

COUNTY ASSEMBLY

HANSARD REPORT

Thursday, 15th February 2024

The House met at 2.35PM

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

PRAYERS

COMMUNICATION FROM THE CHAIR

PAPERS

MOTION

ESTABLISHMENT OF ADHOC COMMITTEE TO INVESTIGATE ON PENDING BILLS

PROCEDURAL MOTION

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, That Pursuant to Standing Order 232; exception of the business from this Standing Order, this House resolves to exempt the business of this House appearing as Order No. 9 from provisions of Standing Order 44; Notice of Motion in order to allow for the tabling and deliberation of the motion urging expedited implementation of the Marsabit County Development projects

(Seconded by Hon. Buke)

(Question proposed)

Hon. Bernard Leakono (Majority Leader): We urge the Members to adopt the Procedural Motion for the Marsabit County Development Projects. It is long when we appropriated the Budget and when you go around Marsabit County there is no work that had commenced since and this has been the routine within Marsabit County! We urge Hon. Members to support this motion and anything that is appropriated in this budget, must be implemented and within the right time! If we don't vouch for this, we are not escaping the history of pending bills. Thank you

Hon. Tura Ruru Elema: Thank you Mr. Speaker, I think the Procedural Motion is in order, the outcry in delay of the procurement processes in our County is an issue that is raising concern all over and that is why the motion was moved so that we can expedite the implementation of the projects and I stand to support, thank you.

Hon. Rosemary Adhi Bino: Thank you Mr. Speaker, I support the Majority Leader and Hon. Tura on this, because last year we went for the oversight process which was expensive and what we saw was-even if the report was not adopted, the projects for all the financial years have not been done, at least we should break the norm and work on this going forward and we should be serious as a House on matters oversight, thank you.

(Question proposed)

(Question put and agreed to)

(Hon. Leakono laid the paper on the Table)

Hon. Speaker: Next order!

IMPLEMENTATION OF THE MARSABIT COUNTY DEVELOPMENT PROJECTS

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, Aware that public finances are managed in accordance with the principles of fiscal responsibility, which states that a minimum of 30% of the County budget be allocated to development projects. Further aware that, the County approved budget for the fiscal year 2023-2024 was KES 9.11 billion, comprising of KES 4.13 billion, that's 45.4% and KES 4.97 billion, that's 54.6% allocation for development and recurrent programs, respectively, noting that they are delayed 2023-2024 development budget expenditure in Marsabit County and acknowledging that the timely execution of development projects outlined in the budget is crucial for the progress of Marsabit County and the well-being of its residents.

Further, acknowledging that delays in the implementation of the development budget can impede the intended socio-economic impact of the projects and may have adverse repercussions on the overall development agenda for the County. Now, therefore, be it resolved that this House urges swift execution of the development budget addressing implements and be it further resolved that the CEC Member Finance and Economic Planning, CEC Transport, Roads and Public Works and The CEC Member Water, Environment and Natural Resource appears on 16th February, 2024 at 10.00am in the County Assembly Chambers to provide updates on the current status of the development budget and the steps being taken to address any challenges that may be contributing to the delays. Thank you, Mr. Speaker.

(Seconded by Hon. Hadija)

(Question proposed)

Hon. Speaker: Honourable Members, the floor is open for debate.

Hon. Bernard Leakono (Majority Leader): I think the motion is very clear for those who did not read, those who came late. That's why we have a procedural motion because this is an urgent thing! We want the work to be done and for this work to be done, we thought three people must appear here tomorrow to explain why. CEC Members for Finance,

Roads and Water, of course, when we get to one, we always throw fingers to the other. Why? People are not working? You ask CEC Finance, they will tell you CEC for Roads and Transport did not prepare the bills of quantities for the contractors, you ask CEC Roads, why he did not prepare the BQs? He will tell you the BQs and all this tender process is under Finance. Everybody is trying to escape! That's why we thought as a House, they need to appear here, all of them, and then they give the right answers here. Why the motion is there? It's for the benefit of the people of Marsabit.

