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1. Amos
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THE REPUBLIC OF KENYA



HOMA BAY COUNTY ASSEMBLY
THIRD ASSEMBLY – (FIRST SESSION)

3. *[Signature]*
C.A.
Speaker This is in order
22/11/2022

[Signature]
for Speaker
22/11/2022

REPORT OF FINANCE AND ECONOMIC PLANNING COMMITTEE

ON PUBLIC PARTICIPATION ON THE HOMA BAY COUNTY REVENUE
BOARD BILL 2022

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DEPARTMENT OF LEGISLATIVE AND COMMITTEE SERVICES.
HOMA BAY COUNTY ASSEMBLY.
HOMA BAY.

NOVEMBER 22, 2022

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(i) Speaker’s communications dated	

FORWARD

The Constitution of Kenya 2010 established devolved units of governance and envisaged the ability of County governments to manage their affairs effectively and to further their development pursuant to Article 174(d) of Constitution of Kenya 2010. Additionally, Article 209 of the Constitution gives County governments the powers to impose property rates, entertainment taxes and any other charges for the services they provide.

Section 160 of the Public Finance Management Act 2012 stipulates that the County Executive Committee Member for finance may authorize the Kenya Revenue Authority or appoint a collection agent to be a collector of county government revenue.

The Homa Bay County Revenue Board Bill, 2022 was committed to the committee to undertake public participation pursuant to provisions of Article 10(2), 174(c) and 196 of the constitution of Kenya 2010. The purpose of this Act is to provide for revenue administration in order to ensure effectiveness and efficiency in revenue administration, facilitate transparency in revenue administration and enhance County income.

1.0 PREFACE

1.1 Mandate of the Committee

The committee on Finance and Economic Planning is established pursuant to the provisions of the Standing Order No. 195.

(b) General Mandate

The committee is generally mandated to -:

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the program and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (Committee on Appointments) and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2 COMMITTEE MEMBERSHIP

NO	HON. MEMBER	DESIGNATION
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1)	Hon. KAKHIRI BOAZ KHIRI	Chairperson
2)	Hon. OYOO PAULINE ACHIENG	Vice Chairperson
3)	Hon. MIRUKA PAUL BARRY	Member
4)	Hon. NYAKOMITTA PETER	Member
5)	Hon. OWIDI ERICK	Member
6)	Hon. OYUGI DORINE	Member
7)	Hon. OKUMA ZAKAYO ONG'ONDO	Member
8)	Hon. ADINDA TOM ODHIAMBO	Member
9)	Hon. ONYANGO LAZARUS OJANGO	Member
10)	Hon. ODERA GEORGE ODIWUOR	Member
11)	Hon. ONYANGO SUSAN AKOTH	Member
12)	Hon. OJWANG JOSEPH TOM	Member
13)	Hon. KOCHOLLA LILIAN	Member
14)	Hon. OKOTH PAMELA AKINYI	Member
15)	Hon. ORINA NANCY ANYANGO	Member

The Finance and Economic Planning committee was constituted by the County Assembly of Homa Bay and is currently comprising of the following members:

1.3 COMMITTEE SECRETARIAT





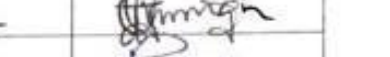

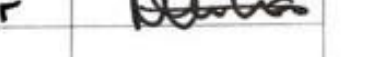
The Committee was served by the following secretariat:

NO	NAME	DESIGNATION
1.	Mr. Amos Oluoch	Clerk Assistant
2.	Ms. Damaris Ochele	Clerk Assistant
3.	Mr. Calvince Ogola	Sergeant-At-Arm
4.	Ms. Osuri Dorcas	Legal Counsel

1.4 ADOPTION OF THE COMMITTEE REPORT

We, the members of the Finance and Economic Planning Committee have, in consonance with Standing order 180 adopted this report and affix our signatures to affirm our approval and confirm its accuracy and authenticity;

Date.....

NO.	NAME	DESIGNATION	SIGNATURE
1	BOAZ KHIRI KAKHIRI	CHAIRMAN	
2	TOM ANTHONIO	MEMBER	
3	GEORGE O. ODERA	MEMBER	
4	LAZARUS OJANGO	MEMBER	
5	OJWANG JOSEPH TOM	MEMBER	
6	PAULINE C. ACHIENG'O	DP. CHAIR	
7	Nancy Anyango	Member	
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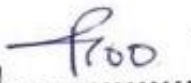
1.5 ACKNOWLEDGEMENT

The Finance and Economic Planning Committee wishes to sincerely thank the office of the **Speaker** and the **Clerk** of the County Assembly for the logistical support accorded to it during this exercise.

The Chairperson takes this opportunity to thank the members of the committee for their input and valuable contributions during the deliberations and preparation of this report.

The committee wishes to record its appreciation for the services rendered by the staff of the County Assembly attached to the committee during the exercise. Their efforts made the work of the committee and preparation this report possible.

On behalf of the departmental committee on finance and planning, it is my pleasant privilege and honor to present to this house the report of the committee on its consideration of the Homa Bay County Revenue Board Bill, 2022 in keeping with the provisions of standing order No. 121 (3) (4)

Signed.....
HON. KAKHIRI BOAZ KHIRI
CHAIRPERSON
COMMITTEE ON FINANCE AND PLANNING
DATE...22/11/2022.....

2.0 BACKGROUND

The Homa Bay County Revenue Board Bill, 2022 underwent its first reading on 8th November, 2022. The Bill was subsequently committed to the committee on Finance and Economic Planning to undertake public participation pursuant to the provisions of Articles 10(2) (a), 174(c), 196(1) and 201 of the Constitution of Kenya 2010 and Section 87 of the County Governments Act, 2012 vide communication No. 31 of 2022.

