**COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Thursday 27th June 2019**

The House Met at 7.00 P.M

*[(The Temporary Speaker in the Chair)*

*Hon. (Mrs. Sadia Araru) in the Chair]*

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**The Temporary Speaker:** Honourable Members, we are told that there will be a peace meeting facilitated by UNDP on 29th and 30th of this Month. It encompasses the cross-border programme. The meeting will bring together officials of the UNDP, National Government, elected leaders, political leaders and community elders. The venue will be communicated.

We also recognize the presence of Bishop Cavallera Girls Secondary School students from Karare ward. They are students of History and Governance class. I wish them a good learning environment. Feel welcomed.

**MOTION(S)**

MARSABIT COUNTY APPROPRIATION BILL, 2019

**Hon. Daud Tamasot Arakhole:** Thank you Madam Speaker. I would like to read a Motion for the Marsabit County Appropriation Bill 2019, An Act of the County Assembly to authorize the issue of certain sums of money out of the County revenue fund and the application towards the service of the year ending 30th June 2020 and to appropriate those sums for certain public services and purpose.

I would like to table the report of the Budget and Appropriation Committee. On behalf of the Committee and pursuant to section 131 of the Public Finance Management Act and Standing Order 211 (6), it is my pleasure to present to this House the Committee report on the Marsabit County Budget estimates 2019/2010 Financial year.

***(Hon. Daud Tamasot lays the Committee report on the table)***

**MOTION**

MARSABIT COUNTY MUNICIPAL CHARTER

**Hon. Abdirahman Sheikh Bashir:** Thank you Madam Speaker. Before I start, may I also take this opportunity to welcome our young Girls from Bishop Cavallera Secondary School. We are happy to have them here and it’s an opportunity. It one of the things that is in their syllabus and they have been reading theoretically but today they got an opportunity to see what happens in the Assembly as future leaders. I urge more of this for schools around so that they can see what happens.

May I take this opportunity to move a Motion as stipulated in our Order paper that this County Assembly adopts the amended report of the Lands, Energy and Urban Development Committee of the proposed Municipal Charter of the Marsabit Municipality.

This House is well aware since the committal of the Charter to this House on 4th June, 2018, this House took the initiative and passed the same on 27th June 2018. The Charter was then challenged in Court and an Order was issued on 1st October 2018. The Order required that the Assembly conducts Public Participation on the Charter within 30 days of the Order and we complied and tabled our report by 30th October 2018.

This House also remembers that due the feedback from Karare Ward specially, the issue of municipal boundaries arose and the committee had to go on several avenues to solve the matter by involving the department also. This resulted in generation of three different maps and the Committee settled on one.

However when we as a Committee came to some sort of agreement with the Department, it was brought to our attention that the law on Urban areas and Cities Act was amended and enacted at the same time on 28th March 2019. This resulted in the Committee reviewing and amending its initial report to conform to the said amendments with the assistance of the legal officer who took us through the Act in presence of the Department officials. The two legal officers confirmed to us that there is no lee way for the Charter and we had to start our process.

The amendments have provided a procedure for delineating or setting municipal boundary among other amendments. It sets a different procedure all together. If we could have passed it before 28th March, it only required us to conform to the laid down procedures but unfortunately we were caught unawares, therefore the process has to start afresh.

***(The Chair lays the amendments on the table)***

In its recommendations, the Committee made several amendments in contrast to how it was previously passed by the House. These amendments are in tandem with the new law. More so, the Governor is to write to the CS lands to request formation of what we call an Adhoc Committee which composes of three persons appointed by the Cabinet secretary Lands, three persons appointed by the Governor, a member of the IEBC a member of the National Land Commission and also one from Kenya Surveyors.

I therefore, think the composition of this Adhoc Committee comprises of experts at all level therefore I feel it will solve lots of issues.

Therefore, may I take this opportunity to say that pursuant to provision of the Standing Order 186 and pursuant to provisions of the urban areas and Cities Act, the Lands Committee urges this House to adopt its report on the Marsabit County Municipal Charter as tabled on 27th June 2019.

**The Temporary Speaker:** Secondment?

***(Secondment by Hon. Hussein Abdi Wako)***

**Hon. Hussein Abdi Wako:** Thank you Madam Speaker. I think as the Chair put it, Members have a copy of the report and it is prudent that each Member carefully goes through the recommendations of the Committee.

One of the fascinating things about this Municipality is that, however we have not managed to pass the municipal act bill in this County but the Committee is doing its part very well. This time the committee decided to go this route because we do not want blames as before. You can remember very well that when we passed this we thought that this County is going to get some extra funds to enable us come up with fire stations, proper way of enhancing waste management but it was unfortunate that we did not go through the required procure that is why the same bill was brought back to the House.

Now, we are working closely with the department and came up with these amendments so that in future we curb problems that we faced before. I urge the Honourable members to adopt this report and I also urge the executive to continue giving us the support that they have been giving us so that the people of Marsabit can benefit from this crucial municipal charter. Thank you Madam Speaker.

**The Temporary Speaker:** Honourable Members, I therefore, propose the question that this County Assembly adopts the amended report of the Lands, Energy and Urban Development Committee on proposed municipal charter of Marsabit Municipality. Members can ventilate on the Motion.

**Hon. Elema Diba Guyo:** I would like to take this opportunity to recognize the presence of Cavallera Girls who have made a learning visit to this County Assembly. Appreciation also goes to the administration for thinking that this is the best place for the young learners to bench mark on issues of governance and of course devolution being a new aspect. I therefore welcome them and ask them to feel at home.

I also commend the Committee for such a comprehensive report. This Municipal Charter appeared in this House once and we did pass. Maybe it was an oversight on our path because it was challenged in Court and the plea was granted taking us back to square one. I think the citizen who challenged the Charter taught us lots of lesson that decisions made in this House can be challenged. This is why this house should act in good faith because it is the House that should comply with all the existing laws. We should therefore appreciate the petitioner and enlighten our locals to learn about their rights and laws so that whenever decisions that they think are against the law, they can rush to Court so that their pleas can be granted by the Court.

Having gone through such challenges, the Charter remains an important aspect in Marsabit County because through its passage, we know we would be guaranteed of some funds like other Counties of course knowing our challenges with some development aspects, the Charter is so dire to us. It brings about boundary and land matters but it’s also very crucial and calls for sobriety of the Honourable members of this House to comply with every aspect of the law that guides this Charter.

Therefore referring this charter on the grounds that some steps were overlooked by the Committee and this House is the best thing to do in my thinking. I thus support the adoption of the report so that we avoid such mistakes so that we can have a special Municipality in place for the betterment of this County.

**Hon. Hassan Wako Jarso:** Madam Speaker, May I also take this opportunity to welcome our young daughters from Bishop Cavallera Girls. As the areas MCA, I want to assure them that the area is safe and that they will not be bitten by even a Mosquito. Therefore let them sit back, relax and enjoy themselves.

***(Applause)***

It’s true that when the issue of Municipality was first introduced, we actually gave our input and the only technicality that arose then was maybe that of public participation which led it to Court forcing the same bill to face the House attention. I must congratulate the Committee for the tireless effort in ensuring that the right attention is given to the people of Marsabit.

Devolution means a lot especially when it comes to service provisions by bringing it closer to the people such that they don’t walk long distances in search of the same services.

You can imagine the past fifty five years, the people of Marsabit have been marginalised. We are in the seventh year of devolution and the entire population of this County have started realising that they actually belong to a nation called Kenya. In this spirit, I want to thank the provisions of the devolution.

Thirdly, provisions of Municipality in Marsabit connotes several advantages some being creation of employment, allocation of revenues with a grant of 50 million and the status itself will actually change the entire pattern of Marsabit County.

The item of devolution can actually be translated into a young baby who is born. A child is born today and continues to grow for a certain time. The child then starts responding to the environment after duration, then begins responding to the stimulus within the environment after duration and at certain time the young baby starts developing new tactics and skills. The baby continues to grow in different ways and maybe at the final age the spirit of the leadership and governance comes in.

I am sure when this Bill passes the people of Marsabit Central Ward and in particular Saku Sub County will benefit out of this Bill.

I urge the Honourable Members to follow suit and support the Motion. Thank you Madam Speaker.

**Hon. Buke Diba Yattani (Minority Leader):** First, I welcome the Girls of Bishop Cavallera to the Chambers of Marsabit County Assembly. You are most welcomed.

Secondly, I want to congratulate the Committee of Lands, Energy and Urban Development under the stewardship of Honourable Sheikh Bashir for a comprehensive report and apparently they have clearly indicated in their report that the law of the land must be obeyed. Therefore we should not be rushing to create municipality when we don’t fulfil the requirements of the law and that the urban areas and Cities Act as amended in 2019 be followed to the latter.

Another thing that has come clear in this report is that the people of this County have not been sensitized on matters pertaining to Municipality...towns and even Market centres and that this department needs to take measures to educate the public on the meaning of Municipality, benefits and the demerits as well so that members of the public can make a choice of making a Municipality or not.

The other thing that is clear is the injustice meted on the people of Karare Ward. It’s unfortunate that eighty percent of this Ward is still in National Park and people don’t own a place they call home to date. This calls on the County Government to ensure that that portion is delineated from the National reserve and be given to the Karare people to be owners of the Land on which they are because right now they are just squatters on Government Land.