This work must be done! There is no need of passing a budget every day and it's not implemented. If you are keen enough for those who went for public participation today-for the next year's budget,(*inaudible*). Why do you do this while the last year's budget is not implemented? And this is a common thing happening every day. Unless you wake up and do your work, if they need pushing, then we need to push them. Anybody who's leaving this job, then you need to leave the office. The law is very clear. You have to execute duties, and everybody here was employed to work for the people of Marsabit, not himself. And when you work, you follow laws and the Constitution of Kenya. Not orders, not phone calls of any other person. They need to come here and tell us whether they are following phone calls or laws. So, I urge the Members to support the motion that those three CEC Members to appear here to explain why there's no execution of work for last year and many other years before, thank you.

Hon. Rosemary Adhi Bino: Thank you Mr. Speaker. This Third Assembly, we passed the budget about July last year, 2023. Then we had supplementary, which we passed in December. Without even any utilisation, supplementary was brought to us with addendums, with adjustment, and we passed as Hon. Members. And up to date, we are in the third quarter of this financial year, and very few BQs, the process has not yet started. So we have to fast track this. And as a House, this motion is in order. Because these are the tools as an Assembly we are endowed to use. I stand to support this motion, let's do what is necessary. And as we are all aware, there is public outcry during this public participation for CFSP. The issue is in the past and as I've alluded before, we have very little utilisation of the budget we have passed in the past. So we have to do something. Thank you so much.

Hon. Musa Emojo: Thank you Mr. Speaker. I also support our Majority Leader for a well-thought motion of saving our County. And as Hon. Members of this House, it is a honourable thing that can only save the residents of this County.

In order to task the three CECs, because this is an urgent action and it needs a swift intervention before the end of this financial year, which is about a few months to go. It is a call for us, especially the elected Members, some of us who attended the public participation, just as Hon. Adhi has said, there is a public outcry and as Hon. Members of this Assembly, we should act swiftly in order to save the residents of our County. The

projects which were budgeted for ought to be implemented in order for the residents of this County to get the services that they budgeted for. I support the motion and thank you Mr. Speaker.

Hon. Diid Omar Apicha: Thank you Mr. Speaker. First of all, I want to thank Almighty God and wish the Members of the County Assembly a nice time as they come back from their recess. When we look at the current situation in our County, it is very unfortunate that we can say the County is on its death bed as far as implementation of projects are concerned!

(Applause)

It was eight months ago that this House passed budget and made allocations for projects to be implemented. And currently the Executive are doing public participation in every Ward. And the public are crying a lot, because they are feeling no one is representing them well.

In some Wards they rejected even the public participation to be done, because the one that was done the other time is even not useful to them. Nothing was implemented! Out of many millions that was budgeted for, no single project was implemented!

It is very shameful and unfortunate! The huge pending bill that we are talking about every now and then, it is becoming the common song that normally sing. We normally used to make budget for that every year. And if you see the figures, it is not reducing. Instead it is going up. So, there is a lot of confusion. The County is losing direction. There is a lot of confusion as a county. So, there is an urgent need to know exactly what is going on.

So, it is very much in order to have the three same departments before this House and to know exactly what is going on as a County. I support the motion thank you Mr. Speaker.

(Applause)

Hon. Tura Ruru Elema: Thank you Mr. Speaker. I think implementation of projects in our County has delayed and it is now causing a public outcry. This has been a common thing that has been happening. Delays in implementation of processes also contribute to high pending bills that we are seeing in our County. The more project implementation delays, the more it goes into pending bill and that is why we have huge pending bills in our County. And when such grave issues, serious and glaring mistakes are done, I think somebody must take responsibility.

