

SPECIAL ISSUE

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SUPPLEMENT**

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CONTENT

Act—	PAGE
The Isiolo County Wards Development Fund Act, 2015	1

**THE ISIOLO COUNTY WARDS DEVELOPMENT FUND ACT,
No. 11 of 2015**

Date of Assent: 14th December, 2015

Date of Commencement: 21st December, 2015

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY¹

1—Short title and Commencement.

2—Interpretation.

3—Object and Purpose of Act.

**PART II—ESTABLISHMENT OF THE WARDS DEVELOPMENT
FUND**

4—Establishment of the Fund.

5—Establishment of the Board.

6—Conduct of business and affairs of the Board.

7—Functions of the Board.

8—Chief Executive Officer.

9—Staff of the Board.

10—Reporting.

PART III— FUNDS ALLOCATION AND DISBURSEMENTS

11—Allocation of funds.

12—Disbursement from the Fund.

13—Funds to be retained in the Fund.

14—Emergency Reserve.

15—Project Expenses.

16—Establishment of Ward Committee.

17—Functions of Ward Committee.

18—Staff.

19—Reports.

20—Local development meetings.

21—Wards Projects Forum.

- 22—Projects identification.
- 23—Submission of project proposals.
- 24—Submission Form.
- 25—Projects approval.
- 26—Project Management Committee.
- 27—Types of projects.
- 28—Number of projects.
- 29— Projects identification.
- 30— County Projects Co-ordination Committee.
- 31— Functions of County Projects Co-ordinating Committee.
- 32— Secretariat Services.
- 33— Duplication of projects.
- 34—Cost estimates to be realistic.
- 35—Personal award excluded.
- 36—Counter-part funding.
- 37— Procurement of services and works.
- 38—Community Initiatives to be eligible.

PART IV—FINANCIAL PROVISIONS

- 39— Fund administration.
- 40— Records of Receipts and Disbursements.
- 41—Ward account.

PART V— MISCELLANEOUS

- 42— Dispute Resolution.
- 43— Regulations.

FIRST SCHEDULE— WARD PROJECTS SUBMISSION FORM.

SECOND SCHEDULE— WARD PROJECT DESCRIPTION FORM.

THIRD SCHEDULE— WARD PROJECT RE-ALLOCATION FORM.

FOURTH SCHEDULE— CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD.

**THE ISIOLO COUNTY WARDS DEVELOPMENT FUND ACT,
2015**

AN ACT of the County Assembly of Isiolo to provide for the establishment of a Fund for promoting development in the wards and to set up institutional framework for coordinating development initiatives and projects in the wards, and for connected purposes.

ENACTED by the County Assembly of Isiolo as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Wards Development Fund Act, 2015 and shall come into operation on the date of publication in the *gazette*.

Interpretation

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

“county projects co-ordination committee” means the County Projects Co-ordination Committee established under section 30;

“board” means the Wards Development Fund Board established under section 5;

“county” means the Isiolo County;

“executive member” means the County Executive Committee Member responsible for county finance and economic planning;

“fund” means the Wards Development Fund established under section 4;

“governor” means the Governor of Isiolo County;

“projects management committee” means the Projects Management Committee provided under section 26;

“ward committee” means the Ward Development Fund Committee established under section 16;

“wards projects forum” means the Wards Projects Forum established under section 21.

Object and Purpose of Act

3. The object and purpose of this Act is to provide for a legal framework for establishment of a Fund to promote county development at ward level in order to—

- (a) promote economic growth and development in the county;
- (b) promote equity and equality in access to development services; (c) ensure rural and regional development within the county;
- (c) improve the standards of living among the residents of Isiolo; (e) promote interests of marginalized communities; and
- (d) enhance provision and access to basic services such as health, education, transport and communication and water.

PART II—ESTABLISHMENT OF THE WARDSDEVELOPMENT FUND

Establishment of the Fund

4. (1) There is established a Fund to be known as Wards Development Fund.

