

COUNTY GOVERNMENT OF BUSIA



BUSIA COUNTY EMERGENCY FUND REGULATIONS, 2023

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**THE BUSIA EMERGENCY FUND REGULATIONS
2023.**

PART I – PRELIMINARY.

“IN EXERCISE of the powers conferred by section 16 of the Busia County Emergency Fund Act,2015, pursuant to Article 94(5) and (6) of the Constitution of Kenya, 2010, the County Executive Committee Member for Finance hereby makes the following Regulations”,

- 1. These Regulations may be cited as the BUSIA County Emergency Fund Regulations, 2023, and shall come into operation upon approval by the County Assembly.

*Title
Interpretation.
Objective and purpose*

- 2. In these Regulations, unless the context otherwise requires-
“Administrator” means the Administrator of the Fund appointed under Clause 6(2).

“County Management Committee” means the County Management Committee established by Clause 6.

“Fund” means the Busia County Emergency Fund established under section 6 of the Principal Act, pursuant to and in accordance with section 110 to 115 of the PFM act 2012.

“Emergency” means any situation in which the life or well-being of a community will be threatened unless immediate and appropriate action is taken, and which demands an extraordinary response and exceptional measures.

“Interventions” means any identified activity in the event of emergency which may fall in social infrastructure, water, health, education, agriculture & Livestock, lighting, public sanitation and drainage as provided for.

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

3. The object and purpose of these Regulations is to ensure that a specific portion of the county revenue is devoted to the emergencies and disaster that are urgent and unforeseen and which there is no specific legislative authority.

PART II – ESTABLISHMENT AND ADMINISTRATION OF THE FUND.

4. There is already an established Fund known as the Busia County Emergency Fund established by the County Executive Committee, with the approval of the county assembly, under the name “**Busia County Emergency Fund Act**.”

5. Level of funding: The Fund shall consist of-
 - (a) An amount not more than 2% of the total budget for the most recent audited accounts of the BUSIA County in every financial year subject to constitutional provisions on devolved funding as per PFM Act 2012.
 - (b) Any monies accruing to, donated, lent or received by the Fund from any other lawful source.

Administration of the fund

There shall be committees and units charged with administration of the fund

Administration of the Fund.

(1) County Emergency Fund Committee

(a) Composition

This shall comprise of the chief officers from the following sectors

- i. Finance and Economic Planning- Chair
- ii. Governance
- iii. Education and VTC
- iv. Agriculture Irrigation, Livestock, Fisheries and Cooperatives
- v. Health and Sanitation
- vi. Gender, Youth, Sports, Culture and Tourism
- vii. Water, Environment, Natural Resources and Climate Change
- viii. Public Works Energy and Roads
- ix. Public Service Management
- x. Lands and housing

- xi. County Attorney
- xii. Fund administrator - Secretary.

(b) Committee functions

The functions of the committee shall be to:

- i. Receive and discuss emergency reports;
- ii. Set county policies on emergency management;
- iii. Validate and determine resource implication of the interventions;
- iv. Receive, review and approve statutory and management reports of the Fund before submission to third parties;
- v. Develop and consolidate Emergency Management plan;
- vi. Review and endorse decisions of the administrator in relation emergency management
- vii. Oversee the implementation of risk reduction, preparedness, response, mitigation and recovery activities by all County government agencies and other cooperative agencies performing the roles related to disaster management,
- viii. Implement county and national government policies on emergency response;
- ix. Discharge any other responsibility or exercise any other powers provided by this Act or the County disaster management plan.

(2) The administrator of the Fund:

There shall be a fund administrator at the level of a Chief Officer who will be appointed by the County executive committee member for Finance who shall perform the following functions—

- i. Supervise and coordinate the administration of the Fund;

- ii. Consult with the Committee and the County Executive Committee member responsible for matters relating to Finance on matters relating to the administration of the Fund;
- iii. Keep proper books of accounts and other records in relation to the Fund and all activities financed from the Fund;
- iv. Prepare, sign and submit to the Committee in respect of each financial year and within three months after the end thereof, a statement of accounts relating to the Fund for approval;
- v. Transmit to the County Audit Committee the statement of accounts with a copy to the County Treasury and such a statement shall be prepared in the manner prescribed by the Public Sector Accounting Standards Board and audited in accordance with the Public Audit;
- vi. Authorize payments, in consultation with the chair of the committee;
- vii. Carry out any other function as the CECM for Finance and Economic Planning may direct;
- viii. Perform all the functions required and Auditor of a County public Fund under sections 110, 116, 167, 168 of PFM Act or any other law.

