**COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Thursday 9th May 2019**

The House Met at 2:30 P.M

*[(The Temporary Speaker)*

*Hon. (Mr. John Killo Dawe) in the Chair]*

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Honourable Members we have a communication on the state of Kala-zar in Marsabit County following a request by the County Assembly of Marsabit on 2nd May 2019. The reports are available in the Honourable Members files.

**STATEMENT**

STATEMENT ON STATUS OF EMPLOYMENT BY COUNTY GOVERNEMENT OF MARSABIT

***(Statement read by Hon. Asunta Galgitele on his behalf)***

**Hon. Asunta Galgitele:** Thank you Mr. Speaker, I would like to read this statement on behalf of Honourable Leado.

There is an increase in employment since in Marsabit County since the onset of Devolution. I would therefore like the County Secretary to furnish this House with the following information:-

* Number and names of employees since 2013 on contract per department
* Number and names of employees on permanent basis since 2013 in each department.
* Employment details of each employee, which includes: Gender; year of employment, position, job group, tribe/ethnicity and date of birth.

**Hon. Daniel Burcha:** Thank you Mr. Speaker. As I stand to support the Statement, I would like the CS (County Secretary) to be given an ultimatum of one week within which this House should get a report on this.

**Hon. Dibo Isacko Umuro:** I would also like to support this Statement but if I remember well, I think there is a similar Statement made by the Minority Leader and upon inquiry, it was reported that the response was handed to the Chair Administration Committee. Unfortunately as a Member of Administration Committee, I have not seen that report and it seems it has been overtaken by events.

It’s my prayer that should we get the response to this statement, I suggest that it be presented to the whole House.

**Hon. Konchora Abduba:** Mr. Speaker, as it has been said, the same kind of Statement has been on the floor for quite sometimes. Once a motion or Statement is debated here, a good communication should be done from the County Assembly to the Executive so that we get to share the keen issues and problems.

Since the inception of this Government we have not received adequate information concerning employment in our County. The response to this Statement is not only needed by the Assembly but also the public because employment is part of resource sharing. Devolution should come closer and it comes closer through service delivery and fair distribution to eradicate the poverty in the County.

We really need this response to be furnished to this House as urgently as possible. Thank you.

**Hon. Hussein Abdi Wako:** Mr. Speaker, it has become a habit for this House to always seek for response on issues and end up without one.

First, we need to know where the response to the previous request is because I remember very well that the same statement was raised twice, one by Honourable Chachole which never materialised and second by Minority leader which till no information is received.

Maybe there is something which we don’t know about this information that the House is seeking from the concerned people. If a member is deliberately hiding this information from the House, then I think this House should resolve what actions should be taken against such situations.

I perused the proposed supplementary budget and I saw several departments requesting increase of funds to cater for employment. If we assume everything is alright, the people we are representing will lose hope in us and we will be deemed as the most inefficient and useless representatives. I am sorry to use this word but we are not adhering to what we are supposed to do.

Mr. Speaker we are supposed to be serious and unless we wake up, this House will not be taken seriously. It’s high time for the House to redeem itself and start working. Thank you.

**Hon. Speaker:** Honourable Hussein is proposing that previous response be attended to before this. What happened to those responses? Administration Committee Chair... We want to know whether they have received the report or not.

**Hon. Daniel Burcha:** Mr. Speaker, it is clear that they have not received the report and even if it entails summoning the CEC and the Department concerned, so be it!

**Hon. Speaker:** This Statement is committed to the relevant Committee for the second time so that they follow up and table the report in one week. We need that report tabled once we get back from recess.

*(Two Honourable Members stood from their places)*

**Hon. Speaker:** Honourable Bashir...because he comes from far...!

**Hon. Abdirahman Sheikh Bashir:** Thank you Mr. Speaker. I think we should be serious as a House. Instead of lamenting here, it is good that we take action where necessary.

We are told that the same Statement has been raised twice before and this is the third same Statement which is being raised. From what we were told after investigations, the department has always been cooperating giving responses to the Statements. There are two of these scenarios then...either the recipient of the responses who are to hand over to the committees is not doing so or the Chairs of the committees are not bringing them to the members notice. We should know what steps we can take.