Secondly, it is true that the County Government has been collecting revenues in terms of land rates from these people, it’s wrong because the Government has no right in collecting rates from these people. I call on the relevant department if they have been collecting rates and rents to refund the people of Karare Ward because this is not justified. Otherwise, I agree with the report as tabled. Thank you.

**Hon. Stephen Lterias Leado:** First, I want to welcome Bishop Cavallera which is situated in Karare Location. It is one of the beautiful schools which are performing in Marsabit County. Once again I welcome them to this premise of the Assembly. They are forty four students all learning History and Government.

I also congratulate Sister Placida for bringing our daughters here for sightseeing and learning.

I also stand to support the adoption of the recommendations of the Committee and congratulate them.

Madam Speaker, the issue of Municipality is not an easy one for some of us. It is now one year down the line since we received this Bill on Charter...

***(Hon Buke Diba Interjects)***

**Hon. Buke Diba Yattani (Minority Leader):** Point of clarification!

**The Temporary Speaker:** What is your point of clarification Honourable Minority Leader?

**Hon. Buke Diba Yattani (Minority Leader):** I wish to clarify for Honourable Leado that it’s not some of us but whole of the Honourable Members!

**Hon. Stephen Lterias Leado:** Thank you Honourable Buke for the correction. I know it’s all of us but what I mean is that on that special day in Karare when we were given dirty water, it was some of us but not all of us. I hope I have clarified!

That day we Honourable Members from the area wanted to do some civic education for them but it was the day everything went into something else. We were served with dirty water not really because we are bad people... what I see from the charter is it is only the Assembly and Committee which was struggling while the Executive was just starring at the back pushing the Members. That is why this Charter has taken this long.

Secondly, from the recommendations Mr. Chairman, I don’t see the map! What I wanted to add is what Honourable Buke has said. There are some recommendations that people of Karare gave that day and one of them is the issue of game reserve and unless the issue of game reserve is handled seriously and de-gazetted I am telling you we may be here another year talking about Municipal Charter. Those people are in game reserve and it’s not only them who are in game reserves but I know some parts of Laisamis are also in game reserve and it is the responsibility of the County Government of Marsabit to come up and ensure that those people who are residents of Marsabit have the right to ownership of their land.

Lastly, one of the failures of this Charter was lack of public engagement at all. We have been debating here but down there its only stake holders...KWS, Forest and Lands department while the public has been left out. Thank you so much and I do support the recommendations.

**Hon. Halkano Konso (Majority Leader):** Madam Speaker, first, I want to welcome Bishop Cavallera Girls and also congratulate the administration for choosing the County Assembly of Marsabit as their learning destination.

I also thank the County Assembly Secretariat for giving them an opportunity and providing them with good environment. I hope they have been provided with what is necessary.

Having said that, I want to congratulate the Committee for the nice report, but it is unfortunate that as a County we are losing a good amount of fund that could have enhanced this town. Last year, failure to pass the Charter cost us around Kshs.50 Million. This time round, I don’t see the light either and I call upon the Government to speed up the recommendations of the Committee so that our people will not miss out on the funds allocated by the UN.

So, many issues were raised about this Charter and as it was stated by the Chairman that it touches on the boundary claims. I am really surprised with our people that we always look at things at the deadline.

The issue of Karare residents being in game reserve is a historical injustice not a failure of the County Government but due to their leaders who never...our leaders for that matter...in fact it is the duty of the National Parliament...with the little knowledge I have on Constitution, if somebody occupies a land for twelve years, he becomes automatic rightful owner. I don’t know why despite having lived for over twenty to thirty years, the people of Karare are not the bonafide owners of that land.

I call this House and also extend it to the National Parliament to give the people of Karare what belongs to them according to the Constitution.

With this few remarks, I support the adoption of the Committee recommendations and at the same time call upon the Chair to follow up on the executive on the issues raised in this report so that our people will not miss out on the benefits of passing this Charter. Thank you.

***(Applause)***

**Hon. Dibo Isacko Umuro:** Thank you Madam Speaker. First I want to welcome our young Girls who are here today. They are the leaders of this County tomorrow. We are an example for them and they can emulate some of us here.

Secondly, I would like to thank the Committee for Lands. I am one happy person today because this charter was deferred because we have been struggling with issues of boundaries because Land is a very sensitive matter to the people of Marsabit County and the entire Nation.

I am happy to hear that a Member of the IEBC will be in this Committee who will help it with issues of boundaries. The seriousness of this matter was displayed when our leaders, in presence of even the Senator our leaders were served with dirty water and the news went worldwide.

I therefore, support this Motion and urge the House please let it not be the norm that we do our things at the last minute. Thank you.

**The Temporary Speaker:** Honourable Bashir you can reply to the Motion.

**Hon. Abdirahman Sheikh Bashir:** Thank you Madam Speaker. Mine is just to say a thing or two and then thank our Members here.

First is the issue of Maps. Though the maps are not in the files of all the Honourable Members, they are here and Members will get the latest copy adopted by our committee so that we take it as a report to the House so that the charter can be passed. I think this is the same map that the Clerk has. We had three others that we discussed with the department at different levels but I think this is the latest one for any member who may want to go through it you will be provided with a copy.

The other thing is that we refer to this Charter as Marsabit Special Municipality. Meaning that Marsabit could not meet some of the conditions of Municipality but because of those latest amendments...it is called special municipality because some of the conditions were moved away like that of population and many others. By being the headquarters of our County Government, it was considered.

May I tell you and I know you come from that same area that I come from, that Moyale is supposed to have that Municipality status and not a special one like this of Marsabit because it has met all the requirements including population, economic status and all the other aspects…

***(Applause)***

Therefore, may I also ask the members of Assembly from Moyale to push for that Municipality. I have asked the department to move into action and start the process. It will benefit us a lot. You know the benefits of a Municipality starting from car parks, sewerage system, provision of clean water and all other aspects. Moyale will benefit and it will have the same board and committee just like the one from Marsabit. I am sure theirs will even be better.

***(Applause)***

The Honourable Member from Butiye and friends should take up the matter and then we press the department to act. I have always called the MCAs from that area to sit in our committee. When it comes to surveying, provision of title deeds Moyale is always left behind and we wonder why. I have pressed them personally with Hon. Hussein. Kindly join us. One thing we have to understand is that almost 70% of our revenue comes from Moyale.

***(Applause)***

To add on that the Majority Leader said that we shall miss out on some funds. This may be true but if the ball has shifted to the department and the executive and it is them to do this quickly. We are ready for Marsabit County to benefit. If the amendments were not there, we would have passed the charter today. The 50M that was received the other time is in use and we have asked the department to purchase fire fighting machines for Marsabit.

May I now take this opportunity to thank the members who have contributed and from the smile on their faces I know the rest are also satisfied and will pass the report. I say thank you Madam Speaker.

**The Temporary Speaker:** Thank you Honourable Bashir. Can I now propose the question that; This County Assembly adopts the amended report of the Lands, Energy and Urban development Committee on proposed Municipal Charter of Marsabit Municipality.

***(Question put and agreed to)***

Next order?

*Second Reading(s)*

THE MARSABIT COUNTY APPROPRIATIONS BILL, 2019

**Hon. Daud Tamasot Arakhole:** Marsabit County Appropriations Bill 2019, An Act of County Assembly to authorize the issue of certain sums of money out of the County Revenue Fund and their application towards the service of the year ending 30th June 2020 and to appropriate those sums for certain public services and purposes.

I would like to move a motion that the Marsabit County Appropriation Bill 2019 be now read a second time. I would like to table the report of the Budget and Appropriations Committee. The report is bulky and we have changed the agenda…

***(Hon. Sadia exits and the Speaker Hon. Loltome assumes the Chair)***

The report is 40 pages. Mr. Speaker this report covers consultations with the stakeholders, departments and others who are interested in this budget. The Committee also undertook public participation. Since every member has the report, I will go through it but will not read out everything.

On behalf of the members of Budget and Appropriations Committee and pursuant to section 133 of Public Finance Management Act and Standing Orders 211(6), it is my pleasure to present to this House the Committee report on Marsabit County Budget Estimates 2019-2020. During the sitting of the House held on Tuesday 7th May 2019, the budget estimates were submitted to the Sectoral Committees for them to deliberate upon according to their respective mandates and make recommendations to the Budget and Appropriations Committee within 21 days.

The Sectoral Committees reviewed the budget estimates and held consultative meetings with their respective County Department and submitted their recommendations to the Budget Committee on 20th June 2019. Section 131(2) of the PFM Act obligates the Budget Committee to further take into account the views of the CEC Finance and the Public. Public Participation commenced on 10th June and ended on 18th June 2019. A consultative meeting between the Budget and Appropriations Committee and CEC Finance was held on 21st June 2019.

The Standing Order 187(1) establishes the County Budget and Appropriations Committee with specific mandates as provided for by Standing Order 187(3)… Let me go to acknowledgements, the Committee thanks the offices of the Speaker and the Clerk of the County Assembly for the support extended to it in execution of its mandate. I also take this opportunity to thank all Members of the Committee, Sectoral Committee Chairpersons and all members of the County Assembly for their zeal, unwavering sacrifice and commitment to public service, which enabled the Committee complete the assigned task within the stipulated statutory timelines.

