

(Trans Nzoia County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 of 2012)

THE PUBLIC FINANCE MANAGEMENT (COVID-19 EMERGENCY RESPONSE
FUND) REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

PART II—ESTABLISHMENT OF THE FUND

3—Establishment of the COVID-19 Emergency Response Fund.

4—Object and Purpose of the Fund.

5—Sources of the Fund.

6—Expenditure of the Fund.

PART III—MANAGEMENT OF THE FUND

7—Board of the Fund.

8—Functions of the Board.

9—Administrator of the Fund.

PART IV—FINANCIAL PROVISIONS OF THE FUND

10—Bank Accounts of the Fund.

11—Overdrawn account.

12—Withdrawals from the Fund.

13—Financial and Procurement Regulations.

14—Quarterly Reports.

15—Accounts of the Fund.

PART V—GENERAL PROVISIONS

16—Presidential Declaration and Lapse of the Fund.

17—Winding up of the Fund.

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 116 (1) of the Public Finance Management Act, 2012, the County Executive Committee Member for Finance and Planning makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (COVID-19 EMERGENCY RESPONSE FUND) REGULATIONS, 2020

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management (COVID-19 Emergency Response Fund) Regulations, 2020.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Public Finance Management Act, 2012

“Administrator of the Fund” means a person designated as such under Regulation 9 of these Regulations;

“Board” means the COVID-19 Emergency Response Fund Board established under Regulation 7 of these Regulations;

“County Executive Committee Member for Finance” has the meaning assigned to it under Section 2 of the Act;

“COVID-19” means an infectious disease caused by corona virus;

“essential supplies” includes human medicine, medical equipment, medical consumables, medical protective gear, quarantine facilities, COVID-19 test kits, food, logistics, water, electricity and medical disposal bins;

“Frontline workers” includes immigration officers, customs officers, security officers, community health assistants and volunteers;

“Fund” means the COVID-19 Emergency Response Fund established under Regulation 3 of these Regulations;

“voluntary contributions” includes voluntary pay cuts, voluntary salary contributions, subscriptions, donations and gifts; and

“vulnerable persons” includes persons with special needs, older persons, pregnant women, orphans, vulnerable children and persons without a clear means of livelihood.

PART II—ESTABLISHMENT OF THE FUND

Establishment of the Fund

3. There is established a Fund to be known as the COVID-19 Trans Nzoia County Emergency Response Fund.

Object and purpose of the Fund

4. (1) The object and purpose of the Fund shall be to mobilize resources for emergency response towards containing the spread, effect and impact of COVID-19 pandemic.

(2) Notwithstanding the generality of sub regulation (1) the purpose of the Fund shall include the following—

- (a) to fund the purchase of essential supplies for public hospitals and other related institutions, health professionals and frontline workers, as need arises;
- (b) to fund programmes and initiatives towards cushioning and provision of emergency relief to the most vulnerable, older and poor persons in urban informal settlements;
- (c) to support and stimulate micro, small and medium enterprises rendered vulnerable by COVID-19 pandemic;
- (d) to fund restoration of the facilities being used for compulsory quarantine for safe use by the hosting institutions;
- (e) to enhance the capacity of the relevant research institutions in handling COVID-19 surveillance; and
- (f) to fund any other emerging issue arising from the COVID-19 pandemic.

Sources of the Fund

5. The Fund shall consist of—

- (a) monies appropriated by the County Assembly for purposes of the Fund;
- (b) voluntary contributions from public officers and private persons;
- (c) grants, donations, subscriptions, bequests or other gifts made to the Fund; and
- (d) monies from any other source approved by the County Executive Committee Member for Finance.

Expenditure of the Fund

6. There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the objects and purpose for which the Fund is established.

PART III—MANAGEMENT OF THE FUND

Board of the Fund

7. (1) There is hereby established a board to be known as COVID-19 Emergency Response Fund Board which shall comprise of—

- (a) Chairperson appointed by the Governor;
- (b) County Executive Committee Member responsible for matters relating to Governance and Public Service Management;
- (c) County Executive Committee Member Finance & Economic Planning
- (d) Four other members, who shall not be public officers, appointed by the Governor.

(2) There shall be a Secretary to the Board appointed by the Governor and whose duties shall be specified in the appointing instrument.

Functions of the Board

8. The functions of the Board shall be—

- (a) to consider and recommend the estimates of revenue to and expenditure from the Fund to the County Executive Committee for Finance for approval;

- (b) to approve the opening and closing of bank accounts in accordance with the Act;
- (c) to approve disbursements from the Fund;
- (d) to receive, review and approve reports on the performance of the Fund;
- (e) to oversee the monitoring and evaluation of the programmes and activities under the Fund;
- (f) to approve the financial statements of the Fund prepared in accordance with the Act;
- (g) to consult with the County Executive Committee for Finance on matters relating to the administration of the Fund; and
- (h) to perform any other functions that shall be assigned by the Governor.