(3). Fund secretariat:

There shall be established a secretariat within the office of the Fund Administrator which shall not surpass six and will be staffed by officers seconded from the relevant department

The Unit shall have the following functions:

- i. Receive and synthesis disaster and emergency early warning information for early action;

- ii. Validate the field reports received, propose appropriate interventions and submit to the County Emergency Committee for action.
- iii. Prepare regular communication messages regarding emergency risk Management with regard to the Fund;
- iv. Coordinate and oversee interventions implementation process;
- v. Conduct monitoring and evaluation of interventions and activities financed from the Fund;
- vi. Maintain proper records and reports of the fund;
- vii. Carry out any other function as the Administrator of the fund may direct;

(4) County Executive Committee Member for Finance and Economic Planning:

- i. Cause a draft of the appropriation bill to be introduced in the county assembly for the appropriation of the money paid and for the replenishment of the county government emergency fund to the extent of the amount of the payment.
- ii. Link and communicate to external partners and stakeholders on matters relating to the fund.

(5) Sub-County Emergency Committees: There shall be established an Ad-Hoc Sub-County Emergency Steering Committee comprised of—

- i. Sub-County Administrator from that Sub-County
- ii. Ward Administrators from that sub-county
- iii. Representative from the National Government
- iv. Representative from Non-Governmental Organization.

- v. Representative from the MCA of where the emergency has occurred
- vi. Two representatives from the community (male and female).

The Sub-county ad-hoc committee shall perform the following functions:

- i. Receive and validate information from the local leaders/informers.
- ii. Provide immediate leadership on disaster and emergency response interventions
- iii. Prepare and forward reports and information on the nature of the emergency to the County Emergency Fund Secretariat.
- iv. Provide information on emergency response interventions;
- v. Receive, consider and make recommendations based on reports from the field;
- vi. Mobilize both financial and non-financial resources for emergency response interventions during alarm and emergency stages.

PART III- FINANCIAL PROVISIONS.

6. Bank account of the Fund:

- (1) For purposes of the budget, the emergency fund, under these regulations shall be captured under the Department of Finance and Economic Planning.
- (2) The bank account of the Fund shall be opened in accordance with the provisions of section 119 of the Public Finance Management Act, 2012 and the Regulations thereof.
- (3) Any bank account of the Fund shall be opened upon approval of the County Executive Committee member

responsible for Finance and shall be in the name of BUSIA County Emergency Fund.

- (4) The signatories to the Fund account shall be the administrator who is the Chief Officer for Finance and any other two persons authorized by the CECM Finance and Economic Planning from amongst the staff of the Secretariat of the Fund.
- (5) The signing instructions shall be such that the signature of the administrator of the Fund (Chief Officer FINANCE) shall be mandatory on all payment cheques or electronic instructions intended for actual release of money from the Fund account, plus any one of the other two Fund account signatories.
- (6) Every payment or instruction for payment out of the respective bank account shall be fully supported in line with the provisions of the Public Finance Management Act, 2012 and the Regulations thereof.

7. Administration costs:

- (1) Administration costs for the running of the fund shall be *Administrative costs* not more than 3% of the total budget allocated to the emergency fund.
- (2) Sitting and other allowances for the members of the County Management and Sub-County committees shall be fixed by the County Executive Committee for Finance and Economic Planning on the advise of the Salaries and Remuneration Commission.

8. Payment for works, services and goods:

Every payment or instruction for payment out of the Emergency Fund account shall be made on the basis of the government accounting procedures on approvals and payments currently in force.

