

COUNTY ASSEMBLY

HANSARD REPORT

Tuesday, 25<sup>th</sup> April 2023

The House met at 2.30PM

*[The Speaker,  
(Hon. (Mr.) Edin Wario) in the Chair]*

PRAYERS

*(Quorum bell is rung)  
(Hon. Members walking into the Chamber)*

COMMUNICATION FROM THE CHAIR

WELCOMING REMARKS

**Hon. Speaker:** Honorable Members, it is my pleasure to welcome you all back from the recess. We have officially resumed our Second Session of third County Assembly today Tuesday 25<sup>th</sup> April 2023 in line with our Calendar and Standing Order 24(3). As we gather here today, I am filled with a sense of excitement and anticipation for the great work that lies ahead of us.

Honorable Members, during our break, I trust that each one of us take time to rejuvenate and recharge and I am confident that we can resume our mandate all energized physically, mentally and spiritually.

Our Christian and Muslim brothers will have taken time during this Holy Month of Ramadan to nourish their spirits. May Allah bless you all.

As we resume our session, I encourage you all to work together in the spirit of cooperation, mutual respect and humility. We may have different perspectives and opinions on certain issues, but let us always remember we are all here for the same purpose of representing our local constituents and make our County a better place.

Honorable members, you are aware that a number of peace initiatives have been carried among different wards and spearheaded by members of the County Assembly. We have received a number of insecurity reports. I urge the members to continue being peace ambassadors. I look forward to the discussions and debate that lie ahead of us and I am confident that we will emerge strong and united more than ever before.

Honorable Members, once again welcome back and let us continue to work towards the betterment of our County.

Honorable Members, there are quite a number of Communication that I will make to the House today. This includes what transpired while we were on recess and various actions that await us. They include:

**TRAINING AT SAROVA SHABA**

On 24<sup>th</sup> March 2023, we had Training on County Spatial Plan, Physical Development Plan at Sharova Shaba in Isiolo. I am sure by now, we are familiar with the legal frame work and mandate as representatives of the constituents in our ward.

**VISIT FROM THE SENATE**

Honorable Members, on 3<sup>rd</sup> March 2023, we received a team from the Senate. The purpose of the visit was to consider some of our sittings of the Senate in our Chamber pursuant to Article 126 of the Constitution of Kenya, 2010. This is intended to implement the Bunge Mashinani initiatives. They are quite impressed with how much progress we have made and are looking forward to make another visit very soon.

**INTRODUCTION OF BILLS**

Honorable Members, as you all recall, we attended workshop on 3<sup>rd</sup> April in Nanyuki where we were training on law making process in County Assemblies and re-introduction of Bills that lapsed at the second term of the Assembly. A number of such Bills we discussed and we sought to re-introduce them in the third Assembly. They are as follows:

1. Marsabit County Co-operative societies Bill-returned to the relevant department
2. Marsabit County Civic education and public participation Bill, 2021-committee to undertake pre-publication scrutiny.
3. Marsabit County Ward development Fund, 2022-committee to undertake pre-publication scrutiny.
4. Marsabit County Disaster Risk Management Fund Bill, 2021-committee to undertake pre-publication scrutiny.
5. Marsabit County Livestock trade and Markets Bill, 2019-committee to undertake pre-publication scrutiny.
6. Marsabit County Village Unit Bill 2018-to be returned to the relevant department.

Honorable Members, the above listed Bills are set for re-introduction a fresh in the third County Assembly pursuant to the Standing Order 134 (4), I therefore urge the relevant committee chairpersons to prepare as per the Standing Order No 111.

## UPDATE ON CHIEF OFFICERS MATTER

Honorable Members, as you are aware, I made a communication on 26<sup>th</sup> January 2023 on the letter from the Governor listing the Nominees for the positions of Chief Officers for the purpose of vetting.

