SPECIAL ISSUE 1

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LEGAL NOTICE NO 5

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 *of* 2012*)*

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

ARRANGEMENT OF REGULATIONS

Regulation

THE PUBLIC FINANCE MANAGEMENT ACT, 2012

(No. 18 *of* 2012*)*

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

IN EXERCISE of the powers conferred by section 111 of the Public Finance Management Act, 2012, the Executive Committee Member for the Finance, Economic Planning and County Development 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;

"Committee" means the COVID-19 Emergency Response Fund Committee established under Regulation 7 of these Regulations;

"Executive Member" means the County Executive Committee Member for the time being responsible for Finance, Economic Planning and County Development;

"COVID-19" means an infectious disease caused by coronavirus; "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 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 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 Executive Member.

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

Committee of the Fund

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

(a) a Chairperson appointed by the Governor;

(b) not more than ten members, representing gender, youth and diverse economic sectors and all constituencies of the county appointed by the Governor.

(2) The Governor shall further appoint a secretariat for the Committee as nay be necessary.

Functions of the Committee

8. The functions of the Committee shall be—

(a) to consider and recommend the estimates of revenue to and expenditure from the Fund to the Executive member for approval;

(b) to approve the opening and closing of bank accounts in accordance with the Act;

(c) to receive, review and approve reports on the performance of the Fund;

(d) to oversee the monitoring and evaluation of the programmes and activities under the Fund;

(e) to approve the financial statements of the Fund prepared in accordance with the Act;

(f) to consult with the Executive Membber on matters relating to the administration of the Fund; and

(g) 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 administration 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 Committee for adoption;

(c) cause to be established proper systems of control and oversight under the provisions of the Act;

(d) advise and consult the Committee on matters relating to the administration of the Fund;

(e) prepare non-financial performance reports of the Fund and submit them to the Committee 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 Committee, the Administrator of the Fund shall submit estimates of revenue and expenditure to the Executive Committee 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 Committee 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 as applicable.

Monthly 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 Committee 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

Dissolution of Fund by the Governor

16. (1) The Governor may dissolve the Fund once the President has declare that COVID-19 pandemic is no longer a threat to the social, economic and political stability of the country.

(2) Upon such declaration as provided for under paragraph (1), the Fund shall lapse.

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 thereunder.

Made on the 29th April, 2020.

MURUNGI NDAI,

County Executive Committee Member for Finance, Economic Planning and County Development.

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