It is now my pleasant duty and privilege on behalf of the Budget and Appropriations Committee to present to the County Assembly this report of the Committee on the Marsabit County Budget Estimates 2019/20.

Every financial year, the CEC Finance and Economic Planning Department is mandated to forward the budget estimates by 30th April for consideration and subsequent approval as per the requirements of section 129 of the Public Finance Management Act 2012 and Regulations 30(8) of the Public Finance Management (County Governments) Regulations 2015.

It is the constitutional mandate of this County Assembly to ensure that public resources are utilized equitably, sustainably, prudently and in a responsible manner in accordance with the requirements of the Constitution, the Public Finance Management Act and other written laws.

Let us go to page 5. The Budget making process from preparation to the approval and implementation is a clear methodological process that is anchored and guided by the Constitution, the County Governments Act and the Public Finance Management Act. The custodian of this process is the CEC Member for Finance checked by this Honourable House.

The Committee is pleased to note that there has been a number of improvements in the budget preparation and reporting compared to previous financial years. The Budget Committee would wish to inform this Assembly that the County Treasury has made efforts to implement some of the resolutions made by this Assembly and we hope that this trend will continue in preparation of subsequent budgets. Whereas there are still areas of improvement, the Budget Estimates 2019/20 has complied in the following ways…. Members can read that. Let me go to page six.

We have vote code titles;

3461 is the County Assembly and our recurrent which was approved is 613316313 and a development of 70,000,000 which adds up to 683,316,313. County Executive, recurrent 544,857,842, development, 330,000,000- total 874,857,842.

***(The Speaker interjects)***

**Hon. Speaker:** Order the Honourable Chair, say whether they are in millions or thousands. We want to appreciate that this budget is in details.

**Hon. Daud Tamasot Arakhole:** Thank you. Finance and Economic planning Recurrent 360,45,344, Development 235,000,000, Total 595,045,344.

Agriculture, Livestock and Fisheries Recurrent 199,758,552, Development 461,217,321, Total 60,975,873.

County Public Service Board Recurrent 82,555,000, No development, Total 82,555,000.

Education, Skills development, Youth and Sports Recurrent 297,493,916 Development 277,888,298, Total 575,382,214.

Health Services Recurrent 1,276,514,381, Development 741,411,144, Total 2,017,925,525.

Administration, Coordination and ICT Recurrent 300,309,767, Development 6,560, 000, Total 306,869,767.

Energy, Land and Urban Development Recurrent 142,597,500, Development 211,622,000, Total 354,219,500.

Roads, Public works, Housing and Transport Recurrent 92,971,169, Development 367,948,001, Total 460,919,170.

Water, Environment and Natural Resources, Recurrent 134,043,975, Development 521,699,596, Total 655,743,571.

Trade, Industry and Enterprise Development Recurrent 80,619,796, Development 118,100,000, Total 198,719,796.

Tourism, Culture and Social Services Recurrent 108,067,500, Development 66,542,000, Total 174,609,500.

The total for recurrent is 4,233,151,055. Development is 3,407,988,360. This adds up to 7,641,139,415. Recurrent is at 55% and development 45%. Having in mind that development should not be less than 30%, we are still on the higher side.

For the first time, the Budget estimates submitted is program based budget in line with the provisions of the Public Finance Management Act 2012. Te Budget Committee however noted that the program based budgets of some departments i.e. Administration department was incomplete as far as the departments programs, strategic objectives, outputs, key performance indicators and targets were concerned while in some areas there are some grammatical errors that are avoidable.

Public consultations were done however there are still areas of improvement to ensure meaningful public participation and involvement of the public in the budget making process. See our observations and summary of key concerns as captured in our public participation report, a multi-sectoral approach should be used.

The budget estimates was drawn in line with national objectives in the Budget Policy Statement. The Budget Estimates is balanced as per regulation 31 of the Public Finance Management Act (County Governments) Regulations 2015.

It is a requirement of the law that no funding shall be appropriated outside a planning framework Section 104 of the County Governments Act 2012). The CIDP (2018-2022) and ADP 2019/20 were both passed. Budget estimates is drawn in line with both documents. The Committee however notes that the County needs to finalize on the development of a spatial plan that will be the basis of all other planning documents (section 110 of the County Government Act, 2012). This other column is just what we have approved during fiscal strategy paper and members can read through.

On the flipside, the budget estimates has not complied in the following ways;

The budget estimates should include an explanation of how the budget relates to the fiscal responsibility principles and the financial objectives. At a glance, this has not been provided for.

The budget estimates should also include a memorandum from the CEC Member for Finance explaining how the resolutions adopted by the County Assembly for previous financial year’s budget estimates have been taken into account.

Some non-devolved functions are still being funded in the budget estimates. These include fencing of Merille Secondary School, and fencing of Kamatonyi Primary School each at a cost of 1.5 million. This is not a devolved function thus contravening the provisions of the fourth schedule of the Constitution.

At the time of considering the budget, it is worthy to note that the County allocation of Revenue Act had not been passed. This will therefore affect the equitable share to the County and the ceilings of County Executive and Assembly recurrent once passed.

Some projects are still wrongly classified under development expenditure or vice versa when they should have been classified under recurrent or vice versa.

Some departments are not budgeting for staff pension and gratuity. These will accumulate and become a liability to the County in future. The following is an analysis of the departments that have complied and those that have not.

|  |  |  |  |
| --- | --- | --- | --- |
| **County Departments** | **Employer contribution to staff pension scheme** | **Employer contribution to compulsory NSSF** | **Gratuity and retirement benefits** |
| 3461- County Assembly | 7,350,000 | \_ | 25,867,735 |
| 3462- County Executive | \_ | \_ | \_ |
| 3463- Finance and Economic planning | \_ | 7,007,416 | 1,407,129 |
| 3464- Agriculture | \_ | 4,454,353 | \_ |
| Livestock | \_ | 5,196,745 | \_ |
| Fisheries | \_ | 742,392 | \_ |
| 3465- County Public Service Board | 3,808,098 | 500,000 | 3,782,124 |
| 3465- Education | \_ | \_ | \_ |
| Skills development, Youth and Sports | \_ | \_ | \_ |
| 3467- Health Services | \_ | \_ | \_ |
| 3468- Administration, Coordination and ICT | \_ | \_ | \_ |
| 3469- Land | \_ | \_ | \_ |
| 3470- Energy and Urban Development | \_ | \_ | \_ |
| Roads and Transport | 2,897,424 | 372,234 | \_ |
|  |  |  |  |
| Public works and Housing | 2,897,424 | 372,234 | \_ |
| 3471- Water | \_ | \_ | \_ |
| Environment and Natural Resources | \_ | \_ | \_ |
| Trade, Industry and Enterprise Development | \_ | \_ | 1,500,000 |

The total County Budget for the Financial Year 2019/20 amounts to Kshs. 7,641,139,415 out of which Kshs. 4,233,151,055 has been earmarked for recurrent expenditures and Kshs. 3,407,988 has been set aside for development expenditure representing a percentage of 55% and 45% respectively which is a drop from the previous Financial Year allocations.

On the specific sector allocations, the present budgeting system is largely incremental with Health services department receiving the highest allocation both in recurrent and development expenditure while the lowest share of resource allocation went to County Public Service Board at Kshs 82,555,000 with zero development.

On Recurrent expenditure, a huge sum of public money is being spent on salary amounting to Kshs. 2,705,858,629 showing an increase in the wage bill from the last Financial Year. The highest allocation to salary is by County Health Services. Out of 2b, the department takes Kshs. 1,223,270,667.

Resource distribution between Recurrent and Development expenditure has been good. However, the wage bill has been gradually increasing and close monitoring should be done.

A lot of constructions are still going on as opposed to equipping and operationalisation of already constructed projects. Whereas it is good to lay foundations, equipping of such centres is critical to ensure that they generate public service delivery in an efficient way and where applicable generate revenue for the County.

Some recurrent expenditures are captured as development expenditure i.e. County Enterprise Fund, Social Protection, Internship programs among others.

Special interest groups have also been catered for. There are numerous youth projects like stadium, playing fields, sport and tournaments, internship and youth friendly centers. Women are catered for in terms of construction and equipment of maternity among others.

Members, the table shows the areas that I have read before where minorities have been considered. Let us go to page 16. Allow me to take some water…

***(Sips some water)***

Certain projects have been put under wrong department i.e. fencing of slaughter house, solid waste management in Karare, Karatina and Hulahula under Water department instead of Agriculture and Physical Planning respectively.

***(The Speaker interjects)***

**The Speaker (Hon. Loltome):** They have been corrected in the Budget Honourable Chair.

**Hon. Daud Tamasot Arakhole:** Ok.

Mr. Speaker, the Committee observed with great concern the lack of reporting by various fund administrators of various County funds established under the Public Finance Management Act or County legislations. The said funds were established with the objective of either assisting the residents of the County access financial assistance as is the case with the enterprise fund or the social protection fund, bursary/scholarship for the residents to access education as is the case with education bursary fund and most critically to set aside funds for emergency relief.

