

SPECIAL ISSUE

Mandera County Gazette Supplement No. 30 (Bills No. 22)



REPUBLIC OF KENYA

**MANDERA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 27th November, 2014

CONTENT

Bill for Introduction into the Mandera County Assembly —

PAGE

The Mandera County Co-operative Development Fund Bill, 2014 1

**THE MANDERA COUNTY CO-OPERATIVE DEVELOPMENT
FUND BILL, 2014**

ARRANGEMENT OF CLAUSES

Clauses

PART 1—PRELIMINARY

- 1 Short title and commencement.
- 2 Interpretation.

**PART II—ESTABLISHMENT OF FUND, OVERSIGHT
COMMITTEE AND ENTERPRISE COMMITTEE**

- 3 Establishment of the Fund.
- 4 Object and purpose of the Fund.
- 5 Establishment of the Committee.
- 6 Composition of the Committee.
- 7 Code of Conduct for the Committee.
- 8 Functions of the Committee.
- 9 Committee Seal.
- 10 Remuneration of the Board Members.
- 11 Protection from personal liability.
- 12 Secrecy.
- 13 Tenure of office.
- 14 Vacation of Office.
- 15 Disclosure of Interest.
- 16 Establishment of Sub County Co-operative Committee.
- 17 Function of the Committee.

**PART III— FUND ALLOCATION, MANAGEMENT AND
ELIGIBILITY CRITERIA**

- 18 Capital Fund.
- 19 Fund allocation.
- 20 Management of the Fund.
- 21 Expenditure on the Fund.
- 22 Administration of the Fund.

- 23 Administrative expenses.
- 24 Eligibility criteria for applicants.
- 25 Fund disbursement.
- 26 Repayment of loan.
- 27 Retention of receipts.
- 28 Unlawful.
- 29 Purposes.

PART IV — FINANCIAL PROVISIONS

- 30 Financial year
- 31 Annual estimates.
- 32 Accounts and audit.

PART IV — MISCELLENOUS

- 33 Winding –up of the Fund.
- 34 County champion and patron.
- 35 Ward Level Patron.
- 36 Guiding principle.
- 37 General penalty.
- 38 Regulations.

**THE MANDERA COUNTY CO-OPERATIVE
DEVELOPMENT FUND BILL, 2014**

A Bill for

AN ACT of the County Assembly of Mandera to provide for the establishment of the Mandera County Co-operative Development Fund Bill, 2014, to provide for establishment of the Co-operative Development Committee for management and administration of the Fund, and for connected purposes

ENACTED by the County Assembly of Mandera as follows—

PART I—PRELIMINARY

1. This Bill may be cited as the Mandera County Co-operative Development Fund Bill, 2014 and shall come to into operational upon enactment by the Mandera County Assembly.

Short title and commencement.

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

Interpretation

“Administrator of the Fund” means a person designated as such under Section (15) of the Bill;

“Committee” means the Trade Development Committee under Section (4) of the Bill;

“By-laws” means the by-laws made by a society registered under Co-operative Act 2012.

Co-operative society” means a society registered under the Co-operative Act 2012;

“Eligible administrative cost” means administrative expenditure allowable as determined by the Committee;

“Evaluation criteria” means criteria used to evaluate group application under this Bill;

“Youth” has meaning assigned to it under Article 260 of the Constitution;

“Women” means a person of the female gender who is above 18 years of age;

“Executive Member” means the county executive committee member responsible for matters relating to Co-operative development;

“Chief Officer” Means the Officer responsible for matters relating to Co-operative development;

“Enterprise” means an undertaking or a business concern whether formal or informal engaged in Selling, production of goods or provision of services;

“Fund” means the Mandera Co-operative Development Fund established under this Bill;

“Member of County Assembly” means county assembly members for Mandera County elected in accordance with Article 177 of the Constitution; and

“Governor” means a county governor for Mandera County elected in accordance with Article 180 of the Constitution;

PART II—ESTABLISHMENT OF FUND, OVERSIGHT COMMITTEE AND ENTERPRISE COMMITTEE

3. (1) There is established a fund to be known as the Mandera County Cooperative Development fund

Establishment of the Fund.