And the back stops to the one supposed to do that. And at the time, in the course of the year, I saw officers undertaking performance contracting. Nowhere, will say as a department, as a department that takes up such even processes, give timeline to dispense what is supposed to be done. And I don't know, when such delays are done,

then I don't know how you earn yourself a credit for you to be recognised, in terms of performance contracting. Because it's supposed to earn what you do as a department, within certain framework will give you credit for you to perform better. Having said that, and that the motion includes calling people that is concerned with implementation of this projects, I think it is in order we support this motion and we call those departments that are concerned so that we know where exactly the problem is.

Therefore, I support that these officers to be called here on 16th of February to give us a clear picture of where our procuring processes are as a County. And by so doing- I've been in the previous Assembly and we have never taken this as a serious issue. And I think this Assembly, I give a credit that they have actually picked up a very serious matter.....

(Applause)

.....it looks like a House that will bring difference in this County and I support this motion. Thank you Mr Speaker.

Hon. Edin Adi: Thank you Mr Speaker. It is a great move by the Majority Leader to bring this before the House, it's long overdue. From the rejuvenation of the House, the mood in departments is also like it's time to work.

Many may remember on their own and do what is right, many may also need to be put on task. But generally speaking, if it will go as it goes, then hopefully things will work for Marsabit County. And that is bottom line what each and every one of us really need. And that need will start from this Honourable House. And I thank Majority Leader for the motion. Thank you.

Hon. Halkano Konso Ali: Thank you Mr Speaker, I stand to support the motion. It's very valid. But I would like to put across a statement under this that the issue of implementation is very important. The issue of oversight concerning implementation is equally important. But I want to know from the Honourable Members of this House, whether the budget they are making or passing in this House is being done as per the law. Every financial year, the revenue allocation money is increasing as per the County.

Depending on the population, the geographical area, marginalization, Chapter 56 of the Constitution of Kenya. But it is unfortunate, from the revenue allocation that is being allocated to every County. In Marsabit County, instead of allocation is increasing, the allocation at the Ward is decreasing. History will going to judge this House harshly! Two issues are here. Either we don't know what we are doing or we are ignorant by omission or commission.

I am very sure and I must be appreciative of the actions this House is taking. It is prudent-not only valid to use law selectively but discriminative. Why have I said this, Mr Speaker? During the time of the first devolution, during the time of Hon. Ukur, the sharing of resources in this House, in the same chamber where we stand, is being shared using the Constitution of this nation. And that is Article 56! And I want to humbly request all the Hon. Members of this House to refer themselves to that so that every Ward has got the population which is not equal.

Every Ward is being allocated funds as per that chapter where the population, geographical zone and marginalization is considered. There are around six factors considered during the distribution of this resources. I want to appeal to this House, let us be guided by the Constitution and the statutory laws that is being used by any other Kenyan from Turkana to Mandera, all 47 Counties.

Having said that, according to the PFM Act Chapter I think 267, the development money for the Country is 30% of the allocation of the County. From that 30%, is where all the Counties, or the Wards, share based on the factors that are put into consideration. And I want to appeal to this House, let's follow the law to ensure that instead of increasing, when the national government are increasing, the cake, we are decreasing. It is shameful, unheard off and embarrassing that we pass budgets brought to this House without making references to anything to do with the law!

Concerning the officers that this House summoned, in the cycle of development and procurement, there's what we call requisitions. And it ends up-pay. The cycle is big. There's those who do planning, I want to call upon the officers that have been summoned to come with the COs, Directors, so that this House can get a clear information in everything that is being approved in that department, and I stand to support the motion. Thank you.

Hon. Buke Diba Yattani: I rise to support the motion by Majority Leader. And I think there shouldn't be an iota of justice as to why projects are not implemented. I think budgets are not just done for the sake of doing it. These are not ordinary papers that are documented and placed on tables for people to read. That is literally the way things are in this County. We are treating our budget as an ordinary document that people read through and throw into dustbin.

This is a wake-up call for CECs. They need to understand that business is not as usual. Things are different.

(Applause)

And I think the issue of calling people here, asking them questions, resting matters here, needs to cease. Why people are not implementing House resolution and they are

disrespecting this House is simply because the House don't take actions that requires to be taken against individuals who disobey orders that are given by this House. Any resolution made by this House ought to be implemented.