(2) The Fund shall consist of—

- (a) monies appropriated by the County Assembly which amount shall not be less than ten per centum of the county ordinary revenue and transfers received from the National Government in accordance with Article 202 (1) and Article 203 (2) of the Constitution; and
- (b) any other funds received by the board from any source.

(3) The Fund shall be used for meeting capital and recurrent expenditure relating to—

- (a) development projects in the wards; and
- (b) operations of the board and committees established under this Act.

Establishment of the Board

5. (1) There is established a board to be known as the Wards Development Fund Board.

(2) The board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

- (c) borrowing money or making investments; and
 - (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.
- (3) The board shall consist of—
- (a) non- executive Chairperson appointed by the Governor with the approval of County Assembly;
 - (b) the chief officer for the time being responsible for matters related to county finance and economic planning;
 - (c) the chief officer for the time being responsible for finance or chief officer responsible for county administration where the chief officer responsible for finance is also responsible for county finance and economic planning;
 - (d) four persons, qualified in matters relating to finance, accounting, administration, engineering, economics, social services, development, or law, appointed by the governor, with the approval of assembly, taking into account regional, ethnic and gender balance; and
 - (e) the Chief Executive Officer who shall be an *ex-officio* Member and the secretary to the board.
- (4) A person shall be qualified for appointment as Chairperson under subsection 3 (a) if the person—
- (a) holds a degree from a recognized university;
 - (b) has knowledge and experience of at least five years in matters relating to development, public administration and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) has had a distinguished career in their respective fields.
- (5) A person shall be qualified for appointment as a member under subsection (3) (e) if the person—
- (a) holds at least a diploma from a recognized institution of higher learning;
 - (b) has knowledge and experience of at least two years in matters relating to local development, administration, community mobilization, and management or any other related field;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) is a resident of the county.

Conduct of Business and Affairs of the Board

6. (1) The conduct and regulation of the business and affairs of the board shall be as provided in the Fourth Schedule.

(2) Except as provided in the Fourth Schedule, the board may regulate its own procedure.

Functions of the Board

7. (1) The functions of the board shall be to—

- (a) administer the Fund;
- (b) consider and approve project proposals submitted from each ward;
- (c) ensure timely and efficient disbursement of funds to each ward; (d) ensure efficient management of the Fund;
- (d) receive and consider annual reports and returns from each ward;
- (e) facilitate capacity development of each Ward Committee and provide necessary support to ward committees in discharge of their functions under this Act;
- (f) receive and address complaints and disputes and take any appropriate action; and
- (g) perform any other function in furtherance of the objects of this Act or as may from time to time be assigned by the Executive Member.

(2) The board shall before approving any project under this Act, ensure that all the project proposals are in line with the county development plans and the County Budget for the respective financial year.

Chief Executive Officer

8. (1) There shall be a Chief Executive Officer of the board who shall be appointed by the Executive Member on recommendation of the board and recruited through a competitive process.

(2) For a person to be appointed as Chief Executive Officer, the person must have—

- (a) a degree from a recognized university; and
- (b) at least five years experience in management.

(3) The chief executive officer shall be subject to the direction of the board, be responsible for the day to day management of the affairs of the board.

(4) The Chief Executive Officer shall serve for a term of three years on such terms and conditions as the board may determine, may be eligible for re-appointment for a further and final term of three years.

Staff of the Board

9. (1) The Executive Committee Member may, in consultation with county public service board, second such staff as are necessary for the proper management of the Fund.

Reporting

10. (1) The board shall prepare and submit annual report to the Executive Member for transmission to the County Executive Committee for onward submission to County Assembly for approval.

(2) The report shall address among others—

- (a) status of funds disbursements;
- (b) status of projects' implementation;
- (c) challenges faced in the implementation of the Act, measures taken to address the challenges and proposed interventions;
- (d) contribution made through the Fund to local communities in relation to poverty reduction and improvement of standards of living; and
- (e) any other matter as the executive member may prescribe.