If it is the office of the clerk as a receiver of the response that is not handing over the response, we should know which steps we should be to taking. It is sad that Statements are raised and no responses...it show how these Members are!

I propose that there should be a tracker. Even the Chairs, you raise a Statement here and an ultimatum is given here. Whether the response is provided or not, there is no follow up. It lies with us as Members of this House.

We should have a way forward. For this Statement, I don’t see the need because it will not be fruitful. The other two responses must be brought to this table first and as a Speaker, you should take that and ensure that if it is the Chairs that are that is keeping it, you make a follow up so that by next Tuesday we get that communication.

That is what I am suggesting.

Thank you very much.

**Hon. Hassan Wako Jarso:** Thank you Mr. Speaker. May I express my views on the same Statement. Last week, when we went to Loiyangalani for the burial of our deceased brother, I listened keenly to the church sermon by the priest and learnt something. Number one is that when death occurs, there are three stages that the mourners usually go through.

There is lamentation, denial and eventually acceptance. I am sure I got the three phases right. One thing tends to be very sad. The sad thing about it is that this is a House that should not lament about the authority. The House has full authority to exercise its mandate, power and all the privileges. It is sad when a Honourable Member whether elected or nominated, who enjoys the full power and privileges of the House, stands on the floor and asks for a Statement and it then evaporates like water that has been poured on the sand.

Being politicians, politics has a defined period of five years. Normally, we have only three years to work for our people. The last two years are campaign periods. One and half years are already gone. We remain only with one and half years to execute our mandate and make sure that whatever we do is beneficial to the people we represent in this House.

There is a problem somewhere. It is either the Statements that we ask on the floor of this House are never treated with any seriousness or there is a gap somewhere that actually does not give these Statements the weight and value. I am of the opinion that since we were sworn in on 13th of September 2017 up to date, I want to demand for all the Statements that were sought on the floor of this House to be reproduced afresh by the Hansard Department.

***(Applause)***

Unless we take them one by one, this Statement was asked on a specific day at a specific time. Why was the reply not given up to date? Unless we go that way, our Statements will not be treated as deserved. I think if somebody somewhere is not ready to deliver on his mandate as required, we have many residents of Marsabit who are ready to deliver.

When we come back from the recess, we would like to have all the statements that were asked and reasons as to why they were not replied to. We have been lenient and soft enough. Our authority lack rubber stamp. It is high time that the Statements are produced afresh whether they have answers or not. Unless we align them on the floor of the House and see why adequate responses were not given out, it will be very difficult for us to deliberate successfully on the floor of this House.

This Statement is good because the Honourable Member actually sought that we have to be furnished with this information. When making your ruling, consider the period, urgency of the Statement and the authority, power and privileges of the Members of this House and why the Statements made do not meet the attention that they deserve.

Thank you.

**{Applause}**

**Hon. Speaker:** Thank you Honourable Hassan. I have already said that we have committed it to the Chair for Administration. One week is enough. I also request all the Chairs that if you have any report it is good that it is discussed by the Committee and tabled before the House. I am saying this because we need to have quarterly reports from all the Departments. We are not even getting that.

Honourable Kiya, you have anything to add on that?

**Hon. Kiya Jillo Chana:** Thank you Mr. Speaker. I support the Statement and apart from asking about gender, year of employment and their job group, still we would like to know about their qualifications and remunerations because 51% of the budget goes to paying salaries

We hear that the wage bill is huge and yet there are no salaries and the departments are requesting for supplementary budgets to pay the same. That means employment is going on day and night. Those two requests should be added to the statement.

Concerning Administration Committee, the two Statements that were asked did not reach the Committee Members. This is now the third time and as the Members have said, let the CEC concerned furnish the House with immediate effect.

Thank you.

**Hon.Speaker:** Thank you. I think we are through. The Clerk can add remuneration and qualification of the employees.

Next order?

**MOTION**

THE REPORT ON THE REVIEW OF THE 2019/2020 ANNUAL DEVELOPMENT PLAN (ADP)

**Hon. Speaker:**  Honourable Tamasot?

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. I would like to move a motion that this County Assembly adopts the report of the Finance, Budget and Appropriations Committee on the review of the 2019/2020 Annual Development Plan (ADP).

