

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Thursday, 13th May, 2021

The Assembly met at the County Assembly chambers at 2.30 pm

Temporary Speaker, (Hon. Paul Leshimpiro) in the Chair

PRAYER

MOTION

The Samburu County Supplementary Appropriation Bill No. 2 2021

Member, Budget and Appropriation Committee, (Hon. Lucas Lekwale): Hon. Speaker, I beg to move the following Motion THAT that the Samburu County Supplementary Appropriation Bill 2021, be now read the first time. Thank you Hon. Speaker and I would like Hon. Lesoipa Shadrack to second.

MCA Suguta Marmar Ward, (Hon. Shadrack Lesoipa): Thank you Hon. Speaker. I stand to second the motion that was brought before the House, having in mind it is of crucial importance to these Members and to the county as whole for us to be able to perform the due desired of us. So it is time overdue and I wish the Hon. Member had brought it the other day or the other week. But all is said and done, better late than never. Thank you Hon. Speaker and I call upon all Members to look at it critically and give it the necessary support it requires to the last stage. Thank you Hon. Speaker.

THE SAMBURU COUNTY SUPPLEMENTARY APPROPRIATION BILL NO. 2 2021.

A Bill for AN ACT of the County Assembly of Samburu to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the service of the year ending on the 30th June, 2021 and to appropriate that sum by a County Assembly for certain public services and purposes.

PROCEDURAL MOTION

Member, Budget and Appropriation Committee, (Hon. Lucas Lekwale): Thank you once again Hon. Speaker. Hon. Speaker, I beg to move THAT the County Assembly exempts the Samburu County Supplementary Appropriation Bill 2021, from the provisions of the Standing Order 126, to exempt the committal of the Bill to the Committee and public participation. Thank you Hon. Speaker and I would like to ask Hon. Kiragu to second.

(Hon. Kiragu bows to second the motion)

(The question was proposed and put, and The Samburu County Supplementary Appropriation No. 2, Bill 2021 was exempted from committal to the Committee and public participation)

The Samburu County Supplementary Appropriation No. 2 Bill 2021 Second Reading.

Member, Budget and Appropriation Committee, (Hon. Lucas Lekwale): Thank you Mr. Speaker. Mr. Speaker, I beg to move the following motion THAT the Samburu County Supplementary Appropriation Bill 2021, be now read a second time. Thank you. Hon. Silapia, kindly second the motion.

Specially Elected MCA, (Hon. Silapia Lenamatiyo): Thank you Hon. Speaker, I stand to second the motion.

(The question was proposed and put, and the Motion for the Bill to be read a second time was passed)

THE SAMBURU COUNTY SUPPLEMENTARY APPROPRIATION NO. 2 BILL, 2021.

A Bill for AN ACT of the County Assembly of Samburu to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the service of the year ending on the 30th June, 2021 and to appropriate that sum by a County Assembly for certain public services and purposes.

The Samburu County Supplementary Appropriation Bill 2021.

(Committee of the Whole House)

(The Chair leaves and the Chairperson of the Committee of the Whole House assumes the Chair)

Chairperson of the Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, welcome to the Committee of the Whole House, we need to expedite this and let us pay attention because this is a very important document. Hon. Lesoipa we have resumed our session, so please consult on low tones and also keep social distance. You are sitting next to a Member and you do not have a mask. Welcome back to the House. Clerk, take us through the Bill.

Procedure in Committee of the Whole House, Chair's guide. Clause 2.

(The question was proposed and put, and clause 2 was part of the Bill)

Appropriation in Aid.

3. in addition to the sum granted by section 2, there may be applied, for the services and purposes specified in the second column of the first schedule, in the amounts specified in the third column of that schedule.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I propose the question that clause 3 be part of the Bill.

(Question put and Clause 3 passed)

Appropriation of the money granted.

4. The supply granted for the services of the year ending on 30th June, 2021, in respect of the votes in accordance with the supplementary Appropriation Bill, 2021.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I propose the question that clause 4 be part of the Bill.

(Question put and Clause 4 passed)

The Long title.

The Samburu County Supplementary Appropriation (No. 2) Bill, 2021.

A Bill for AN ACT of the County Assembly of Samburu to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the service of the year ending on 30th June, 2021 and to appropriate that sum by the County Assembly for certain public services and purposes.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I propose the question that the Long title be part of the Bill.