The County Assembly has not been receiving the periodical reports from the fund administrators or the CEC Finance with regards to the expenditure and operation of the funds despite numerous reminders. This inaction by the concerned offices and the failure to recover loans granted in the case of Enterprise Fund has necessitated the Committee to reduce or in some instances remove/repurpose the budgeted amount until such a time as the Fund Administrators/concerned offices comply with the requisite laws.

The budget estimates envisages that in the 2019/20 Financial Year, the County revenue target shall be Kshs. 150,000,000 against a collection of Kshs. 121,000,000 in the current Financial Year as at 21st June 2019.

Mr. Speaker, Let me take the members to page 21. That is the report of the Sectoral Committee and there is no need of reading through it.

***(The Speaker interjects)***

**Hon. Speaker:** Honourable Chair, these Sectoral Committee submissions, are they the amendments the Committee had made? I refer you back to page 17.

**Hon. Daud Tamasot Arakhole:** Page 17….

**Hon. Speaker:** Because I think that is a very important area in your report.

**Hon. Daud Tamasot Arakhole:** In some cases we have done some amendments but not all. So let me go to page 21. Budget and Finance Committee, County Assembly budget recommendations;

County Assembly recurrent expenditure be increased by Kshs 15M.

Speaker’s residence be reduced by Kshs. 15M.

County Assembly Chambers be increased by Kshs 15M. The Kshs 15M we removed from the Speaker’s residence is funding the Chamber. The summary of the key issues arising from public participation hearings;

When the budget consultation was done with the public, each ward was given 50M. The communities were told to give their priorities and cost them. The communities do not have technical knowledge in costing and needed to get assistance from technical people.

The burden of cut in resources by National Government was borne by the Wards. Every Ward expected to receive an increment from the current Kshs.75M in the Financial Year 2018/19 budget but instead the amount was reduced to Kshs.50M in the Financial Year 2019/20 budget.

The Committee observed that most of the public participation drives which are conducted by the Executive and the Assembly are largely attended by illiterate and semi-illiterate public. Not well informed opinions are therefore registered.

Many youths have no jobs. These youths have resorted to drug abuse. The 2019/20 budget did not capture more projects for the youth and does not address the issue of drug addiction and abuse. The County should invest in rehabilitation facilities.

No particular formula was adhered to when distributing money across the Wards. Irrespective of the land mass and population, all the Wards received equal allocation.

Costing of the projects was not done by experts. This led to either under estimation or over estimation of projects which will result to incompletion of projects or wastage of resources.

County Budget and Economic Forum under Section 137 of the PFM is yet to be established. This is a critical body that will ensure stakeholder consultation and sector working groups. It should be put up and utilized during public participation.

The recommendations of the Committee; from the foregoing and during the scrutiny of the document as has been mentioned, the Committee noted various gaps that it would wish addressed and recommend as follows;

The Budget Committee urges all departments and the County Treasury to develop necessary capacity in the preparation of PBB budget and ensure the documents submitted to the County Assembly are proof read for typographical/grammatical errors and that it is complete.

That the wage bill should be maintained at a sustainable level.

That the County should desist from budgeting for non-devolved functions.

The Committee however, notes that the County needs to finalize on the development of a spatial plan that will the basis of all other planning documents in the County, section 110 of the County Governments Act, 2012.

The departments to budget for staff pension and gratuity and remit the same to relevant entities to avoid accumulation of the same as a liability to the County.

That the County properly reclassifies all expenditures wrongly classified as development.

On revenue raising measures, the CECM Finance and the department concerned should submit robust revenue raising measures to ensure revenue raising targets are achieved. The CEC Finance through the laid down procedures should table the Finance Bill together with the draft budget estimates to enable treasury too collect revenue early during the Financial Year.

On Pending Bills, the County Government should fast track formation of a committee that will verify the pending bills so that they are cleared. On this item as we have discussed also with the CEC Finance, there is a new development that he had shared with us. He said that the National Government is also setting another Committee to verify these pending bills that we are ready to pay. I don’t know but they are saying they will be through with their verification in one month’s time.

That is why we said they have to fast track and form that committee so that they take action the soonest possible time.

On budget implementation, the Sectoral Committees should ensure that the budget for their respective sectors is implemented as approved.

That in compliance with provisions of Regulation 35 of the PFM- County Regulations, the County Treasury should submit the appropriations bill that contains the votes and programs of the financial year in good time.

On CFSP ceilings, the Committee and the Assembly are duty bound to only operate within the set boundaries that for any changes, not more than 1% of approved vote ceilings should be made. This is contained in section 131(3) of PFM and Regulations 37 of the PFM- County Government, Regulations 2015.

On Public Participation, the Executive should involve technocrats especially from water and roads department for proper costing of projects.

There is a need to consider addition of priority projects forwarded by the public in the 2019/20 budget estimates.

When conducting Public Participation exercises, the Executive and the County should target literate and well informed masses so as to collect informed opinions concerning the subject matter.

Stringent measures should be put in place so that the County’s revenue collection target is met.

Oversight on the Health department which is highly rated in terms of budget allocation needs to be heightened for commensurate service delivery.

There is another recommendation that we have added which is not captured in the report and we said staff salaries should be projected in the budget and not the supplementary because after we have gone through the reports, salaries are ever coming up in supplementary budgets and in big figures- not 5, 10 million but 50, 100 million. That is why we have said that it should appear in the main budget and not supplementary.

Then the areas of reduction; The following are proposed reduction in County expenditure; This is on page 24. The Committee felt that it should reduce;

Completion of Marsabit Modern Market- 20,000,000.

Construction of KMTC- 20,000,000.

Construction of Marsabit Miraa Stalls- 14,000,000.

Enterprise Fund- 10,000,000.

Governor’s Residence- 50,000,000.

Emergency Fund- 70,000,000.

Other operating expenses in Finance Department- 8,000,000.

Pending Bills- 50,000,000.

Marsabit Cultural Festival- 10,000,000.

Marsabit Tarmac Road- 15,000,000.

Food and ration ECD meal program- 8,000,000.

Mr. Speaker that adds up to 275,000,000.

The areas of increment are;

Drought Mitigation Programme- 150,000,000.

County Assembly- 15,000,000.

Spatial Plan- 10,000,000.

100,000,000 for twenty wards each getting 5,000,000.

Changes within departments; County Assembly- Construction of Speakers residence, we have removed 15,000,000 and increased construction of Chambers by 15,000,000.

15,000,000 was removed from Social Protection Fund, 5,000,000 also removed from additional funding for Bongole Resort.

We have funded protection and documentation of cultural heritage sites across the County by 5,000,000, *Ushanga* initiative by 10,000,000 and Loiyangalani Museum Villas renovation by 5,000,000. That adds up to 20,000,000.

Then we reduced community land registration by 20,000,000, increased spatial plan by 10,000,000 and policy development by 10,000,000.

The other area is changes within the wards. I don’t know if we are going through these changes covering the 20 wards. Since the members are already aware, they can peruse through their ward changes. Then having said that, I beg this Honourable House to agree with the report of the Budget and Appropriations Committee.

We went through the changes with the Honourable Members before even tabling it and I urge that we adopt the report as it is.

Thank you Mr. Speaker.

**Hon. Speaker:** Thank you Honourable Chair for Budget and Appropriations Committee.

Can we then have a secondment preferably by a member of Budget and Appropriations Committee?

***(Motion seconded by Hon. Hussein)***

Yes, Honourable Hussein?

**Hon. Hussein Abdi Wako:** Thank you Mr. Speaker. I stand to second the Budget and Appropriations Committee report and while I second, my area of interest is on our Committee recommendations. As we all know, this County has an ability to raise a lot of revenue only if stringent measures are put in place particularly if we consider automation of revenue collection. I am saying this because as a member who hails from Moyale Sub-county, a member who spoke when we were considering Land Committee report agreed that Moyale is the backbone of this County as far as revenue collection is concerned.

The challenge in Moyale Sub-county is that we are closer to the porous Ethiopia border. On daily basis you see traders flocking to the Kenyan side and as a result those given the opportunity to collect revenue on behalf of the County may miss the target if there are no proper measures in place. There are scenarios in other Counties where those tasked with collecting revenue end up introducing their own receipts apart from the ones provided by the County Treasury department. I therefore urge the department concerned to come up with a different way even if it means introduction of different watermarks from those that will be used by the officers.

Automation of revenue collection is one of the best solutions to ensure that we are going to get a lot of revenue and thus our share from the National Government because what is given to a particular County depends on what the County collects as far as its target is concerned.

We have also asked the departments about their wage bill. In fact we have said that as at now the wage bill has not yet reached the pick. It stands at 32 while it is not supposed to surpass 35%. We have not reached the limit but in future we have to avoid unnecessary employments without taking into consideration our capacity to pay staff dues.

Another thing is staff pension and gratuity. This is enshrined In the Constitution. If one is employed by any particular Government or body, he or she is supposed to be catered for as far as pension and gratuity is concerned. We have discussed this with the department and they told us that even during previous years, they have tried their best to put aside some money but since the resources are not enough, they will consider this again in future.

I would also like to make the members understand that this Financial Year we have a deficit of 200,000,000. This is supposed to come as equitable share from the National Government but we are yet to receive it. Therefore the issue of pending bill and some development projects that were allocated less amount of money will be catered for when that money is made available through supplementary budget.