And in the event that individuals fail to honour resolutions of this House. People must face consequences. Thank you, Mr. Speaker.

(Question proposed)

(Question put and agree to)

Hon. Bernard Leakono (Majority Leader): Thank you, Mr. Speaker. Mr. Speaker, I want to appreciate the Members for supporting the motion. I also want to welcome Honourable Halkano back from the recess. I also want to thank him for appreciating that Governor Ukur worked. Although they worked hard to remove him!

(Applause)

I just want to thank Members for supporting the motion, and to be present during the appearance of the CECs for us to do our work. When you look at the Marsabit County budget, and they say 45.4% development. Actually, that's how it's written, 45.4%. It's above 30%. But when you go to the grounds below, so it's inverse. Suppose to be proportional, if the percentage of development is 45, then the ground are supposed to be seen rising like that. But if the paper is written 45 and then the ground zero, that's inverse proportion. You can't compare. Why is this 45? It's because most of the recurrent items are put in development. And this is what caused this unnecessary supplementary. As we look at this, this year's budget God willing, we need to scrutinize and do the right thing. Our budget share is here, it's experienced. Now that we have seen the budget we passed not implemented, I think we look at it thoroughly.

So, whatever is in the development must be for development. And we have advisory from the Controller of Budget. We have to follow that. Thank you, Mr. Speaker.

Hon. Speaker: Next Order!

APPROVAL OF THE HOUSE CALENDAR.

Hon. Bernard Leakono (Majority Leader): Thank you, Mr. Speaker. At first, under the provision of Standing Order 25 (1), I ask the 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 in the Order Paper. Thank you, Mr. Speaker.

(Question proposed)

(Question put and agreed to)

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, I want to thank the Members for adopting the House Calendar, thank you.

Hon. 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 Adhoc Committee to inquire into the status of Pending Bills in the Marsabit County since 2013. Once established, the Adhoc 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. That in line with the CoB regulations seeks a detailed payment plan for all previous financial years.
3. That the County Treasury and all the Accounting Officers to prioritize payments chronologically from the oldest to the current financial year.

(Seconded by Amos Wako)

(Question proposed)

Hon. Bernard Leakono (Majority Leader): Thank your Mr. Speaker, Pursuant to Standing Order No.51 and 52, I would like to move an amendment to insert the following paragraph, starting under the paragraph one on page 4, the paragraph that starts with 'Now, therefore....'. Further, the House resolves that the Adhoc Committee Members are;

1. Hon. Joseph Leruk-UPIA
2. Hon. Rosemary Adhi Bino-UPIA
3. Hon. Tura Ruru-KANU
4. Hon. Lucy Obeile-Jubilee
5. Hon. Jacob Elisha-UPIA
6. Hon. Sadia Araru-UDA
7. Hon. Korie James-UDM
8. Hon. Amos Wako-UDA
9. Hon. Diid Omar Apicha-UDA

Thank you Mr. Speaker

(Seconded by Hon. Sadia Araru)

Hon. Sadia Osman Araru: Thank you Mr. Speaker, I would like to add my voice to this issue on pending bills. It seems in this County, pending bills is like a disease and that we are going to live with it! If we were to execute our expenditures as per the law, we will not be having pending bills in the Counties. Already we are getting reports people rejecting the Fiscal Strategy Paper and Budget too will be rejecting until this matter is resolved. Many of the contractors do not want to work with the County government of Marsabit for fear of non-payment on time. There are scenarios where contractors are following up on their unpaid dues, this is in bad taste, there are evidence of supplier closing down his premises like a bookshop, I know a lady a friend of mine by the name Fatuma- Fathe Qalicha who was working at the CDF-North Horr and today she is no more! There are several others like her following up on their unpaid pending bills! I would like to put to the Hon. Members that the pending bills-we are not very sure on the amount of pending bills that we have from 2013 to date, this included bills left pending by the first government and the those by the current government. This is not a matter of pending bills, also the retention money where on completion of work by a contractor, there is the ten percent (10%) of the contractual sum,

many of the contractors have not received this money, we need to know the status of these payments.