(2) the Fund shall consist of —

- (a) sums of money which may from time to time be voted by the County Assembly for that purpose;
- (b) sums which represent the repayment of the capital and administration fees of any loan granted from the fund;
- (c) income from any investment made by the Fund;
- (d) Any sums of money borrowed by the Fund with the approval of the County Assembly; and;
- (e) Any gifts, donations, grants and endowments made to the Fund.

(2) There shall be paid out of the Fund payments in respect of any expenses incurred in pursuance of the objects and purposes for which the Fund is established.

4. (1) The object and purpose for which the Fund is established are—

Object and purpose of the Fund.

- (a) to provide funds to be used for granting non-interest loans to cooperative societies/SACCOs with a view to scaling up their lending activities, value addition amongst other activities as may be prescribed;

- (b) to provide funds to support, revive and initiate cooperative societies/SACCOs in areas that can have an immediate impact to household economy;
- (c) to attract and facilitate investment in cooperative sector institutions that have linkages to micro, small and medium enterprises that benefit the special groups of the society;
- (d) provide financial support to cooperative sector institutions that support strategic and high-return interventions which directly and indirectly have the potential to trigger growth and sector-wide impact;
- (e) to attract and facilitate investment in cooperative sector institution that have linkages to low income persons, community-based organizations, and women groups; and
- (f) provide funds to cooperative sector institutions to facilitate marketing of products and services both in the domestic and the international markets.
- (g) to model an alternative framework in funding Co-operative driven development;
- (h) to expand access to finances for promotion of Co-operative enterprises and ventures at ward level for economic growth;
- (i) to generate gainful self-employment for people in the Co-operative sector.
- (j) fund unique business ideas that support new business set ups and bridge essential consumer services gaps i.e. restaurants, Kinyozi, Cyber Café, shops, jua kali artisans and others essential services for different Wards.

5. There is established a Committee to be known as the Mandera County Co-operative development Fund Committee.

Establishment of the County Co-operative Committee.

6. (1) the Committee shall consist of —

Composition of The County Committee.

- (a) The chairperson of the Committee who shall be sourced from the registered Co-operative societies and SACCOs in the County and

nominated by the County Executive in charge of Co-operatives with the Approval of the County Assembly and appointed by the Governor. The roles of Chairperson—

- (i) Convening Committee meetings;
 - (ii) Presiding over all Committee meetings and shall have both deliberate and casting vote;
 - (iii) He or she shall Grant authority to hold Committee meetings;
 - (iv) Monitoring activities of the Committee within the jurisdiction
- (b) The Chief Officer responsible for matters relating to finance;
- (c) The Chief Officer responsible for matter relating to Co-operatives who shall be—
- (i) The Secretary of the Committee
 - (ii) Accounting Officer of the Committee and has the overall financial and Administrative responsibilities for the Fund;
 - (iii) Advise the Committee in accordance with policy directives governing the Committee;
 - (iv) Keep reports of matters relating to Co-operative Development Fund in the County;
 - (v) Receiving, registering vetting and appraising applications for loan consideration by Committee;
 - (vi) Writing minutes of Committee meetings and maintaining proper records of Committee's affairs;
 - (vii) Execution of Committee's decisions and ministry's directives regarding Committee operations;
 - (viii) Receiving and account for funds of the Committee;
 - (ix) Preparing and maintaining Committee's records and books of accounts;
 - (x) Regular submission of all returns and

