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**THE ISIOLO COUNTY COMMUNITY CONSERVANCIES
BILL, 2021**

A Bill for

**AN ACT of the County Assembly of Isiolo to establish the framework
for the support of community conservancies in Isiolo County and
for connected purposes**

ENACTED by the County Assembly of Isiolo as follows —

PART I—PRELIMINARIES

Short title

1. This Act may be cited as the Isiolo County Community Conservancies Act, 2021.

Interpretation

2. In this Act—

“Board” means the Isiolo County Community Wildlife Conservancies Board established under section 12;

“Community” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Community participation” means active involvement of the relevant community in decision making processes through, among others, use of relevant consultative mechanisms and public hearings;

“Community wildlife scout” has the meaning assigned to it under as defined in section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Conservation area” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“County executive committee member” means a county executive committee member for the time being responsible for matters relating to tourism;

“County wildlife conservation and compensation committee” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Fund” means the County Community Conservancies Fund established under section 21;

“Land” has the meaning assigned to it under the Constitution;

Act No. 47 of 2013

“National reserve” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Sanctuary” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Wildlife” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“Wildlife conservancy” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013.

Objects and Purpose

- 3.** The object and purpose of this Act is to—
- (a) support the establishment of community conservancies by the County;
 - (b) provide for the recognition of existing community conservancies by the County;
 - (c) provide for the licensing and regulation of conservancies in the County;
 - (d) establish a community conservancies fund in the county;
 - (e) provide an opportunity for collaboration with other partners to provide technical support, education awareness, capacity building and promotion of good governance to Community Conservancies;
 - (f) to curb overgrazing and general decline of rangeland productivity; and
 - (g) promote good governance in the management of County Reserves and Community Conservancies.

Application

4. This Act shall apply to all community conservancies in Isiolo County.

PART II —SUPPORT OF COMMUNITY CONSERVANCIES**Establishment of Community Conservancies**

5. (1) The County Government may in consultation with the County Wildlife Conservation Committee, the Kenya Wildlife Service and other relevant conservation partners facilitate the establishment of Community

Conservancies as a measure of land use for communities within the County.

(2) Collaborate with the County Wildlife Conservation Committee, the Kenya Wildlife Service and other relevant conservation partners in the management of existing Conservancies.

Recognition of existing Community Conservancies

6. The County shall, subject to Section 12—

- (a) recognise all existing conservancies within the County; and
- (b) collaborate with the Community Wildlife Conservation Committee, the Kenya Wildlife Service, and other relevant conservation partners in the management of the existing conservancies.

Community Participation

Act no. 34 of 2016

7. The County shall ensure community participation in the establishment of community conservancies.

Support to conservancies

8. The County may, in consultation with the County Wildlife Conservation Committee, the Kenya Wildlife Service and other relevant stakeholders, provide—

- (a) the necessary infrastructure to new conservancies;
- (b) operational support to new conservancies; and
- (c) support programmes aimed at enabling sustainability to conservancies.

Management of Conservancies

9. (1) Each Conservancy shall be managed by a Community Wildlife Conservancy Management Committee comprising of representatives of community land owners who established the respective conservancy in line with section 15 of the Community Land Act, No. 27 of 2016.

(2) The Community Wildlife Conservancy Management Committee shall be elected into Office at the Annual General Meeting of the respective community within the ward which the wildlife conservancy is situated.

(3) There shall be a Conservancy Manager who shall be responsible for the operations of the respective conservancy including the

implementation of the resolutions of the conservancy management committee.

(4) The Conservancy Manager shall be appointed by the Community Wildlife Conservancy Management Committee with the approval of the Community Wildlife Conservancies Board.

Term of office of community conservancy committee

10. The Community Wildlife Conservancy Management Committee members shall hold office for a period of three years and shall be eligible for re-appointment for one further term of three years.

Powers and functions of Community Conservancy Committee

11. The Community Wildlife Conservancy Management Committee shall—

- (a) establish a management plan for the conservancy;
- (b) operate the accounts of the conservancy;
- (c) undertake human resource management at the conservancy;
- (d) undertake community engagements on matters of the conservancy;
- (e) develop a road map for sustainability of the conservancy;
- (f) network and collaborate with other relevant stakeholders wildlife agencies; and
- (g) perform any other functions as may be assigned by the Community Wildlife Conservancies Board.

Regulation of community conservancies

12. (1) All community conservancies shall be required to seek an annual licence from the County as a condition for operation, and for the avoidance of doubt, all conservancies existing as at the date of coming into operation of this Act shall be required to register afresh with the County in order to continue operating in the County.

(2) The annual licence in section (1) above shall be issued upon payment of a requisite fee and upon the satisfaction of such parameters as the County Executive Committee Member for the time being responsible for matters relating to community conservancies may prescribe.

(3) The County Executive Committee Member for the time being responsible for matters relating to community conservancies shall make Regulations for the better enforcement of this Section.

