the Ward as delineated by the Independent Electoral and Boundaries Commission in order to ensure that a project retains the same serial number every year until its completion.

Basis for allocation to various Wards

22. (1) For purposes of this Act, ninety five percent of the Ward Development Fund shall be shared equally among all Wards and five percent of the Fund may be allocated to all Wards taking into account; and not limited to; population size, poverty index, and infrastructural differences.

(2) The Chair of the relevant Committee in the assembly shall table in the county assembly a schedule showing the ceiling for each ward, which shall be determined in accordance with sub section (1).

PART IV – TYPES OF PROJECTS

Criteria for Projects

23. (1) The types of projects submitted for funding under this Act shall comply with the provisions of this Act.

(2) It shall be the responsibility of the Ward Development Fund Committee to ensure that the list of projects submitted for funding comply with the provisions of the Act and their total cost does not exceed the allowable ceiling for the particular Ward or is not below that ceiling.

(3) If the list of projects submitted for funding is in contravention of subsection (2) the same shall be referred back to the Ward Development Fund Committee for amendment and re-submission.

(4) Whenever the amount for projects in a Ward is less than the allowable ceiling for reasons of projects being referred back in accordance with sub-section (3), or for whatever reason, the shortfall shall be indicated as unallocated amount against that particular Ward on the list to

be forwarded to the Chief Executive Officer of the Ward Development Fund Board.

Types of Projects

24. (1) Projects under this Act shall be community based in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular ward.

(2) Any funding under this Act shall be for a complete project or a defined phase, of a project and may include the acquisition of land and buildings.

(3) All projects shall be projects as defined under this Act and may include costs related to studies, planning and design or other technical input for the project but shall not include recurrent costs of a facility.

(4) Funds provided under this Act shall not be used for the purpose of supporting political bodies or political activities or for supporting religious bodies or religious activities.

(5) Notwithstanding the provisions of subsection (4), the Ward Development Committee may identify a religious body or organization as an appropriate specialized agency for purposes of emergency support.

(6) A Ward office project shall be considered as a development project for purposes of the Act and may include appropriate furniture and equipment for the office.

(7) Notwithstanding the provisions of subsection (3), up to a maximum of six per centum of the total annual allocation for the Ward may be used for administration, recurrent expenses of vehicles, equipment and machinery and such use shall be listed in the Second Schedule as a project.

(8) Projects may include the acquisition of vehicles, machinery and other equipment for the ward.

(9) Sports activities shall be considered as development projects for purposes of this Act but shall exclude cash awards provided that the allocation to such activities does not exceed two per centum of the total allocation of the Ward in that financial year

(10) Monitoring and evaluation of ongoing projects and capacity building of various operations may be considered as a development project provided that not more than three per centum of the total sum shall be allocated for this purpose.

(11) Environmental activities may be considered as development projects for purposes of this Act provided that the allocation to such

activities does not exceed two per centum of the total allocation of the Ward in that financial year.

(12) Each of the projects shall be listed on the Second Schedule including the emergency item under section 11 and, where applicable, the activities under subsections (6), (7), (8), (9), (10, and (II) of this section.

(13) Pupils and students from humble family background may benefit from the ward development fund subject to vetting and approval by ward development committee.

(14) All projects which promotes talents, fish farming, business incubation by youth, women groups and persons with disability including land may be considered.

Number of Projects

25. (1) The number of projects to be included in the Standard Ward Projects Submission Form specified in the Second Schedule shall be a minimum of five and a maximum of twenty five for every Ward in each financial year.

(2) Wards with unspent funds at the end of the financial year shall submit new proposals to the Board for approval in accordance with this Act.

(3) Project activities of a similar nature in a particular Ward may be combined and considered as one project for purposes of subsection (1) provided that the sub projects are listed in the Third Schedule.

(4) Wards may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the Ward Development Fund Committee of each of the participating Wards and shall be reflected on the projects listed for each of the participating wards .

(5) Where Wards have joint projects, the County Projects Committee shall co-ordinate such projects.

Monies allocated to Bursaries

26. (1) For purposes of this Act, not more than fifteen percent of the Ward Development Fund in every Ward shall be a Bursary Fund allocated for qualified applicants.

(2) The list of the proposed Ward applications shall be submitted to the Ward development comitee before a deadline that it may set.