PART III—FUNDS ALLOCATION AND DISBURSEMENTS

Allocation of Funds

11. (1) The Executive Member, with the approval of the County Assembly, shall for each financial year allocate funds to each ward in accordance with this Act.

(2) An amount totalling to 72 percent of the amount set aside under this act shall be allocated equally to all ward, 20 percent of the fund shall be set aside as an equalization fund, 5 percent shall be used for emergency reserve while the 3 percent of the remainder shall be used for administrative costs;

(3) 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 with the approval of the board.

(4) 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.

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

(6) For the avoidance of doubt, a true asset out in the Third Schedule shall be made for the current financial year and every previous financial year on which some funds remain unspent.

Disbursement from the Fund

12. (1) Each disbursement from the Fund shall be approved by the board.

(2) All disbursements from the Fund shall be for specific projects as submitted by the ward committees in accordance with this Act.

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

(4) The Executive Member may prescribe further requirements or conditions to be imposed by the board in regard to disbursements of the funds.

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 section 11 (5) of 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 in accordance with section 11(3) or funds which are not utilized for whatever reasons.

Emergency Reserve

14. (1) A portion of the Fund, equivalent to five 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) "Emergency" shall be construed to mean an urgent, unforeseen need for expenditure for which 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 ward residents.

Project Expenses

15. (1) For each project, the Project Management Committee shall set aside a sum of five per centum of the total allocation for the project to cater for the administration expenses of the project.

(2) The sum set aside under subsection (1) shall be properly accounted for and proper books of accounts kept and returns made to the Ward Committee for that ward on how the sum has been used.

PART III—PROJECTS MANAGEMENT

Establishment of Ward Committee

16. (1) There is established the Ward Development Fund Committee for each ward.

(2) The Ward Committee shall consist of—

- (a) ward administrator;
- (b) Five resident selected by Ward residents among whom there shall be a representative for—
 - (i) the youth;
 - (ii) the women;
 - (iii) persons with disabilities;
 - (iv) the non-governmental, community based organizations; and
 - (v) the faith based organizations carrying out development projects in the ward;
- (c) one person designated by the County Government with the approval of the County Assembly as the Fund manager who shall be *ex officio* and secretary to the committee; and
- (d) The Member of County Assembly for respective ward who shall be the patron.

(3) The five residents referred to in subsection (2) (b) shall be elected in accordance with the following procedure—

- (a) within forty-five days of being sworn in, or coming into force of this Act, whichever comes first, each Member of County Assembly for a particular ward in collaboration with the ward administrator shall convene open public meetings in each village;
- (b) each village shall elect five persons one of whom shall be a youth;
- (c) the five village representatives elected under paragraph (b) shall, in a ward public meeting convened by the Member of County Assembly in collaboration with ward administrator elect the persons who are members of the Ward Committee taking into account geographical, ethnic, cultural and social diversity

and interests; provided that no two persons shall be elected from the same village.

(d) The ward administrator shall be the secretary of respective public meetings.

(4) The Ward Committee Members shall elect from among Members stipulated under subsection (2) (b) to the Chairperson of the committee.

(5) The Executive Committee Member shall publish the names of the Ward Committee Members in the gazette.

(6) The term of office of the members of the Ward Committee shall be three years, which may be renewed for another term of two years or for the remaining term before the next general elections whichever is applicable and shall come to an end upon the appointment of a new Ward Committee after the general elections or ward by-elections.

(7) The Fund manager shall convene the first meeting of the Ward Committee within fourteen days after publishing of the names in the gazette.

(8) The quorum of the Ward Committee meetings shall be one half of the Members.