On behalf of Members of Budget and Appropriation Committee and pursuant to provisions of Standing Order 180 of the County Assembly of Marsabit, it is my pleasure and duty to present to the County Assembly the review report of the County Annual Development Plan. The Committee Members are listed down.

The Committee of Budget and Appropriations Committee is established under Standing Order 187 of the County Assembly of Marsabit and has the following mandate;

Investigate, inquire into the report on all matters related to coordination, control and monitoring of the County Budget;

Discuss and review the estimates and make recommendations to the County Assembly;

Examine the County Budget Policy statement presented to the County Assembly

Examine Bills related to the County Budget including appropriations Bill;

Evaluate tax statements, economic and budgetary policies and program with direct budget policy outline.

The Committee held four sittings to scrutinize and interrogate 2019-2020 Annual Development Plan placed before the County Assembly on Tuesday 2nd October 2019. On behalf of the Finance, Budget and Appropriations Committee, I wish to extend our gratuity of invaluable support accorded to the Committee by the Office of the Speaker and the Clerk of the County Assembly towards ensuring that the Committee mandate is achieved.

Further, I wish to thank the Members of the Committee for their commitment and participation during this whole process. Finally, it is my pleasure on behalf of the Finance, Budget and Appropriations Committee to present this report to the County Assembly for debate and adoption pursuant to Standing Order 180 of the County Assembly of Marsabit.

The PFM Act 2012 provides the basis for which the County Budget making process shall be carried out. In this context, the Constitution of Kenya 2010 Article 220(2) provides that the National legislation shall prescribe;

The structure of the Development Plan and the Budget for Counties when the plans and budgets of the Counties shall be tabled in the County Assemblies and the forms and the matter consultation between the National and County Government in the process of preparing plans and budget. In addition to the County Government Act, 8(e), provides that the County Assembly shall approve the County Development Plan.

The Public Finance Management Act 126(1) provides that every County Government shall prepare a development plan in accordance with article 220(2) of the constitution which includes;

strategic priorities for the medium term that reflects the County Government priorities and plan;

A description of how the County Government is responding to changes in finance and economic environment;

Programs to be delivered with details of each program or; the strategic priorities to which the program will contribute, the services or goods to be provided, measurable indicators of performance where visible, the budget allocated to the program, payment to be made on behalf of the County Government including details of any grant, benefit and subsidies that are to be paid, description of the significant capital development, a detailed description of the proposals with respect to the development of the physical intellectual, human and other resources of the County, including measurable indicators where those are feasible, a summary budget in the format required by regulations; and such other matters as may be required by the Constitution or this Act.

Mr. Speaker, Section 126(2) of the Public Finance Management Act provides that the County Executive Committee Member responsible for Finance and Planning shall prepare the development plan in accordance with the format prescribed by regulations.

Mr. Speaker, Section 126(3) of the PFM Act, 2012, provides that the County Government Executive Committee Member responsible for planning shall not later than the 1st September in each year, submit the development plan to the County Assembly for its approval.

However, the 2019/20 ADP was submitted to the County Assembly on 28th September, 2018 in contravention of the provision of the PFM Act, 2012 above.

Mr. Speaker, the County Assembly is an institution entrusted with the responsibility to make legislations for the County Government in accordance with Article 185 of the Constitution. Whereas the Constitution provides for consultations and cooperation between the two arms of government in its day to day operations, there is need to respect the constitution and other legialtions.

Mr. Speaker, additionally Section 129(5) of the PFM Act, 2012 states that; ‘’the CEC-Finance shall ensure that the Budge process is cons ducted in a manner and within a timeframe sufficient to permit the participants in the process to meet the requirements of the constitution and this Act’’.

The submission of the ADP to the County Assembly in October has disadvantaged the County Assembly y denying it to have sufficient time as provided in law to interrogate the documents.

ADP linkage to CIDP and other plans;

Mr. Speaker, Section 108 of the County Government Act requires the County Government to prepare five-year County Development Plan to set mechanisms for preparation of the ADP in accordance with Section 126 of the Public Finance Management Act (PFM), 2012.

The ADP is one-year medium term plan which will implement the programmes identified under the Second CIDP 2018-2022.It also contains specific programmes identified in each sector.

The Committee has observed that the ADP has adhered itself to programmes identified in the CIDP in accordance with the requirement of necessary legislations.