The bill seeks to provide for the establishment of the County Revenue Board as a body for the assessment and collection of revenue, for the administration and enforcement of laws relating to Revenue within the County and to provide for connected purposes.

The committee invited members of the public through a publication in the Standard Newspaper dated 14th November, 2022 to submit any representation they may have on the Homa Bay County Revenue Board Bill, 2022. Public participation exercise was held at County Assembly Committee Hall on 18th November, 2022 where the committee noted views of the public with regard to the Bill whose views have been incorporated in this report.

While considering the Bill, the committee observed that enactment of the bill will present a well-structured body and enhance accountability in regards to revenue collection in Homa Bay County that will be over-sighted by the County Assembly so as to realize a maximum collection of revenue. The revenue board will also have a duty to enhance public sensitization in regards to tax remittance and resultantly encourage compliance by tax payers hence increasing revenue collection by the tax collector.

3.0 OUTLINE OF THE GENERAL SCHEME

The table below summarizes the measures proposed in each section on the legislative proposal.

SECTION	DEALS WITH	DESCRIPTION
1.	Short title and commencement	<ul style="list-style-type: none"> ● Provides for the short title and commencement date.
2.	Interpretation	Defines key terms including; <ul style="list-style-type: none"> ● Board ● County ● Executive member ● Revenue ● Tax payer
3.	Objects and Purpose of the Act	<ul style="list-style-type: none"> ● The objects and purpose of this Act is to provide for the establishment of legal and institutional framework for revenue administration and connected purposes.
4.	Establishment of the board	4. (1) establishes a Board to be Known as the Homa Bay County Revenue Board. <ul style="list-style-type: none"> ● (2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of- <ul style="list-style-type: none"> ● taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; ● borrowing money or making investments; ● entering into contracts; and ● doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

5.	Functions of the board	<ul style="list-style-type: none"> ● (1) The Board shall, under the general supervision of the Executive Member be responsible for- ● collecting and receiving all county revenue; ● administering and enforcing county laws related to revenue; ● assessing, collecting and accounting for all revenue in accordance with the county laws related to revenue; ● advising the county executive committee on all matters related to administration and collection of revenue under county laws; ● (e) carry out such other roles necessary for the implementation of the objects and purpose of this Act.
6.	Composition of the board	<ul style="list-style-type: none"> ● (1) The Board shall consist of- ● a non-executive chairperson appointed by the Governor in consultation with Executive committee and with the approval of the County Assembly. ● the chief officer for the time being responsible for finance; ● the chief executive officer who shall be an ex officio member and secretary to the Board; ● five other persons with knowledge and practical experience referred to under (2) appointed by the Executive Member through a competitive process. ● While making the appointments referred to in paragraph (d) the

		<p>executive member shall observe the principles of inclusiveness, equity, equality and protection of the marginalized as enshrined in the constitution.</p> <ul style="list-style-type: none"> ● (2)A person shall be qualified for appointment as chairperson or member appointed under Sub Section (1) (d) if the person- ● holds at least a degree from a recognized university; ● has knowledge and experience of at least five years in matters relating to, business, finance and accounts; ● meets the requirements of Chapter Six of the Constitution; and ● has had a distinguished career in the field. ● (3) The term of office for the chairperson or a member appointed under sub section (1) (d) shall be three years which may be renewed for one further term after which the person shall retire from the Board for at least two years before being eligible for reappointment to the Board.
7.	Conduct of business	<ul style="list-style-type: none"> ● (1) The conduct and regulation of the business and affairs of the Board shall be as set out in the Schedule. ● (2) Except as provided in the Schedule, the Board may regulate its own procedure.
8.	Remuneration of the board	<ul style="list-style-type: none"> ● The remuneration of the members of the Board shall be as determined by the County Treasury.
9.	Chief executive officer	<ul style="list-style-type: none"> ● (1) There shall be a ChiefExecutive Officer of the Board.

		<ul style="list-style-type: none"> ● (2) The chief executive officer shall be appointed by the executive member on recommendation by the county public service Board and recruited through a competitive process. ● (3) To qualify for appointment as a chief executive officer, a person must- <ul style="list-style-type: none"> ● (a) possess a degree in finance, accounting, economics, business, law or related field from a recognized university; ● (b) have had experience in management for a period of not less than five years. ● (c) satisfies the conditions of chapter six of the Constitution. ● (4) The chief executive officer shall hold office <ul style="list-style-type: none"> ● for a period of four years, on such terms and conditions of employment as the county public service Board may determine, and shall be eligible for re-appointment for a further and final term of four years. ● (5) The chief executive officer shall be an ex- officio member of the Board but shall have no right to vote at any meeting of the Board. ● (6) The chief executive officer shall- <ul style="list-style-type: none"> ● (a) subject to the direction of the Board, be responsible for day-to-day management of the affairs of the Board; ● in consultation with the Board, be responsible for the direction of the affairs and transactions of the Board, the exercise, discharge and performance of its objectives, functions and duties and the general administration of the Board;
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		<ul style="list-style-type: none"> ● carry out any other function as may from time to time be assigned by the Board. ● (7) The chief executive officer may- ● (a) at any time resign from office by issuing notice of at least 30 days in writing to the chairperson of the Board; ● be removed from office by the executive member on recommendation by the Board, and in consultation with executive committee. ● The reasons for the removal referred to in paragraph (b) shall be; ● (i) 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; ● bankruptcy.
10.	Staff of the board	<ul style="list-style-type: none"> ● 10. (1) The county public service Board shall appoint such staff as the Board may recommend to be necessary for proper discharge of its functions under this Act, upon such terms and conditions of service as it may determine. ● The county public service Board shall- ● recruit staff through a competitive process;