However, the process was faced by two Court cases. They are:-

1. Petition No. 2A of 2023: Lufle Gambare versus Hon Mohammad Ali, Governor of Marsabit County and three others.

This matter was heard at Marsabit High Court. A plenary (9:59) ..... was raised by the respondent's counsel. The matter was ruled on 17<sup>th</sup> March 2023. The Court held that it had no jurisdiction to deal with the issue and that the Court with the right jurisdiction is the Employment and Labor relations Court. The Court also vacated the interim orders issued on 31<sup>st</sup> January 2023.

Honorable members, the petitioners filed a fresh application at the Employment and labor relations Court on 21<sup>st</sup> March 2023 at Meru, case No E00/7/2023. There are no orders given to stop the vetting process or proceedings.

Honourable members, the Meru High Court Petition number ELRC number E001 of 2023, Alio Abudo.....and fifteen others vs County Government of Marsabit and twenty-three others. Honourable Members, the matter was scheduled for judgment on thirteenth April. The Court dismissed the matter with cost on parties and vacated the previous orders given.

*(The Speaker read the letter)*

Honourable Members, all the orders with regards to the vetting of Chief Officers have been vacated. I now commit the names of the nominees to the relevant sectoral committees pursuant to section 7 of the Public Appointments Act, the County Assembly Approval Act as read together with Standing Order 42(1).

Honourable Members, as you are aware, H.E the Governor had sought the approval of the County Assembly in the appointment of the nominees to the said positions. Further, Standing Order 42(1) confers upon receipt of the notification of nomination of appointment into an office as is under the constitution or under any other legislation required to be approved by the County Assembly, the nomination shall stand committed by the relevant sectoral committee; therefore, the name of the nominees stand committed to the relevant committees.

Administration, Coordination and ICT;

1. Mr. Roba Koto.
2. Mr. Mohamed Tache.
3. Mr. Tache Elema.

Agriculture, Livestock and Fisheries;

1. Ms. Orge Guyo Baji.
2. Dr. Arero Halkano.
3. Ms. Kula Phabbi.

Budget and Appropriation and Finance and Economic Planning;

1. Mr. Boru Duba Dulacha.
2. Mr. Ahmed Intallo Yusuf.
3. Mr. Wolde Weisa.

Education, Skills Development, Youth and Sports;

1. Ms. Qabale Adhi Bulbul.
2. Mr. Adan Ali Osman.
3. Ms. Guyatu Wakala.

Culture, Gender and Social Services;

1. Ms. Samuela Lolokuru.

Health Services;

1. Dr. Alamin Adan.
2. Mr. Omar Boko Mohamed.

Water, Environment and Natural Resources;

1. Mr. Roba Galma Halakhe.
2. Mr. Abdullahi Sheikh Ismail.
3. Ms. Pauline Marleni.

Tourism, Trade and Industry;

1. Mr. Guyo Ali Adano.
2. Mr. Mahad Mohamed Dida.

Lands, Energy and Urban Development;

1. Mr. Galm Guyo Rogicha.
2. Mr. Kazali Abdirizaq Bulle.

Transport, Roads, Housing and Public Works;

1. Dr. Rikoi Hitler.
2. Ms. Anamaria Qalla Denge.

Honourable Members, Section 7 (2) of the Public Appointments Act, County Assembly Approval Act requires the County Assembly to consider such nominations within fourteen days from the date of committal of notification to the committee.

*(The Speaker read the timelines of the vetting)*

We have read the letter from the Governor. It is here.

*(The Clerk tables the letter)*

Communication update on the Minority Leader, Honourable Members, we have received a court order dated 21<sup>st</sup> February, 2023 which expunged Hon. Halkano Konso from the position of Minority Leader pending hearing and determination of the previous court order. We complied and in 19<sup>th</sup> March 2023, we received a letter from UDA Party Secretary General.