I am very keen about his 200,000,000. Last night I followed one of these National TV channels where one of the National Assembly representatives was asked the status of pending bills. From what he had explained, I am hopeful that the issue will be solved soon. I think it is just a matter of time for us to get that 200,000,000. I am also very much appreciative that our Honourable Members of County Assemblies have this time agreed with us. The previous year we got around 75,000,000 each ward and this time due to that deficit, funding for wards has reduced. I also would like to thank my fellow Honourable elected MCAs. I can see this time round most of them have captured in their budget as far as ward allocation is concerned, the issue of youth. I can see almost three-quarter of the Wards have captured internship for youth and this is one step going forward, while waiting for the Marsabit Youth Empowerment Bill to go through this House and see the light of the day, we hope pour youths will be featured in the day to day activities of this County.

Again I urge my fellow Members who have not included the issue of internship in there Wards, to consider youths, people living with disability on how to empower them. I stand to support the motion.

***(Question proposed)***

**Hon. Tura Ruru Elema:** Thank you Mr. Speaker. First and Foremost I would like to welcome Bishop Cavalera Girls to the County Assembly. This is the House of Representation, Oversight and Legislation, for their learning it is important that we are there for them, represent them, wherever these*....(inaudible)* stand for them. I also wish them the best in there learning and success in there forthcoming examinations, because I am told this is a Form Four class.

I want to pinpoint on some few issues on this year’s budget on Recurrent and Development, it is in everyone’s’ knowledge that we are supposed to maintain 30% and 70% respectively, if we look at our Budget it is not within that........

***(Hon. Speaker interjects)***

......Development 30% and Recurrent 70%, I think we are in that range. For which I congratulate the County Government and the Assembly for observing that.

The other observation is we are funding an obligation of National Government, I think the National Government is already getting a chunk of these monies that are being raised by the Revenues of the Counties, where aptly very little is given to the Counties and when this devolved functions were given to the Counties, the monies are not devolved! As equally to what they have devolved and then it is interesting again where County Governments get*........(inaudible)* the obligations, when they are already crying monies are not enough. I think it is high time that our government realize this, and a lot of the baggages that we have is Recurrent which is from the National Government, because they send staffs to the County Government very minimal staffs remain at the top there, but the monies still not there to take of these. We have a lot of baggage in terms of County Government trying to meets it obligations, I think it is not right for us to get into that obligation again!

On remittance to NSSF, NHIF this needs to be done, it is mandatory, otherwise we will have the same problem where Pending Bills haunting this County Government every other day*........(inaudible)* I think these needs to be remitted and we are not any better where remittance from our salaries are not met on time, in my case where I have already signed an obligation to reduce some money for my own benefit to Britam is not remitted todate and it is three-four-five months down the line, I don’t know why it is happening and this needs to be corrected*........(inaudible)* such negligence of doing work.

On page 9 where we are talking of CFSP, I want to congratulate this House and the County Government for*........(inaudible)* that special document we have created....

***(Hon. Halkano Konso’s phone rings)***

***(Hon. Speaker interjects)***

.....where we have been putting ceilings.......

If you look at page 10, if you look at that table*........(inaudible)* analysis of 2019/2020 budget estimates, reveals department of and then we gave a space*........(inaudible)* if you look at the table it is self explanatory where some few departments actually exceeded CFSP in a very smaller amount. I can see Agriculture, Livestock and Fisheries slightly exceeded Kshs ....*(inaudible)* from Kshs*....(inaudible)*, Education, Skills Development, Youths and Sport slightly exceeded with Kshs. 575 million and in the CFSP it was Kshs 567 million. So there are some little differences which I congratulate the County Government and the County Assembly for sticking to this crucial document, the CFSP.

I also want to talk about the special group, which is mentioned on page 11, a lot of listing has been done and I want to add that we have really taken care of women of Marsabit County through water projects. Nomadic women are the ones trekking long distance to fetch water and so many projects have been done in several Wards*........(inaudible)* and I think*........(inaudible)* seriously takes care of women. This is a special thing we need to raise.

On our own revenue collection, if you look at page 16, the last two years we never met our target and I think it is high time*........ (inaudible)* margin, because there are revenues that can be collected if there are leakages that can be sealed, if it*........(inaudible)* since I came to this Assembly, we have been talking of automation and it has never come and still we are talking of automation!

I think automation is something we really need to take up and do so that leakages are stopped.

The other issue I have seen in terms of revenue collection, is where revenues are collected and used at the sourceby the department...*.......(inaudible)* that is creating a lot of leakages, auditing aspect will be a difficult thing when department collect using it at their own source, I think it is time that all these revenues channelled through some normal revenue collection of Marsabit County and in that way I think it will improve. A case where*........(inaudible)* look at what Sectoral Committees have collected, there was a time this monies were collected by Health Department at a tune of Kshs. 20 million when it was meant to be on source use, it went to Kshs 4 million, I think these are areas where the leakages that we need to seal to meet the targets that we put.

The other issue I want to raise is something that really disturbed me and even signing *........(inaudible)* as a Committee this document. There is a project from Illeret Ward that was implemented in my Ward, that today is causing a lot of havoc between Daasanach and Gabbra communities, a serious problem! I have raised this issue, and it has already cost us a lot because people are killing each other, what I want to raise here is that there is a name I don’t know that still is in Illeret Ward on page 27 of Burqa? I don’t know.......*(inaudible)* English word I don’t really understand! .......*(inaudible)* normally used by Gabbra and Boran communities, this time I can see it in Illeret Ward again, I am so worried because there is a project that has really caused us a problem. And it is good whenever we set up a project, this project are .......*(inaudible)* during handing over a lot of concerns need to be raised, so that it will not go the same way again.

On flagship projects, equitable sharing of these flagship projects for Sub Counties, in my case where I come from-North Horr Ward, health centres were few flagship projects that were initiated in 2014/2015, todate it is a white elephant! But it has not been considered in anyway, while new flagship projects are being established, I think it is time we consider finishing all flagship projects like North Horr Health centres.

We got independence in 1963 and todate there is no government hospital in the entire North Horr Ward. I think when you talk of flagship project, the County Government must consider doing it equitably so that all the Sub Counties benefit from these flagship projects.

Thank you.

***(Hon. Speaker interjects)***

I think I have appended my signature and I support the motion.

**Hon. James Korie Haile:** Thank you Mr. Speaker. I stand to highly welcome Bishop Cavallera Girls to this Assembly and let them feel at home. For clarification, for what the Honourable Member for North Horr said, he said there are some terms or languages which are not from Daasanach, I mean linguistically we are Eastern Cushitic, he should know that,

***(Applause)***

Secondly,.......*(inaudible)* it is a well and.......*(inaudible)* where the livestock take their water from you don’t need to worry about that and again for his information, I saw that the renovation of Darade wells is totally in my Ward and you should know that, but we are discussing the budget not... those things.

***(Hon. Tura stood from his place)***

**Hon. Tura Ruru Elema:** The point of information is that......you have to be clear in giving out information that if you live unchallenged it is an authentic debate! What is so serious is when somebody stands here......

***(Hon. Speaker interjects)***

......Hon. Korie saying Darade wells is in Illeret Ward when Darade is a polling station of North Horr Ward and a location with a Chief! That information is not correct he should be corrected because......

***(Hon. Speaker interjects)***

**Hon. James Korie Haile:** The one they call Darade, it is outside Darade you know..... we have the map and all this time we have been marginalized for a long time and they grabbed our land.

***(Laughter)***

He should know that, Daasanach population is going up and I don’t see that........

***(Hon. Halkano Konso stood from his place)***

**Hon. Halkano Konso Ali (Majority Leader):** This is issue is more of administrative, it is no need for one Member to argue against another on where one boundary is or passes, it is not an avenue where Turbi or Forole being mine. So, I humbly request you, with your ruling let the Members not discuss anything to do with administrative, thank you.

**Hon. James Korie Haile:** *......(inaudible)* from what we were discussing going into something else, it totally changed everything but for........

***(Hon. Speaker interjects)***

....I support the budget

**Hon. Daud Tamasot Arakhole:** I just wanted to clarify in what was just said, by Majority Leader, let us not just go out of the budget and go to boundary issues, because if we go into boundary issues we will not finish this budget! So, can we concentrate on the budget, and for projects in another Ward is an issue of another day and also should be considered.....*(inaudible)* not here! Thank you.

**Hon. Elema Diba Guyo:** Thank you Mr. Speaker Sir, I stand to support the motion, the report by the Budget Committee. Some two issues recurrently appear when we are making budget, such issues are issues to do with public participation where in every budget we emphasized the threshold of public participation. The trend is so worrying if you go through this budget, the costing of these projects and priorities originated from our Wards. It is really worrying whether public participation had been conducted or two- three people have sat somewhere and drawn some list! Why do I say this? I have two on-going Health projects; Balesa Dispensary which would have been opened but was affected by the Pending Bill and change in leadership because some contractors did not take up and complete their work!

Balesa Dispensary remains incomplete, Balesaru Dispensary which was started by CDF way before 2013, we are yet to open it! This too was affected by the Pending Bills!