(3) The list of requests shall be vetted and approved at the ward level and a Standard Ward Bursary Request Submission Form filled set out in the Second Schedule to this Act accompanied by minutes of the Ward Development Fund Committee approving the requests.

(4) All the bursary proposed for every Ward shall be listed in the Form together with the cost of fees payable, amounts approved allocated and amounts disbursed to such schools beneficiary.

(5) For the ward bursary request shall be listed in the Form there shall be attached a Standard Description Form set out in the Third Schedule and forwarded to County Secretary in charge of Education for planning purposes.

Approval of Bursaries

27. (1) The list of applicants received by the Ward Development Fund Committee pursuant to this Act shall be tabled for review at a Ward meeting in the ward offices.

(2) The Ward Development Fund Committee shall scrutinize and approve for funding filled bursary forms that are consistent with the Act.

(3) Where the Ward Development Fund Committee does not approve an application submitted to it under this section, it may refer the matter for consideration in the subsequent busary disbursement.

(4) The Ward Development Fund Committee shall put in every village notice board the list of all successful applicants and shall write to the beneficiary schools if they feel the actual disbursement of fund to schools may take longer and the beneficiary student stand to lose if such a communication is not made.

(5) The allocation of bursary funds to various students in each Ward is the responsibility of the Ward Development Committee to be exercised at its own discretion within the provisions of this Act.

(6). The request listed for each Ward shall be numbered by the Ward Development Committee and the serial numbers of all applications in a Ward shall bear the name of the student, school and previous exam result.

Criteria for Bursary Application

28. (1) The types of bursary request submitted for funding under this Act shall comply with the provisions of this Act.

(2) It shall be the responsibility of the Ward Development Fund Committee to ensure that the list of request submitted for funding comply with the provisions of the Act.

(3) If the list of requests submitted for funding is in contravention of subsection (2), the same shall be referred back to the applicant.

(4) Whenever the amount for request in a Ward is less than the allowable ceiling for reasons of bursary request being deleted in accordance with sub-section (3), or for whatever reason, the shortfall shall

be indicated as unallocated amount against that particular Ward on the list to be forwarded to the Executive Committee Member responsible for finance.

Types of Bursary Requests

29. (1) Applications under this Act shall be considered; in respect to fair representation and distribution across the Ward; in order to ensure that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular ward.

(2) Any bursary funding under this Act shall be for a complete academic term or semester.

(3) All application must be needy cases classified as—

(a) Extremely needy cases—definition total orphan with good marks;

(b) Needy cases—definition partial orphan with good marks or total orphan with average marks;

(c) Ordinary cases—definition partial orphan with average marks students with both unstable parents with good marks; or

(d) Other cases-definition all other cases on merit.

(4) The student benefiting from the bursary fund must come from the ward and not necessarily schooling there.

Ward Development Fund Committee

30. (1) There shall be a Ward Development Fund Committee for every ward in Muranga County and shall have its offices in the Ward offices where they shall conduct their business from.

(2) Provided that the membership does not exceed eleven persons, each Ward Development Committee shall comprise of—

(a) one representative from a village, village as defined by any county legislation or any other written law; and if there is no legislation to define a village unit, former sub-locations shall apply;

(b) other two representatives to represent the youth, people living with disability and the marginalised;

(c) the membership shall also include the Ward Development Fund Account Manager who shall be seconded by the Board; and shall be the secretary and accounting officer to the Fund, being remunerated by the County Public Service Board;

(d) the Ward Administrator shall be an *ex-officio* member of the committee;

- (e) without prejudice and discrimination, the representatives in Section (a) above shall be vetted by the Ward Representative in the County Assembly; and
- (f) the membership of Ward Development Fund Committee shall be that no gender shall be more than two thirds as prescribed by the Constitution and shall have post secondary academic qualifications so as to plan, design, implement and manage micro level and local based projects caused by the Fund.

(3) The Ward Representative at the Murang'a County Assembly shall be an ex officio to the Ward Development Fund in the respective Ward; being the Patron to the Fund and shall not have the right to vote in meetings.

(4) The Executive Committee Member responsible for Finance and Planning shall cause the names of persons appointed as members of the Ward Development Fund Committees to be published in the *County Gazette*.

(5) For the purpose of this Act, the first meeting of the Ward Development Fund Committee shall be convened within first forty five days after a new Assembly and the respective Ward Representative has been sworn in to office, convened by the Ward Administrator in consultation with the Ward Representative.