*(The Speaker read the letter and UDA Party minutes)*

*(Hon. Halkano Konso interjects)*

**Hon. Halkano Konso Ali:** I object Mr. Speaker. You are giving misleading information

**Hon. Speaker:** Order! I....

**Hon. Halkano Konso Ali:** Kindly expunge my name from that list. The matter is still pending in Court.

**Hon. Speaker:** Order Honourable Halkano! Let me finish my communication.

**Hon. Halkano Konso Ali:** Then expunge my name...

**Hon. Speaker:** Order Hon. Halkano. I am on the floor.

Honourable Members, we are bound by the principle of *subjudice* which prevents us from taking any action with regards to this matter. There is an active case in court and the orders remain pending determination of the matter.

My closing remarks Hon. Members, we have enough in our in-tray and I therefore, urge all the Members to execute our mandate diligently. The Committee Chairpersons should take charge of the issues that were committed to respective Committees pursuant to Standing Order 195. Welcome Hon. Members, thank you so much! Next Order!

PAPERS LAID

THE REPORT OF THE BUDGET COMMITTEE ON THE MARSABIT COUNTY FINANCE BILL 2022 BY HON. DAUD TAMASOT, CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE.

**Hon. Daud Tamasot Arakhole:** Thank you, Mr. Speaker. My microphone today is short. My Speaker, I lay the report of the Budget Committee on the Marsabit County Finance Bill, 2022, A Bill for an act of County Assembly of Marsabit to provide for the imposition or variation of various taxes, fees, charges, licenses, rents or rates for services pursuant to Article 209 and 210 of the Constitution and for connected purposes.

Mr. Speaker, I beg for a Member of this Committee to...

*(Hon. Leakono interjects)*

**Hon. Bernard Leakono (Majority Leader):** Mr. Speaker I think the Chair is just supposed to lay the paper...

**Hon. Daud Tamasot Arakhole:** I have laid the paper and the Members have their copy.

**Hon. Speaker:** Next order!

MOTION AND BILLS.

*Second Reading*

THE MARSABIT COUNTY FINANCES BILL, 2022 BY HON. DAUD TAMASOT, CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. I now read that the Marsabit County Finance Bill 2022 be now read a Second Time.

*(Motion seconded)*

*(Question proposed)*

Thank you, Mr. Speaker. Having had the seconder, it is now my pleasure to take the members through the report of the budget Committee. We have prepared the report in time and I hope each and every member had a copy three or four hours before the session.

The County Assembly of Marsabit, Third Session: The Report of the Finance Budget and Appropriation Committee on Marsabit County Finance Bill 2022. We go to the second page.

The decision-making around Government revenues and expenditures has historically been shrouded in mystery and secrecy. In the past, revenue collection has been a preserve of Government treasury, Central Bank officials, the tax administrators and few

selected technocrats. The Legislature's interface with public finances was by and large restricted.

Our Constitution makes citizen participation an integral part of Kenya's governance system. Participation of the people is recognized in *Article 10 of the Constitution of Kenya* as one of our national values and principles of governance. Further, *Article 174(c)* provides that the object of devolution is to: "*enhance the participation of people in the exercise of the powers of the State and in making-decisions affecting them.*" The centrality of public participation cannot therefore be over-emphasized.

In recent years, interest and action with regard to public participation and accountability in fiscal decision-making has increased. This surge in public participation globally can be attributed to some of the following major factors.

First, the proliferation of good governance norms and standards that emphasize greater transparency, participation and accountability in all Government matters.

Second, the contemporary world has witnessed numerous transitions from closed, authoritarian political regimes to ones characterized by political contestation, separation of powers and party competition among other factors.

Third, the introduction of modern public finance management systems and best practice around the world has reinvigorated the desire for public participation.

In addition, greater decentralization and devolution of power to raise, allocate and spend public resources has immensely contributed to fiscal transparency.

Other factors include the growth in number and operational capacity of independent civil society organizations; and the dramatic growth, spread and use of information and communication technologies around the world.