This Community, Balesaru is a whole location, the community were engaged..... *(inaudible)* were conducted in our Wards, un fortunately I was not invited and accidentally I was in Nairobi with my child who was hospitalized, but then it beats logic how it escaped their mind to have left out Balesaru dispensary they have crying for year in-year out? How did Balesa location leave out the budgeting for Balesa Dispensary that is why we think the kind of public participation that we are doing does not meet our expectation. People going for water trough, where we have our traditional ways of using mud to water our livestock, while we are not accessing our health centre for a pain killer, where our health centre has no lighting systems! These are some of the challenges we see in our public participation.

More than *....(inaudble)* projects, costing the projects, somebody proposing, let’s say a classroom then you put Kshs.900,000! For Example in the last year’s budget, the challenge that I faced, the entire Ward budgeted for an ECD kitchen and a store, and do you know the costing? Kshs. 900,000-go to our budget!

I was being challenged, then we went to the department and *....(inaudible)* money could only do a kitchen!*....(inaudible)* where is our store? And I was asking them where is the money for the store? These are some of the things we relay need technical personnels *....(inaudible)* when we are doing costing for this projects.

When we are doing maternity, we are putting Kshs. 2million, what kind of maternity are we going to set up or build? These are some of the challenges which need to be addressed during public participation. Also when we engage the departments, our departments seem to lack priorities and I think while we have Department of Livestock, Agriculture and all the others is to have technical personnels, advisors in place and for them to have some vision and plans, and having plans means priorities, when you ask department about the priorities they have, my thinking is for example the Department of Water have an Extension officers in Dukana or North Horr Sub County and this person is closer to people and can tell water*....(inaudible)* in this budget and this person should be guiding the Department too in terms of priorities.

This is not happening! We are getting lost in our public participation, that is why if you go to the changes today they are quite a number! It is not like Members want to change or to overhaul the budget, but because we have gaps in our public participation that we are suppose to fix and this is appearing in every budget making we’ll be discussing this, I think it is high time we think about the road map for our public participation and the way we conduct our public participation.

One thing that is properly coming out, *....(inaudible)* Finance Committee*....(inaudible)* issue to do with *....(inaudible)* that we have created through the Acts of the County Assembly, Finances like Emergency Funds, Enterprise Funds, Social Protection Funds, I remember Social Protection Funds was not utilized in 2017/2018 and 2018/2019, we are creating provisions for such funds. And what is hindering the utilization of this fund, is just the name because the National Government have Social Protection Fund and the Auditor General asked for the name to be changed. Our people are losing services of such fund that was created through an Act of the County Assembly for the last two years and the fund is lying idle because of failure to amend the name!*....(inaudible)*. Then, for drought mitigation and Emergency Funds we are supposed to get periodic reports and this has not happened and we have always been asking! I think it is also the time for us to act, how long shall we act without asking questions and without getting reports?

And then we have Pro-poor, this is what I have always been saying and where is this Pro-poor going? The Administration of Governor Mohamud Ali is in power for two years and this is another budget we are giving. I thought Pro-poor budget of hundred or so million, should at least be now visible, and if really a formula is used, then a single toilet should also be...*....(inaudible)* in Dukana. I don’t know if it is appearing in other Wards, I don’t see!*....(inaudible)* And we are not getting reports, we really need some direction on this.

The issue of Pending Bills, I think when we were passing the last budget-2018/2019, as a House we agreed, one thing that destabilized us, the passing of the budget were the issues of Pending Bills. We discussed at length, I remember even the CEC Finance was invited here and there was commitment, that those Pending Bills, would be serviced by the next budget, which is this budget. The Governor in his opening speech also giving guarantee that these Pending Bills will be serviced by the coming budget and this are our electorates of Marsabit County and they are suffering because of change of regime and I think it is high time the County Assembly remains cognizant and show concern for these people*....(inaudible)* will follow us on Pending Bills. There were some considerations and what*....(inaudible)* but in the discussion they gave reasons that we are expecting some......I don’t know what is the name of the fund*....(inaudible)* there was promise that this would fix that reduction. We need to put ourselves in the shoes of these people who are victims of the Pending Bills. *....(inaudible)* there is another proposal creating another bureaucracy! There is a Committee set up by our County Government at the start*....(inaudible)* did some work and they have verified*....(inaudible)* done. Are we still going back to the drawing board and set up a Committee is what I am getting from the reports. If we go back to Hansard, the Department of Agriculture, Livestock and Fisheries, I would not be discussing this because I Chair that Committee, well I think we have made our point during the CFSP that this Department is better*....(inaudible)* why, because this Department is backbone of this County. This is the livelihood of our people, our production Department.

Many of our Members made reference to our revenue collection, 48% percent comes from crop production.*....(inaudible)* is coming from other areas and our livestock, but the kind of the budget that we give*....(inaudible)* is something to do with four hundred and something millions,*....(inaudible)* only grants from Donors will go to close to Kshs. 200 million and those ones have specific projects and*....(inaudible)* . For example Climate Smart Agriculture only covers six Wards in our County, we are not complaining why six Wards and I am not beneficiary we will not be complaining about that and they have specific roles. Other donors will come with their specific conditions. There is likelihood of many other Wards or other parts of this County missing out on this donor funds. And only the samples that we have, some donors like FAO give support to activities like vaccination. One thing that surprises me and that would still go to our public participation, *....(inaudible)* backbone, livelihood of our people, *....(inaudible)* it is not coming from people but the public participation. You cannot imagine our of 20 Wards, you go to our budget only like 4-5 Wards have a little budget for Agriculture, Livestock and Fisheries in their Wards. I remember the entire Moyale, Saku there is nothing, there is a bit of Kshs 7 or 8 million from North Horr and similar amount from Laisamis considering our population and what they rely on*....(inaudible)* creating market for this livestock through this budget could really translate to their life. Creating alternative livelihood for them, thinking of destocking our livestock because year in and out we will be facing drought cycles and the number of livestock that we are losing is unaccounted for what alternatives are we creating? We rather put measures to avoid losing these livestock.

Likewise creating incentives for our farmers to do some bit of farming! The few certified seedlings we give are never enough! Marsabit Mountain the very fertile land, people were not doing farming! Why- What kind of incentives are we providing? Maybe they were discouraged by drought, discouraged by rainfall patterns......

***(Hon. Speaker interjects)***

Thank you Mr .Speaker, that is enough and this is a challenge I am giving, consider Hurri Hills, very fertile nothing is happening! Think about giving them incentives and encouraging them to engage themselves in farming and I am certain we will produce food that will sustain this population. Moreso, buying relief food from other Counties. What will happen if we encourage our people to farm and buy from them and supply the same. I think we have opportunities and we have put to our Committee. This time we have complied with CFSP and we have not asked the Committee but going forward, being livestock, crop farmers we need to think and realign our budget towards our production systems.

Lastly, in my Ward budget there is a small error-a printing error where the Committee says 3.5m3 underground tank at Dambala Kurkura, is not 3.7mm.....

***(Hon. Speaker interjects)***

Thank you.

**Hon. Halkano Konso Ali (Majority Leader):** Thank You Mr. Speaker, I stand to support the budget. The budget is good, but for record purpose, I thank the 20 Ward Members who have put consideration on women, youths and persons living with disability. But at the same time, I don’t know if this House is setting bad precedence, this fund allocated to....*..(inaudible)* however, we wanted to use, I don’t know if it goes to the right*....(inaudible)* as per the youths requests or*....(inaudible)* it is going to benefit the youths. For us; the County Assembly of Marsabit, it is prudent to fast track and ensure that the Youth Enterprise Fund has to go through. But without having the law that guide and setting the rules and regulations, allocating a certain amount, by consulting your Legal Advisor and I want this things to catch your ears. I see this as a youth empowerment, even barber shop, welding and car wash machines. Are these funds treated as Recurrent or Development Expenditure. What is a guiding factor?

Do we have any law in place that can guide the utilization of this fund, does the law allow us to allocate? If not, without passing the Bill you are talking about in terms of Internship and Youth Enterprise Fund, where does it fall where is the regulation that governs the utilization of this fund? Barber shop, Car wash machines, welding machines, Mr. Speaker, I seek your indulgence and guidance on this, because to my understanding we are setting a very bad precedent allocating funds the way we want that does not have a guiding factor based on the rules and regulations of this House and the Constitution of Kenya. I supported the motion, thank you!

**Hon. Safia Wako Dulacha:** Thank you Mr. Speaker. First, I want to recognise the presence of our young girls from Cavallera, we really appreciate their visit and they are welcomed!

Secondly, I would like to support the motion and thank the Budget Committee, because they have considered women this time, I sincerely congratulate you! But my appeal goes to the Members representing the Wards. These projects allocated for women, normally goes to an individual or other people. These projects should not go to individual women but to women groups, because they need to be empowered. If you empowered women you know you have empowered the whole community.

***(Applause)***

For example there is a women group in Marsabit-in Shauri Yako,Hon. Wako is my witness, they have water project called Water Milele. Last year they sponsored ten children, they gave out ten cheques worth ten thousand shillings. If you give this project to them, I am sure after five years they will sponsor another fifty children! So, I appeal to our members to ensure that projects meant for women goes to women groups not top women individual, thank you.