However, ADP 2019/2020 contains some new projects that are not in the CIDP 2018-2022.

Marsabit County will get an equitable share of Kshs.6, 634,000,000, conditional grants and other loans of Kshs. 873,980.952 from National Government and Development partners and target to collect internal county own revenue of Kshs. 150,000,000 to fund its budget totalling to Kshs.7, 657,980,952.

Summary of County Revenues in 2018/2019-2019/2020 as shown by the table below;

|  |  |  |
| --- | --- | --- |
| **Total Revenue** |  | **CFSP 2018** |
| **FY 2018/2019 Approved Budget** | **Estimates for FY 2019/2020** |
| Equitable Share from National Government | 7,0002,200,000 | 6,634,000,000 |
| Fuel Levy | 184,361,828 | 192,258,938 |
| User foregone Fees | 6,643,714 | 6,643,714 |
| Conditional Grants and other loans and grants | 487,333,372 | 675,078,300 |
| Local Revenue | 140,000,000 | 150,000,000 |
| **Total Revenue** | **7,820,538,914** | **7,657,980,952** |
| **Total Recurrent Expenditure** | **4,062,538,914** | **4,294,902,651** |
| **Total Development Expenditure** | **3,758,000,000** | **3,363,078,300** |
| **TOTAL** | **7,820,538,914** | **7,657,980,952** |

The historical trends in the total revenue, does not support the projects Target by the County Government. These subsequently missed targets, has resulted into many unaccomplished projects.

This therefore, calls for setting of projection of projects targeted to forestall many unaccomplished projects.

The Annual Development Plan Budget, 2019/2020 Development Plan Budget Summary per Sector.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **S/No.** | **Name of Sector** | **ADP Budget** | **CFSP Ceiling** | **Expected Deficit** |
| 1 | Agriculture, Livestock and Fisheries | 360,000,000 | 455,217,321 | 95,217,321 |
| 2 | Water, Environment and Natural Resources | 914,000,000 | 492,048,000 | (421,952,000) |
| 3 | Health Services | 1,324,600,000 | 746,311,144 | (578,288,856) |
| 4 | Energy, Lands and Urban Development | 447,700,000 | 214,024,000 | (233,676,000) |
| 5 | Trade, Industrialization and enterprise development | 205,550,000 | 116,900,000 | (88,650,000) |
| 6 | Education, Skill Development, Youth and Sports | 283,000,000 | 247,886,298 | (35,113,702) |
| 7 | Finance and Economic Planning | 120,000,000 | 251,841,537 | 131,841,537 |
| 8 | Public Administration, Coordination of County Affairs and ICT | 255,500,000 | 6,560,000 | (248,940,000) |
| 9 | County Public Service Board | 131,000,000 | - | (131,000,000) |
| 10 | County Assembly | 312,000,000 | 70,000,000 | (242,000,000) |
| 11 | Tourism, Culture and Social Services | 135,500,000 | 61,542,000 | (73,958,000) |
| 12 | Road, Transport, Public Works and Housing | 841,500,000 | 370,748,000 | (470,752,000) |
| 13 | Office of the Governor | 450,000,000 | 330,000,000 | (120,000,00) |
|  | **Total** | **5,780,350,000** | **3,363,078,300** | **(2,417,271,700)** |

The ADP presented to the County Assembly is a continuation of wish dreams as contained in the County Integrated Development Plan, 2018-2022.

The Table 2 above shows that the 2019/2020 ADP requires over Kshs.5.7B to be implemented in the 2019/2020 financial year. This is against county available development resource of Kshs.3.36B resulting into a deficit of over Kshs.2.4B.

The essence of preparing these documents in the budget process is to manage the expectations of the public, link planning to budget and tie resources to programmes as emphasized in the Medium Term Expenditure Framework (M-TEF) and programme Based Budgeting (PBB).

This underscores the need for the ADP to contain realistic programme that can be implemented within the financial year to give it life.

The Committee Recommendations;

In view of the above observations, the Committee makes the following recommendations on 20219/2020 development plan.