		<ul style="list-style-type: none"> ● ensure that there is sufficient number of staff qualified in matters related to accounting, finance, business, law, information technology or any relevant field necessary for the better carrying out the objects and functions of the Board.
11.	Common seal of the board	<ul style="list-style-type: none"> ● (1) The common seal of the Board shall be kept in the custody of the chief executive officer or of such other person as the Board may direct, and shall not be used except upon the order of the Board. ● (2) The common seal of the Board, 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 Board under this section shall be presumed to have been duly given. ● (3) The common seal of the Board shall be authenticated by the signature of the chairperson of the Board or the chief executive officer.
12.	Protection from personal liability	<ul style="list-style-type: none"> ● (1) No matter or thing done by a member of the Board or by any officer,

		<p>member of staff, or agent of the Board shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Board under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.</p> <ul style="list-style-type: none"> ● (2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any, act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done bona fide be paid out of the funds of the Board, unless such expenses are recovered by him or her in such suit or prosecution.
13.	Liability for damages	<ul style="list-style-type: none"> ● The provisions of Section 12 shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.
14.	Corporate governance	<ul style="list-style-type: none"> ● The Board shall establish and implement corporate governance principles and practices applicable to similar entities.
15.	Annual report	<ul style="list-style-type: none"> ● (1) The Board shall, within three months after the end of each financial year, prepare and submit to the

		<p>executive member a report of the operations of the Board for the immediately preceding year.</p> <ul style="list-style-type: none"> ● (2) The annual report shall provide information ● regarding the activities and plans of the Board during the year to which it relates sufficient to ● impart an accurate understanding of the nature and scope of its activities and its plans and priorities and, without limitation, shall include— ● details of the performance of the Board against its key performance indicators; ● report on the overall status of the county revenue collection including the Board’s projections for the following year; ● such information and other material as the Board may be required by this Act or regulations made thereunder to include in the annual report; ● measures taken to implement corporate governance principles and practices ● the financial statements prepared under section 20; ● report of the Auditor-General prepared under section 21; and ● such additional information or other material as the executive member may request in writing.
16.	Revenue fund	<ul style="list-style-type: none"> ● All revenues collected by or payable to the Board under this Act shall be paid into the County Revenue Fund
17.	Funds of the board	<p>(1) The funds and assets of the Board shall consist of—</p> <ul style="list-style-type: none"> ● (a) such monies not exceeding two per centum of the revenue estimated in the financial estimates

		<p>for each financial year to be collected by the Board under this Act as may be</p> <ul style="list-style-type: none"> ● determined by the Executive Member in each financial year. ● (b) such moneys as may be appropriated by County Assembly for the purposes of the Board ● (c) such gifts, grants, loans or monies received from any lawful source by the Board with the approval of the Executive Member; ● (d) all monies as may be made available by the executive member for the better performance of its functions. ● (3) The Board shall apply the money provided under this section for the furtherance of the objects and performance of the functions of the Board and as may be prescribed under this Act.
18.	Financial year	<ul style="list-style-type: none"> ● The financial year of the Board shall be the period of twelve months ending on the thirtieth June in each year.
19.	Annual budget	<p>(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared budget of the Board for that year.</p> <p>(2) The annual budget shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for the—</p>

		<p>(a) expenditure related to revenue administration and collection;</p> <p>(b) payment of the salaries, allowances and other charges in respect of the staff of the Board;</p> <p>(c) payment of allowances and other charges in respect of members of the Board;</p> <p>(d) payment of pensions, gratuities and other charges in respect of members of the Board and staff;</p> <p>(e) proper maintenance of the buildings and grounds of the Board;</p> <p>(f) maintenance, repair and replacement of the equipment and other property of the Board; and</p> <p>(g) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.</p> <p>(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Executive member for final approval.</p>
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		(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the executive member.
20.	Accounts	<ul style="list-style-type: none"> • The Board shall cause to be kept proper books and records of accounts and assets of the Board.
21.	Financial reports and audits	<ul style="list-style-type: none"> • Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General, the accounts of the Board together with— <ul style="list-style-type: none"> (a) a statement of financial position as at the thirtieth day of June; (b) a statement of comprehensive revenue; (c) a statement of cash flow for the year ended; (d) a summary of significant accounting policies and other explanatory information; (e) other financial statements applicable to similar institutions. (2) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act.
22.	PART IV; REVENUE ADMINISTRATION Values	<ul style="list-style-type: none"> • The Board shall carry out its functions in a manner that upholds the following values- <ul style="list-style-type: none"> human dignity; rule of law; non- discrimination; transparency; fairness; justice; and

		equality and equity.
23.	Powers of the board	<ul style="list-style-type: none"> ● assess any tax payable to the County Government by any person in accordance with the county laws or any written law; ● collect on behalf of the County Government all tax payable by any person; ● institute civil proceedings for the recovery of tax payable or owing to the County Government; ● to inspect any premises or information for the purposes of implementing this Act; ● such other powers as may be necessary for the board to carry out its functions under this Act.
24.	Revenue	<ul style="list-style-type: none"> ● The County Executive Committee shall identify and prescribe the county laws applicable for the purposes of determining the revenues collectable under this Act
25.	Registration of tax payers	<ul style="list-style-type: none"> ● (1) The Board shall register all county tax payers in the prescribed manner. ● (2) A taxpayer registered under this section shall be assigned a tax identification number.
26.	Compliance	<ul style="list-style-type: none"> ● The Board shall- ● institute measures to ensure compliance with this Act as well as the revenue administration Act by; ● (i) guiding the County toward the achievement of consistent tax remittance; ● (ii) Enhancing research, capacity building and knowledge management tax remittance; ● (iii) Monitoring, evaluation and periodic review to integrate learning and best practice in the implementation