(6) The Chairperson of the Ward Development Fund Committee in consultation with the Member of County Assembly for the Ward and the Ward Administrator for the Ward shall, within the first year develop the Ward Development Plan and at least once every two years thereafter, convene open forum public meetings in every village in the ward to deliberate on development matters in the ward and as contained in Section 87 of the County Government Act, 2012.

(7) Each Ward shall come up with a list of priority projects to be submitted to the Ward Development Committee.

(8) The Ward Development Committee shall deliberate on project proposals from the wards and any other projects which the Committee considers beneficial to the Ward, including joint efforts with other wards, then draw up a priority of projects list both immediate and long term, out of which the list of projects to be submitted to assembly in accordance with the act and such list shall also be submitted to the sub-county administrator in order to align the said projects with the County's development plans and policies.

(9) The committee shall elect its chairperson and treasurer from amongst its membership.

(10) The quorum of the Ward Development Fund Committees shall be 50 % of the total membership.

(11) The term of office of the members of the Ward Development Fund Committee shall be three years irrespective of Assembly term but shall be renewable and shall come to an end upon the appointment of a new Ward Development Committee in a manner provided in this Act

(12) The Ward Development Fund Committee shall supervise authority over the project management committees.

The Ward Development Fund Account Manager

31. The Ward Development Fund Account Manager seconded by the Board to the Ward shall be the custodian of all records and equipment of the Ward during the term of assembly and during transitions occasioned by general elections or a by-election.

Vacancy in the Ward Development Fund Committee

32. Whenever a vacancy occurs in the Ward Development Fund Committee by reason of resignation, incapacitation or demise of a member then the vacancy shall be filled from the same category of persons where the vacancy has occurred.

Meetings

33. The Ward Development Fund Committee shall meet at least six times in a year and not more than twelve times in every financial year including sub-committee meetings.

Quantum

34. The Ward Development Fund Committee shall, at its discretion, determine the quantum of installments to various projects in the ward, taking into account the disbursement received and the requirement of different projects.

Cost Estimates to be Realistic

35. (1) The Ward Development Fund Committee shall ensure that appropriate consultations with the relevant Government departments is done to ensure that cost estimates for the projects are as realistic as possible.

(2) The Ward Development Fund Committee shall rank the projects in order of priority and whenever, in the opinion of the Board, the total cost of the projects listed exceed the ceiling for a particular ward, then the order in which they are listed shall be taken as the order of priority for purposes of allocation of funds, provided that on-going projects shall take precedence over all other projects.

Personel Awards to be Excluded

36. A project or any part thereof which involve personal awards to any person in cash or in kind, shall be excluded from the list of projects submitted in accordance with section 15 of this Act.

Counter Part Funding to be Permitted

37. For the purposes of this Act, the Board may consider part funding of a project financed from sources other than the Fund so long as the other financiers or donors of that project have no objection and provided that the part funding for the project availed pursuant to this Act shall go to a defined unit or any part thereof or phase of the project in order to ensure that the particular portion defined in the allocation is completed with the funds allocated under this Act.

PART V—ASSEMBLY SECTORAL COMMITTEE**Establishment of the Assembly Committee on Finance and Planning**

38. (1) The Muranga County Assembly shall, in accordance with its Standing Orders, establish a Sectoral Committee to deal, and not limited to matters of this Act.

(2) The functions of the said Assembly Sectoral Committee shall be—

- (a) to consider and recommend to the assembly any matter requiring action by the assembly pursuant to the provisions of this Act;
- (b) to oversee the implementation of this Act and in this respect, shall after every two years submit a report to the assembly and where necessary, propose any amendments to this Act, in particular, with respect to the quantum of funds repayable into the Fund in accordance with the Act;
- (c) to oversee the policy framework and legislative matters that may arise in relation to the Fund;
- (d) to continually review the framework set out for the efficient delivery of development programmes financed through the Fund;
- (e) to carry out any other functions relevant to the work of the ward development Fund; and
- (f) To make reports other than the statutory report to appraise assembly on various matters relating to the Fund and to seek various approvals as required by the Act.