I would like to congratulate those who have prepared the list of the pending bills, because we have contractors who are sending us reports of their unpaid bills that are not on the list presented to this House! It is so sad and we are confused as a House on the exact amount of the Pending Bills we have as a County and this requires further clarification from the department on the number of pending bills that they have, because it is not clear. There was a previous Adhoc Committee on pending bills who are mandated to investigate on the pending bills but they are yet to report to this House and I don't know whether those reports are still there! Equally was a Task Force formed by the Executive to look into those pending bills still the House did not received any report of their findings. There are people who are claiming to be paid when they haven't done any work, we are getting a lot of other reports and as a House we are not getting any directives or information as the previous Committee have not reported back to the House and we don't know the amount of pending bills we have, thank you.

Hon. Diid Omar Apicha: Thank you Mr. Speaker, the issue of pending bills has been normalized in our County-is a disease we are leaving with for a long time as Hon Sadia had said. Now, it is the time to get rid of it and this House needs to stand up to salvage the situation and to save the people of Marsabit County. We have been here for a year and some months and a lot of mistakes have been done and sometimes we have to ask ourselves some questions, these people who are looting the public funds are doing so because we are sleeping on our job. So, it is time to get out of this mess, I further urge this House to approve this Committee and once approve the Committee should get serious and start investigating the issue of the pending bills and to come up with a solution to this County, because as leaders we are leading people or subjects, subjects are always talking of problems and as leaders we need to offer solutions not create problems, thank you.

Hon. Jacob Elisha: Thank you Mr. Speaker, the issue of pending bills in Marsabit County, I don't want to call it a disease but it is like a cancer!

(Applause)

A lot of people have suffered, I know more than twenty contractors in my Ward who are no longer in business! It is unfortunate that a contractor who has built a classroom, hospital and an administration block in a school in 2013 during the reign of Governor Ukur Yattani who has certificate of completion crying in Marsabit is sad! I don't get it when the Executive claim the pending bill of Marsabit County stand at KES.1.7Billion, it was KES 1.7B when I was in private sector five years ago! Every time you inquire about pending bills it is KES 1.7B, I am wondering what is the reason of passing a budget in this House or even allocating money to pending bills when the Executive is not ready to pay! I think the best we can do is to shoot down the budget! The era of using*(inaudible)* language in public *barazas* that we are carrying you is over!

(Applause)

It is time we work for the people who've vote and brought us here, and I would like to urge the Adhoc Committee to make a thorough check especially on the four Sub Counties. Last year, during the project inspection we made a visit to Moyale Sub County, the work done is shoddy, contractors have not been paid, and those contractors who are supposed to be paid are not on the list! Thank you.

Hon. Daud Tamasot Arakhole: Thank you Mr. Speaker, I support the motion moved by the Majority Leader. It is prudent to have this Committee to investigate what we call the pending bills. As the majority have said, during the last Supplementary Budget we requested the Finance Department to present the pending bills, they brought the bills with two different figures. The first document had a figure of KES.1.75B (1.745B) and the other with KES. 1.11B. the latest figure came when we declined to pass the budget, because we have been telling them we will not table the budget without a clear payment plan/list! Because the funds we approve is not enough for the KES 1.1B, it is better to give the Committee a payment list of KES.500million which is equivalent to the approved amount in the budget!

(Applause)

Hadn't the previous Adhoc Committee died prematurely, this problem would have been solved. They have not concluded on their findings, I met one of them today in one of the offices, I'll not mention his/her name, he/she was equally crying as a mother in Korr or Butiye!

(Applause)

They were given mandate at the time-through the radios-contractors if you have offered services to the County government, please get in touch with the Committee that was established, this gave confidence to the people of this County-that their pending bills shall be paid, having been captured in the budget. Let alone the payment, even the report is not there! All those who presented their documents; award letters, invoices.....their fate was in that report which didn't see the light of the day! I urge this Committee, if you're given a task by this House, please do at least even if it is not hundred percent, just make it seventy percent, and you've done something good for this County!

