

Third County Assembly
(No. 003)



Third Session
(No.005)



**THE COUNTY ASSEMBLY OF MARSABIT
THIRD COUNTY ASSEMBLY – (THIRD SESSION)
WEDNESDAY, 14TH FEBRUARY, 2024 AT 2. 30P.M
ORDER OF BUSINESS**

PRAYERS

1. Administration of Oath
2. ***Communication from the Chair**
3. Messages
4. Petitions
5. ***Papers**
6. ***Notices of motion**
7. Statements
8. Motions and Bills

***5*PAPERS**

- (i) quarterly II financial report (Financial Year, 2023-2024)
- (ii) County Revenue Fund (County Government of Marsabit) Quarterly report and Financial statement for the period ended December 31st 2023;
- (iii) Marsabit County Budget review and outlook paper- September 2023. (CBROP).
- (iv) Annual Evaluation Report on Compliance with Values and Principles in Articles 10 and 232 of the Constitution. By County Public Service Board.
- (v) Auditor Generals reports for the Financial year 2021/2022
 - (a) Report of the Auditor-General on Marsabit County Education Fund for the Year ended 30 June 2022;
 - (b) Report of the Auditor-General on County Government of Marsabit Car Loan for the year ended 30 June 2022;

- (c) Report of the Auditor-General on County Executive of Marsabit for the year ended 30 June 2022;
- (d) Report of the Auditor-General on County Assembly of Marsabit for the year ended 30 June 2022;
- (e) Report of the Auditor-General on Marsabit County Emergency Fund for the year ended 30 June 2022;
- (f) Report of the Auditor-General on County Government of Marsabit mortgage fund for the year ended 30 June 2022;
- (g) Report of the Auditor-General on County Government of Marsabit County Revenue fund for the year ended 30 June 2022;
- (h) Report of the Auditor-General on Marsabit County Assembly Car Loan and Mortgage scheme fund for the year ended 30 June 2022.

***6* NOTICE OF MOTION — HOUSE CALENDAR**

THAT, pursuant to the provision of Standing Order 25(1), I urge this County Assembly to approve the Calendar of the Assembly (Regular Sessions) for the Third Session of the Third County Assembly, as contained in the Schedule annexed to the Order Paper.

(LEAKONO BERNARD – MAJORITY LEADER, MEMBER LOGLOGO WARD)

***7* NOTICE OF MOTION- ESTABLISHMENT OF AD-HOC COMMITTEE TO INVESTIGATE ON PENDING BILLS**

Aware that, Article 201 of the Constitution lays down the principles of Public Finance including public money shall be used in a prudent and responsible way, and the financial management shall be responsible and fiscal reporting shall be clear, **and** Section 156 (4) (d) of PFMA 2012 provides that a public or accounting officer engages in improper conduct in relation to a County Government entity if the officer fails, without reasonable excuse, to pay eligible and approved bills promptly in circumstances where funds are provided for.

Further Aware that, numerous circulars and directives requiring government activities to prioritize payment of pending bills have been issued including the enactment of the COB regulations 2021.hence despite numerous reminders to accounting officers to clear the pending bills and it being expressly prohibited hence attracting punitive action against those responsible, accumulation of pending bills has continued to increase.

Noting that, the Current pending bill for Marsabit County government stands at Kes. 1.745 Billion according to the list submitted by the County Treasury dated 19th October 2023. and another list dated 20th November 2023 depicting the total pending bills amounting to Kes 1.11 Billion.

Further noting that, payment of pending bills should be the first charge on the Consolidate Fund/ CRF as the case may be.

Additionally, in all the successive financial years the government has always financed the budget fully to the cause of these huge pending bills.

Concerned that, the 2 lists submitted by the County treasury are conflicting making it difficult for the County Assembly to know the correct position/ status of the pending bills in Marsabit County. Whereas the County Assembly has continuously allocated finances to ensure all pending Bills are fully settled.

Acknowledging that the number of complaints from the public and contractors and the pecuniary embarrassment and negative socio-economic impact local business have suffered and continue to suffer if this matter is not expeditiously resolved.

Now therefore, I urge this County Assembly to establish an Ad Hoc Committee to inquire into the status of Pending Bills in the Marsabit County since 2013.

Once established, the Ad Hoc Committee to investigate into the matter and report to the County Assembly within thirty (30) days of the approval of this House.

That the Committee to include in the report -;

1. Establish from the audited financial statement the reported pending bills from the commencement of devolution which is from the year 2013 to 30th June 2023.
2. a comprehensive list of all Pending Bills: -
 - a) the contractors' details,
 - b) Serial Number
 - c) LPO/LSO number
 - d) Date of the LPO/LSO
 - e) Details of the work performed
 - f) Contract amount
 - g) Amount paid
 - h) Outstanding amount
 - i) Financial year under which the project was budgeted for.
3. That in line with the COB regulations seek a detailed payment plan for all previous financial years
4. That the County Treasury and all accounting officers to prioritize payments chronologically from the oldest to the current Financial year.

(LEAKONO BERNARD – MAJORITY LEADER, MEMBER LOGLOGO WARD)

CPA CHARE MATO

CLERK/SECRETARY (COUNTY ASSEMBLY SERVICE BOARD)