Quarterly Reports to Sectoral Committee

39. The Ward Development Fund Board shall, on a quarterly basis, submit a report to the assembly Sectoral Committee detailing—

(1) A summary of the project proposals received from the Wards in the preceding month and indicating the approval status of such projects;

(2) A summary of the status of disbursements of funds to the Wards for that preceding month; and

(3) A summary of the status of disbursements from the County Treasury to the County Development Fund Account.

Projects

40. The Board shall ensure that the list of projects forwarded to it by each Ward is, upon approval, funded in accordance with this Act.

PART VI—IMPLEMENTATION OF PROJECTS

Project Management Committee to implement

41. (1) Projects under this Act shall be implemented by the project management committee in each case, with the assistance of the relevant department of government and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations for the time being in force.

(2) Where a particular project involves several sectors and therefore several county government departments, then the county government department under which the project is listed shall take lead in the implementation of the project.

(3) Where a project in a Ward involves the purchase of equipment, such equipment shall remain for the exclusive use of that ward.

(4) The Ward Development Fund Committee shall be responsible for monitoring the project management committee in the implementation of projects and may designate a sub-committee, a ward committee or a project committee the functions of monitoring an on-going projects and shall submit a report on the ongoing projects to the Ward Administrator and Sub-county Administrator, and the County Projects Committee.

Procurement of Services and Works

42. (1) All fixed and movable assets, including equipment bought under this Act shall be the property of the Ward Development Fund Board and shall be insured in the name of the Board.

(2) The property referred to in subsection (1) above—

(a) shall bear the name of the Ward as delineated by the Independent Electoral and Boundaries Commission; and

(b) equipment bought for institutions shall remain in exclusive use of those institutions.

(3) No asset or equipment acquired under this section shall be disposed off without the prior approval of the County Development Fund Board.

(4) Any proceeds that may accrue from the disposal of any asset acquired under this Act shall be credited to the account of the Ward from whose funds the asset was acquired and such funds shall be reflected and declared as part of the Ward Fund in the next financial year.

Procurement and Disposal Act

43. All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Disposals Act, 2005.

County Departmental Head

44. The county departmental heads of the relevant county departments shall oversee projects under their dockets and shall keep and maintain records of the disbursements of funds and progress of the projects funded under this Act.

Ward Development Fund Account Manager to maintain Record

45. The Ward Development Fund Account Manager shall compile and maintain a record showing all receipts, disbursements and actual expenditures on a monthly basis in respect of every project and sub-project under this Act and shall—

(1) Table such record at a meeting of the Ward Development fund Committee in every three months or as may be required; and

(2) Submit a summary of the record for the year to the Ward Development Fund Committee not later than sixty days after the end of every financial year.

Audit

46. All funds received under this Act shall be audited and reported upon by the County Auditor.

Community Initiatives to be Eligible

47. (1) Projects initiated by a community shall be eligible for support under this Act provided that such projects shall be submitted with the other projects in conformity with the requirements of this Act.

(2) Pursuant to subsection (1), a community shall, maintain an elected committee for this case, the project management committee, during and after the implementation of the project and such a committee shall

conform with established Government regulations in the discharge of its functions.

(3) The elected member of County Assembly from the ward shall have an oversight role of both the ongoing and complete projects in the ward.

Departmental Head in Project Committee

48. (1) Where a community initiates a project and a project management committee is maintained by the community, the departmental head of the County Department under whose docket the project falls shall be an ex-officio member of such a committee and may appoint a representative to the committee from among National Government officers in the ward or sub county.

(2) A representative appointed under subsection (1) above, shall not have the right to vote but may attend each and every meeting of such a project management committee and shall receive minutes of the deliberations of the committee.

On-going Projects

49. Any on-going or existing project initiated by a community prior or after the commencement of this Act, and which is intended to be supported under this Act, shall undergo a technical and financial evaluation by the relevant departmental head in a county, and the project status documented, before it is listed for support in accordance with the provisions of this Act.

Community Interests

50. If a community requests, it shall be given a chance to nominate representatives to represent their interests in any project being undertaken in their area.

PART VII—COUNTY PROJECTS COMMITTEE

Establishment of County Projects Committee

51. (1) There shall be established for muranga County, a committee to be known as the Muranga County Projects Committee whose main function shall be—

- (a) to co-ordinate the implementation of wards projects in the county, financed through the Ward Development Fund;
- (b) to monitor the implementation of projects in the wards financed through the County Development Fund; and

(c) to submit reports to the County Assembly on the monitoring and implementation of projects undertaken in the County that are financed through the Development Fund.