The Committee wishes to value the time and extensive effort made by all parties and stakeholders who volunteered information before it included members of the public who attended the public participation forums at the various wards.

In particular and with humility, I wish to express gratitude to the Members of this Honourable Committee who expressed utmost commitment and dedication in processing this Bill.

Further, the Committee thanks the offices of the Speaker and the Clerk of the County Assembly for facilitating all actions that led to the production of this report.

We profoundly appreciate the technical and professional input by the Secretariat and for meticulously guiding the committee on all aspects of this Bill.

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It is now my humble pleasure, on behalf of the committee, to present this report to this Honourable House for debate and adoption. Mr. Speaker Sir, we go to introduction on page four. The Constitution has placed significant responsibilities on legislatures over the management of public resources.

Legislatures have in particular received enhanced responsibility in regard to resource mobilization, allocation, monitoring and control. This is specifically anchored in *Chapter 12 of the Constitution of Kenya, 2010* and *the Public Finance Management Act, 2012*.

*Article 196 of the Constitution* provides that the County Assembly should facilitate public participation and its involvement in its committees, the legislative and other business of the Assembly.

*Article 209 (4) of the Constitution of Kenya, 2010* confers powers on the County Governments to impose property taxes, charges and imposition of other charges for services the county provides. To facilitate these local collections therefore, it is necessary to have in place the requisite County Legislation and other necessary tools duly approved by the Assembly as provided under *Section 133 of the Public Finance Management Act, 2012*.

Pending the approval of this Bill, Marsabit County's tax regime is based on the Marsabit County Finance Act, 2021. The Marsabit County Finance Bill 2022 was brought in with a view of prescribing taxes, rates and levies for purposes of raising revenue for the County Government of Marsabit in the financial year 2022/2023.

The Marsabit County Finance Bill, 2022 was received as a Legislative Proposal from the County Executive Committee Member in charge of Finance on 24<sup>th</sup> November, 2022. Thereafter, the bill was committed to the Sectoral Committee on County Finance and Economic Planning for review.

Page 5,

The Sectoral Committee on County Finance and Economic Planning is established under *Standing Order No. 195 of the County Assembly of Marsabit*:

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the program and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;

- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Vetting and appointments); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Mr. Speaker Sir, The Committee as currently constituted comprises of the following members: -

1. Hon. Daud Tamasot -Chairperson
2. Hon. Halkano Sora Rare -Vice Chairperson
3. Hon. Buke Diba -Member
4. Hon. Edin Adi -Member
5. Hon. Mohamed Issack -Member
6. Hon. Daniel Emojo -Member
7. Hon. Hadija Kontoma -Member
8. Hon. Miriam Chawle -Member
9. Hon. Diram Hussein -Member

Mr. Speaker Sir, Section 132 of the Public Finance Management Act, states as follows:

*132. (1) each financial year, the County Executive member for finance shall, with the approval of the County Executive Committee, make a pronouncement of the revenue raising measures for the county government.*

*(2) The County Executive Committee member for finance shall, on the same date that the revenue raising measures are pronounced, submit to the county assembly the County Finance Bill, setting out the revenue raising measures for the county government, together with a policy statement expounding on those measures.*

*(3) Any recommendations made by the relevant committee or adopted by the county assembly on revenue matters shall –*

- a) ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation of Revenue Act;*
- b) take into account the principles of equity, certainty and ease of collection;*
- c) consider the impact of the proposed changes on the composition of tax revenue with reference to direct and indirect taxes;*
- d) consider domestic, regional and international tax trends;*
- e) consider the impact on development, investment, employment and economic growth; and*
- f) take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.*

*(4) The recommendation of the County Executive Committee member for finance shall be included in a report and tabled in the county assembly.*

Mr. Speaker Sir,

Public Finance Management Act 2012 Section 133 state that:

*“Not later than ninety days after passing the Appropriation Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments.*

Mr. Speaker,

The proposed Marsabit County Finance Bill, 2022 was received by the Assembly on 24<sup>th</sup> November, 2022. This is almost 5 months later than the stipulated period which is in contravention to the above set legal timelines.

