

SPECIAL ISSUE

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KIAMBU COUNTY ACTS, 2024

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THE KIAMBU COUNTY REVENUE ALLOCATION ACT, 2024

No. 2 of 2024

Date of Assent: 25th January, 2024

Date of Commencement: See Section 1

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**THE KIAMBU COUNTY REVENUE ALLOCATION ACT,
2024**

AN ACT of the County Assembly of Kiambu to provide for the equitable allocation and use of county resources and for connected purposes

ENACTED by County Assembly of Kiambu, as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Kiambu County Revenue Allocation Act, 2024, and shall come into operation upon the expiry of 30 days after publication.

Interpretation

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

“Clerk” means the Clerk to the Kiambu County Assembly;

“Community” means residents of a particular area or locality such as a Ward, location or sub- location within Kiambu County and having common interests;

“County Executive Committee Member” means the Member of the County Executive Committee responsible for finance and economic planning;

“Chief officer” means the accounting officer in respective departments;

“County assembly member” means a member elected in accordance with Article 177 (1)(a) of the Constitution

“Ward” means an electoral unit within a constituency delimited in accordance with Article 89 of the Constitution;

“sub county administrator” means a person appointed pursuant to section 50 (1) of the County Governments Act, 2012 responsible for coordination, management and supervision of the general administrative function in the sub county unit

“ward” means a person appointed pursuant to section 51 (1) of the County Governments Act, 2012 for each ward in a county responsible for coordination, management and supervision of the general administrative functions in the ward.

Object and purposes of Act

3. The object and purpose of this Act is to—

- (a) provide a framework for the equitable sharing of county resources among the wards;
- (b) provide resources for economic and social development in a fair and just manner;
- (c) provide a guaranteed budget line in the county budget cycles for funding of ward activities;
- (d) provide mechanisms for identification and prioritization of ward projects;
- (e) provide for the role of the County Executive Committee Member in charge of financial affairs of the county;
- (f) provide for participation of the public in the determination and implementation of identified projects within the wards.

PART II—ALLOCATION OF RESOURCES

Establishment of the County Revenue Allocation

4. There shall be an annual budget allocation for ward projects and services consisting of an amount of not less than Ten Million Shillings per ward of development expenditure for every financial year.

Record of disbursements to be kept

5. An accurate record of all payment made for projects to every Ward shall be kept and updated every month by the County Treasury.

PART III—SUBMISSION OF WARD PROJECT PROPOSALS

Submission of projects

6. (1) The list of proposed Ward based projects emanating from public participation under this Act shall be submitted to the county Executive Committee Member by the ward administrator in consultation with the area Member of County Assembly.

(2) The County Executive Committee Member shall receive and compile the list of proposed Ward projects submitted under this Act and grant the necessary approval where the requirements of this Act has been fulfilled.

(3) The functions of the County Executive Committee Member shall be to—

- (a) ensure allocation and disbursement of funds in every Ward;
- (b) receive and discuss the annual reports and returns from the Wards;

- (c) ensure the compilation of proper records, returns and reports from the Wards;
- (d) ensure timely submissions to County Assembly and the County Executive committee of various returns, reports and information as required under this Act;
- (e) consider project proposals submitted for various wards in accordance with the Act and make appropriate recommendations to the County Assembly and the County Executive Committee;
- (f) continually review and oversee the implementation of policy framework and legislative matters that may arise in relation to the ward projects; and
- (g) perform such other functions as may be provided for in this Act.

Submission deadline

7. The list of the proposed Ward projects shall be submitted to the county treasury before the end of the month of July in each year or such other month as may be determined by the County Executive Committee Member in order to ensure timely inclusion of the projects in the annual County Government budget of each year.

Submission Form

8. (1) The list of projects shall be submitted on a Ward Projects Submission Form set out in the Second Schedule to this Act.

(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

9. For every project listed in the Form, there shall be attached a Project Description Form set out in the Third Schedule.

Approval of projects

10. The County Executive Committee Member shall scrutinize and recommend for funding those project proposals that are consistent with the Act.

List to be serialized

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

Allocation of funds

12. (1) The County Executive Committee Member, with the concurrence of the County Assembly, shall for each financial year allocate funds to each Ward in accordance with Part IV of this Act.

(2) Once funds are allocated for a particular project, they shall remain allocated for that project and may only be re-allocated for any other purpose during the financial year in accordance with the provisions of the Public Finance Management Act, 2012.

(3) If for any reason a particular development project is cancelled or discontinued during the financial year, funds allocated for such a project shall be retained for the purpose it was established.

(4) Unspent development Funds at the end of the Financial Year, shall be re- allocated to any eligible project within that ward and such project may be new or ongoing.

(5) A return as set out in the First Schedule shall be made for the current financial year and every previous financial year on which some funds remain unspent.

PART IV—ALLOCATION CRITERIA**Basis for budget allocation**

13. The budget allocation, for each Ward shall be a minimum of ten million shillings per ward.

Criteria for projects

14. (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 County Executive Committee member 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 allowed ceiling for the particular Ward or is not below that ceiling.

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

PART V—TYPES OF PROJECTS**Projects to be community based**

15. (1) Projects under this Act shall—

- (a) be in respect of those falling within the functions of the county government as contemplated under Part 2 of the Fourth Schedule to the Constitution;
- (b) be community based for purposes of ensuring the accruing

benefits are available to a widespread cross-section of the inhabitants of a particular area;

- (c) be projects identified by citizens during public participation process.