1. The County Executive respects the legal timelines in submission of ADP to give the County Assembly sufficient time as provided in Section 129(5) of the PFM Act, 2012 to interrogate the document adequately.
2. That, the Sector Working Groups (SWG’s) to always engage with the Sectoral Committees in order to ensure that the plan is done within the set timeline.
3. That, the County Prepares a realistic plan that can be accomplished taking into account the available resources.
4. That, the ADP 2019/2020 must be an extract of CIDP 2018-2022 and all projects in the ADP be derived from the CIDP 2019-2022.
5. That, the County Assembly approves the Annual Development Plan 2019/2020 pursuant to the provisions of Section 126(3) of the Public Finance Management Act, 2012.

Mr. Speaker, I congratulate my Committee Members who tirelessly who*.....(inaudible)* series of meetings.....you remember there is this first document we received and we rejected and returned to the department, because there were a lot of mess. Even if they have brought us another one the mistakes*.....(inaudible)* those different figures I read to you. So, let us not lose hope and pressurise them, so that they will adapt the procedures which are required in law to bring ADP on time and work within what they have, thank you.

***(Seconded by Hon. Konchora Abduba)***

**Hon. Konchora Abduba:** Thank you Hon. Speaker. As the Hon. Chair has been reading those are processes we have gone through with a lot of challenges especially with the Department concerned*.....(inaudible)*

One key thing that we need to know as Member of the County Assembly especially about the Ward projects is what the Hon. Members should be scrutinizing so that those projects are captured and you can also do a check-up with the ADP plan if the projects if at all*.....(inaudible)* in the CIDP.

Thank you.

**Hon. Abdirahman Sheikh Bashir:** Thank you Mr. Speaker. I support the report as I participated in writing of the report and analysing document. These budgetary documents are very essential and it is the heartbeat of this County or any government organ, because this one deals with financial resources...

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

***(Question proposed)***

Thank you Mr. Speaker, as it was read through by our Chair, he has touched on most of the things and we have analysed the Annual Development Plan (ADP), this is a document which should be directly extracted from the CIDP and submission of the documents was too late and it had already been mentioned in the Committee’s recommendations and it is not only this particular document about but we always have a problem with the Finance Department in presentation of documents. They always delay and bring the last minute so that we don’t have the time to go through.

It becomes very difficult most of the time, therefore, we are suppose to be emphasizing seriously on timely*.....(inaudible)* of documents timely to this House. *.....(inaudible)* not only for this department but all the departments.

As the Chair has mentioned, the first time they brought this documents it was amounting to Kshs.11 billion.

Yet for both recurrent and development, this county is receiving Kshs. 7.6 billion inclusive of the donor grants and the revenue they collect which is estimated at 150 million out which they are not even collecting half. We returned the documents to them to correct the abnormalities and return it to the house. They brought it back with an annual development amounting to Kshs. 5.6 billion. Yet this County merely receives about Kshs.3.6 billion for development. We discovered still this document has a deficit of Kshs. 2.7 billion and we don’t know where they will get it from. This is a wish dream. This document should link the planning to the budget.

When we went to the Wards for ADP we also looked at the departmental priorities. The residents are not informed of the departmental priorities happening in their area. But we did as members of the county assembly. In some wards we discovered that half of what was in ADP was not captured in CIDP. It is upon the Honourable Members here to go through the documents for the Ward priority and see that it is connected to the CIDP. They may just for the sake something which are not essential. Peruse and see if changes can be done to the budget estimates. CFSP is where we are getting the ceilings from for every department.

I ask the House to go through all these documents and support as it is. Thank you.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. I want to thank Members for agreeing to the Committee reports. Let me also remind the Honourable Members of the estimate budget which is brought to the County Assembly and beg the Members to have the copy of the estimates and scrutinize. Members should also keep safe custody to their documents. Thank you Mr. Speaker and I beg the adoption of the report.

***(Question proposed)***

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

**MOTION**

**ADJOURNEMENT**

**Hon. Stephen Sora Katelo:** Thank you Mr. Speaker. I beg to move a motion of adjournment that this House do now adjourn until 21st of May 2019, 2.30 pm. Quite a number of MCAs are Muslims who are fasting and they need to interact with their electorates for feedbacks on such things as Annual Development Plan and also to allow the Members to attend to crucial meetings of the chamber. I now move the motion to adjourn.

***(Question proposed)***

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

***The Assembly rose at 5. 00pm***