The Committee has made enormous efforts to make it possible for the Bill to be considered for public participation before the report is tabled to the House.

Mr. Speaker, the Committee in implementing the Constitutional requirements of *Article 174(c)*, which provides that one object of devolution is; *“to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them”* undertook public participation in the Seven (7) wards. This responsibility is assigned to the County Government to ensure,

facilitate and build capacity of the public to participate in the governance to the county government through function 14 (*Schedule 4 Part 2*).

Consideration of the Marsabit county finance bill 2022; Mr. Speaker Sir,  
In reviewing this Bill, the Committee held a number of sittings. During this period, the Committee took some time to review the implementation of the previous Finance Acts in order to effect informed improvements to the proposed Marsabit County Finance Bill 2022.

The committee noted that the Implementation of the current and previous Marsabit County Finance Act has been hindered by a myriad of challenges including prolonged drought, shifting of livestock market to Ethiopian side, and collusion between revenue collectors and traders to evade payments. The County government has therefore lost millions of shillings in uncollected and stolen revenue.

Public participation; Mr. Speaker Sir,

Pursuant to *Section 115(1) (a) (b) of the County Governments Act* and *Articles 196 (1) (a) (b) and 201(a) of the Constitution of Kenya 2010*, public participation in the County Planning process is mandatory and must be facilitated. The County Assembly must conduct its business in an open manner and hold its sittings and those of its committees in public and portray accountability in all financial matters.

Mr. Speaker Sir, Order 121 (3) of our County Assembly Standing Orders states:

*The Sectoral Committee to which a Bill is committed shall facilitate public Participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly.*

Mr. Speaker Sir, The Committee came up with a public participation schedule to collect the views of the members of public in respect of the Bill from the seven (7) Wards of Marsabit County.

The Committee took adequate steps to ensure that the public participation forums are advertised (annexure 1) and publicized in both the print and sound media to enable the public turn up for the forums.

Below is a schedule of venues where the exercise was conducted. A compiled report from the eight Wards is annexed (annexure 2) together with the lists of attendance (Annexure 3).

DATE	SUB-COUNTY	WARD	VENUE
20/02/2023	MOYALE	URAN	WALDA COMMUNITY HALL
21/02/2023		BUTIYE	BUTIYE COMMUNITY HALL
22/02/2023		GOLBO	FUNAN NYATTA COMMUNITY HALL
23/02/2023		OBBU	SOLOLO MAKUTANO COMMUNITY HALL
24/02/2023	SAKU	MARSABIT CENTRAL	CATHOLIC HALL
27/02/2023	LAISAMIS	LOIYANGALANI	LOIYANGALANI COMMUNITY HALL
28/02/2023	NORTH HERR	MAIKONA	MAIKONA COMMUNITY HALL

Mr. Speaker Sir, in the contemporary setting, it is emphasized that the tax system should be based on the principle that the effects of taxation should be compatible with the economic and social objectives and preferences of the community.

Whereas the preferences of the community can be ascertained through rigorous consultations with the community through public participation initiatives, it is imperative that Marsabit County's taxation regime will not only be centered towards the reduction of inequalities in the distribution of wealth and income, but also geared towards accelerating economic growth within the County.

For this purpose, there is need to levy progressive taxes and levies as opposed to proportional ones.

Mr. Speaker Sir, the Committee further noted that there is need for Kenya being a developing Country, for the fees, charges and levies to be geared towards accelerating economic growth. For this purpose, the tax system must be so designed as to raise the rates of development and investments. The promotion of investments and economic growth within the County, being one of the principles towards achieving a developed Marsabit County, should also be reflected within the taxation regime of the County.

