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LEGAL NOTICE NO. 6

THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

THE PUBLIC FINANCE MANAGEMENT (NYANDARUA COUNTY LAKE
OL'BOLOSSAT SPORTS TOURISM AND CONSERVATION HALF
MARATHON FUND) REGULATIONS, 2023

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THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

IN EXERCISE of the powers conferred by section 116 (1) 138 (3) 139 (1) of the Public Finance Management Act, 2012, the County Executive Committee Member in charge of Finance makes the following Regulations—

THE PUBLIC FINANCE MANAGEMENT (NYANDARUA COUNTY LAKE OL'BOLOSSAT SPORTS TOURISM AND CONSERVATION HALF MARATHON FUND) REGULATIONS, 2023

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Public Finance Management (Nyandarua County Public Finance Management Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon Fund) Regulations, 2023.

Interpretation

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

“Act” means the Public Finance Management Act, 2012;

“County Government” means the County Government of Nyandarua;

“Administrator of the Fund” means a person designated as such under Regulation 9 of these Regulations;

“Committee” means the Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon Committee established under Regulation 7 of these Regulations;

“County Executive Committee member for Finance” means the member of a County Executive Committee responsible for the financial affairs of the County and for the County Treasury; has the meaning assigned to it under section 2 of the Act;

“Chief Officer” means the person appointed by the County Governor to administer the County Department responsible for Financial Affairs; has the meaning assigned to it under section 2 of the Act; and

“Fund” means the Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon Fund established under Regulation 3 of these Regulations.

PART II—ESTABLISHMENT OF THE FUND

Establishment of the Fund.

3. There is established a Fund to be known as the Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon Fund.

Object and purpose of the Fund

4. (1) The object and purpose of the Fund shall be to mobilize resources for funding of the Lake Ol'Bolossat Sports Tourism and Conservation Half Marathon.

(2) Notwithstanding the generality of sub-regulation (1), the purpose of the Fund shall include the following—

- (a) to encourage and facilitate the promotion of Lake Ol' Bolossat Sports Tourism and Conservation Half Marathon by individuals, sponsors, friends and organizations involved in the activities related thereto;
- (b) to fund the purchase of essential supplies, uniforms, sporting gears and equipment's required during the Half Marathon;
- (c) to fund programmes and initiatives towards operationalization of the Half Marathon;
- (d) to support and stimulate conservation initiatives at Lake Ol' Bolossat;
- (e) to fund rehabilitation and restoration initiatives at Lake Ol' Bolossat and its ecosystem;
- (f) to promote sports tourism initiatives at Lake Ol' Bolossat;
- (g) to promote and nurture sports talents;
- (h) to enhance the capacity of the relevant institutions involved in rehabilitation and restoration of lake Ol' Bolossat;
- (i) to fund the awards to the persons competing in Lake Ol' Bolossat Sports Tourism and Conservation Half Marathon; and
- (j) to fund any other emerging issue arising from the Half Marathon, rehabilitation and restoration of Lake Ol' Bolossat.

Sources of the Fund

5. The Fund shall consist of—

- (a) any monies as may be appropriated by the County Assembly for purposes of the Fund;
- (b) grants, donations, subscriptions, bequests or other gifts made to the Fund; and
- (c) monies from any other lawful source approved by the County Executive Member in charge of Finance.

Expenditure of the Fund.

6. The administrative cost in respect to any expenses incurred pursuant to the object and purpose for which the Fund is established shall not exceed Three Percent (3 %) of the Fund.

PART III—MANAGEMENT OF THE FUND

Committee of the Fund

7. (1) There is hereby established a committee to be known as Lake Ol' Bolossat Sports Tourism and Conservation Half Marathon Management Committee which shall comprise of—

- (a) County Executive Committee Member in charge of Tourism who shall serve as the Chairperson;
- (b) County Executive Committee Member in charge of Sports;
- (c) Chief Officer in charge of Finance;
- (d) Chief Officer in charge of Tourism;

- (e) Chief Officer in charge of Sports;
- (f) Chief Officer in charge of Economic Planning;
- (g) Chief Officer in charge of Environment;
- (h) Director in charge of Finance;
- (i) Director in charge of Sports;
- (j) Director in charge of Tourism;
- (k) three other members appointed by the County Executive Committee Member in charge of Tourism representing special interest groups from the local community; and
- (l) the Administrator of the Fund or his/her nominee as an *ex-officio* member and Secretary to the Committee.

(2) The Committee may co-opt any other members if need be—

(3) The Directorate in charge of Tourism shall provide secretarial and support services to the Committee.

(4) In appointment of the Members under sub-regulation (k), the County Executive Committee Member shall ensure that—

- (a) the members have a minimum tertiary education qualification from an institution recognized in Kenya;
- (b) the members possess adequate experience in sports, environmental conservation and knowledge on public governance; and
- (c) all the members are not of the same gender.

(5) The members under sub-regulation (k), shall serve for a term of three year which shall not be renewable.

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 County Executive Committee Member in charge of Finance for approval;
- (b) to recommend the opening and closing of bank accounts in accordance with the Act;
- (c) to recommend disbursements from the Fund;
- (d) to receive, review and make recommendations on reports on the performance of the Fund;
- (e) to oversee the monitoring and evaluation of the programmes and activities under the Fund;
- (f) to consult with the County Executive Committee Member on matters relating to the administration of the Fund; and
- (g) to perform any other functions that shall be assigned by the County Executive Committee Member.

Administrator of the Fund

9. (1) The County Executive Committee Member shall appoint and designate the Administrator of the Fund.

(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 oversee 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 County Executive Committee Member.

(4) The Administrator of the Fund shall work closely with officers from the relevant departments of Finance, Tourism, Environment, Economic Planning and Sports.

PART IV—FINANCIAL PROVISIONS

Bank accounts for the Fund.

10. (1) The County Executive Committee Member in charge of Finance may open a Fund bank accounts.

(2) All monies payable into the Fund shall be received into the bank accounts of the Fund.

(3) There shall be a minimum of three signatories to the bank accounts of the fund from whom the Administrator of the Fund and the Chief Officer in charge of Tourism shall be mandatory signatories.

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.

Quarterly 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

Governor's declaration and lapse of Fund

16. (1) The Committee shall establish its own code regulating the conduct meetings.

(2) The Governor may on advice of the Committee and by Notice in the *Gazette*, declare termination of the Half Marathon.

(3) 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 17, the Fund shall be wound up in accordance with the provisions of the Act and Regulations made thereunder.

Made on the 6th December, 2023.

MARY KAMANDE,
County Executive Committee Member for Finance,
Economic Planning and ICT.