





THE NANDI COUNTY EQUITABLE DEVELOPMENT ACT 2023

Popular Version

NATIONAL TAXPAYERS ASSOCIATION (NTA)



he National Taxpayers Association (NTA) is an independent, non-partisan organization focused on promoting good governance in Kenya through citizen empowerment, enhancing public service delivery, and partnership building. NTA does this through monitoring the management of public resources, provision of public services as well as partnership building and capacity development of the partners.

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Disclaimer: The document is intended only as an interpretation of The Nandi County Equitable Development Act (2023), printed and published by the Government Printer, Nairobi. This document has been prepared for NTA by Kenedy Omolo Anjejo. The author is solely responsible for the contents of the document, including any errors of omission or commission.

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PART I—PRELIMINARY PROVISIONS



Overview

Preliminary Part deals with the short title, objects and definitions of the terms used in the Act. The definitions are important in interpreting and understanding the Act better.

Short Title

Nandi County Equitable Development Act, 2023.

Term	Meaning
County Assembly:	The arm of county government responsible for making laws in the county. It is made up of elected and nominated Ward Representatives (MCAs), speaker and clerks. Example is Nandi County Assembly
County Executive Committee Member:	County officer heading a department and part of Governor's cabinet
County Government:	A government headed by a governor, consisting of a county assembly and a county executive like Nandi County government
County Secretary:	The officer responsible for managing all the county staff/workers.
County Treasury:	The department responsible for managing and overseeing the county's finances, including revenue collection, expenditure, and planning.
Financial/Fiscal Year:	This is a 12-month period used for government taxation and accounting purposes. It begins from 1st July of the current year and ends on 30th June of the coming year. It doesn't coincide with the calendar year that begins in January and ends in December.
Ward:	An electoral unit within a county, represented by an elected Member of County Assembly (MCA)
Identification	A select group of community members and stakeholders who coordinates the identification of development projects to be implemented in each Ward

Main Purpose of this Act

This law identifies the Ward as a useful place for identification and implementation of County Government functions.

The Act also aims to:

- Create a system for Ward residents to participate in identifying priority projects.
- Promote efficient delivery of County Government functions.
- Ensure better coordination of projects at the Ward level.
- Facilitate improved service delivery across the County.
- Create a means for fair and just implementation of County projects and services.
- Organize project management to reduce challenges in funding and procurement.
- Develop a system for direct funding of County development projects based on residents' need.
- Promote better devolution of functions and resources
- Support infrastructure development at the Ward level
- Ensuring public funds reach the most vulnerable in every part of the County
- Promote fair distribution of development funds within the County.
- Encourage community-driven development and local participation in decision-making.
- Promote accountability and transparency in the use public resources in the County.
- Promote socio-economic development of the Wards in the County
- Seeking grants from various entities to support community projects.
- Establish meaningful public participation in County-funded projects.

The Principles of Equitable Development in Nandi County

For development in Nandi County to benefit everyone, it must follow these important principles/standards:

Fairness for All Areas Development resources will be shared equitably across all wards in Nandi County, not just some areas getting more than others. Inclusion and Non-Discrimination All community members must be included in development decisions regardless of age, gender, disability, or background. No one should be left out. **Public Participation** As a community member, you have the right to participate and give your opinion on projects before they begin in your ward. **Openness and Accountability** County officials must be open about how money is spent and answer to community members about project progress.

These principles/standards must be followed by everyone working in the county government - from the Governor down toward officials - whenever they are using this Act.

What the Act Wants to Achieve

The Act aims to:

- Give local communities a voice in choosing development projects in their Wards
- Share County resources fairly across all Wards
- Make sure development reaches everyone, especially those in marginalized areas
- Make it easier to get funding and services to local communities
- Promote transparency in how public money is used



PART II — IDENTIFICATION OF WARD PROJECTS FOR EQUITABLE DEVELOPMENT WITHIN THE COUNTY

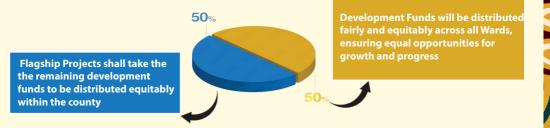




Equitable Development

How Development Money Will Be Shared Fairly Across Wards?

i.Fair Distribution of County Development Resources



ii. How Money Will Be Divided

1:: Not less than 50% of County Development expenditure (from both National Shareable Revenue and County based collections usually referred to as Own-Source Revenue) will form part of Ward development funds.

2: This Ward development money will be shared as follows:

90% of Ward development funds will be divided equally across all the Wards

10% of the Ward development funds will be shared using prescribed formula

iii. Sharing of the remaining 10% of Ward development funds

10% of the Ward development funds will be shared using this formula



Note: The latest statistics from the Kenya National Bureau of Statistics will be used.

Identification of projects

How Community members will identify Ward projects

- 1. **Community Involvement:** You, as residents, will identify development projects for your Ward.
- 2. **Support**: The County Executive Committee Member will help organize public meetings where you can suggest projects.
- 3. **Ward Committees:** A Ward Project Identification Committee will help collect views from community members in the Ward
- 4. **Technical Help:** County staff with special skills may be assigned to help.
- 5. **Timeline:** All project ideas must be submitted by August 15th each year. (just before the budget making process starts officially).