		<p>of the County Climate Change Action Plan.</p> <ul style="list-style-type: none"> ● (b) promote and encourage voluntary compliance by tax payers.
27.	Public education	<ul style="list-style-type: none"> ● The Board shall provide public education and awareness to all tax payers in enhancing public participation as enshrined under Article 196 of the Constitution.
28.	Information technology	<ul style="list-style-type: none"> ● The Board shall ensure that its services are automated as much as practicable to facilitate effective and efficient tax administration
29.	complaints	<ul style="list-style-type: none"> ● The Executive Member shall prescribe the mechanism for addressing complaints from tax payers or members of the public in relation to the implementation of this Act.
30.	Authorized officers	<ul style="list-style-type: none"> ● (1) The Board shall appoint authorized officers in the prescribed manner for the purposes of implementing and enforcing this Act. ● (2) The Board shall issue a letter of appointment to an authorized officer appointed under this Act.
31.	Powers of authorized officers	<ul style="list-style-type: none"> ● An authorized officer appointed under this Act may- ● inspect any premises or information; ● prosecute a matter related to enforcement of this Act or as may be provided under any county law related to county revenue; ● discharge any duties as may be assigned by the Board.
32.	PART V; MISCELLANEOUS Regulations	<ul style="list-style-type: none"> ● 32. (1) The executive member may, on recommendation of the Board make Regulations generally for the better carrying out of the objects of this Act. ● (2) Without prejudice to the generality of subsection (1), the Regulations may-

		<ul style="list-style-type: none"> ● prescribe the funds of the Board; ● prescribe the manner of registration of county tax payers; ● prescribe for appointment of authorized officers.
33.	FIRST SCHEDULE; PROVISION AS TO THE CONDUCT OF BUSINESS AFFAIRS OF THE BOARD Tenure in office	<ul style="list-style-type: none"> ● 1. Any member of the Board, other than chief officers shall, subject to the provisions of this Schedule, hold office for a term of four years, on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for a further and final term of three years.
34.	Vacation of office	<ul style="list-style-type: none"> ● 2. A member of the Board may— ● at any time resign from office by notice in writing to the executive member; ● be removed from office by the executive member if the member— ● has been absent from three consecutive meetings of the Board without the permission of the chairperson; ● is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; ● is convicted of an offence involving dishonesty or fraud; ● is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors; ● is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Authority; or ● fails to comply with the provisions of this Act relating to disclosure.
35.	Meetings	<ul style="list-style-type: none"> ● 3. (1) The Board shall meet not more than 12 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.

		<ul style="list-style-type: none"> ● (2) Notwithstanding the provisions of ● Sub paragraph (1), the chairperson may, and upon requisition in writing by at least seven members and with the approval of the executive member, convene a special meeting of the Board at any time for the transaction of the business of the Board. ● (3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall ● be given to every member of the Board. ● (4) The quorum for the conduct of the business of the Board shall be five members including the chairperson or the person presiding. ● (5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson. ● (6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote. ● (7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.
36.	Conflict of interest	<ul style="list-style-type: none"> ● 4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract,

		<p>proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:</p> <ul style="list-style-type: none"> ● Provided that, if the majority of the members ● present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question. ● (2) A member of the Board shall be considered to have a conflict of interest for the purposes of this Act if he acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member or employee of the Board. ● (3) Where the Board becomes aware that a member has a conflict of interest in relation to any matter before the Board, the Board shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter. ● (4) If the chairperson has a conflict of interest he shall, in addition to complying with the other provisions of this section, disclose the conflict that
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		<p>exists to the executive member in writing.</p> <ul style="list-style-type: none"> ● (5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the Board and the member with the conflict of interest shall not vote on this determination. ● (6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in subparagraph (1), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Board within thirty days. ● (7) The Board shall report to the executive member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board. ● (8) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report. ● (9) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made. ● (10) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or
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		to a fine not exceeding one hundred thousand shillings, or both.
37.	Code of conduct	<ul style="list-style-type: none"> ● 5. (1) Within twelve months of the commencement of this Act, the Board shall adopt a code of conduct prescribing standards of behaviour to be observed by the members and staff of the Board in the performance of their duties. ● (2) Subject to sub-paragraph (1), before adopting any code of conduct or making any substantial amendments to an existing code of conduct, the Board shall publish the proposed code or amendments in the Gazette and in a newspaper circulating nationally, inviting public comments. ● (3) The Board shall include in its annual report a report on compliance with the code during the period covered by the annual report. ● (4) The code of conduct adopted or prescribed under this paragraph shall be binding on the Board and its staff.
38.	Execution of interest	<ul style="list-style-type: none"> ● Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally.
39.	Minutes	<ul style="list-style-type: none"> ● The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that ● purpose.