- reports of the Committee operations as required by the Executive Committee member for Co-operative;
- (xi) Custodian of all Committee assets and documents including the official seal and stamps;
 - (xii) Undertake regular monitoring of loan recipients to ensure that the terms of loan agreement are complied with;
- (d) Director Enterprise Development who shall guide the committee on Co-operative Societies policies and technical activities;
- (e) Co-operative Auditor who shall be a member to advise the Committee on Co-operative Audit and related purposes. Four persons nominated by the Executive Member and appointed by the Governor—
- (i) One person nominated by the most representative Co-operative Society/SACCO in the County;
 - (ii) One person nominated by the most representative association of women engaged in Co-operative enterprises in the County ;
 - (iii) One person nominated by the most representative association of youth engaged Co-operative enterprises in the County;
 - (iv) One person nominated by the most representative association of persons with disability engaged in Co-operative enterprises in the County.
- (f) The Co-operative Officer, Co-operative Auditor and County Legal Advisor who shall be co-opted Committee members to serve on it for such length of time as it deems necessary, when their assistances or Technical advice may be required, but a person so co-opted shall neither be entitled to vote in a meeting of the Committee nor be counted as a member thereof for the purpose of forming a quorum.

(2) The Executive Member shall cause the names of persons constituting the Committee to be published in the Kenya Gazette.

(3) The shall be in office for a term of three years period after which it can be reconstituted.

7. (1) A Committee members shall not use their office—

Code of
Conduct for the
Committee.

- (a) To improperly enrich him/herself or others using Committee's funds;
- (b) Advance loans to him/herself, business associate, or a corporation partnership or other body in which the member has an interest;
- (c) Accept gifts or favours from a person who has an interest that may affect the carrying out of his/her duties.
- (d) Divulge Committee's information to unauthorized users;
- (e) Use his/her best efforts to avoid being in a position in which his/her personal interests conflict with his/her duties.

8. (1) The functions of the Committee shall be to—

Functions of the
County
Committee.

- (a) Provide overall management, design and oversight the Fund;
- (b) Consider, verify and approve funding for Society/SACCOs in the Wards;
- (c) Approve disbursement of the Fund;
- (d) Receive reports on the performance of the Fund
- (e) Develop relevant guidelines and review them as the need arises, to guide the operations and implementation of the Fund;
- (f) Monitor and evaluate the programs and activities under the Fund;
- (g) Prepare annual report on the operations and performance of the Fund to the County Executive Co-operative for presentation to the County Assembly;
- (h) Oversee the management and administration of the

Fund including recoveries from loans beneficiaries;
and

- (i) Put in place necessary mechanisms for sections and their enforcement in case of loan repayment default.

9. (1) The Committee Seal—

Committee Seal.

- (a) The Committee seal shall be under the safe custody of the Secretary. The seal shall be used on authority of the Committee and shall be authenticated by the signatures of the Chairman and Secretary of the Committee.
- (b) The common Seal and Stamp of the fund, when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Committee under this section shall be presumed to have been duly given

10. Committee shall pay its members such remuneration, fees or allowances for expenses as it may be determined by the Public Service Committee.

Remuneration of
the Committee
Members.

11. No act or omission by any member of the Committee or by any officer, employee, agent or servant of the Committee shall, if the act or omission was done bona-fide for the purposes of executing a function, power of duty under the bill render such member, officer, employee, agent or servant personally liable to any action or claim.

Protection from
personal liability

12. No member, officer or servant of the Authority shall disclose any information which he or she has acquired in the performance of his functions as such member, officer or servant to any person except in so far as may be necessary for the performance of such functions or for due compliance with the order of any court.

Secrecy

13. The Chairperson or a member of the Committee other than those already working with the County Government shall, subject to the provisions of the Schedule, hold office for a period of three (3) years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment subject to a maximum of two terms of office.

Approved
tourism projects
and products.

14. (1) The Chairperson may resign from office by notice in writing to the Governor through the office of the

Vacation of
Office

Executive Committee Member, responsible for Co-operative.

(2) A member other than those working with the County Government may—

- (a) at any time resign from office by notice in writing to the Governor;
- (b) Be removed from office by the County Executive of Co-operative if the member
 - (i) has served the full period of appointment; or
 - (ii) is adjudged bankrupt; or
 - (iii) has been absent from three consecutive meetings of the Committee without its permission; or
 - (iv) is convicted of a criminal offence that amounts to a felony under the Laws of Kenya; or
 - (v) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or
 - (vi) is otherwise unable or unfit to discharge the functions of the office.