Payment procedures

9. Unspent funds:

(1) All unutilized funds shall remain in the Emergency Fund Account at the end of the financial year and shall not be returned to the County Revenue Fund.

(2) Any accruing revenues, interest from the Emergency Fund Account shall be declared to the **County Management Committee** together with the annual expenditure returns.

(3) All receipts, savings and accruals to the Emergency Fund Account and the balances thereof at the end of each financial year shall be carried forward to the next financial year.

10. Record of disbursements

Records and reports

(1) An accurate record of all disbursements from the Fund Account for financing approved interventions shall be kept and updated every month by the Secretariat of the Fund.

(2) The Secretariat shall prepare financial and non-financial reports in accordance with the provisions of the Public Finance Management Act, 2012 and as may be prescribed from time to time by the public sector accounting standards board.

(3) The administrator of the Fund shall submit to the committee, quarterly and annual reports on all interventions approved and financed from the Fund.

PART IV- NATURE OF DISASTERS AND EMERGENCIES

12. Nature of Emergencies to be supported under these regulations:

*Nature of
Emergencies and
disaster*

(1) The emergency events are urgent and unforeseen with no legislative authorities. Such occurrences are categorised into;

- a) Occurrence that threatens damage to human life or welfare.
- b) Occurrence that threatens damage to environment.

(2) For the purpose of sub-clause (1), above the occurrence may include;

- i. floods,
- ii. landslides,
- iii. epidemics,
- iv. fire outbreaks,
- v. thunderstorm and lightening,
- vi. storm surge,
- vii. Earthquake,
- viii. Political and security hazard,
- ix. Mines and unexploded ordinances,
- x. Transport accidents,
- xi. Land conflicts,
- xii. Industrial or technological hazards,
- xiii. Retrogressive cultural practises,

**PART V— EMERGENCY PREPAREDNESS AND
MITIGATION MEASURES**

13. Measures: Prior to interventions, the following measures shall be undertaken:

(1) Mitigation- Disaster mitigation measures shall be undertaken through various strategies to lessen their scale or severity. The activities in this phase shall encompass public awareness, as well as hazard vulnerability and risk assessment. These activities shall also address preventing natural or man-caused events from giving rise to any emergency situations.

(2) Preparedness- Disaster management preparedness measures shall be taken to reduce to the minimum level possible of loss in human life and other damage, through the organization of prompt and efficient actions of response and rehabilitation. These activities shall be geared towards

- i.** Minimizing emergency damage,
- ii.** Enhancing emergency response operations
- iii.** Preparing organizations and individuals to respond.
- iv.** Organizing trainings
- v.** Interaction with other organizations and related agencies
- vi.** Resource inventory

(3) Response actions- carried out in an emergency situation with an objective to save lives, alleviate suffering and reduce economic losses. The main tool in response shall be the implementation of the plans which were prepared prior to the event and as reported in the case of emergencies pursuant to part VII of these regulations.

(4) Response activities shall be post activities geared towards:

- Providing emergency assistance
- Reducing probability of additional injuries or damage
- Speeding recovery operations
- Returning systems to normal level

(5) Recovery- activities shall be geared towards the restoration of basic services and the beginning of the repair of physical, social and economic damage e.g. lifelines, health and communication facilities, as well as utility systems.

PART VI–COMMUNICATION FLOW ON EMERGENCIES INCIDENTENCES

14- Reporting of emergencies events

(1) The occurrence of any emergency shall be reported through the following communication channel;

- a) Ward administrator.
- b) Sub-county disaster and emergency management committee.
- c) The Secretariat
- d) County emergency management committee.
- e) County Executive Committee Member for Finance
- f) The Governor’s Office

*Reporting of
emergencies
events*

(2) Upon the occurrence of an emergency the information flow and intervention strategies shall proceed in the following manner:

- i. The local leadership shall report the occurrence/s to the Ward Administrator who shall submit a report to the sub-county and the County Emergency Operations Centre to start mobilizing response.