(Applause)

And if this can be done before the budget, if we get estimates or amount closer to-the problem we have.....*(inaudible)* the Budget Committee can allocate, even if it means the coming Financial Year..... I don't know if it is the Committee to select the Chair amongst them, I propose the Chair to be Hon. Tura, thank you.

(Applause)

Hon. Amos Wako (Minority Leader): Thank you Hon. Speaker, Hon. Members are calling the pending bills a disease, but I would like to call it a combination of a diseases and emergencies which is a disaster in Marsabit County. Members have debated on this issue, but I just want to mention few things regarding this pending bills; one, there was this Adhoc Committee (Taskforce Committee) that was established by His Excellency the Governor.....

(Hon. Speaker interjects)

(Majority Leader- Hon. Bernard Leakono stood in his place)

.....thank you for that information, the Taskforce that was formed, it also generated another pending bill, where the Taskforce did their work but they were never paid and therefore, they never submitted their report, that is another pending bill!

(Laughter)

Now I would like the Finance Department to clear with them, so that we can have a look at what they have done and see if we can add to the two lists submitted which is confusing, so that we get some insights on these pending bills; two, the selected Members who'll form the Adhoc Committee, what I would say is that we need to verify the list that were submitted and to come up with another list verified list as the Chair Budget had said, so that we come up with estimated amount before the main budget.

The other issue which I see as a challenge to this Committee, there are contractors who have done this work and their documents are missing when you go to the relevant departments-I don't know how the Committee will reach out to this contractors who are the residents and citizens of this County so that.....

(Hon. Danila stood in her place)

...thank you, I know we will organize ourselves because I am among the Members of this Committee, but they are aware because we are on record that there is this Committee that is coming up and that they need to reach out to this Committee. Finally, I would urge this House to adopt the list, thank you.

(Several Members stood in their places)

Hon. Speaker: Thank you Hon. Members just sit, I just want to give direction on how we go about this; Hon. Burcha-Majority Whip, Hon. Leruk, Hon. Danila, Hon. Ogom, Hon. Tura and Hon. Adhi and then we close the session.

(Hon. Speaker interjects)

Hon. Daniel Burcha: Thank you Mr. Speaker, while I support the establishment of the Adhoc Committee, I want to make a proposal, pursuant to Standing Order No.51 and 52, I intend to move an amendment to increase the Membership of the Committee from the proposed nine (9) to eleven (11) Members. And this is how I propose; both Majority and Minority Leaders to be in the Committee although one is already a Member.

(Seconded by Hon. Joseph Leruk)

Hon. Danila Lenatiyama: Thank you Mr. Speaker, I stand to support the amendment by Hon. Burcha, concerning the membership kindly consider both genders, thank you.

(Applause)

Hon. Joseph Admen Leruk: Thank you Mr. Speaker, I stand to support the amendment, in addition to that I would like to remind the House that this is just any other Committee to tackle a specific issue in the County. I would like to seek indulgence from the technical team about the Chair requested by the father of the House, in a normal practice the Chair of an Adhoc Committee is the Chair of all the Chairs that is Hon. Diid Omar. I support the establishment of the Adhoc Committee for those nominated, let us work for the good of this County and I would like to welcome Hon. Member for Uran who was here sometimes back and reminding this House about the thirty percent (30%) by the PFM Act and little did he know that this House is miles ahead on the establishment of the Ward Development Fund.....

(Applause)

...brought by Hon. Burcha. So, sometimes when one is absent.....*(inaudible)*..is right but to me.....*(inaudible)*..it is good to remind the absentee Members to consult and know the position of the House and then we move together, thank you!