(4) The Regulations in (3) above shall, in addition to other matters as they may prescribe, provide for the following—

- (a) involvement of the County in decision making and planning in the conservancies;
- (b) alignment of donor-funded community conservancy development initiatives with the County Integrated Development Plan (CIDP); and
- (c) enumerating the prohibited matters that community conservancies may not engage in outside their mandate under this Act and prescribing the penalties and consequences of engagement prohibited matters.

PART III —ESTABLISHMENT OF THE COUNTY COMMUNITY CONSERVANCIES BOARD

Establishment of the Board

13. There is established the Isiolo County Community Conservancies Board.

Composition of the Board

14. (1) The Board shall be composed of the following members —

- (a) a Chairperson appointed by the County Governor;
- (b) one representative of the wildlife conservancies associations in the county;
- (c) one representative of the community representing the youth;
- (d) one representative of the community representing women;
- (e) one representative of the community representing persons living with disabilities;
- (f) the County Chief Officer responsible for wildlife matters;
- (g) the Fund Manager of the Community Conservancies Fund, who shall be an *ex officio* member and the secretary of the Board;
- (h) the County Chief Officer responsible for land matters;
- (i) the County Chief Officer for the time being responsible for finance, or a designated representative;
- (j) the County Chief Officer responsible for environmental matters;
- (k) Any other member co-opted for any specific purpose that may be deemed necessary by the Board.

(2) The members of the Board in sub-section (1) (b), (c), (d) and (e) shall be appointed by the County Executive Committee Member for the time being responsible for community conservancies in consultation with the Governor.

(3) The members of the Board shall be appointed at different times so as to preserve the continuity and operations of the Board.

(4) The Board in its first meeting shall appoint a vice chairperson who shall be of opposite gender to the chairperson.

Tenure of office

15. The members of the Board, other than *ex officio* members, shall hold office for a period of three years and shall be eligible for re-appointment for one further and final term of three years.

Functions and Powers of the Board

- 16.** The functions and powers of the Board shall be to —
- (a) facilitate the establishment of community wildlife conservancies in the county;
 - (b) oversee the effective implementation of the community wildlife conservancies projects and programmes in the County;
 - (c) oversee of the governance activities within the Conservancies including the conduct of elections;
 - (d) facilitate the process of legal recognition of existing community conservancies;
 - (e) equitably subdivide the conservancies fund to the conservancies;
 - (f) advise the county executive committee member on best practices in ensuring sustainable community conservancies;
 - (g) support conservation education awareness and capacity building;
 - (h) provide a platform for community conservancies to diversify their revenue sources;
 - (i) facilitate provision of technical support to community conservancies;
 - (j) use community conservancies to foster peaceful coexistence among neighbouring communities.

Conduct of business and regulation of the affairs of the Board

17. The conduct and regulation of business and affairs of the Board shall be as provided for in the Schedule.

Remuneration of the Board

18. The County Public Service Board shall, in consultation with the Salaries and Remuneration Commission, provide a framework of remuneration of the Board members.

The Secretariat of the Board

19. The County department responsible for wildlife shall provide the Board with secretariat services for purposes of supporting the activities and operations of the Board.

Appointment of the Fund Manager

20. (1) There shall be a County Community Conservancies Fund Manager who shall be competitively appointed by the County Public Service Board.

Duties and responsibilities of the County Community Conservancies Fund Manager

21. The County Community Conservancies Fund Manager shall —

- (a) be the secretary to the Board;
- (b) be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board;
- (c) subject to the direction of the Board, be responsible for day today management of the affairs of the Board;
- (d) keep all the records of the Board;
- (e) carry out any other function as may from time to time be assigned by the Board.

(2) A person shall qualify for appointment as a Community Conservancies Fund Manager if the person—

- (a) holds a minimum qualification of a degree in accounting or its equivalent, from a university recognized in Kenya;
- (b) has at least ten years' working experience in the relevant profession; and
- (c) meets the requirements of Chapter Six of the Constitution.

Office Tenure

22. The Fund Manager shall hold office for a term of three (3) years and shall be eligible for re-appointment for one further and final term of three (3) years.

PART IV — ESTABLISHMENT OF THE ISIOLO COUNTY COMMUNITY CONSERVANCIES FUND

Establishment of the Fund

23. There is established the Isiolo County Community Conservancies Fund.

Revenue and Expenditure of the Fund

24. (1) There shall be credited to the Fund —

- (a) such moneys as may be approved and allocated to the fund by the County Assembly of Isiolo as part of the budget process;
- (b) income from any investment made by the Fund;
- (c) income from community contributions; and
- (d) any gifts, donations, grants and endowments made to the Fund;

(2) There shall be paid out of the Fund any expenditure approved by the Board and incurred in connection with the administration of the Fund.

Functions of the Fund

25. The fund shall be used to—

- (a) provide financial support to community conservancies;
- (b) facilitate development of infrastructure to community conservancies;
- (c) perform any other function that the Board may consider to facilitate sustainability of community conservancies;
- (d) meeting any expenditure related to administration of the Fund:

Provided that not more than three per cent of the total monies consisting of the fund shall be utilized for administration of the Fund.