- ii. The chair sub-county committee shall convene an ad-hoc sub-county emergency management committee to provide immediate leadership.
- iii. The sub-county emergency management committee shall forward report containing their findings and recommendations to the Fund Secretariat as per schedule 1.
- iv. The fund secretariat shall receive, synthesize and submit the report to the County Emergency Management Committee.
- v. The County Emergency Management Committee shall appoint a team to assess the impact of the emergency and report back to the committee as per schedule 2.
- vi. The County Emergency Management Committee shall determine the level of emergency based on magnitude/impact it has on the community/environment as guided by the criteria as per schedule 3.
- vii. The County Emergency Management Committee shall forward their recommendations to the County Executive Committee Member for Finance and Economic Planning for action as per schedule 4.
- viii. Extraordinary emergency with high magnitude requiring rapid response shall be declared by the governor on behalf of recommended structures in these regulations.

PART VII – IMPLEMENTATION OF INTERVENTIONS.

15- Implementation of approved interventions.

- (1) All emergency interventions under this fund shall be implemented by the executive arm of the County Government.
- (2) Notwithstanding the generality of sub-clause (1), and based

Implementing agencies.

on the sectors/ areas under which the emergencies fall, the line ministry shall be the lead agency while working with other stakeholders.

(3) Apart from the county government, other stakeholders involved shall include the following:

- Meteorological Department
- Research institutions
- Kenya Red Cross Society
- Community, Private Sector and Civil Society Groups
- Faith based organizations
- Local and international organizations and UN agencies

(4) Where other agencies are involved, the county government shall ensure that the guidelines for disbursement of funds to these institutions have clear roles and responsibilities for accountability services.

16- Procurement of services and works.

(1) Due to the nature of emergencies, acquisition of services shall be by direct method of procurement as per the provisions of Public Procurement and Disposal Act, 2015 sections 74 and 75. Provided the criteria set at Section 103 of the act is met,

(2) Financial resources required to address the interventions shall be processed within 24 hours of request for efficient and effective execution. The limit applies to extraordinary emergencies requiring rapid responses.

Procurement of services and works.

17. Monitoring of emergency interventions

Monitoring of interventions

The County Emergency Committee shall constitute a team which shall be responsible for monitoring the implementation of emergency under these regulations and shall submit a report on the on-going emergency and disaster to the CEC Member for Finance and planning and the County Assembly.

PART VIII- REPORTING AND OTHER OBLIGATIONS

18. Reporting

Reporting

(1) The committee shall prepare quarterly management reports to Auditor General which shall contain details on—

- a) Emergency profiling in the county
- b) The status report on emergency interventions measures undertaken during that financial year;
- c) The resources spent on interventions

19. Other Obligations

Other Obligations

(1) An accurate record of all disbursements from the Fund Account for financing approved interventions shall be kept and updated every month by the Secretariat of the Fund.

(2) The CECM for Finance and Economic Planning shall cause a draft of the appropriation bill to be introduced in the county assembly for the appropriation of the money paid and for the replenishment of the county government emergency fund to the extent of the amount of the payment in line with section 114(3) of the PFM Act, 2012.

(3) Audit: All funds received and disbursed under these Regulations shall be audited and reported upon by Auditor- General.

PART IX: MISCELLANEOUS PROVISIONS

20. Application of County Government Financial Regulations and Procedures

Application of County Government Financial Regulations and procedures.

(a) Subject to the provisions of the Public Finance Management Act, 2012, existing county Government Financial Regulations and Procedures shall apply in the administration of the Fund.

(b) The administration costs for running the Fund, including the secretariat and the committees shall not be more than three per centum (3%) of the total budgetary provision for the Fund.

Costs of running the Fund

(c) Any person who misappropriates any funds or assets from the Fund, or assists or causes any person to misappropriate or apply the funds otherwise than in the manner provided in the Act and these Regulations, commits an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding Five years or to a fine not exceeding ten million shillings or to both as per PFM Act, 2012 section 199.

Offence and penalty.

(d) The CEC Member to whom the Assembly has delegated under Section 16 of the Principal Act in consultation with the committee should make guidelines for the proper management of the Fund.

Guidelines on the Fund

Dated the 2023

County Executive Committee Member for Finance and Economic Planning

SCHEDULE 1: BUSIA COUNTY EMERGENCY OCCURRENCE FORM

Village:.....

