

SPECIAL ISSUE

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LEGAL NOTICE NO. 1

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 139 of the Public Finance Management Act, 2012 the Meru County Executive Committee Member for Finance makes the following Regulations:—

THE MERU COUNTY GRANTS (ADMINISTRATION)
REGULATIONS, 2014

PART I—PRELIMINARY

1. These Regulations may be cited as the Meru County Grants (Administration) Regulations, 2014.

Citation.

2. These Regulations shall apply and form conditions for all grants and donations to youth, women, persons with disabilities and cooperatives by Meru County Government or its entities or third parties.

Application.

3. The procedures for the grants and donations hereinafter mentioned are as provided for in part III of these regulations.

Procedures for allocation and disbursements.

PART II—ADMINISTRATION

4. (1) There is established the Meru County Grants Oversight Committee which shall consist of—

County Grants Oversight Committee.

- (a) a Chairperson to be appointed by the county executive committee member in charge of the grantor department;
- (b) the Chief Officer for the time being responsible for finance or his representative who shall be the secretary to the Board;
- (c) the Chief Officer for the time being responsible for women and youth affairs or his or her representative;
- (d) the chief officer for the time being responsible for co-operatives, enterprise and tourism;
- (e) head of the county legal services department;
- (f) one person representing the private sector; and
- (g) one person with disability nominated by the County umbrella body of persons with disability.

(2) The person to be appointed in subsection (1) (a) shall have relevant experience in financial matters for at least 10 years.

(3) The County Executive Committee member responsible for finance may in consultation with the committee Chairperson co-opt any other person with relevant expertise to the Committee.

5. The County Grants Oversight Committee shall be responsible for—

Functions of the Committee.

- (a) advising and being responsible to the governor through the county executive committee member for finance in all matters of administration, control and management of grants;
- (b) forwarding budget proposals for submission to the County Assembly by the County Executive Committee member responsible for finance;
- (c) in collaboration with the County Executive Committee ensure that—
 - (i) the grant funds are equitably disbursed;
 - (ii) the grant funds are used for the purpose budgeted for;
 - (iii) only eligible entities benefit from the funds; and
 - (iv) disputes arising out of the disbursement of the grants are amicably settled.

6. (1) The Committee shall regulate its own procedure in every sitting.

Sitting and remuneration of the Committee.

(2) The Committee shall sit at least once and not more than twice in every quarter of the year.

(3) The remuneration of the members of the Committee shall only be by such sitting and travelling allowances as may be determined by the County Executive Committee member for the time being responsible for finance and borne by the respective grantor department.

(4) The Chief Officers or their nominees who are members or the Committee shall not draw allowances for the purposes of this section.

(5) The sitting allowances of the Committee shall constitute and be part of its running budget.

PART III—GRANTS MANAGEMENT

7. (1) There is hereby established the County Grants Fund.

The County Grant Fund.

(2) The objective of the Fund shall be—

- (a) to ensure equitable sharing of County resources;
- (b) to expand access to finances and resources through grants and cheap credit to the youths, women, persons with disabilities and co-operatives;
- (c) to generate gainful employment for Meru County youths, women and persons with disability;
- (d) to model an alternative framework in funding community driven development;
- (e) to enhance equitable development that addresses marginalized persons in the county;

- (f) to ensure prudent and responsible use of county resources that is available to all; and
- (g) to promote responsible financial management with clear fiscal reporting.

8. (1) The following entities or third parties are eligible to be considered for grants— Eligibility for grants.

- (a) a youths group, if it is registered with the department of social services and has five to fifteen members;
- (b) a women's group, if it is registered with the department of social services and all its members only comprise of women;
- (c) a youths sacco, if it is registered with the department of co-operatives;
- (d) a women's sacco, if it is registered with the department of co-operatives;
- (e) an education institution; and
- (f) any other registered group or entity that promotes the development objectives of the County Government.