Mr. Speaker Sir, maintaining the cost of investment within the County, through not increasing the fees charged will encourage investments within Marsabit County. Thus there is need to find a balance between raising adequate revenue to finance the activities of the County Government of Marsabit and achieving sustained increase in the level of investments within the County especially at time when the prolonged drought has affected the livelihood of the residents of Marsabit County.

For developing economies, the tax system has to serve as an instrument to spur economic growth. Economic development rather than economic stability is the objective of under-developed countries. Their tax system must be so shaped as to accelerate economic development. For this purpose, it must mobilize the required resources and channelize them into investment. It must, in short, step up savings and investment and raise the level of income and employment in the country's economy and the counties in extension.

The following are proposed changes in the submitted draft finance bill 2022;

Areas of reduction;

#### FIRSTSCHEDULE

#### PARTI—GENERALCHARGES

S/No.	Item Description	Current Charges (KSHS)	Proposed charges (KSHS)
<b>1.</b>	<b>General Charges</b>		
a)	Application for caution on land	1,500	1,000
b)	Discharge of charge (loan)	2,000	1,500
c)	Clearance certificate for rates and rents Per	2,500	1,500

#### PARTVII—PUBLICWORKSANDUTILITYCHARGES

S/N	Item Description	Current Charges (KSHS)	Proposed charges (KSHS)
<b>1.</b>	<b>Wayleave Charges of Underground</b>		
c)	Masts per mast per annum	50,000	30,000
d)	Towers per tower per annum	50,000	30,00,0

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**SECOND SCHEDULE**

**PART II-General trader and retail services**

S/NO.	Items description	Current charges (ksh.)	Proposed charges (kshs.)
<b>4.00</b>	<b>4.00 ACCOMMODATIONANDCATERING</b> Includes international hotels /tourist camps /outside-catering/lodging houses/restaurants/bars/eatinghouses/tea&coffeehouses/butcherieswithmeat roasting &or soup-kitchen facilities/member-ship clubs/nightclubs&casinos		
405	Medium high standard lodging house with10-30 Rooms	25,000	20,000
445	Larger restaurant with bar/membership club with over 30 customers/ Members	12,500	12,000

**PARTIV—GENERALCHARGESFORNON-ANNUALTRADERS**

S/No	Item Description	Unit of Measure	Current Charges	Proposed charges
<b>3.</b>	<b>Hawkers</b>			
a)	Hawkers	Perday	70	50

**THIRDSCHEDULE**

**PARTII—Environmental Management Services Fees**

S/No.	Item Description	UnitofMeasure	Current Charges (Kshs)	Proposed charges (Kshs)
e)	Tree gum/ rosin cess	Per bag	150	100

**FOURTHSCHEDULE**

**PART1—Transportation Services**

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S/NO.	Items description	UnitofMeasure	Current charges (ksh.)	Proposed charges (kshs.)
8.	Registration.			
a)	Taxis	Per vehicle	500	300
b)	Matatu	Per vehicle	800	500
d)	License for breakdown Vehicle	Per annum	1,000	500
e)	Unclamping charges	Per instance	1,000	500

Areas of increment;

### FIRST SCHEDULE

#### PARTI—GENERALCHARGES

S/NO.	Items description	Current charges (ksh.)	Proposed charges (kshs.)
2.	Plot Registration fees		
(a)	Plot Registration fees-individual -urban	5,000	8,000
(b)	Plot Registration fees- individual -rural	2,000	3,500
(c)	Plot registration fees-Institution/Corporate	18,000	20,000

#### PARTII—FIREFIGHTING AND OTHER SERVICES

S/No	Items Description	Unit of Measure	Current Charges (KSHS)	Proposed charges (KSHS)
3.	Fire safety inspections			
c)	Banks	Annual	5,000	10,0000
d)	Other financial institutions	Annual	3,500	5,000
f)	Premises with flammable materials e.g. LPG and Kerosene fuel Pumps	Annual	2500	5000

*(Hon. Tamasot presented the report)*

**Hon. Daud Tamasot Arakhole:** Thank you

*(Secondment by Hon. Musa Emojo)*

**Hon. Musa Emojo:** Thank you Mr. Speaker. I would like to thank my Committee Members. Due to public interest the Committee in its wisdom retained the previous rates in the revenue, rates and charges. This was a way of cushioning the residents of Marsabit County from the effects of the drought. This will improve the livelihood of our people, thank you.