4.0 VIEWS OF MEMBERS OF THE PUBLIC

1. It was proposed that under Clause 6 on composition of the board, the provision for 5 persons being appointed to the board to be amended to include the County Public Service Board. The said appointment should also be approved by the County Assembly.
2. Clause 6 should also be further amended to include provision for the representation of persons with disability, gender equity and the youth

subsection 2 on the qualifications of the board members, it is the public's view that the degree requirement should apply to the chairperson only while the rest of the board members should attain a minimum qualification of a diploma

3. Clause 8 regarding remuneration of board members, the same should be amended to give that mandate to the Salaries and Remunerations Commissions and not the County Treasury
4. A proposal was made under Clause 9 that the Chief Executive Officer of the board be amended to provide for the appointment of the board to be done by the board on recommendation of the County Public Service Board and not the executive committee member of finance
5. It was also the view of the public that the chief executive officer be appointed with the approval of the Assembly
6. Clause 9 Sub-Clause 3 on the qualifications of the Chief Executive Officer, the same should be amended to include an attainment of a CPS certificate
7. Sub-Clause 5 to be amended to read, "The Chief Executive Officer shall be an ex officio member of the board **AND** shall....."
8. Sub-Clause 7 on the removal of the Chief Executive Officer, the same should be amended to give that mandate to the County Public Service Board and not the executive committee member
9. The provision on staff of the board under Clause 10(b) to be amended to provide for business related courses not just business.
10. Under Clause 15, it was proposed that the annual report be done quarterly for the first 2 years following the enactment of this bill
11. Under Clause 19(3) it was the public's view that the annual estimates be included in the report of the County budget and be submitted to the assembly for approval
12. Clause 19(4) to be amended to delete the last sentence of the subsection
13. Clause 27 under public education should be amended to include Article 201

14. It was a view of members of the public that Clause 30 be amended and the authorized officers shall not be appointed but the board shall work with the inspectorate officers appointed under Clause 17 of the Homa Bay County Inspectorate Act, 2019
15. Paragraph one of the first schedule be amended to replace the provision of four years with three years
16. Under paragraph 3(2) the provision for seven members be replaced with five and the approval of the County Executive member for finance be deleted
17. Under subparagraph 3 the notice for the meeting to be revised to 7 days
18. Under the conflict of interest, the first subparagraph to be amended to stipulate that no member of the board shall be involved in business conduct with the board

5.0 RECOMMENDATION

1. That, Clause 6(1)(d) be amended by deleting the word **executive member** and replacing thereof with the word **County Public Service Board** and adding the word **with the approval of the County Assembly** immediately after the word **process**.
2. That, Clause 6(1) (e) be amended to read as follows;
While making the appointments referred to in paragraph (d) the County Public Service Board shall ensure gender equity, representation of persons with disability, youth and marginalized group as enshrined in the Constitution of Kenya, 2010.
3. That, Clause 6(2)(a) be amended by inserting the word **for the chairperson**, immediately before the word **holds**.
4. That, Clause 6(2)(b) be emended to read **members appointed under section 6(1)(d) and (e) a minimum requirement of a diploma in Finance, accounting, economics and business administration is required.**
5. That, Clause 8 be amended by deleting the word County Treasury and replacing thereof with the words **Salaries and Remuneration Commission**.
6. That, Clause 9(2) be amended by deleting the word **executive member** and replacing thereof with the word **Board** and adding the words **with the approval of the County Assembly** immediately after the words **competitive process**.
7. That, Clause 9(3) be amended by adding Sub-Clause (d) to read possess a CPS Certificate.
8. That, Clause 9(7)(b) be amended by deleting the word executive member and replacing thereof with the word **County Public Service Board**

9. That, Clause 10(2)(b) be amended by inserting the word **related courses** immediately after the word **business**
10. That, Clause 11(3) be amended by deleting the word **the chairperson of the board or** appearing before the word the Chief Executive Officer.
11. That, Clause 15 be amended by introducing Sub-Clause (3) to read **for the first two years subsequent to the enactment of this Act, the report provided under Sub-Clause 1 shall be made quarterly.**
12. That, Clause 19(3) be amended by inserting the words **for onward submission to the County Executive Committee** immediately after the word Executive Member
13. That, Clause 19(4) be amended by deleting the words **or in pursuance of an authorization of the Board given with prior written approval of the executive member.**
14. That, Clause 23 be amended by introducing Sub Clause (d)(i) to read **despite the provision under Sub-Clause (d) an authorized officer shall exercise the power of access and inspection in terms of a warrant issued by a court of competent jurisdiction.**
15. That, Clause 30(1) be amended by deleting the entire Sub-Clause and introduce the following words **the Board shall assign authorized officers in the prescribed manner from the Inspectorate Service Constituted Pursuant to Clause 17 of the Homa Bay County Inspectorate Service Act, 2019.**
16. That, Clause 30(2) be deleted.
17. That, First Schedule paragraph 1 be amended by deleting the word **four** appearing immediately after the words **hold office for a term of** and replacing thereof with the word **three**
18. That, Paragraph (2)(b) be amended by deleting the word executive member and replacing thereof with the **County Public Service Board**
19. That, Paragraph (3)(2) be amended by deleting the word **seven** appearing immediately before the word **members** and replacing thereof with the word **five**
20. That, Paragraph (3)(3) be amended by deleting the word **fourteen days** immediately before the word **written notice** and replacing thereof with the word **seven days.**
21. That, Paragraph (4)(1) be amended to read **No member of the Board shall undertake any business with the Board.**

4.0. CONCLUSION

The Committee having conducted public participation on the Homa Bay County Revenue Board Bill, 2022 in consultation with the relevant stakeholders has recommended a raft of amendments that ought to be incorporated in the Bill. This will go a long way to enhance Revenue Collection in the County and generally improve the County Revenue Resource envelop.

5.0. PRAYER

The committee prays that the Homa Bay County Revenue Board Bill, 2022 be now read a second time.