What Happens After You Suggest Projects

- 1. The County Executive Committee Member will review all project ideas.
- 2. By September 1st, the final list goes to the County Assembly for approval.
- 3. The county Assembly can approve the list with or without any changes.
- 4. The approved projects will be be made public through a means that reaches most people as possible.
- 5. These projects will be included in the County's budget and planning.

What Makes a Good Project

A project will be funded if it:

- 1: Helps develop basic services within the Ward
- 2: Improves living standards in your Ward
- 3: Makes important facilities more accessible
- 4: Promotes business and economic growth
- 5: Benefits multiple Wards
- 6: Falls within what the County Government is allowed to do by the Kenyan Constitution.
- 7: Does not duplicate existing projects
- 8: Benefits many people, not just a few.

Integration of Projects

The Approved ward projects shall be included in the following:

- a. County Annual Development Plan
- b. County Fiscal Strategy Paper
- c. County Budget Estimates
- d. Any other plan or document in the County key in implementing this Act.

ಆಯಾ PART III — IMPLEMENTATION OF HENTRALE **PROJECTS** ගෙන 12

PROJECTS

Who is responsible?

1. The County Executive Committee Member (County Minister)

He or She will:

- Make sure money is released on time
- Prioritize Ward development projects
- Manage funds properly
- Coordinate projects that affect multiple Wards
- Receive and Address any complaints
- Keep records of all projects
- · Promote best practices.

2. Powers of the County Executive Committee Member (County Minister)

The County Executive Committee Member has the authority to perform duties under this Act, including delegating functions (except those in this section), presenting reports, setting ward budget ceilings, and ensuring 10% allocation for equity and project identification.

3. Ward Project Identification Committee

This is a committee responsible for coordinating the process of identification and selecting the order which Ward projects will be implemented.

Each Ward will have a committee that includes:

- One business community representative
- Two youth representatives (one male, one female)
- One representative for persons with disability
- One professional from the Ward
- One representative from minority groups
- One local administrator
- The Ward administrator (who serves as secretary).

To become a committee member, one must be?

- Be a Kenyan citizen over 18 years
- Live/ Resident in that Ward
- Have at least O-level (Completed Form 4) education.



Removal from the Committee

Any Ward Committee members may at any time resign from office by giving a notice in writing to the County Executive Committee Member; or be removed from office by the County Executive Committee Member on either of the following reasons:

- · serious violation of the Constitution or any other written law;
- gross misconduct, whether in the performance of the functions of the office or otherwise;
- physical or mental incapacity to perform the functions of office;
- · incompetence; or
- Declared legally bankrupt (unable to pay his or her debts)

What Does Your Ward Committee Do?

The committee will:

- · Help identify projects through public meeting
- Create a priority list of projects
- Consult with community members
- Facilitate public participation
- Receive project proposals from the community
- Help develop technical aspects of projects
- · Monitor how projects are implemented
- Keep the public informed about developments.
- Report on community consultations and submit it to relevant County Executive Committee Member

How the Ward Committee works

The committee will engage members of the Ward through meetings organised as follows:

- Each Ward Committee will hold public meetings in at least three different locations in the Ward
- At these meetings, you will/the locals will discuss:
- Development issues in the WARD
- The kinds of projects qualified for funding/that can be funded
- Which projects should be prioritized/order in which projects should follow in implementation

Rules Guiding Ward Committee Meetings

- The committee meets at least four times a year (not more than six)
- Special meetings can be called when necessary
- Meetings require two-thirds of members to be present
- Decisions are made by majority vote
- · Committee members work part-time and receive allowances
- Members must declare any conflicts of interest.

Additionally:

- The Ward Committee Chairperson must obtain approval from the County Executive Committee Member before calling a special meeting and notifying members.
- Ward Committee Chairpersons may request the County Secretary in writing for county staff to join them and provide technical where necessary (shall not exceed 4 in number and are not full members of the committee)

Project Funding Guidelines

- Money for one project can only be allocated for use in another with the approval of the County Assembly.
- If a project is canceled, its funds must stay in the same Ward for another project
- · Multi-year projects get priority for continued funding if:
- There is an existing contract/ a signed contract on it
- There is a cost-sharing agreement with the National Government
- The initial funding was not enough/it is confirmed that funds that were allocated are not enough
- · Work has already started.
- · No project can involve personal cash awards or gifts.
- Unused funds will be carry forward for use in the next financial year.



Before the County Assembly approves any County Budget or any related plan about sharing of resources, it must ensure it distributes resources equitably across all the Wards and if not, amend it to ensure compliance before passing it.

How Will the County Show Fair Sharing of Resources?

- All County budgets and plans must clearly show how money is being shared fairly across all Wards.
- The County Assembly (your elected representatives) will not approve any budget that does not show this fair distribution.
- They can change plans to make sure resources are shared fairly among all Wards.
- Keeping of Project Records

Records of all the projects will be kept by the County Executive Committee Member (CECM). The CECM will also:

- Keep complete and accurate records of all projects
- · Maintain proper accounting systems
- · Make sure regular audits are conducted.