**Hon. Bernard Leakono (Majority Leader):** Thank you Mr. Speaker. I would like to welcome Members from the long recess. I would also like to thank the Budget and Appropriation Committee for the report. This is a well detailed report and I want to thank them for not increasing the cess. Every County is expected to collect its revenue and the revenue collected must be directly proportional to the services rendered by the government!

For all these years there must be increase in revenue collection, unfortunately when we increase in this House, the collection even drops! I would like to thank the Committee, even though there is no much increment. Lastly, the Committee met the CEC Finance Member and made observations, some of these observations are criminal! People are suppose to be behind bars, if you mean something to help Marsabit County in revenue collection to fund our services, then some people need to be behind bars!

If you mean something to help Marsabit County collect the revenue, to fasten our services; then some people are suppose to be behind bars. For the purpose of record, I just want to read the observation and I want to follow your ruling that you said the Committee Chair to summarize; I wanted to object that because this report is for public consumption. The committee made the following observations:

1. There exist some revenues leakages which need to be sealed- for the last 5 years I was in this House challenges are there;
2. The Revenue Clerks are overcharging –if you had interaction with the CEC Member for Finance and the observation we made with the Committees, the Revenue Clerks are overcharging that and he/she must be behind bars. Whatever they charge more just goes to their pocket and that is wrong. The CEC Member and Finance Committee should sit down they observe that there is a clerk which overcharge is criminal
3. The Revenue Clerks are failing to issue receipts in some instances this means money goes to the revenue clerk pocket and we are here always making noise saying county is

not meeting its target to collect revenue while the revenue clerks that this county are employing are pocketing this money

4. There is allegation that the revenue collected is going to the wrong hands and that is the observation made by the CEC Finance and the Finance committee. We need to know which hand is this. This is the House that protects people in this County and we need to know which clerks are these that don't issue receipt and collect money. This House by the law has authority to call all Revenue Clerks and summon them if that is the only way to save Marsabit County we will go that way

5. The Department of Finance and Economic Planning is not implementing the resolution pass in the County Assembly. We pass a resolution here and they do not implement that mean today we pass this bill that a kiosk owner collect 3,000 they will go and charge what they want and that is what it means and this is not my report its Finance Committee report then what are we passing just overcharge them then what are we implementing

I thank the Committees for bringing us this recommendation and we also request that the same Committees to call the CEC Finance to explain those. Thank you and those are my observation and the whole house will discuss the amendment thereof, thank you

**Hon Jacob Elisha:** Thank you Mr. Speaker, I would also like to thank the Finance Committee for their recommendation. This is the report that I have never seen again. In the last public participation which was done in Marsabit Central Ward with our Hon. Chair we had the following challenges; what our Majority Leader has said those are the challenges of business community in Marsabit. This Revenue Collectors have stolen from this County for many years.

If you check page 18 for the penalties that the business Committees are paying instead of 500 for a single business permit they were paying 700 and there was no public participation was done, no one goes to the radio to inform the business community. Today my few Members I and pass through Marsabit Modern Market and those are the complaints of the business women!

If you check page 23 again the last column where for individual is KES 5,000. The Business Community has been paying KES. 7,500 for the last 10 years ago but what is in the report here were charging KES. 5000. My recommendation are the following; besides we need the breakdown of single business permit. The penalty which is supposed to be 30% to be 10% instead of 20%, because the Business Community have suffered.