(3) Where the office of member of the Committee becomes vacant before expiry of the term of office, the Governor or the Executive Committee Member, as may be appropriate, shall appoint another person to be a member of the Committee in place of the member who vacates the office and the person so appointed shall hold office for the remainder of the term of the member in respect of whom the vacancy occurred and shall be eligible for re-appointment.

15. (1) A member who has an interest in any activity offered by the Committee, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement of the meeting, disclose the fact thereof, and shall not take part in the consideration or discussion of, or vote on, any question with respect to the activity or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Disclosure of
Interest.

1 Without prejudice to the provision of sub-section (1), a member may give general notice to the Committee of

his connection with some organization or person so that he should be deemed to be privately interested in any matter coming from the Committee Members in which the organization or person are involved.

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

3 A member of the Committee who contravenes sub-paragraph (1) shall be liable to be disqualified from holding office.

16. (1) There is established a Committee to be Known as the Sub County Co-operative Development Fund Committee (hereafter referred to as “Committee”) in every Sub County.

Establishment of
Sub County Co-
operative
Development
Fund
Committee.

(2) The Committee shall consist of–

(a) The Sub County Administrator-Chairperson

(b) Deputy Sub County Administrator- Vice
Chairperson

(c) The ward Administrator-Members representing the
Ward Patron;

(i) Other than the Committee functions is
responsible for disseminating the Fund
information distributing and collecting the
application from the Wards in close consultation
with area MCA

(d) The Sub county Co-operative Officer- Secretary

(i) The Secretary of the Committee

(ii) Responsible for Administrative responsibilities
for the Fund at the Sub County level;

(iii) Advise the Committee in accordance with
policy directives governing the Committee;

(iv) Keep reports of matters relating to Co-operative
Development Fund in the Sub County level;

(v) Receiving, registering vetting and appraising
applications for loan consideration by
Committee;

(vi) Writing minutes of Committee meetings and

- maintaining proper records of Committee's affairs;
- (vii) Execution of Committee's decisions and ministry's directives regarding Committee operations;
- (viii) Preparing and maintaining Committee's records
- (ix) Regular submission of all returns and reports of the Committee operations as required by the County Committee for the fund and
- (x) Undertake regular monitoring of Wards loan recipients to ensure that the terms of loan agreement are complied with;
- (e) Five persons appointed by the Executive Member in consultation with the elected MCA representing the ward as follows:
 - (i) One person nominated by the most representative association of traders at the ward
 - (ii) One person nominated by the most representative association of women engaged in micro and small enterprises at the ward;
 - (iii) One person nominated by the most representative association of youth engaged in Co-operative enterprises;
 - (iv) One person nominated by the most representative association of persons with disability engaged in Co-operative enterprises at the ward;
 - (v) One person nominated by the most representative religious group at the ward
- (3) The Executive Member shall cause the names of persons constituting the Committee to be published in the Kenya Gazette.

17. (1) The Function of the Committee shall be to—

- (a) Identify the targeted groups within the Wards;
- (b) Receive application from the groups;
- (c) Evaluate applications based on the guidelines for evaluation of applications;

Function of the Committee.

- (d) Make recommendations to the County Co-operative Development Fund committee for legible Groups from the Wards;
- (e) Undertake monitoring of the activities including making official impromptu visit to the beneficiaries;
- (f) Manage and oversee the implementation of the Fund at the Ward level;
- (g) Compile, update and forward progress reports to the Committee on quarterly basis;
- (h) Provide oversight to the disbursement and repayments in their respective Wards;

PART III—FUND ALLOCATION, MANAGMENET AND ELIGIBILITY CRITERIA

18 The initial capital of the Fund shall be all moneys appropriated by County Assembly in the financial year 2014-2015 for Co-operative non-interest loans and any other related funds for the Co-operative Societies in the County

Capital of Fund.

19. (1) The initial capital of the Fund shall be allocated as follows—

Fund allocation.

- (a) An amount not exceeding twenty per cent shall be earmarked for capacity building and administration cost of both the Committee and ward level committee for the Fund and target beneficiaries groups;
- (i) For the balance of the Fund, the Co-operative Development Fund Committee shall allocate across all registered Co-operative Societies/SACCOs or any other organized group as per the Co-operative.