**Hon. Asunta Galgidele:** Thank you Mr. Speaker, I would like to congratulate the Budget Committee for the good work they have done and I support the budget. But I have some concerns with the Health Department, there were some recommendations we gave out us a Committee. At our facilities we have many referrals and it is because of lack of ICU and the oxygen plants in our facilities. I think it is an area we need to look into because we are losing so many patients referred from here to Meru or Nairobi. Another thing is that in our budget, we have not allocate any money for the HIV programme and we know that we have many patients who are living with HIV/AIDs, youth, women and small children! If I may give you just an example......

***(Hon. Speaker interjects)***

....there are 18 HIV positive mothers who have been given birth to 18 children an placed on care and good enough only one child turned out to be positive, the 17 turned negative. Now my concern is the donors who are funding, doing viral testing, taking samples of those mothers to Nairobi are pulling out. Now all that burden brought back to the County government to see what they will do with that programme.

Another programme which is usually carried out by the donors are the outreach services, that is immunization of children and expectant mothers, the donor are also pulling out, they usually do the immunization services monthly in remote areas. And now if they are pulling out, we have also not allocated anything on that, what will our children and mothers do? Thank you and I support the motion.

**Hon. Stephen Sora Katelo:** Thank you Mr. Speaker, I want to contribute and make few comments but let me start by commending the Budget Committee, for the much they have tried to do the delicate balancing. Need are competing and many, resources are limited but between the two line they must come up with the budget I commend them for trying to do their best.

Secondly, I think this is a balanced budget in terms of the ratio of Recurrent to Development, we are well within that, other internal ratios like emoluments and salaries are all balanced as per the laws of this country.

Thirdly, whenever the executive present the budget proposals there should be a CEC report on how far they have implemented the previous recommendations by the House and this will help to fix some of the shortfalls. For example it was in this House that we said there were mushrooming of classrooms, ECD Classrooms, Dispensaries which are still featuring in this budget. An ECD classroom will not be operational without teaching and learning materials, without a teacher and increasing the ratio for feeding.

So, whenever a project is proposed, it has to be taken to scrutiny of what other costs it brings about. Second case of the same about dispensaries, I have three in my Ward, built during the previous regime that is not working! I think it is now being used by goats and other animals to rest in! We better strategize to operationalize what we had before putting up other new projects that has got other implications. I think in the budget most of the time we overlook, we just want to put up a classroom and ECD centre or a health facility, why? Even in the earlier contributions by Hon. Member for Dukana, the earlier ones have not been operationalised. I think if the report on recommendations on how far the other recommendations were implemented accompanying the budget it will guide this House, this will take us into having projects*,....(inaudible)* for some time we need to look at that.

Hon. Speaker, I support the budget because some of the critical areas have been considered, for example this County is facing imminent drought and if we don’t plan for it now, planning for it when the drought has *....(inaudible)* is going to be difficult, this Committee has allocated substantial amount to drought mitigation which hopefully will be utilized for the purpose it was intended and it is high time we think of mobilizing other partners so that we get prepared on time.

About funds that were earlier created on by Act of County Assembly of Marsabit, I think we need to go deeper into it as much as even monies have been allocated to it, non–operational funds can still receive zero even in the Supplementary and then that money*....(inaudible)* free for funds that are going to assist the departments or people of Marsabit County.

About the Pending Bills, I am happy the Committee managed to allocate substantial amount close to Kshs. 100 million and with possibility of increasing this in future, because those people whose monies have not been paid down the line for three years or so be paid, now will get to benefit from this budget.

Finally, I must register my happiness that in the last passing of the budget, I remember saying that we will be judged harshly if we don’t consider the youth, women and people living with disability, the Budget Committee has done some summary of how the different groups have benefited. Of great happiness to me is the youth internship programme that has received substantial support from the Ward level, we started with Kshs.3 million. Hon. Member for Illeret in the Supplementary added Kshs.3 million, today as I was doing some summary- but I have not completed close to sum of Kshs 35million have been allocated to the internship programme.

***(Applause)***

That programme has worked and has laid fruits in my Ward. The Hon. Governor for this County has just launched the Youth Policy the other day, launching Youth Policy without allocating resources to it is useless! And the youth pillars that are there are very many, I think whether there are grey areas, then this House can think of bringing up the laws and the Bills that can help us guide on how we can manage these funds without misuse. Guidance to how it is used is important but I can assure you. Today, if I make some calculations with Kshs. 3 million I covered 26, five times that now up to the time I calculated is, that could employ about 200 or so youths in the different Wards. The onus is also on us to come up with rules and regulations and Bills that becomes the Act of County Assembly to support this good process. As I have said, resources are limited but the Budget Committee has tried to balance within what we call two limits that are very*...(inaudible)* I stand to support the Budget. Thank you.

**Hon. Sadia Araru:** Ahsante Bwana Spika. Mimi nasimama kuunga mkono bajeti hii, ningependa kuwashukuru Wanakamati wa Bajeti kwa sababu wameangalia maslahi ya akina mama. Nikiangalia katika Wadi kuna tanki mengi zinanunuliwa ili kusaidia wakina mama kupata maji. Pia ninaona kuna chumba cha kizazi kinajengwa kila mahali na akina mama wataweza kupata kujifungua pahali popote, kwa hivyo hiyo inaweza kusaidia akina mama.

Pia akina mama wanaweza kupata mafunzo, kwa sababu ninaona ya kwamba kuna pesa wamewekewa katika bajeti hii. Hata kama ni hivyo, ninataka kusema ya kwamba jambo moja ambalo lilishika jicho langu jana na nikasema kuna watu ambao wanaishi na virusi vya Ukimwi ambao hawajapewa senti hata moja katika bajeti hii. Ingawa Mwenyeketi ameniahidi ya kwamba kuna pesa ambayo itakayoija na wataweza kuangalia hawa. Kama hatuwezi kuwaangalia hawa katika bajeti hii kubwa, hata shilingi tano kutoka idara hiyo hiyo, hawa watu watapata shida na kuna watoto pia wanaangaliwa an wanafaa kupata hata kama ni million tano katika bajeti hii ili waweze kupata pesa zingine ili baadaye*.....(inaudible)* tangu ugatuzi ije, wameambiwa kila kitu watapata katika Kaunti yao.

Kwa hivyo, kama wamekuwa *devolved* na wanafaa kuangaliwa katika bajeti hiyo, hakuna haja tunangojea pesa ambayo hatuna uhakika itaaja katika Kaunti hii.

Kwa hivyo, ningependa sana hawa watu..... unakumbuka ya kwamba mwaka iliyopita niliweza kuwatetea na wabunge walitusaidia kwa kutupatia pesa kutoka bajeti ya ambulensi na wakaweza kupata pesa ambayo inawasaidia watu hao, ahsante.

**Hon. Qabale Huqa:** Thank you Mr. Speaker, I support the report but I have few concerns; one on Drought Mitigation, I think the Committee allocated huge amount of money knowing that there is a possibility of no drought ahead of us. Now that we have allocated such huge amount of funds, I want to emphasize more how these funds will be used, because most of the time as local leaders we are complaining, how to balance these funds. Most of us we have our Wards, the community are waiting for us and when we do not use these funds properly and everybody knows that there must be......the funds is always scarce, but there must be a balance and all the representatives of the Wards should be aware of how these funds are used or even if they have*....(inaudible)* Most of us are not aware, sometimes we think it is food from national government. So, they must specify and alert us.......that they are taking this food to our Wards we must be aware! That is the 20 Wards must be consulted and we know how the food was balanced.

***(Applause)***

The other thing is public participation, when we are going round for public participation, I still feel that our people need civic education on public participation, most of the time the project they are giving us is underestimated or overestimated, which leads to substandard project! Because most are illiterate or contractors, whereby there interest is to repeat the same project, because projects done last year, they had to repeat because they have an interest in it. It is good we have experts from all the department, the engineers must be present and that very moment when the public participation is done, because that is why you see the MCAs or when you bring the budget that is why you see many arrangements and it seems it is not the priority of the people, there are people who will influence others*....(inaudible)* the illiterate people and bring their own project which is not priority to the people. So we need experts during public participation to ensure projects are estimated properly.

The other thing is in many departments, I think almost all, there is a poor or no service delivery. People are coming from all corners of the county and just hanging around just because of a process of payment. This is the cause for a huge pending bill. Sometimes we pass one project in one BQ; for example renovation of ECD and buying of plastic tanks or buying of equipments. When we do it jointly, the departments give the BQ of highest amount and leave the other one. The merchants run up and down for the other BQ asking us to intervene. We cannot just go round the departments. We have a lot of work to do.

***(Applause)***

It is not only the seniors. Even the junior staffs are harassing our people.

The relationship between Finance and the Departments is not good. For us the Budget Committee, the Department were bitterly complaining that the Finance people were not cooperating on both the development and the recurrent budgets. The Finance should work closely with the Departments for effective service delivery to the people. With that few remarks I support.

**Hon. Konchora Abduba:** Thank you Mr. Speaker. I acknowledge the presence of Cavallera Girls in the House as they join to witness our proceedings......