Administration of the Fund

26. (1) The Fund shall be administered and managed by the Board.

(2) The Secretary to the Board shall be the Fund Manager.

Accounts and Audit

27. (1) The Board shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the Board.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the Board in respect of that year together with—

- (a) a statement of the income and expenditure of the Board; and
- (b) a statement of the assets and liabilities of the Board on the last day of the year.

(3) The accounts of the Board and the Funds shall be audited in accordance with the Public Finance Management Act, 2012 (No. 8 of 2012).

Annual returns

28. The Board shall, at the end of each financial year, submit annual returns of the fund to the County Executive Committee Member who shall forward to the County Assembly.

PART V — FINANCIAL PROVISIONS

Financial year of the Board

29. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in each year.

Annual estimates

30. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for the ensuing year.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Board for the financial year and shall provide for —

- (a) the cost of administration of the Board including payment of allowances, and other charges whatsoever payable to the staff and members of the Board;
- (b) the payment or reimbursement to the members of the Board of monies in respect of expenses incurred during the attendance of the meetings of the Board; and
- (c) the development and maintenance of any property vested in the Board.

(3) Except with the approval of the County Executive Committee Member, no expenditure shall be incurred for other purposes except in accordance with the annual estimates approved under subsection (2).

Books of Account and Audit

31. (1) The Board shall cause to be kept —

- (a) all proper books and records of accounts of the income expenditure, assets and liabilities of the Board;
- (b) a balance sheet showing in detail the assets and liabilities of the Board at the end of the financial year;
- (c) a statement of financial activities, income and expenditure during the financial year; and
- (d) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the Board.

(2) The accounts of the Board and the Funds shall be audited in accordance with the Public Finance Management Act, 2012 (No. 8 of 2012).

Annual reports of the Board

32. The Board shall within three months after the end of each financial year —

- (a) prepare a report on the operation of the Fund during that financial year; and
- (b) forward the report together with the auditor's report and certified copies of the accounts referred to in this section to the County Executive Committee Member for tabling in the County Assembly.

PART VI — MISCELLANEOUS PROVISIONS**Offences and Penalties**

33. Part XI of the Wildlife Conservation and Management Act, 2013 shall apply in relation to offences and penalties.

Regulations

34. (1) The County Executive Committee Member may, on recommendation of the Service, make regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, rules and regulations may be made under this section for —

- (a) specifying the procedures for establishing community conservancies;

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- (b) prescribing the procedure for the application of the fund by conservancies; and
 - (c) specifying the administrative procedures of the community conservancies.

SCHEDULE

[Section 17]

**PROVISIONS RELATING TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE BOARD**

This Schedule shall apply in accordance with the statutory obligations of the State Corporations Act.

Tenure of office and conduct of business of the Board

1. (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(2) Other than ex officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.

(3) A member other than the chairperson and ex officio member may—

- (a) at any time resign from office by notice in writing to the County Executive Committee member;
- (b) be removed from office by the County Executive Committee member if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson; or
 - (ii) is adjudged bankrupt or enters in to a composition scheme or arrangement with his creditors;
 - (iii) is convicted of an offence involving fraud or dishonesty;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness;
 - (vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act;
 - (vii) fails to comply with the provisions of this Act relating to disclosure; or

(viii) is otherwise unable or unfit to discharge the functions as a member of the Board.

Meetings of the Board

2. (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

(2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.

(3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(4) The chairperson shall preside over all meetings of the Board in which he is present, but in his absence the vice-chairperson shall preside, and in his absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

Disclosure and conflict of interest

3. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the person shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Regulation of Procedure

4. The Board may regulate its own procedure.

MEMORANDUM OF REASONS AND OBJECTS

The principal object of this Bill is to provide for the operationalization of Wildlife Conservation and Management Act, 2013 in Isiolo County, establishment of Isiolo County Community Wildlife Conservancies Board, conservancies fund, establishment and recognition of community conservancies in the County. This will provide a framework for sustainable community land use by community wildlife conservancies as well as generate revenue for Isiolo County.

The structure of the Bill is as follows —

Part 1 of the Bill provides for preliminary matters. It provides for short title and commencement date, interpretation, objects and purpose and the application of the Act.

Part II of the Bill provides for the establishment and recognition of existing community conservancies. In the establishment of the conservancies, it advocates for community participation and provision of the subsequent support to the conservancies.

Part III provides for the administration of community conservancies. It establishes the Board, its functions, composition of Board members, their tenure of office, powers, meetings and remuneration. It also establishes the office of the Conservancies Manager and provide for their duties and responsibilities.

Part IV provides for the establishment of the Community Conservancies Fund. From the fund, it provides for its revenue and expenditure, use of the fund, administration of the fund and its annual estimates among others.

Part V contains the financial provisions. These include the financial year of the Board, annual estimates, books of accounts and audits and the annual report of the fund.

Part VI contains the miscellaneous provisions. These include the general penalty and the power by the County Executive Committee Member to make Regulations

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for in the County Government of Isiolo estimates.

ISSACK ABDUBA FAYO,
Leader of Majority.