(9) A Member of the Ward committee may be removed from the Committee on any of the following grounds—

- (a) contravention of Chapter (6) of the Constitution or any written law governing ethics of public officers and economic crimes;
- (b) incapacitation due to physical or mental infirmity;
- (c) absence from committee meetings for more than three times without reasonable grounds; and
- (d) in ability to discharge duties.

(10) A vacancy arising as a result of the removal of a Member under subsection (9) shall be filled in the same manner set out under this section.

(11) The procedure for conducting Business and affairs of the Ward Committee shall be as provided in the Fourth Schedule with necessary modifications or as the Executive Member may prescribe.

Functions for Ward Committee

17. The Ward Committee shall be responsible for—

- (a) receiving and preparing project proposals and budgets;
- (b) supervising projects implementation;

- (c) monitoring and evaluating projects implementation; and
- (d) providing liaison between projects implementation committees and the County Government.

Staff

18. The Executive Member in consultation with County Public Service Board shall ensure that each Ward Committee has the necessary staff and resources to effectively carry out its functions.

Reports

19. A Ward Committee shall prepare a financial and programme report every six months in relation to projects implementation and transmit the report to the board.

Local Development Meetings

20. (1) The Chairperson of the Ward Committee in collaboration with Member of County Assembly for the ward and the ward administrator shall, within the first year of a new County Assembly and at least once every two years thereafter, convene open public meetings in every village or among a cluster of villages in the ward to deliberate on development matters in the village and the ward.

(2) The form of notices for meetings under this section shall be as prescribed.

Ward Projects Forum

21. (1) There is established the Ward Projects Forum.

(2) The Forum shall consist of—

- (a) Respective member of the County Assembly who shall be the Chairperson;
- (b) Ward administrator who shall be the Secretary;
- (c) all heads of departments in the ward;
- (d) (d) members of Ward Committee; and
- (e) officer responsible for co-ordinating National Government functions in the ward;

(4) The Ward Projects Forum shall be responsible for—

- (a) harmonizing all projects identified in each village;
- (b) preparing list of priority projects in the ward; and
- (c) recommending to the Ward Committee the priority projects for funding.

(5) The quorum of the Ward Projects Forum meetings shall be one half of the Members.

(6) The Executive Member shall prescribe the procedures of conducting the business and affairs of Wards Projects Forum.

Projects Identification

22. (1) The Member of County Assembly and the village council shall mobilize and facilitate public meetings for residents of each village to identify priority development projects in the village in each year.

(2) Upon projects identification at the village level, the ward administrator shall convene the Ward Projects Forum to harmonize and prioritize all projects in the ward.

(3) The Ward Project Forum shall indicate in the order of priorities projects recommended for approval and submit the list to the Ward Committee and shall inform the respective project implementation committees.

(4) The projects implementation committee of an approved project shall in consultation with the Ward Committee prepare project proposal for the respective project.

Submission of Project Proposals

23. (1) The Ward Committee shall submit the list of proposed ward-based projects to the board before the end of July in each year in order to ensure timely inclusion of the projects in the annual development plan and the County Budget for the following financial year.

(2) The Ward Committee shall have the discretion of determining the amount of funds to be allocated to each project.

Submission Form

24. (1) The list of projects shall be submitted on a projects submission form set out in the First Schedule and accompanied by minutes of the Ward Committee.

(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.

(3) For every project listed in the Form, there shall be attached a project description form set out in the Second Schedule.

Projects Approval

25. (1) The list of projects received by the board pursuant to section 23 shall be tabled for review at a meeting of the board.

(2) The board shall scrutinize and approve for funding the project proposals that are consistent with the Act within thirty days of receipt of the list.

(3) Where the board does not approve a proposal submitted to it under this section, it shall indicate the reasons to the Ward Committee and whether the proposal may be re-submitted.

(4) The Ward Committee may re-submit to the board a project proposal once it addresses the concerns raised by the board and sub section (3).

Project Management Committee

26. (1) There shall be a Project Management Committee to implement a project funded under this Act.