(2) The County Projects Committee shall also perform such other functions as may be allocated to it by the Board from time to time.

(3) The County Projects Committee may, in the discharge of its functions under this Act, make official or impromptu visits to projects at such times as it may deem appropriate.

Membership

(4) The members of the County Projects Committee shall be—

(a) the County Executive Committee Member responsible for Finance and Planning;

(b) the Chairperson and two committee members of the Finance and Planning Sectoral Committee of the Assembly;

(c) in the absence of the County Executive Committee Member for Finance and Planning, the County Chief Officer in charge of the county finances and planning shall attend meetings on behalf of the former;

(d) an officer of the Board seconded to the County Projects Committee by the Board who shall be *ex-officio* and shall serve as the Secretary to the County Projects Committee;

(e) the Chairperson of County Assembly Delegated Legislation Committee ;

(f) the Chairperson of County Assembly Implementation Committee; and

(g) the Chairperson of the County Budget and Appropriation Committee.

(5) All county departmental heads in a county under which docket the various projects fall may attend County Projects Committee meetings as *ex-officio* members, at the invitation of the County Projects Committee.

(6) The Chairperson of the County Project committee shall be appointed from the County Assembly members of the County Projects Committee who shall serve for a term of three years and subject to regulations under this Act.

(7) The quorum for any meeting of the County Projects Committee shall be one half of the members and for the purposes of this section immediate past members shall remain members of the County Projects

Committee until a new County Projects Committee is convened pursuant to the provisions of this Act.

(8) Meetings of the County Projects Committee shall be at least six (6) times in a year and not more than twenty four times in every financial year including sub-committee meetings.

(9) All County Project Committees existing prior to a assembly election shall continue in office until a new County Projects committee is constituted as in accordance with sub section (4).

(10) The County Projects Committees shall be constituted within sixty days of a new assembly being inaugurated and for the purpose of the current assembly the new county projects committee shall be constituted within sixty days of enactment of this Act.

(11) The Board may allocate funds to County Projects Committee for administration purposes.

PART VIII—ROLE OF COUNTY PROJECTS COMMITTEE

Tabling of Proposals

52. The Chairperson of the County Projects Committee shall table lists of the projects for Wards at a meeting of the County Projects Committee convened for that purpose and the said list shall also be submitted to the County Assembly in order to align the said projects with the County's development plans and policies.

Duplication of Projects

53. The County Projects Committee shall ensure that no duplication of projects occur, and where such projects may be funded by either the National or County Government.

PART IX—FINANCE AND ADMINISTRATION

Staff of Board

54. (1) The Board shall appoint such officers and other staff as are necessary for the proper management of the Fund and discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

(2) The county executive management structure of the Board shall be established or varied by the Board with the concurrence of the County Chief Officer for Finance and Planning.

Ward Development Fund Bank Account

55. (1) For the purpose of this Act, the disbursement of funds there shall be opened and maintained a Ward Development Fund Bank Account

for every Ward at any commercial bank or recognised local sacco, approved by the County Assembly into which all funds shall be kept and such an account shall be known by the name of the Ward for which it is opened.

(2) The bank account opened pursuant to subsection (1), shall be separate from that of the County Treasury account or Ward Development Fund Board Account.

(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a Ward Development Fund Bank Account and the signing instructions shall be such that there shall be the signature of the Ward Development Fund Manager and two signatures of the Chairperson and Treasurer of Ward Development Fund Committee and none of the signatories shall be members of county assembly.

(4) Funds from the Ward Development Fund Account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of this Act.

(5) Every payment or instruction for payment out of the ward development fund bank account shall be strictly on the basis of a minuted resolution of the Ward Development Fund Committee.

(6) All receipts, savings and accruals to the Ward development fund account and the balances thereof at the end of each financial year at the county level shall be credited to the respective ward account.

(7) All unutilized funds shall remain in the Ward development fund account and no investment elsewhere shall be permitted, provided that funds meant for a project that is cancelled or discontinued shall be returned to the Fund Account in accordance with this Act.

(8) Any accruing revenues, interest and liabilities from any Ward account shall be declared to the Board together with the annual returns.