Secondly, we have revenue linkages especially in Moyale, the feasibility study that was done about 6years ago are clearing agents in Moyale. I know one of the agent which pays KES.57M, 10 to 11 companies in Moyale if you calculate the KES.57M per month the 10 companies are suppose to get KES.531M.

Thirdly, we need style audit of tax collector, what they are paying does not come to the County government and I also like to inquire if possible what Hon. Majority Leader has said. I think we need to sit with the CEC Finance, there is a lot of challenges; the pending bill of this County for the contractors.

We need to have a sitting with the Minister for Finance to tell us why there is this big gap and why are wasting a lot of time here when the business community are suffering! I also thank the Committee, but there is something if you check page 12, if you go to Isiolo taxis are paying only KES.50sh and the taxi in Marsabit are KES.500! Thank you

**Hon. Sadia Osman Araru:** Thank you Mr. Speaker, I stand to support the recommendation that was made by the Finance Committee. I know there are many things that are going in this County, if you look at the receipt he is talking about you see there is different receipt which is issued by people who are collecting revenues, because there is the original receipt and another fake receipt and these are all circulating in this County and there is a lot of money I think when we talk about raising the revenue!

I think this County can be able to collect more than what we are having now and mostly money are deposited to the revenue account and people are just pocketing and that is very bad. Unless something is done on how we are supposed to be paying to this revenue docket, I think there is a lot of problem.

I also want to urge the Hon. Members to look at the land rent. The land rate am talking about is we are having a backlog, so many land rates have not been collected for many year. I think they collected enough money between 2013 -2017 and that collection of was perfect, but this time round people are not paying land rates, millions of money are uncollected, no penalties, I think there are some people who are sleeping on the job and the Lands Chair-Committee should have take up that responsibility and ask this people why this money is not being collected from the people because this is a lot of money, thank you.

**Hon. Tura Ruru Elema:** Thank you Mr. Speaker, I wish to take this opportunity to thank Budget Committee for the report they have prepared. It is good to see that County Assembly are really listening to the people they are leading. If you look at what the report given here from the County government is like they are normal to the people! They have done increment in every aspect of taxes but looking at the report given by the Committee at least it is fair they maintain the previous taxes and I think that was good for protecting the people they are leading.

The other thing I have seen in this report is the case raised by MCA Central Ward, about the taxis and matatus paying KES.300 and paying 500 per day respectively, I think that was on higher side and as leaders we need to consider it has been said by person in charge of this Ward where there is no even parking but they are still charged exorbitantly I think it's time we reduce it from what is indicated here.

The other aspect I looked at was the report considered causes of low revenue collection and also met some recommendation. It is not good to make observation and recommendation that does not really work. The observation made here are so good of leakages that has been said by the Committees.

And recommendation was also sweet to motivate the department that does well in collecting revenues, - even here we have Finance Bill and such recommendation; but does not care even one of the many observation and recommendation we have made. And this lay squarely on our table. The problem with the lack of implementation still lies with us, because we have an oversight role to ensure what we recommend is implemented to the letter

Automation could have saved us from these leakages of revenue collectors pocketing the revenue they were collecting, while we always recommend automation in our budget, and allocate finance; we are still talking about leakages. I think there must be some serious communication breakdown, and lack of oversight on what we are doing, this need to be improved and if you look at when we say observation and recommendation are taken up by the Committees of this House, the Committees that are suppose to take up that Finance Budget and Appropriation Committee, they recommend and they don't look at how they are implemented. It is time Budget and Appropriation Committee to pick up its role and ensure what they say is done to the letter, thank you.

**Hon. Speaker:** Thank you, Hon. Members, since most of our Members have made their contribution, now I want put the question.

Thank you Hon. Members having no any other business the House remains adjourned until Wednesday tomorrow 9:00 am.

*(The Assembly rose at 3:46PM)*