9. No group or entity shall qualify for a grant unless— Conditions for award of grants.

- (a) it is resident and ordinarily operates in the sub-county in which it seeks to be considered for a grant;
- (b) it holds a bank account with a reputable bank in the name of the group or entity; and
- (c) it executes a binding agreement with the county specifying the conditions to which the grant is subject.

10. The following principles shall inform the sharing of grant funds— Administration of the funds.

- (a) the grant funds must be used for the specified intended purpose;
- (b) there must be accountability and equity in receiving and use of the funds;
- (c) there must be periodical reports to monitor ~~the~~ use of the funds.

11. (1) Every individual beneficiary of a loan from a group or an entity shall provide a budget specifying a schedule on how the funds will be used once disbursed. Budgeting requirements.

(2) The budgets in subsection (1) shall inform the total budgets of each group or entity to be submitted to the sub-county.

(3) The budgets of all the sub-counties shall form the total county budgets for grants.

(4) All respective budgets shall be submitted to the higher hierarchy in good time to ensure that they constitute the entire county

budget to be timely submitted to the county assembly.

12. When a group or an entity, or a third party receives any money from the county for disbursement or administration under the Act the said group or entity and its officials who deal with the money shall—

Responsibility for the public funds.

- (a) be subject to the same obligations as a public officer under the Act; and
- (b) be subject to these regulations.

13. (1) The County Executive Committee member for finance shall conduct public hearings after notifications in the press before coming up with the amounts to be awarded as grants.

Public disclosure.

(2) Upon completion of all budgetary procedures and after determination of the grant amounts to be awarded to each sub-county, a group entity or third party the County Executive Committee member for finance shall publish the figures of grants respecting the sub-counties groups and entities in a newspaper with regular readership in the entire county before the said funds are released.

(3) Any group, entity or third party aggrieved by the grant allocation shall apply for review to a panel consisting of the—

- (a) County Executive Committee member for finance;
- (b) County Executive Committee member for the time being responsible for co-operatives; and
- (c) County Executive Committee member for the time being responsible for women, youth and persons with disability.

(4) The panel referred to in (3) shall hear the complaint and render its finding within fourteen (14) days.

(5) The decision of the panel referred to in (3) shall be final administratively.

(6) The grants shall not be released before all the appeals are determined under this section.

14. All the grant recipients shall—

Duty of grant recipients.

- (a) within thirty (30) days of receipt of the grants publish the the distribution list and the related expenditure in a newspaper with local circulation in the entire county; and
- (b) within six months of receipt of the grant funds publish the report of the performance relating to the grants in a newspaper with local circulation in the entire county.

15. The following measures shall be observed by the grant groups, entities or third parties to ensure non wastage of resources—

Beneficiaries to participate in projects of grants.

- (a) annual auditing of the funds shall be done;
- (b) there shall be quarterly reporting on the performance of the grants; and

- (c) the departments shall make impact assessment reports in the medium term.

16. The following measures shall be observed to allow beneficiaries or intended beneficiaries to report instances of non compliance with these regulations or grant agreement—

Beneficiaries to report non compliance.

- (a) monetary and evaluation reports shall be received from independent entities; and
- (b) project visits by members of the Committee.

17. The County Grants Oversight Committee shall, if satisfied that, any grant recipient is guilty of non compliance with the provisions of the Act or these regulations impose the following sanctions—

sanctions on non compliance.

- (a) surcharge the entity, its officials and or members; or
- (b) carry out further investigations and take any other appropriate disciplinary action; or
- (c) withdraw the grant altogether.

18. It shall be the duty of every public officer or third party authorized to receive, control or pay public money as grants to—

Obligations of any person in charge of grants public money.

- (a) observe sound fiscal principles; and
- (b) adhere to the Public Finance Management Act and these Regulations.

Made on the 21st July, 2014.

MUTHOMI J. KIRERA,
County Executive Committee Member for Finance.