6.0 APPENDIX

THE HOMA BAY COUNTY REVENUE BOARD BILL, 2022

ARRANGEMENT OF CLAUSES

Clause

PART 1— PRELIMINARIES

- 1— Short title
- 2— Interpretation
- 3— Objects and purpose

PART II— COUNTY REVENUE BOARD

- 4— Establishment of the Board
- 5— Functions of the Board
- 6— Composition of the Board
- 7— Conduct of business
- 8— Remuneration of the Board
- 9— Chief executive officer
- 10— Staff of the Board.
- 11— The common seal of the Board.
- 12— Protection from personal liability.
- 13— Liability for damages
- 14— Corporate governance
- 15— Annual report.

PART III— FINANCIAL PROVISIONS

- 16— Revenue Fund
- 17— Funds of the Board.
- 18— Financial Year
- 19— Annual Budget
- 20— Accounts
- 21— Financial reports and audit.

PART IV— REVENUE ADMINISTRATION

- 22— Values
- 23— Powers of the Board

- 24— Revenue
- 25— Registration of taxpayers
- 26— Compliance
- 27— Public education
- 28— Information technology
- 29— Complaints
- 30— Authorized officers
- 31— Powers of authorized officers.
- 32— Regulations.

SCHEDULE — PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

THE HOMA BAY COUNTY REVENUE BOARD BILL, 2022

A Bill for

AN ACT of County Assembly of Homa Bay to provide for the establishment of the County Revenue Board as a body for the assessment and collection of revenue, for the administration and enforcement of laws relating to Revenue within the County and to provide for connected purposes.

ENACTED by the County Assembly of Homa Bay, as follows -

PART I – PRELIMINARY

Short title

1. This Act may be cited as the Homa Bay County Revenue Board Act, 2022.

Interpretation

2. In this act unless the context otherwise requires-

“Board” means the County Revenue Board established under Section 3;

“County” means Homa Bay County;

“Executive Member” means the County Executive Committee Member for the time being responsible for finance;

“revenue” means rates, charges, levies, fees, rents, royalties and any monies payable to the County Government as revenue under any written law;

“tax payer” unless the context otherwise provides, means a person who is obligated under any county or national law to pay to the county any rates, fees, rents, royalties or levies or charges that are prescribed under any county law to be a tax.

Objects and purpose

3. The objects and purpose of this Act is to provide for the establishment of legal and institutional framework for revenue administration in order to-

- (a) ensure effectiveness and efficiency in revenue administration;
- (b) facilitate transparency in revenue administration;
- (c) enhance county income;

PART II- COUNTY REVENUE BOARD

Establishment of the Board.

4. (1) There is established a Board to be Known as the Homa Bay County Revenue Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (b) borrowing money or making investments;
- (c) entering into contracts; and
- (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Functions of the Board.

5. (1) The Board shall, under the general supervision of the Executive Member be responsible for-

- (a) collecting and receiving all county revenue;
- (b) administering and enforcing county laws related to revenue;
- (c) assessing, collecting and accounting for all revenue in accordance with the county laws related to revenue;
- (d) advising the county executive committee on all matters related to administration and collection of revenue under county laws;
- (e) carry out such other roles necessary for the implementation of the objects and purpose of this Act.

Composition of the Board.

6. (1) The Board shall consist of-

- (a) a non-executive chairperson appointed by the Governor in consultation with Executive committee and with the approval of the County Assembly.
- (b) the chief officer for the time being responsible for finance;
- (c) the chief executive officer who shall be an *ex officio* member and secretary to the Board;
- (d) five other persons with knowledge and practical experience referred to under (2) appointed by the Executive Member through a competitive process.
- (e) While making the appointments referred to in paragraph (d) the executive member shall observe the principles of inclusiveness, equity, equality and protection of the marginalized as enshrined in the constitution.

(2) A person shall be qualified for appointment as chairperson or member appointed under Sub Section (1) (d) if the person-

- (a) holds at least a degree from a recognized university;
- (b) has knowledge and experience of at least five years in matters relating to, business, finance and accounts;
- (c) meets the requirements of Chapter Six of the Constitution; and
- (d) has had a distinguished career in the field.

(3) The term of office for the chairperson or a member appointed under sub section (1) (d) shall be three years which may be renewed for one further term after which the person shall retire from the Board for at least two years before being eligible for reappointment to the Board.

Conduct of business

7. (1) The conduct and regulation of the business and affairs of the Board shall be as set out in the Schedule.

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

Remuneration of the Board

8. The remuneration of the members of the Board shall be as determined by the County Treasury.

Chief executive officer

9. (1) There shall be a Chief Executive Officer of the Board.

(2) The chief executive officer shall be appointed by the executive member on recommendation by the county public service Board and recruited through a competitive process.

(3) To qualify for appointment as a chief executive officer, a person must-

- (a) possess a degree in finance, accounting, economics, business, law or related field from a recognized university;
- (b) have had experience in management for a period of not less than five years.
- (c) satisfies the conditions of chapter six of the Constitution.

(4) The chief executive officer shall hold office for a period of four years, on such terms and conditions of employment as the county public service Board may determine, and shall be eligible for re-appointment for a further and final term of four years.

(5) The chief executive officer shall be an *ex-officio* member of the Board but shall have no right to vote at any meeting of the Board.

(6) The chief executive officer shall-

- (a) subject to the direction of the Board, be responsible for day to day management of the affairs of the Board;
- (b) in consultation with the Board, be responsible for the direction of the affairs and transactions of the Board, the exercise, discharge and performance of its objectives, functions and duties and the general administration of the Board;

(c) carry out any other function as may from time to time be assigned by the Board.