20. (1) for management of the Fund—

Management of
the Fund.

- (a) the access by eligible groups of the Fund, Shall be subject to assessment and approval of the applications by the ward Co-operative development Fund committees and approved by the County Co-operative Development Fund Committee;
- (b) The eligible qualifying amounts for a group shall be a minimum of KSh. Fifty Thousand (50,000) and a maximum of KSh. One Million (1000,000) shillings at any one time.

(2) in determining the total amount a Co-operative Society/SACCO is eligible to receive, the following criteria shall be applied–

- (a) the length of time the Co-operative Society/SACCO has been in existence;
- (b) the total amount contributed by the Co-operative Society/SACCO;
- (c) The current status of contribution; and the proposed financial plan for the loan applied.

21. (1) The Expenditure incurred on the Fund shall be on the basis of and limited to annual work programmes and cost estimates which shall be prepared by the administrator of the Fund and approved by the Committee at the beginning of the financial year to which they relate;

Expenditure on
the Fund.

(2) Any revision of the approved annual work programme, and of any cost estimate, shall be referred to the Committee for approval.

(3) Some of the costs that can be charge include:

- (a) Business Management Trainings for the Societies/SACCOs;
- (b) Co-operative extension, Advisory and Counseling service;
- (c) Information education communication Materials;
- (d) Legal Expenses, whenever legal expense are incurred in recovering debts from loan defaulters, the total amount must be added to the defaulters outstanding loan. The amount subsequently recovered in respect to legal fees shall be transferred to the Co-operative Development fund account.
- (e) Any other costs approved by the County Cooperative Development Fund Committee.

22. (1) The Fund shall be Co-managed by the Fund Manager as was previously recruited in line with the Mandera County Trade Development Fund Act, 2014 article 16 (1) (2) for cost saving purpose.

Administration
of the Fund.

(2) The roles and qualifications shall be same as given in Mandera County Trade Development Fund Act, 2014 article 16 (1-2)

(3) The administrator of the fund shall ensure that the earnings of, or accruals the Co-operative Development fund are retained in the fund, unless the County Executive Committee member for finance, Trade and Committee directs otherwise;

(4) The administrator of the fund shall ensure that money held in the fund, including any earnings or accruals referred to in subsection (3) is spent only for the purposes for which the fund is established;

4 the administrator (Fund Manager) of the Fund shall—

(a) Open and operate a separate bank account with the approval of The Executive for Finance in consultation with the County Executive for Co-operative;

(b) Supervise and control the administration of the Fund;

(c) Consult with Executive Committee for Finance, Trade and the Committee on matters relating to the administration of the Fund;

(d) Cause to be kept proper books of account and other books and records in relation to the Fund, of all activities and undertakings financed from the Fund;

(e) Prepare, sign and transmit to the County Auditor, in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund and submit a copy to the County treasury and the statement shall be prepared in such manner as the public Sector Accounting Standards Committee shall prescribe;

(f) Furnish additional information as he or she may consider to be proper and sufficient for the purpose of examination and audit by the County Auditor in accordance with the provision of the Public Audit Act; and

(6) Prepare a quarterly report on the receipt into and issues out of the Fund and submit it to the Executive Member for Gazettement by the 21st of every four months.

23. (1) The applicants who shall qualify for loan must —

Eligibility
criteria for

- (a) Be a Kenyan citizen applicants.
- (b) Be a resident of Mandera County;
- (c) Is registered Co-operative Society or SACCO with up to date Audited and satisfied records;
- (d) Preference will be granted to Co-operative Society/SACCO that have been in existence for at least one year
- (e) Be based and operating within the Ward it seeks to make application for consideration.
- (f) Operate a table banking (Chama) structures where members make monthly contribution according to the Co-operative Society/SACCO by-laws, evidence of monthly contribution will be a requirement.
- (g) The Co-operative Society/SACCO shall be able to contribute 10% of the amount requested.
- (h) Hold a bank account in the name of the Co-operative Society/SACCO
- (i) An application to the fund shall be accompanied by a signed guarantee form executed by each of the Society individually committing to repay the loan requested by the group.
- (j) Individual Society/SACCO member reference letters from recognized leaders in business, religious organization, county government administration in the location validating the members credibility;
- (k) No second loan should be granted to a Co-operative Society/SACCO until they have fully repaid the previous loan.