(2) Where the project implementation will be undertaken by an institution, the institution shall establish a Project Management Committee.

(3) Where there is no institution to implement the project, the Ward Committee shall set up a Projects Management Committee for the purpose of that project on such terms and conditions set out by the Executive Member.

Types of Projects

27. (1) Projects under this Act shall be public or community-based in order to ensure that the prospective benefits are available to a Wide spread cross-section of the inhabitants of a particular area and the projects shall be based on the county integrated development plan.

(2) Any funding under this Act shall be for a distinct programme, 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 Committee may identify a religious body or organization as an appropriate specialized agency for purposes of section 14 with regard to emergency support or for implementing a specified project for the sole benefit of the community.

(6) A Ward Committee 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 five 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 First Schedule as a project.

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

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

(10) 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.

(11) Each of the projects shall be listed on the First Schedule including the emergency item under section 14 and, where applicable, the activities under subsections (6), (7), (8), (9), (10) of this section.

Number of Projects

28. (1) The number of projects to be included in the Ward Projects Submission Form specified in the First Schedule shall be a minimum of three and a maximum of ten for a 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 section 11 (5) of 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 as provided in the Second Schedule.

(4) Wards may pool resources for joint projects provided that the decision for such joint projects shall first be approved by the County Projects Co-ordinating Committee and Ward 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 Co-ordinating Committee shall co-ordinate such projects.

Projects identification

29. A Project funded under this Act shall be identified as prescribed.

County Projects Co-ordination Committee

30. (1) There is established in the county the County Projects Co-ordinating Committee.

(2) The County Projects Co-ordinating Committee shall consist of—

- (a) the chief officer responsible for finance and economic planning or his designate who shall be the Chairperson;
- (b) the Chairpersons of Ward Committees;
- (c) the Chief Executive Officer of the board; and
- (d) officer responsible for co-ordinating National Government functions in the county.

(3) All departmental heads in the County Government under whose docket the various projects fall may attend County Projects Co-ordinating Committee meetings as *ex officio* Members, at the invitation of the County Projects Co-ordinating Committee.

(4) The County Projects Co-ordinating Committee shall meet once in four months.

Functions of County Projects Co-ordinating Committee

31. (1) The County Projects Co-ordinating Committee shall be responsible for—

- (a) co-ordinating implementation of projects under this Act; and
- (b) advising ward committees on effective project implementation, strategies and processes.

(2) The quorum of the County Projects Co-ordinating Committee shall be one half of the Members.

Secretariat Services**No. 17 of 2012**

32. (1) The county planning unit established under the County Governments Act shall provide secretariat services to the County Projects Coordinating Committee.

(2) The board shall allocate funds to County Projects Co-ordinating Committee for administration services.

Duplication of Projects

33. The County Projects Co-ordinating Committee shall ensure that no duplication of projects occur particularly where it is prudent to combine efforts on projects designed to benefit a large section or sector of a community traversing several wards in the county.

Cost estimates to be realistic

34. The Ward Committee may make appropriate consultations with the relevant county and national government departments to ensure that cost estimates for the projects are as realistic as possible.

Personal Award excluded

35. A project or any part thereof which involves personal awards to any person in cash or in kind, shall be excluded from the list of projects submitted under this Act.

Counter-part Funding

36. For the purposes of this Act, the board may consider part funding of a project financed from sources other than the Fund—

- (a) so long as the other financiers or donors of that project have no objection; and
- (b) 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.

Procurement of services and works**No. 3 of 2005**

37. 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.

Community Initiatives to be eligible

38. (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) and subject to section 26 a community shall, maintain an elected committee to represent the interests of that community during and after the implementation of the project and such a committee shall conform with the requirements of this Act.