(7) The chief executive officer may-

- (a) at any time resign from office by issuing notice of at least 30 days in writing to the chairperson of the Board;
- (b) be removed from office by the executive member on recommendation by the Board, and in consultation with executive committee;
- (c) The reasons for the removal referred to in paragraph (b) shall be;
 - (i) serious violation of the Constitution or any other written law;
 - (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
 - (iii) physical or mental incapacity to perform the functions of office;
 - (iv) incompetence;
 - (v) bankruptcy.

Staff of the Board

10. (1) The county public service Board shall appoint such staff as the Board may recommend to be necessary for proper discharge of its functions under this Act, upon such terms and conditions of service as it may determine.

(2) The county public service Board shall-

- (a) recruit staff through a competitive process;
- (b) ensure that there sufficient number of staff qualified in matters related to accounting, finance, business, law, information technology or any relevant field necessary for the better carrying out the objects and functions of the Board.

The common seal of the Board

11. (1) The common seal of the Board shall be kept in the custody of the chief executive officer or of such other person as the Board may direct, and shall not be used except upon the order of the Board.

(2) The common seal of the Board, 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 Board under this section shall be presumed to have been duly given.

(3) The common seal of the Board shall be authenticated by the signature of the chairperson of the Board or the chief executive officer.

Protection from personal liability

12. (1) No matter or thing done by a member of the Board or by any officer, member of staff, or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any, act which is done or purported to be done by him or her under the direction of the Board, shall, if the court holds that such act was done *bona fide* be paid out of the funds of the Board, unless such expenses are recovered by him or her in such suit or prosecution.

Liability for damages

13. The provisions of Section 12 shall not relieve the Board of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

Corporate governance

14. The Board shall establish and implement corporate governance principles and practices applicable to similar entities.

Annual report

15. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the executive member a report of the operations of the Board for the immediately preceding year.

(2) The annual report shall provide information regarding the activities and plans of the Board during the year to which it relates sufficient to impart an accurate understanding of the nature and scope of its activities and its plans and priorities and, without limitation, shall include—

- (a) details of the performance of the Board against its key performance indicators;
- (b) report on the overall status of the county revenue collection including the Board's projections for the following year;
- (c) such information and other material as the Board may be required by this Act or regulations made thereunder to include in the annual report;
- (d) measures taken to implement corporate governance principles and practices
- (e) the financial statements prepared under section 20;
- (f) report of the Auditor-General prepared under section 21; and
- (g) such additional information or other material as the executive member may request in writing.

PART III—FINANCIAL PROVISIONS

Revenue Fund

16. All revenues collected by or payable to the Board under this Act shall be paid into the County Revenue Fund.

Funds of the Board.

17. (1) The funds and assets of the Board shall consist of—

- (a) such monies not exceeding two per centum of the revenue estimated in the financial estimates for each financial year to be collected by the Board under this Act as may be determined by the Executive Member in each financial year;
- (b) such moneys as may be appropriated by County Assembly for the purposes of the Board;
- (c) such gifts, grants, loans or monies received from any lawful source by the Board with the approval of the Executive Member;
- (d) all monies as may be made available by the executive member for the better performance of its functions.

(2) The Board shall apply the money provided under this section for the furtherance of the objects and performance of the functions of the Board and as may be prescribed under this Act.

Financial Year

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

Annual Budget

19. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared budget of the Board for that year.

(2) The annual budget shall make provision for all estimated expenditure of the Board for the financial year and in particular, the estimates shall provide for the—

- (a) expenditure related to revenue administration and collection;
- (b) payment of the salaries, allowances and other charges in respect of the staff of the Board;
- (c) payment of allowances and other charges in respect of members of the Board;
- (d) payment of pensions, gratuities and other charges in respect of members of the Board and staff;
- (e) proper maintenance of the buildings and grounds of the Board;
- (f) maintenance, repair and replacement of the equipment and other property of the Board; and
- (g) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Board may deem appropriate.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Executive member for final approval.

(4) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Board given with prior written approval of the executive member.

Accounts

20. The Board shall cause to be kept proper books and records of accounts and assets of the Board.

Financial reports and audit

21. (1) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General, the accounts of the Board together with—

- (a) a statement of financial position as at the thirtieth day of June;
- (b) a statement of comprehensive revenue;
- (c) a statement of cash flow for the year ended;
- (d) a summary of significant accounting policies and other explanatory information;
- (e) other financial statements applicable to similar institutions.

(2) The accounts of the Board shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

PART IV- REVENUE ADMINISTRATION

Values

22. The Board shall carry out its functions in a manner that upholds the following values-

- (a) human dignity;
- (b) rule of law;
- (c) non- discrimination;
- (d) transparency;
- (e) fairness;
- (f) justice; and
- (g) equality and equity.

Powers of the Board

23. The Board shall have powers to-

- (a) assess any tax payable to the County Government by any person in accordance with the county laws or any written law;
- (b) collect on behalf of the County Government all tax payable by any person;
- (c) institute civil proceedings for the recovery of tax payable or owing to the County Government;
- (d) to inspect any premises or information for the purposes of implementing this Act;
- (e) such other powers as may be necessary for the board to carry out its functions under this Act.

Revenue

24. The County Executive Committee shall identify and prescribe the county laws applicable for the purposes of determining the revenues collectable under this Act.

Registration of taxpayers

25. (1) The Board shall register all county tax payers in the prescribed manner.

(2) A taxpayer registered under this section shall be assigned a tax identification number.