24. (1) the fund shall be disbursed from the Fund Account under the following conditions–

Fund
disbursement.

- (a) All disbursements from the fund shall be approved and minuted by the Committee;
- (b) All disbursements from the Fund shall be to the successful Co-operative Society/SACCO within the County;
- (c) All disbursements from the Fund shall be made

through the bank account maintained by the successful group;

- (d) The Co-operative Fund Committee shall set out general conditions and requirements for release of funds, to ensure efficient and effective management of resources.
- (e) Before the loans disbursed the appropriate procedures loan documentation must be adhered to.
- (f) A separate file must be opened for each new Co-operative Society/SACCO to contain the following:
 - (i) The application form
 - (ii) Vetting and appraisal form
 - (iii) Recent coloured photograph of the Co-operative Society/SACCO officials affixed on their file
 - (iv) Photocopy of both sides of the Co-operative Society/SACCO members identity cards
 - (v) Photocopy of a valid business permit and group registration certificate;
 - (vi) Copy of the last minutes recommending the request for the Co-operative fund
- (g) Funds issued register shall be opened to record all loans disbursed with the recipient's name, identity card number ,cheque number ,amount, signature and date;
- (h) Successful loan applicants shall be notified by the secretary through letters of offer which must be acknowledged and signified. The offer for a loan shall be valid for a period not exceeding sixty (60) days.

25. (1) The repayment period for each loan element shall be determined by the followings—

Repayment of loan.

- (a) The amount of money borrowed;
 - (b) The size of the Co-operative Society/SACCO;
 - (c) The proposed financial plan for the loan repayment.
- (2) The loan shall not attract any interest but 3% administration fees

(3) All Co-operative Society/SACCO shall be allowed three months grace period before commencement of repayment of the loan element but all loans shall be payable within two years from the expiry of grace period.

(4) The Repayment shall be on monthly installment bases.

(5) loan recipients' shall deposit by cash or cheques their monthly repayments for loan proceeds in to the Mandera Co-operative Development Fund Repayment Account and submit a copy of the deposit slip to the Fund Administrator who shall issue and acknowledge receipt to the receipt group.

(6) Upon variable proof of loan repayment of all loan proceeds' the Mandera Co-operative Development Fund Committee shall issue a discharge certificate to the recipient group with respect to the loan repayment.

26. (1) To discourage late repayment complete failure to repay loans, the Mandera Co-operative Development Fund Committee shall maintain a strict system of identifying such cases and taking action in good time;

Managing
delinquency and
default

(1) A loan shall be considered to be delinquent when a borrower fails to repay two (2) consecutive installments. This is equivalent to 60 days.

(2) A loan shall be considered to be in default when the borrower is 90 days late in repayment and all efforts to make them to repay has completely failed—

- (a) In the event of the above two scenarios, the following will apply;
- (b) Field officers will note all cases of delay during monitoring. If a case of delinquency is noted the field officer will visit the client and require for an explanation
- (c) After another one month, the field officer will visit the client and issue a demand notice.
- (d) When the case goes beyond 60 days, a final demand notice shall be issued by the officer in charge of steering committee.
- (e) At the end of 90 days, the case shall be noted and legal action taken.

27. All receipts, earnings and accruals to the Fund, and the balance of the Fund at the close of each financial year, shall be retained by the Fund for use for the purpose for which the Fund is established. Retention of receipts.

- 28.** (1) The loan shall not be used for – Unlawful Purposes
- (a) re-payment of other loans;
 - (b) Purchase of motor vehicles;
 - (c) Erection of buildings;
 - (d) Purchase of lands;
 - (e) Illegal businesses as per Kenya's law or Islamic Sharia.

PART IV—FINANCIAL PROVISIONS

29. The financial year of the Office shall be the period of twelve months ending on the 30th day of June in each year. Financial year.

