

COUNTY ASSEMBLY

HANSARD REPORT

Wednesday, 14th February 2024

The House met at 2.50PM

*[The Temporary Speaker,
(Hon. (Mr.) Did Omar Apicha) in the Chair]*

PRAYERS

COMMUNICATION FROM THE CHAIR

(MARSABIT COUNTY EQUITABLE DEVELOPMENT BILL, 2024)

(The Speaker read the Communication)

PAPERS

The Temporary Speaker: Next Order!

(Papers laid)

- i) Quarter II Financial Report(FY-2023-2024);
- ii) County Revenue Fund (County Government of Marsabit) Quarterly report and Financial Statements 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 The County Public Service Board;
- v) Auditor General's reports for the Financial Year 2021/2022;
 - a) Report of the Auditor-General on Marsabit County Education Fund for the year ended 30th June 2022;
 - b) Report of the Auditor-General on County Government of Marsabit Car Loan for the year ended 30th June 2022;
 - c) Report of the Auditor-General on County Executive of Marsabit for year ended 30th June 2022;
 - d) Report of the Auditor-General on County Assembly of Marsabit for the year ended 30th June 2022;

- e) Report of the Auditor-General on Marsabit County Emergency Fund for the year ended 30th June 2022;
- f) Report of the Auditor-General on County Government of Marsabit Mortgage Fund for the year ended 30th June 2022;
- g) Report of the Auditor-General on County Government of Marsabit County Revenue Fund for the year ended 30th June 2022;
- h) Report of the Auditor-General on Marsabit County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30th June 2022.

NOTICE(s) OF MOTION

HOUSE CALENDAR

The Temporary Speaker: Next Order!

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, 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.

The Temporary Speaker: Next Order!

ESTABLISHMENT OF ADHOC COMMITTEE TO INVESTIGATE ON PENDING BILLS

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, 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.

Further aware that, Section 156(4) (d) of Public Finance Management Act 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, payment of pending bills should be the first charge on the Consolidated Fund/County Revenue Fund as the case may be. Observing that, numerous circulars and directives requiring government activities to prioritize payment of pending bills have been issued including the enactment of the Controller of Budget Regulations 2021. Concerned that despite numerous reminders to Accounting Officers to clear the pending bills and it being expressly prohibited hence attracting punitive action 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.

Further noting that, the County Treasury submitted another list dated 20th November 2023 depicting the total pending bills amounting to KES 1.11Billion.

Concerned that, the two 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. Deeply concerned that 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 has suffered and continue to suffer if this matter is not expeditiously resolved.

Now therefore, I urge the County Assembly of Marsabit 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 a comprehensive list of all Pending Bills:-

- a) The Contractor details
- b) Serial Number
- c) Local Purchase Order/Local Supply Order(LSO) number
- d) Date of the LPO/LSO
- e) Details of the work performed
- f) Contract amount
- g) Amount paid
- h) Outstanding amount
- i) Bank Statements reflecting the settled bills Pending Bills
- j) Financial Year under which the project was budgeted for

That in line with the Controller of Budget (COB) regulation seeks a detailed payment plan for all previous financial years.

That the County Treasury and all Accounting Officers to prioritize payments chronologically from the oldest to the current financial year. Thank you.

The Temporary Speaker: Next Order!

The Temporary Speaker: Thank you Hon. Members having no other business, the House remains adjourned till tomorrow-afternoon at 2.30pm.

Assembly rose at 3:05PM