(Applause)

(Question proposed)

(Question put and agreed to)

Hon. Danila Lenatiyama: Thank you. Mr. Speaker, before the adoption of the list, I want to congratulate the former Minority Leader-Hon. Konso told us when the government was government in 2013 KES.4.3B (KES.3.36B) was utilized well, luckily he was in the Second Assembly that he has proven that the government works, to the Members of the Adhoc Committee, kindly let's work KES 9B is not small money for our County, make Marsabit County great again.

Hon. Christopher Matahdere Ogom: Thank you Mr. Speaker, in regard to the motion moved by Hon. Leakono on formation of Adhoc Committee.....*(inaudible)* I am of a contrary opinion because this same House, the same way we point figures in as much as we are in Third Assembly, the Second Assembly had similar Adhoc Committee which was formed and through the records, three Members present in the House; Hons. Leakono, Burcha and Buke were Members of that Committee.

The Adhoc Committee was tasked by the Second House to carry out implementation of a similar task we are giving right now from 2013-2022 I think? And I am sure there was money paid-expenditure utilised for them to go round and inform this House. I would like us first of all to examine, as we do not want to repeat the same mistake of doing the same thing and expecting a change! We are lucky we have Members who were in the previous Committee, and the task we are giving now is we are considering 2023/2024, and the same County Assembly unlike Members when contributing saying; we need to use public resources for the best of our abilities, we should not be throwing stones to glass houses when yourselves we are living in glass houses, we are using our resources prudently, efficiently and in a manner that gives us more resources than we commit, so I would like us to understand what happened, was there a report that was tabled in this House? What was their finding? We have to begin from somewhere, because we cannot shelve that report and begin all over

again, because what they were supposed to do is what this Adhoc Committee is going to do.

Similarly, we have to have a framework, where we need to bring both reports together, the Adhoc Committee that was formed at that time, the Taskforce by the County Executive and you remember we did an oversight on project implementations across the County, we need to bring these reports together and establish what was paid and not paid or else we continue with the same tradition, form an Adhoc Committee, the Executive forms a Taskforce on pending bills, money is spent on these Committees, and we go in circles, Mr. Speaker, give us a direction because we had a similar House that gave the same directives and before we establish a second Adhoc Committee what do we do? Those are the questions we need to ask ourselves, thank you.

Hon. Diid Omar Apicha: Thank you Hon. Speaker, I think what Hon. Ogom is saying is that this House approved-if I quote him he talked of the 'same House' I think what is the same here is the building!....

(Applause)

...We have different people, although we have few Members who were there at the time! We have several new Members and this House did not form an Adhoc Committee it is for the first time! If the House feels this Committee is important to handle the problem that is currently facing us, I think we have a long way to go.

Secondly, on the amendment by Hon Burcha, we have Majority Leader as a Member now and another Member from the minority party and since we have to be keen on gender, there should be an increase*(inaudible)* on the other side.....

(Applause)

...so, I would like to propose Hon. Ebise to be a Member of the Committee, thank you.

(Applause)

Hon. Tura Ruru Elema: Thank you Mr. Speaker, I would like to refer to the issue on the previous Adhoc Committee, it is a good reminder that there was an Adhoc Committee that was formed on this matter but did not finalize on their findings and on that I would like to inform my bother Hon. Ogom, that something not adopted in this House might not be authentic for us to make a reference to...

(Applause)

.....it is very important to know that. There was also concern raised by Hon. Admen Leruk, on regulations that set Deputy Speaker to be a Chair of every Adhoc Committee, I think I have never seen that..

(Laughter)

Possibly the best he should have said is his choice of Chairperson should not be Tura but the Deputy Speaker!

(Laughter)

Now getting back to the formation of Adhoc Committee, I fully support it to come up with a detailed status of pending bills in Marsabit County. These pending bills are truly a thorn in the flesh which we need to finalize once and for all. We do not have a clear picture on the amount of pending bill in Marsabit County, apart from the information we are given-the is one with KES.1.745B and another with KES.1.11B, this a clear indication that there is a confusion on these the pending bills! And I think it is right to form an Adhoc Committee t come up with clear information on status of pending bills. The Committee should come up with concrete information not like the previous one and bring a report which can be referred to and used as a payment plan for Marsabit County. It is not good to do shoddy –just saying this is a pending bill-a bill that you should know in numbers, whether documentations are there or not, so that it can be used to clear the pending bills.