Regular Project Updates to the Public

Members of the Ward have a right to regular project updates. After every three months, the County Executive Committee Member must report to the County Assembly on:

- · Which projects are being implemented and their current status
- · How much money has been spent on each project
- How funds are being managed
- · How projects are being monitored
- What services and works have been purchased for each project
- The timeline for completing each phase of projects
- · Any delays in finishing projects and why these delays happened
- · Whether money is being managed properly
- · Whether projects meet quality standards
- How funds have been used
- Any money that has not been used yet
- Steps taken to make sure projects start operating
- · Activities to ensure projects continue working in the future
- · Any suggestions about how to better share project resources

Keeping watch over project implementation

1. The County Assembly

The relevant County Assembly Committee will:

- Carefully check County budgets and plans to make sure they follow this Act
- Review reports from the County Executive Committee Member
- Investigate any project that might not have been managed properly
- Work with other organizations like the Commission on Revenue Allocation to solve problems.

2. Project Supervision

- Each project must/will have a supervisor
- The Supervisor will be a departmental head or an outside expert
- The County Monitoring and Evaluation Committee will also be involved in tracking the progress of all projects.



PART V — MISCELLANEOUS PROVISIONS





Other Important Things you Should Know.

1. This Act will not allow any form of wrongdoing relating to implementing the Ward projects.

2. To Avoid Wastage of Public Resources:

- The County will make sure no projects are repeated once done in The Ward/duplicated
- When a project benefits communities across multiple Wards, efforts will be combined to ensure it is done and completed.

3. Working with Development Partners

• This Act allows working together with other organizations or donors to support development programs in the Ward

4. Over and above these Ward Projects under this Act, the Wards will:

•Still, benefit from other County Government or national programs Combine resources for joint projects if approved by the County Assembly.

5. Ensuring cost-effective project budgeting

Ward Committees must consult with relevant County departments to ensure cost estimates for projects are practical.

6. Project Timelines

All Projects (or defined phases) should be completed within 12 months
If projects goes beyond a year, then additional timelines must be considered and
approved by the County Assembly.

7. Auditing/ Examining whether there was value for money

All funds will be examined and checked by the Auditor-General to find out if they were used properly.

8. Penalties for Wrongdoing under this Act

Anyone who:

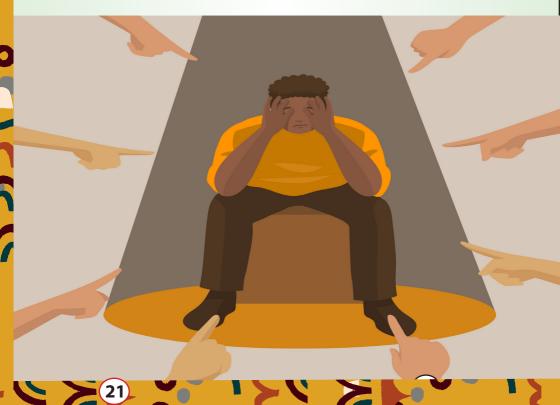
- Fails to follow this Act
- Misuses funds or assets
- Helps someone else misuse funds

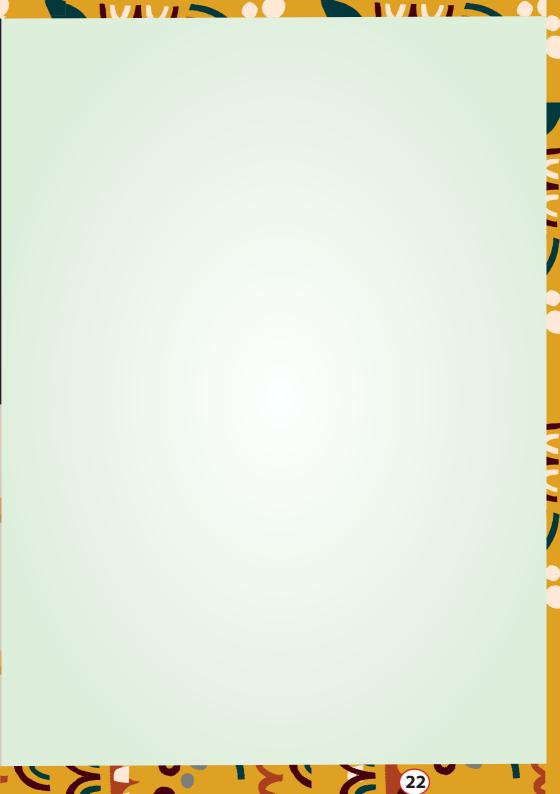
Will face serious consequences:

- Imprisonment for at least five years, or
- · A fine of at least 500,000 shillings, or
- Both imprisonment and a fine.

9. Final Notes

- The County Executive Committee Member can make additional guidelines for better implementation of this Act
- The previous Nandi County Community Development Act of 2019 is now replaced by this Act and is no longer working.













NCEDA ACT 2023



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