Bank Account of the Ward Development Fund Board

56. (1) A bank account of the Ward Development Fund Board shall be opened and maintained at a commercial bank in Kenya.

(2) The signatories to the account of the Fund maintained in accordance with subsection (1) shall be the Chief Executive Officer and three other persons appointed by the Board from amongst its members.

(3) The signing instructions shall be such that the signature of the Chief Executive Officer shall be mandatory on all payment cheques and or instruments intended for actual release of money from the fund, plus any two of the other three signatories.

Records of Disbursements

57. (1) An accurate record of all disbursements made for projects to every Ward shall be kept and updated every month by the Board.

(2) The disbursement of funds to the Ward Fund Account shall be effected at the beginning of the first quarter of each financial year.

(3) The Chairperson of the Board shall submit an annual report on the activities, operations and expenditure under the Act.

(4) At the end of every financial year, the Board shall submit separate accounts reports of the Wards to the County Auditor.

PART X—MISCELLANEOUS PROVISIONS**Finances of the Board**

58. (1) The expenditure for running the Board and related purposes shall be set aside; at the beginning of the financial year and not more than five per centum of the total allocation to the Fund in the financial year may be used for this purpose, the annual budget of which shall be approved by the County Executive Committee Member for Finance and Planning.

(2) The personal emoluments of government officers working or involved in the management of the Fund shall be provided for under the recurrent expenditure of county government but any other emoluments or payments to such officers from the Fund shall be determined by the County Executive Committee Member responsible for Finance and Planning.

(3) Sittings and other allowances for the members of the County Projects Committee and Ward Development Fund Committee shall be fixed by the Board with the concurrence of the County Executive Committee Member responsible for Finance and Planning and shall be paid out of the funds set aside for the Board under subsection (1).

(4) The accounts of the Board shall be audited and reported upon in accordance with the Public Audit Act, 2003.

County Chief Officer

59. (1) The County Chief Officer in charge of Finance and Planning may make regulations for the smooth running of the Fund and such regulations shall be approved by assembly before implementation.

(2) The County Executive Committee Member responsible for Finance and Planning may amend any of the Schedules through a notice in the *County Gazette*, provided that such amendments shall first be approved by assembly before implementation.

Complimentary Provisions

60. (1) The provisions of this Act shall be complimentary to any other development efforts by the county government or any other agency and nothing in this Act shall be taken or interpreted to mean that an area may be excluded from any or other development programmes by the county government or any other agency.

(2) For the avoidance of doubt, normal county government development allocations shall continue alongside the projects funded under this Act.

Offences and Penalties

61. Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in this Act, shall be guilty of an offence and shall, upon conviction, be liable to imprisonment for a term not less than 3 years or to a fine not less than two hundred thousand shillings or to both.

Dispute Resolution

62. (1) All complaints by persons arising due to the administration of this Act shall be forwarded to the Ward Development Fund Board.

(2) Complaints of a criminal nature shall be forwarded by the Board to the relevant Government agencies with prosecutorial powers.

(3) Disputes of a civil nature shall be referred to the Ward Development Fund Board in the first instance and where necessary an arbitration panel whose costs shall be borne by the parties to the dispute, shall be appointed by consensus of the parties to consider and determine the matter before the same is referred to court.

(4) Notwithstanding subsection(3), parties shall be at liberty to jointly appoint an arbitrator of their choice in the event of a dispute but where parties fail to jointly agree on an arbitrator, the Executive Committee Member responsible for Finance and Planning may appoint an arbitrator whose costs shall be jointly borne by the parties.

(5) Subject to this Act, no person in the management of the Fund shall be held personally liable for any lawful action taken in his official capacity or for any disputes against the Fund.

Appeal

63. (1) The Wards Development Fund Act, 2014 is tabled for enactment.

Transitional Provisions

64. (1) In this section—

“commencement day” means the date when this Act comes into operation;

THIRD SCHEDULE (Section 18)

STANDARD PROJECT DESCRIPTION FORM

(To be completed in consultation with departmental head)

Ward..... Sub-County

Project NumberProject Title

Relevant County Government Department

Status of projects (tick one) New Extension On-going

Rehabilitation

Brief statement on progress at time of submission

.....
.....
.....

Financial year under reference 1st July to 30th June

Original cost estimates, in KSh.dated

Amount allocated last financial year

Person completing form: Signature

NamePosition

Date