***(Hon. Beranado Bata Leakono stood from his place)***

**Hon. Beranado Bata Leakono:** Point of Order! Can I move a Motion that each Member be allowed only two minutes to contribute on this motion;

***(Question put and agreed to)***

**Hon. Konchora Abduba:** Thank you again Mr. Speaker. The one outstanding challenge we had with the CEC Finance is the quarterly report to the Assembly. When we asked the CEC Finance, he told us that he has brought all those documents to the County Assembly here. We have never been in possession of it. We don’t know whether he was lying or we were never issued by our office. Then the other issue which is serious is the wage bill. When we inquired the number of employees per Department, they are not able to give us one. Yet they are putting very high figure for salaries. They do not match this with the number of employees per Department. That is exactly what we want to know. Thirdly is about revenue collections. They told us in the month of May they managed to collect Kshs.120 million. I think then by the year, if actually they are serious enough, then they should have collected more than their target. There is negligence and lack of automation makes collection improper. There is a big leeway for people there to do their own things with the money they collect.

On the Ward Development Fund, I want to remind the elected leaders that they also represent People Living with Disability. Why then are people living with disabilities not captured any one time to benefit from the fund? This is total negligence especially on the part of elected Members of Our County Assembly. Let them know that the 55 million should also include people with disabilities and let them have a great plan for them too. Thank you very much.

**Hon. Beranado Bata Leakono:** Thank you Mr. Speaker for considering me to contribute. I also stand here to support the report of the Committee but I have some observation to make

One on the Pending Bills, I don’t what changed that the Committee allowed Kshs.150 Million to be paid without the list of the Pending Bills. Two, Marsabit County Emergency Fund Act 2014, states in Part a) that all miscellaneous accrues to the fund and the balance to the fund at the close of the year , shall be retained by the fund for the purpose for which it is established.

The County Executive Member for Finance shall notify the County Assembly, in writing within one month after payment is made out of the fund. This is the fourth budget we are passing and we are not getting how this Emergency Fund is utilised. I want Members to read this act and to be familiar with it because we cannot appropriate funds that cannot be accounted for. We must follow the laid laws of this House. Lastly, Honourable Safia commends that the budget is women-friendly because there are a lot of wards which are constructed. I want to urge mothers now to give birth and reduce their spacing from three years to one year so that we increase the population of Marsabit County. Thank you.

***(Laughter)***

**Hon. Hassan Wako Jarso:** Thank you Mr. Speaker. My first concern is projections in terms of budget allocations. Our last Financial Year all the Wards got Kshs.75 million and this time round we shall work within the circles of Kshs.55 million. We are Kshs.20 million below the previous budget and actually we have known the reason. I happened to watch some media news and I realized there are some tugs between the National Assembly and the senate. The National Assembly is proposing to approve Kshs.316 billion for Counties while the Senate are pushing for Kshs.327 billion leaving a gap of 11 billion between them. Once that standoff is solved then we shall have our rightful share.

Issue number three is the youth fund. Initially we did not have policy in place. In relation to the budget which is friendly to women particularly those in central was allocated Kshs.24 million for *miraa* stalls but taking into consideration what our mothers and sisters are going through it is prudent that the Budget Committee which slashed the budget to Kshs.14 million award as per initial plans.

I also want to share with the House that the purchase of fire extinguisher, which we factored in CIDP from the Department of the urban is also met. Thank you very much and I congratulate the good effort by the Budget Committee and the deliberations by the entire House.

**Hon. Buke Diba Yattani (Minority Leader):** Thank you Mr. Speaker. I think this budget addresses the needs of the youth. Women and People with Disability. But my major concern is with the Department of Trade and Enterprise Development. Jobs are scarce and one way of giving jobs to our youths is giving them loans to engage them in gainful businesses so that they earn their living. But it is quite surprising in Marsabit funds are allocated for a people who are not able to utilise the same fund. This defeats job creation, creation of wealth and reduction of poverty in this County. The Committee of Trade And Enterprise Development owes an answer to this House because why the concerned CEC did not utilise this fund, yet the House allocated this fund, yet there are people outside who need this fund.

Secondly, my concern is about Sacco sector. Sacco Societies contribute about 60 percent to the GDP of this Country. But in Marsabit I think it contributes nil. Yet we have a whole unit in the Department of Trade that is actually charged with this duty. Then time has come for us to allocate a small resource for civic education on pulling Saccos as a way of investment in future and a borrowing for today. Thank you.

**Hon. Speaker:** Honourable Members we now constitute ourselves to the Committee Of The Whole House to finish this business. Thank you.

**(Then)**

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[The Speaker (Hon. Loltome) left the Chair]*

*(Mace lowered down)*

IN THE COMMITTEE

*[The Deputy Speaker (Hon. John Killo Dawe) took the Chair]*

**Hon. Chairman:** Marsabit County Development and recurrent financial expenditure estimates 2019/20

Recurrent;

County Assembly: Kshs. 268,316,313

Finance: Kshs. 282, 045, 344

Agriculture, Livestock and Fisheries: Kshs. 199, 758,552

County Public Service Board: Kshs. 82, 555,000

Education, Skills Development Youth and Sport: Kshs. 289, 483,916

Health Services: Kshs. 1 276 514 381

Administration Coordination and ICT: Kshs. 300, 309, 767

Energy Lands and Urban Development: Kshs. 142, 597, 500/

Roads and Public Works: Kshs. 92, 971,169

Water, Environment and Natural Resources: Kshs. 134, 043, 975

Trade, Enterprise Development: Kshs. 80, 619, 796

Tourism, Culture and Social Services: Kshs. 98, 067, 500

Total Kshs. 4, 152, 151, 0055

***(Question put and agreed to)***

Development Summary;

County assembly: Kshs. 70 million.

County executive: Kshs. 430 million.

Finance And Economic Planning: Kshs.185 million.

Agriculture Livestock and Fisheries: Kshs. 462, 017, 321,

County Public Service Board - nil

Skill Development, Youths and Sports: Kshs 310, 248,228.

County Health Services: Kshs 746, 521, 144.

Administration, Coordination and ICT: Kshs. 6, 200, 000.

Energy, Lands and Urban Development: Kshs. 213, 750, 000.

Roads and Public Services: Kshs. 353,948, 001.

Water, Environment and Natural Resources: Kshs. 566, 303,596

Trade, Industry and Enterprise Development: Kshs. 72, 600, 000.

Tourism, Culture and Social Services: Kshs. 72, 400, 000.

Total development: Kshs. 3, 488,988,360.

***(Question put and agreed to)***

**Hon. Chairlady:** Honourable Speaker, I wish to report that the Committee of the Whole House has considered the Marsabit County Appropriation Bill, 2019 and approved the same with amendments.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. Allow me to move a Motion that the County Assembly does agree with Appropriation Bill, 2019 with amendments.

***(Question put and agreed to)***

**Hon. Daud Tamasot Arakhole:** Mr. Speaker, I move a Motion that the Bill be read a Third Time. An Act of the County Assembly of Marsabit to appropriate issuance of certain sums of the money out of the County Revenue Fund and their application towards the service of the year ending 30th June, 2020 and to appropriate those sums for a certain public services and for connected purposes.

I appreciate the Members for having considered and agreed with the report of the Finance and Appropriation Committee. I wish the Executive will honour these final recommendations. The Executives should use the technical people so that the projects are not overestimated or underestimated so that we shall not repeat these recommendations every now and then. Proper costing is paramount.

May I now move the motion that the Appropriation Bill, 2019 be amended by inserting a New Clause immediately after Clause Two to read as follows; the sum granted out of the County Revenue Fund includes the sum Kshs. 3, 820, 569,704 voted on account by the Marsabit county assembly on 27th June 2019, in accordance with article 222 of the Constitution of Kenya, thank you.

**Hon. Abdirahman Sheikh Bashir:** Mr. Speaker there is this issue of roads for our Wards. I want to know whether it has been attached to this list. Some Wards will miss if we are not very careful. If we are not we will lose our ward allocation which is stashed in roads.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. The annexure capture every Committee recommendation including roads.

**Hon. Hussein Abdi Wako:** Thank you Mr. Speaker. There is something I forgot when I was seconding the Motion. I think there is a circular on fund nomination for nominated members. There is also a letter from CAF with recommendation on House allowances. I wish to seek clarification on those two issues.

***(Applause)***

**Hon. Speaker:** One thing is very clear. Our sitting as a County Assembly has never been altered in any way by those new proposals on House Allowance and nominated Members’ facilitation. The ceiling is unaltered and the County Assembly will not miss a leeway to facilitate Members. With the allowances I got a letter from CAF yesterday and I was to attend a meeting tomorrow. That meeting among other things will discuss House allowances. Once that meeting affirms the allowances the money is going to be there.

***(Applause)***

As things stand today, even the Parliamentarians because of the court injunctions are not going to pay themselves. They sue the Speaker and Clerk as a person and the Parliamentary Service Commission. It is a bit tricky but I am sure CAF will address those issues in a meeting. If Parliamentarians will benefit CAF is of the opinion that there will be no discrimination.

***(Question put and agreed to)***

***(Clerk reads the long title)***

**Hon. Speaker:** The Marsabit County Appropriation Bill, 2019 is now considered passed by the Assembly.

***(Applause)***

Honourable Members thank you for staying up to wee hours of the night, but at least the budget is passed four days before the deadline.

The House adjourns until 5th of August 2019.

***The Assembly rose at 11:30pm***