Administrator of the Fund

9. (1) The Administrator of the Fund shall be the Chief Officer for the time being responsible for matters relating to finance.

(2) The Administrator of the Fund shall exercise the following functions—

- (a) supervise and control the of the Fund;
- (b) prepare estimates of annual revenue and expenditure of the Fund relating to its obligations and operational expenses and submit it to the Board for adoption;
- (c) cause to be established proper systems of control and oversight under the provisions of the Act;
- (d) advise and consult the Board on matters relating to the administration of the Fund;
- (e) prepare non-financial performance reports of the Fund and submit them to the Board for adoption;
- (f) cause to be kept proper books of accounts and other books and records relating to the Fund and the activities financed under the Fund;
- (g) prepare, sign and transmit to the Auditor-General financial statements in accordance with the Act; and
- (h) furnish any additional information which is proper and sufficient for the proper discharge of the mandate of the Auditor-General.

(3) Upon approval by the Board, the Administrator of the Fund shall submit estimates of revenue and expenditure to the County Executive Committee Member for Finance for approval.

(4) The Administrator of the Fund shall designate officers under the County Treasury as the secretariat to the Fund.

PART IV—FINANCIAL PROVISIONS

Bank accounts for the Fund

10. (1) The Administrator of the Fund may open bank accounts with the approval of the Board in the name of the Fund with a bank as may be approved by the County Treasury.

(2) All moneys payable into the Fund shall be received into the bank accounts of the Fund.

Overdrawn accounts

11. The Administrator of the Fund shall ensure the accounts of the Fund are not overdrawn.

Withdrawals from the Fund

12. (1) Withdrawals from the Fund shall only be for purposes of promoting the objects and purpose for which the Fund is established.

(2) The records of expenditure relating to the Fund shall be kept and maintained in accordance with the provisions of the Act and Regulations made thereunder.

Financial and procurement Regulations

13. The Fund shall be governed in accordance with the financial and procurement laws and regulations.

Quarterly reports

14. The Administrator of the Fund shall prepare quarterly financial and non-financial reports in accordance with the Act.

Accounts of the Fund

15. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets, equipment and properties of the Fund.

(2) The Administrator of the Fund shall prepare financial statements of the Fund in accordance with the Act.

PART V—GENERAL PROVISIONS

Presidential declaration and lapse of Fund

16. The fund shall lapse upon declaration by the president in the Kenya Gazette, that COVID-19 pandemic is no longer a threat to the social, economic and political stability of the country.

Winding up of the Fund

17. Upon the lapsing of the Fund in the manner provided for under regulation 16, the Fund shall be wound up in accordance with the provisions of the Act and Regulations made there under.

SCHEDULE

PROVISIONS ON THE CONDUCT OF THE MEETING OF THE COMMITTEE

Interpretation

1. In this schedule unless the context otherwise requires—

“Committee” means the Trans Nzoia County COVID 19 Emergency Response Fund Board established under regulation 7, and

“Meeting” means a meeting of the Board established under these regulations.

Convening of meetings

2. (1) The Chairperson of the Committee shall—

(a) Determine the agenda of the meeting including the date, time venue of the meeting; and

(b) Convene and chair the meetings

(2) In the absence of the Chair person at the meeting of the Board, the meeting shall be chaired by the County Executive Committee Member for Finance.

(3) In the absence of both the Chair person and the County Executive Committee Member for Finance at the meeting of the Board, the members shall elect member to chair the meeting.

Special meetings

3. The Chair person shall, on the written requisition of one –third of the members of the Board, convene a special meeting of the Board.

Notice of meetings

4. (1) Except in the case of a special meeting at least fourteen days written notice of the Board, shall be issued to each of the member to the Board.

(2) In the case of a special meeting, the Chairperson shall convene a meeting within seven days of receipt of the requisition for the special meeting.

Quorum

5. The quorum for the conduct of the business of the meeting of the Board shall be two –thirds of the total membership.

Decision-making

6. A decision of the Board shall be by Consensus provided where a vote becomes necessary; the decision shall be determined by a simple majority.

Joint sittings of bodies

7. The Board may hold joint sittings with any other body for the purpose of carrying out its mandate.

Attendance by non-members

8. The Board may invite a person who is not a member of the Board to attend and participate at a sitting of the Board but such a person shall not be entitled to vote.

Committees

9. A meeting of the Board may establish standing or ad-hoc committees charged with specific responsibilities.

Other Procedures

10. Except as provided in this schedule, the Board may regulate its own procedures.

Made on the 30th April, 2020.

BONFACE W. COSMAS,
County Executive Committee Member for Finance