Ward:.....

Sub County:.....

Nature of emergency(Brief description)

.....

Date of Occurrence:

a) Impact to human life

| Impact Description | Quantity/ Description |
|---------------------------|------------------------------|
| Number of people injured | |
| Number of people dead | |
| Number of animals injured | |
| Number of animals injured | |

b) Impact to environment and socio-economic activities

| Environment and Socio-economic activities Affected | Quantity/ Description |
|-----------------------------------------------------------|------------------------------|
| Number of Acreage of food crop destroyed | |

| | |
|----------------------------------------|--|
| Number of Acreage of pasture destroyed | |
| Number of houses destroyed | |
| Others (Please specify) | |
| | |

c) The nature of interventions required

d) Any other information to assist response planning team

SCHEDULE 2: BUSIA COUNTY EMERGENCY IMPACT FORM

Village:.....

Ward:.....

Sub County:.....

Nature of emergency(Brief description)

.....

Date of Occurrence:

Date reported:

Date of assessment:

a) Impacts observed to human life

| Impact Description | Quantity/ Description |
|---------------------------|------------------------------|
| | |
| | |
| | |
| | |

b) Impact to environment and socio-economic activities

| environment and socio-economic activities | Quantity/ Description |
|--------------------------------------------------|------------------------------|
| | |
| | |
| | |
| | |
| | |

c) The interventions required and cost implications

| S/No | Incidences | Interventions | Estimated resources required (Ksh) |
|-------------|-------------------|----------------------|-------------------------------------------|
| | | | |
| | | | |

d) Any other information to assist information team

e) Assessment team

| S/No | Name | Designation | ID No/ P No | Signature |
|-------------|-------------|--------------------|--------------------|------------------|
| | | | | |
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SCHEDULE 3: BUSIA COUNTY EMERGENCY VALIDATION FORM

Village:

Ward:

Sub County:

Nature of emergency(Brief description)

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.....

.....

.....

.....

Date of Occurrence:

Date reported:

Date of assessment:

Date of validation:

a) Impacts observed to human life

| Impact Description | Quantity/ Description |
|--------------------|--------------------------|
| | |
| | |
| | |
| | |
| | |
| | |

b) Impact to environment and socio-economic activities

| environment and socio-economic activities | Quantity/ Description |
|--------------------------------------------------|------------------------------|
| | |
| | |
| | |
| | |
| | |

c) The interventions required and cost implications

| S/No | Incidences | Interventions | Estimated resources required (Ksh) | Remarks by the county validation team |
|-------------|-------------------|----------------------|-------------------------------------------|----------------------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

d) Incident Assessment team

| S/No | Name | Designation | ID No/ P No | Signature |
|-------------|-------------|--------------------|--------------------|------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| | | | | |
|--|--|--|--|--|
| | | | | |
| | | | | |

5. Validation Team

| S/No | Name | Designation | ID No/ P No | Signature |
|-------------|-------------|--------------------|--------------------|------------------|
| | | | | |
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| | | | | |
| | | | | |
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**SCHEDULE 4: BUSIA COUNTY EMERGENCY MONITORING
AND EVALUATION TOOL**

Village:.....

Ward:.....

Sub County:.....

Nature of emergency (Brief description)

.....

.....

.....

.....

.....

Date of Occurrence:

Date reported:

Date of assessment:

Date of validation:

Date of Intervention:

Part A: Targeted Interventions and Achievements

| S/No | Intervention | Objective | Agreed Targets (No.) | Achievements |
|------|--------------|-----------|----------------------|--------------|
| | | | | |
| | | | | |
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Part B: Financial and non-financial resource inputs

| S/No | Intervention | Finances allocated(Ksh) | Total amount spent |
|-------------|---------------------|--------------------------------|---------------------------|
| | | | |
| | | | |
| | | | |

Part C: Outcomes

| S/No | Expected outcome | Achieved outcomes | Insert pictures |
|-------------|-------------------------|--------------------------|------------------------|
| | | | |
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Part D: Other observations and remarks