Compliance

26. The Board shall-

(a) institute measures to ensure compliance with this Act as well as the revenue administration Act by;

(i) guiding the County toward the achievement of consistent tax remittance;

(ii) enhancing research, capacity building and knowledge management tax remittance;

(iii) monitoring, evaluation and periodic review to integrate learning and best practice in the implementation of the County Climate Change Action Plan.

(b) promote and encourage voluntary compliance by tax payers.

Public education

27. The Board shall provide public education and awareness to all tax payers in enhancing public participation as enshrined under Article 196 of the Constitution.

Information technology

28. The Board shall ensure that its services are automated as much as practicable to facilitate effective and efficient tax administration.

Complaints

29. The Executive Member shall prescribe the mechanism for addressing complaints from tax payers or members of the public in relation to the implementation of this Act.

Authorized officers

30. (1) The Board shall appoint authorized officers in the prescribed manner for the purposes of implementing and enforcing this Act.

(2) The Board shall issue a letter of appointment to an authorized officer appointed under this Act.

Powers of authorized officers

31. An authorized officer appointed under this Act may-

- (a) inspect any premises or information;
- (b) prosecute a matter related to enforcement of this Act or as may be provided under any county law related to county revenue;
- (c) discharge any duties as may be assigned by the Board.

PART V- MISCELLANEOUS

Regulations

32. (1) The executive member may, on recommendation of the Board make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

- (a) prescribe the funds of the Board;
- (b) prescribe the manner of registration of county tax payers;
- (c) prescribe for appointment of authorized officers.

PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD**Tenure of office**

1. Any member of the Board, other than chief officers shall, subject to the provisions of this Schedule, hold office for a term of four years, on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for a further and final term of three years.

Vacation of office

2. A member of the Board may—

- (a) at any time resign from office by notice in writing to the executive member;
- (b) be removed from office by the executive member if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson;
 - (ii) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (iii) is convicted of an offence involving dishonesty or fraud;
 - (iv) is adjudged bankrupt or enters into a composition scheme of arrangement with his creditors;
 - (v) is incapacitated by prolonged physical or mental illness or is deemed otherwise unfit to discharge his duties as a member of the Authority; or
 - (vi) fails to comply with the provisions of this Act relating to disclosure.

Meetings

3. (1) The Board shall meet not more than 12 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.

(2) Notwithstanding the provisions of Sub paragraph (1), the chairperson may, and upon requisition in writing by at least seven members and with the approval of the executive member, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be five members including the chairperson or the person presiding.

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

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

Conflict of interest

4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter: Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A member of the Board shall be considered to have a conflict of interest for the purposes of this Act if he acquires any pecuniary or other interest that could conflict with the proper performance of his duties as a member or employee of the Board.

(3) Where the Board becomes aware that a member has a conflict of interest in relation to any matter before the Board, the Board shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.

(4) If the chairperson has a conflict of interest he shall, in addition to complying with the other provisions of this section, disclose the conflict that exists to the executive member in writing.

(5) Upon the Board becoming aware of any conflict of interest, it shall make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member or the Board and the member with the conflict of interest shall not vote on this determination.

(6) Where the Board determines that the conflict is likely to interfere significantly with the member's proper and effective performance as provided for in subparagraph (1), the member shall resign unless the member has eliminated the conflict to the satisfaction of the Board within thirty days.

(7) The Board shall report to the executive member any determination by the Board that a conflict is likely to interfere significantly with performance as above and whether or not the conflict has been eliminated to the satisfaction of the Board.

(8) The annual report of the Board shall disclose details of all conflicts of interest and determinations arising during the period covered by the report.

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

(10) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Code of conduct

5. (1) Within twelve months of the commencement of this Act, the Board shall adopt a code of conduct prescribing standards of behavior to be observed by the members and staff of the Board in the performance of their duties.

(2) Subject to sub-paragraph (1), before adopting any code of conduct or making any substantial amendments to an existing code of conduct, the Board shall publish the proposed code or amendments in the Gazette and in a newspaper circulating nationally, inviting public comments.

(3) The Board shall include in its annual report a report on compliance with the code during the period covered by the annual report.

(4) The code of conduct adopted or prescribed under this paragraph shall be binding on the Board and its staff.

Execution of Interest

6. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally.

Minutes

7. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

The main object of this Bill is to establish the Homa Bay County Revenue Board as a body whose mandate is to assess and collect revenue, for the administration and enforcement of laws relating to Revenue within the County and to provide for connected purposes.

Part I of the Bill sets out the preliminary matters including the commencement date and the definition of various terms used in the Bill. This part of the Bill establishes objectives of the bill.

Part II of the Bill outlines the county revenue board which comprises of the chairperson who is appointed by the governor, the chief officer finance and five others nominated by the county executive committee member for finance. This part also enumerates the functions of the board which includes collection of the county revenue

Part III of the bill stipulates the financial provisions. This seeks to demonstrate the sources of funds of the board which includes gifts, grants, loans or monies received from lawful resources. The board will also receive an allocation of funds not exceeding 2% of revenue estimated in the financial estimates

This part also provides for that annual budget of the board to be prepared three months prior to the end of the financial year. The board also has to submit its books of account to the Auditor- General

Part IV of the bill outlines the revenue administration which elaborates the values of the board while conducting their duties. These values include; transparency, non-discrimination, fairness and justice. This part also provides for the powers of the board such as collection on behalf of the county government all tax payable by any person.

Part V of the Bill provides for miscellaneous clauses to ensure proper utilization of funds and also provides for penalties against any person who violates any provisions under this Bill.

KAKHIRI BOAZ KHIRI,
Chairperson Finance and Planning Committee.