(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) The allocation shall be used to fund all or any of the following projects—

- (a) Education Sector-development of social halls, Early Childhood Development, Youth Empowerment Centers, Home craft, and Village Polytechnics;
- (b) Health - construction and equipment of healthcare facilities at ward level;
- (c) Agriculture Livestock and Fisheries Development;
- (d) Trade, Markets, and Cooperatives Development;
- (e) Road Infrastructure and street lighting;
- (f) Water Infrastructure and Climate Mitigation;
- (g) Any other ward based development infrastructure.

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

(6) The number of projects to be included in the ward project submission form specified in the second schedule shall comply with the county policy on project identification and implementation.

Cost estimates to be realistic

16. (1) The ward administrator, in consultation with the area Member of County Assembly, general public and other stakeholders including technical personnel shall identify and rank all projects in order of priority and whenever, in the opinion of the County Executive Committee Member, 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.

(2) The County Executive Committee Member shall make appropriate consultations with the relevant government departments to ensure that the cost estimates of the projects are as realistic as possible.

(3) For the avoidance of doubt, in identifying development projects for prioritization, regard shall be made to the approved development plans.

Personal awards to be excluded

17. 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 the Act.

Counter-part funding to be permitted

18. For the purposes of this Act, the County Executive Committee Member may consider part funding of a project from other sources.

PART VI — SUBMISSION OF QUARTERLY REPORT

Quarterly reports on projects and disbursements

19. (1) The County Executive Committee Member shall, on a quarterly basis, submit a report to the County Assembly detailing—

- (a) a summary of the project proposals received from the wards in the preceding month and indicating the approval status of such projects;
- (b) a summary of the status of disbursements of funds to the wards for that preceding month;
- (c) any restriction imposed on a Ward project in accordance with the Act;
- (d) a summary of the implementation status report in each ward.

(2) The County Executive Committee member shall ensure that the list of projects forwarded to him /her by each ward is, upon approval, funded in accordance with the Act.

PART VII—IMPLEMENTATION OF PROJECTS

Relevant county department shall implement the projects

20. (1) Projects under this Act shall be implemented by the relevant department of the County Government and the respective Ward administrator. 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 project in a Ward involves the purchase of equipment, such equipment shall remain for the exclusive use of that Ward.

(3) The respective Chief Officer for the departments and the ward administrator shall be primarily responsible for monitoring the implementation of projects.

(4) All fixed and movable assets, including equipment bought under this Act for use by the Ward administrator shall be the property of the County Government.

(5) No asset or equipment acquired under this section shall be disposed of by the County Government in contravention with the Public Procurement and Disposal Act, 2015

Procurement of services and Works

21. All works and services relating to projects under this Act shall be procured in accordance with the provisions of the Public Procurement and Assets Disposal Act No. 33 of 2015.

PART VIII—MISCELLANEOUS PROVISIONS

Member of the County Executive Committee to make Regulations

22. (1) The County Executive Committee Member may make, with the approval of the County Assembly, regulations for the smooth implementation of the Act.

(2) The County Executive Committee Member may amend any of the Schedules through a notice in the *Gazette*, provided that such amendments shall first be approved by the County Assembly.

Provisions in the Act are complimentary

23. (1) The provisions of this Act shall be complimentary to any other development efforts by the national government, 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 other development program.

(2) For clarity, County Government development allocations shall continue alongside the projects funded under this Act.

Dispute resolutions

24. (1) All complaints and disputes by persons arising due to the administration of this Act shall be forwarded to the County Executive Committee Member in the first instance.

(2) Complaints and Act of a criminal nature shall be dealt with as provided by national legislation governing the criminal justice system.

(3) Disputes of a civil nature shall be referred to the County Executive Committee Member in the first instance and where necessary, an arbitration

panel or an arbitrator whose costs shall be borne by the parties to the dispute, may be appointed by parties to consider and determine the matter before the same is referred to a court.

(4) Notwithstanding subsection (3), where parties fail to jointly agree on an arbitrator, the County Executive Committee Member may appoint an arbitrator whose costs shall be jointly borne by the parties.

FIRST SCHEDULE
(s. 11(5) (s.6))

PROJECT RE-ALLOCATION FORM

Ward No: Name Financial year

Project No.	Project Title	Amount allocated (Kshs.)	Amount disbursed (Kshs.)	Balance (Kshs.)	Unspent to be re-allocated

Signature Date

Name Position

SECOND SCHEDULE (s. 21)

WARD PROJECTS SUBMISSION FORM

Ward No. Ward Name

Financial year.....Ward Administrator

SignatureDate

Area Member of County Assembly.....

Signature.....Date.....

Serial	Name of Project	Amount allocated
Total for the Financial Year		

THIRD SCHEDULE (s. 22)

PROJECT DESCRIPTION FORM

Ward No: Ward Name County

Project Number

Project Title

Sector

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

Rehabilitation

Brief statement on project status at time of submission

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

Financial year1st July to 30th June

Original Cost estimates, in Kshs. dated.....

Amount allocated last financial year

Person completing form:

SignatureName.....

Position.....

Date.....

Area Member of County Assembly.....

Signature.....Date.....