It is also very funny and unacceptable is that pending bill being the first charges for any budget, we always pass budgets with no allocation for pending bills, it is this House that allows the County Government of Marsabit not to pay these pending bills!

(Applause)

It is time this House takes care of its pending bills during budgeting processes and once the year ends, we should have a clear status on the pending bills and when it comes to budget we know what needs to paid. I once said the buck stops somewhere, who is responsible for all this pending bills? For those handling this matter should be taken to task if not the buck stops here at the Assembly! People of Marsabit should send the County Assembly home for failing to oversight the Executive, they either....*(inaudible)*those who are not paying people or take the responsibility and go home! I think that the better option, I support the formation of the Adhoc Committee! Thank you.

(Hon. Tura stood in his place)

Hon. Rosemary Adhi Bino: Thank you Mr. Speaker, I think a lot has been said.....

(Hon. Speaker interjects)

....a lot has been said about the pending bills, but I want to put across this concern, that the pending bill of Marsabit County has become a social ill, as you know our County is among the poorest Counties and somehow the pending bills have contributed to it, our poverty index is at eighty something percent, right now over the years, so many contractors and suppliers have given up on doing their work because they have not been paid, non-payments have been dated back to 2013. There is a lot of irregularities in pending bills and I think it is time, this House takes into account-we have been sleeping on our job for many years, I do support the amendment and the establishment of the Committee, I know they will do a good job because they are persons of integrity, thank you.

Hon. James Haile Korie: Thank you Mr. Speaker, mine is to remind my brother Ogom, indeed he is right!

(Applause)

This job can be done properly or not except that during the previous Adhoc Committee nothing has been done and as a House we are ready to do business! And that is why this House excommunicated you and Kiya....

(Laughter)

(Several Hon. Members stood in their places)

Hon. Speaker, I withdraw, ideally you're giving us a challenge for us to work hard!

(Hon. Sadia stood in her place)

I have apologized and withdrawn my earlier comment!

(Applause)

Let us not be like the previous Adhoc Committee, you know this is business! If you want us to save Marsabit County let us bring it to the floor of the House and then shoot it here and from there we wash our hands like Pilate!

(Laughter)

(Question proposed)

(Question put and agreed to)

Hon. Speaker: As you are aware we had the previous Adhoc Committee as deliberated by Members here including Hon. Ogom, that we very well understand that the previous Adhoc Committee did not finalized its mission, the report did not see the light of the day. I have also directed who will the Chair of the eleven-Member Committee as per the Standing Order. I would urge the Committee to be effective and efficient while performing your duties; this County depends on your recommendation and ensure the report is comprehensive. The report will be used as a reference point by this House and the entire County of Marsabit.

Majority Leader?

Hon. Bernard Leakono (Majority Leader): Thank you Mr. Speaker, I thank the Hon. Members for supporting the Adhoc Committee, I would also like to urge the Committee to take its work seriously, it is very unfortunate for this County, where the first Adhoc Committee that was formed, their report is also pending when they were supposed to investigate the pending bills. The taskforce established by the Governor, they also found themselves in the pending bills!

(Laughter)

So, this the third Committee formed, hopefully this will not be the same, because if the Governor formed the Taskforce and the cry of the Taskforce-today their names, days of work are in the pending bills list, this is very unfortunate! We also had a Committee like that though the report is still pending. Secondly, the Office of the Clerk should facilitate the Committee and work with them to ensure the work is done, thank you!

Hon. Speaker: Thank you Majority Leader, Next Order!

Hon. Speaker: Hon. Members having no other business for the day the House stands adjourned until Tuesday 20th February at 2.30pm.

Assembly rose at 4.30PM