PART IV—FINANCIAL PROVISIONS

Fund Administration

39. (1) The board shall—

cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund;

- (a) open and maintain a bank account of the Fund in a commercial bank approved by the Executive Member for finance;
- (b) prepare, sign and transmit through the executive member for finance to the Auditor-General in respect of each financial year; and
- (c) within three months after the end thereof, a statement of accounts relating to the Fund in accordance with the Public Audit Act, 2003 and in such details as the Executive Member for finance may from time to time direct.

(2) 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 Executive Member.

Records of receipts and disbursements

40. The Fund manager for each ward shall compile and maintain a record showing all receipts, disbursements and actual expenditures on a monthly basis in respect of every project under this Act and shall—

- (a) table such record at a meeting of the Ward Committee in each month; and
- (b) submit a summary of the record for the year to the Ward Committee not later than thirty days after the end of each financial year.

Ward Account

41. (1) For the purpose of disbursement of funds under this Act, each Ward Committee shall maintain a ward account at any commercial bank approved by the Executive Member responsible for finance.

(2) All funds disbursed to the Ward shall be kept in the account and such an account shall be known by the name of the ward.

(3) At least three signatories shall be required for every cheque or instrument for actual payment or withdrawal of funds from a ward account

and the signing instructions shall be such that there shall be at least one signature of Fund manager and at least two signatures of two Members of the Ward Committee.

(4) The Fund account manager shall hold the Authority to incur expenditure of the funds at the ward account.

(5) The Ward Committee shall ensure that any decision or resolution for payment or instruction for payment out of the ward account is recorded in the minutes.

(6) Funds from the ward account shall only be withdrawn as disbursements for a particular project in accordance with the provisions of section 11 of the Act.

(7) All receipts, savings and accruals to the ward account and the balances thereof at the end of each financial year shall be returned to the Board Fund Account.

(8) All unutilized funds disbursed for any project shall be returned to the ward account at the end of financial year.

PART V—MISCELLANEOUS

Dispute Resolution

42. (1) All complaints and disputes by persons arising due to the administration of this Act shall be referred to the board.

(2) The Executive Member shall prescribe dispute resolution mechanisms.

Regulations

43. (1) The Executive Member may make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

- (a) prescribe procedures for further administration of the funds under the Act;
- (b) prescribe the forms of notices to be issued under the Act;
- (c) prescribe the forms of identification of projects funded under the Act; and
- (d) prescribe the requirements and conditions for accessing the funds.

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 KSh.dated

Amount allocated last financial year

Person completing form: Signature

NamePosition

Date.....

THIRD SCHEDULE

(s. 11(6)) WARD PROJECT RE-ALLOCATION FORM

Ward No.: Name Financial Year

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

Signature

Date

Name

Position

FOURTH SCHEDULE (s. 6)
CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

Tenure of Office

1. The Chairperson or a member of the board appointed under section 5(3)(e) shall, subject to the provisions of this Schedule, 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

2. (1) The Chairperson or a member appointed under section 5(3) (e) may—

- (a) any time resign from office by notice in writing to the Executive Member;
- (b) be removed from office by the Executive Member on recommendation of the board if the Member—
 - (i) has been absent from three consecutive meetings of the board without its permission;
 - (ii) is convicted of a criminal offence that amounts to a felony under the laws of Kenya;
 - (iii) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (iv) is otherwise unable or unfit to discharge his functions.

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

Meetings

3. (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 sub paragraph (1), 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 five 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 persons 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 rules and procedures in respect thereof.

Committees of the Board

4. (1)The board may establish such committees as it may deem appropriate to perform such functions and responsibilities as it may determine.

(2) The board shall appoint the Chairperson of a committee established under subparagraph (1) from amongst its Members.

(3) The board may where it deems appropriate, invite any person to attend the deliberations of any of its committees.

Disclosure of interest

5. (1) 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

(2) A disclosure of interest made under subparagraph(1) shall be recorded in the minutes of the meeting at which it is made.

(3) A Member of the board who contravenes subparagraph (1) shall cease to be a Member of the board upon direction of the Executive Member.

Contracts and instruments

6. 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.