30. (1) Before the commencement of each financial year, the Committee shall cause to be prepared estimates of the revenue and expenditure of the Fund for that year. Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Fund for the financial year concerned and, in particular.

31. (1) A bank account of the Fund called Mandera County Co-operative Development Fund shall be opened and maintained at the commercial bank approved by the Executive Committee Member of finance and planning – Fund Account

- (a) The signatories to the Account of the Fund maintained in accordance with section 16 (1), shall be the fund manager, chairman and one other person appointed by the Executive Member of Finance;
- (b) Full and separate records and accounts of the operations of the Committee shall be kept. Final accounts, prepared as at 30th June of each year, shall be prepared and signed by the Chairman and the Secretary of the Loan Committee. The signing shall be such that the signature of the Secretary shall be mandatory on all payment of Cheques and / or instruments intended for actual release of money

from the Fund, plus any two of the other three signatories;

- (c) The Committee shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Office.

32. (1) Within a period of three months after the end of each financial year, the Committee through the Administrator shall submit to the County Auditor the accounts of the fund in respect of that year together with a

Fund Audit

- (a) statement of the income and expenditure of the fund during that year; and
- (b) Statement of the assets and liabilities of the fund on the last day of that financial year.

(2) The annual accounts of the Fund shall be prepared, audited and reported upon in accordance with the provisions relating to public audit.

Audit reports shall be sent, in duplicate, with signed copies of the final accounts, to the County Executive.

PART V—MISCELLANEOUS

33. (1) The County Executive Committee member for finance may wind up a county public fund with the approval of the county assembly.

Winding –up of
the Fund.

- (2) On the winding up of a county public fund—
 - (a) The administrator of the fund shall pay any amount remaining in the fund into the County Exchequer Account; and
 - (b) The County Executive Committee member for finance shall, with in Consultation with County Executive for Co-operative and the approval of the county assembly, pay any deficit in the fund from the County Exchequer Account.
 - (c) All assets of the fund be transferred to the Ministry for the time being responsible for matters relating to Trade.
- (3) The administrator of the fund shall—
 - (a) prepare accounts for the fund for each financial year;

- (b) not later than three months after the end of each financial year, submit financial statements relating to those accounts to the Auditor-General; and
- (c) Prepare the financial statements to be presented to the county assembly.

34. (1) The Governor shall be the County champion who shall give overall policy direction and enhance for fund's prestige and profile. County champion and patron.

(2) in furtherance to sub-section (1), the Governor shall—

- (a) Receive annual report on the performance of the Fund and review the implementation progress;
- (b) Set the overall agenda for the Fund, by ensuring commitment at the highest level of government; and
- (c) Recognize the Fund's success stories through an annual awards ceremony.

35. The Member of the County Assembly shall be the patrons in their respective Wards Wards Champion.

36. In fulfilling the Bill's mandate, the Executive Member for Co-operative and The Executive Member Finance, the Committee and the Committee must act in accordance with the values and principles set out in the Constitution and any other written law and shall be guided by the following principles— Cancellation of licence.

- (a) Public participation and financial inclusiveness;
- (b) Donor linkages and participation;
- (c) Protection of the interests of the marginalized, persons with disability, women and youth; and
- (d) Local ownership and sustainability.

37. A person who contravenes a provision in this Bill for which a penalty has not been provided for, commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both. General penalty.

38. The Executive Member may make regulations for the proper administration of this Bill. Regulations.

FIRST SCHEDULE (s.8)**MEETINGS AND PROCEDURE FOR THE COMMITTEE**

Meetings of the County Co-operative Development Fund Committee shall comply with—

- 1 Meeting Quorum shall be half members and above;
- 2 The Committee Chairperson shall convene the first meeting of the Committee;
- 3 The Committee shall decide when and where it meets and the meetings shall be convened by the chairperson;
- 4 The Secretary shall prepare and dispatch the following; tentative list of agenda, Current financial position of the Committee, proposed budget for the meeting and Funds position on monthly, quarterly and annual basis as required. Finally Invitation letters which shall indicate a date fourteen days prior to the meeting;
- 5 The Committee shall have at least six meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting;
- 6 Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member;
- 7 A meeting shall be presided over by the chairperson or in his or her absence, by the vice-chairperson;
- 8 The members of the Committee shall elect a vice-chairperson from among themselves;
- 9 The chairperson and vice-chairperson shall not be of the same gender;
- 10 If any person has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Committee or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.
- 11 A disclosure of interest made under paragraph 9 shall be recorded in the minutes of the meeting at which it is made.
- 12 A person who contravenes paragraph 9 commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding Six months, or to both;

- 13 No member or staff of the Committee shall transact any business or trade with the Committee.
- 14 (1) Subject to paragraph 13, the quorum of the meeting shall not be less than half of the appointed members.
- 15 Where there is a vacancy in the Committee, the quorum of the meeting shall not be less than three appointed members.
- 16 A question before the meeting shall be decided with a supporting vote of at least two thirds of the members present.
- 17 The Committee shall keep minutes of proceedings of its meetings and decisions taken;
- 18 A minute book and Members register shall be maintained by the secretary for the deliberations of the Committee including the index of the agenda and every member present in the meeting shall sign against his or her name in the register;

SECOND SCHEDULE (s.11)

MEETINGS AND PROCEDURE FOR THE WARD COMMITTEE

1. The Committee Chairperson shall convene the first meeting of the Committee.
2. The Committee shall decide when and where it meets and the meetings shall be convened by the chairperson.
3. The Committee shall have at least six meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.
4. Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member.
5. A meeting shall be presided over by the chairperson or in his or her absence, by the vice-chairperson.
6. The members of the Committee shall elect a vice-chairperson from among themselves-
 - (a) At the first sitting of the Committee; and
 - (b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.
7. The chairperson and vice-chairperson shall not be of the same gender.
8. If any person has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Committee or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.
9. A disclosure of interest made under paragraph 8 shall be recorded in the minutes of the meeting at which it is made.
10. A person who contravenes paragraph 8 commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding Six months, or to both.
11. No member or staff of the Committee shall transact any business or trade with the Committee.

12. (1) Subject to paragraph 13, the quorum of the meeting shall not be less than half of the appointed members.
13. Where there is a vacancy in the Committee, the quorum of the meeting shall not be less than three appointed members.
14. A question before the meeting shall be decided with a supporting vote of at least two thirds of the members present.
15. The Committee shall keep minutes of proceedings of its meetings and decisions taken; A minute book and Members register shall be maintained by the secretary for the deliberations of the Committee including the index of the agenda and every member present in the meeting shall sign against his or her name in the register;

MEMORANDUM OF OBJECTS AND REASONS

The Mandera County Co-operative Development fund Bill, 2014 makes provision for establishment of fund to development Co-operative enterprises and SACCOs in the county.

The principal objective of the Bill is to provide funds to be used for granting non-interest loans to cooperative societies/SACCOs with a view to scaling up their lending activities, value addition amongst other activities as may be prescribed and To provide funds to support, revive and initiate cooperative societies/SACCOs in areas that can have an immediate impact to household economy.

In furtherance of the principal objective, the Bill establishes the Mandera County Co-operative Development Fund Committee mandated to administer and manages the fund. The Committee will ensure to provide overall management, design and oversight for the Fund.

The Bill also establishes the Ward Trade Development Committees as an organ representing the Committee at the various Wards. The Committee Identify the targeted groups within the Wards using guideline as per section clause (1); Receive application from the groups; Evaluate applications based on the guidelines for evaluation of applications and make recommendations to the Committee for legible Groups from the Sub Counties and the Wards.

The Bill mandates the Executive Committee in charge of issues related to Co-operatives the power to make Regulations for the better carrying out of the provisions of the Act. The Regulations are to be made with the approval of Mandera County Assembly before they are gazetted. The Bill does not limit any fundamental rights and freedoms.

Dated the 25th November, 2014.

HADI MADEY,
*Chairman, ICT, Trade, Industrialization, Tourism,
Wildlife and Co-operative Development.*