(Question put and the Long title passed)

Short title.

This Act may be cited as the Samburu County Supplementary Appropriation (No. 2) Act, 2021.

Issue of KShs.6,790,657,924 out of the County Revenue Fund for service of the year ending 30th June, 2021 and appropriation of the money granted.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I propose the question that the Short title be part of the Bill.

(Question put and the short title passed)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Clerk read the amendments in the first schedule.

Schedule of proposed amendments.

The Samburu county supplementary Appropriation Bill, 2021. First Schedule recurrent expenditure proposed by Hon. Lekwale.

THAT R 4211 be amended as follow: “The amount required in the year ending 30th June, 2021 for salaries and expenses of the County Assembly be reduced from KShs.546,297,034 to KShs.529,497,034.”

R 4213 be amended as follows; “The amount required in the year ending 31st June, 2021 for salaries and expenses for the Department of Finance, Economic Planning and ICT be increased from KShs.750,468,810 to KShs.758,268,810.”

The Sub-total be amended as follows: “Re-current expenditure sub-totals be decreased from KShs.4,271,595,508 to KShs.4,262,595,508.”

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question THAT the First Schedule be part of the Bill as amended.

(Question put and First Schedule passed as amended)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Clerk to read the Second Schedule.

Amendments in the Second Schedule; Development Expenditure proposed by Hon. Lucas Lekwale.

THAT D 4211 to be amended as follows: “The amount required in the year ending 30th June, 2021 for Capital expenditure of the County Assembly be increased from KShs.56,500,000 to KShs.111,000,000.”

D 4217 be amended as follows: “The amount required in the year ending 30th June, 2021 for capital expenditure for the Department of Medical Services, Public Health and Sanitation be increased from KShs. 463,402,255 to KShs. 474,461,402.”

D 4219 be amended as follows: “The amount required in the year ending 30th June, 2021 for capital expenditure for the Department of Roads, Transport and Public Works be decreased from KShs. 574,073,992 to KShs. 513,514,845.”

The Sub-totals for Development Expenditure be amended as follows: “Development Expenditure sub-total be increased from KShs. 2,519,072,416 to KShs. 2,528,072,416.”

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question THAT the Second Schedule be part of the Bill as amended.

(Question put and Second Schedule passed as amended)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Clerk to read the Grand totals.

The grand totals for both the Re-current and Development expenditures is KShs. 6,790,657,924.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question THAT the grand total be part of the Bill as read.

(Question Put and grand total passed)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Mover of the Motion, Hon. Lekwale.

MCA Wamba East Ward, (Hon. Lucas Lekwale): Hon. Chairperson I beg to move a Motion THAT the Committee do report to the Assembly its consideration of the Samburu County Supplementary Appropriation Bill, 2021 and its approval thereof with amendments. I call upon Hon. Shadrack Lesoipa to second.

MCA Suguta Marmar Ward, (Hon. Shadrack Lesoipa): Hon. Chairperson I stand to second.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question THAT the Committee do report to the Assembly its consideration of the Samburu County Supplementary Appropriation Bill, 2021 and its approval thereof with amendments.

(Question Put and the Motion passed)

(The Chairperson Leaves the Chair, the Mace is raised and the Speaker takes the Chair)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Speaker I beg to report that the Committee of the Whole has considered the Samburu County Supplementary Appropriation Bill, 2021 and its approval thereof with amendments.

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Lekwale.

MCA Wamba East, (Hon. Lucas Lekwale): Thank you Hon. Speaker. I beg to move a Motion that the House do agree with the Committee on the said report. I call upon Hon. Jerias Leshoomo to second.

(Hon. Jerias Leshoomo bows to second the Motion)

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Members I now propose that the Samburu County Supplementary Bill, 2021 be read a third time.

Temporary Speaker, (Hon. Paul Leshimpiro): Hon. Members, I now propose the Question THAT, the House do agree with the Committee in the said report.

(The Question was put and agreed upon)

The Samburu County Supplementary Appropriation Bill 2020, Samburu County Bill No. 2

MCA Wamba East award, (Hon. Lukas Lekwale): Thank you Hon. Speaker, I beg to move the following motion **THAT**, the Samburu County Supplementary Bill 2021 now be read a third time, thank you. I beg Hon. Leitore to second the Motion.

(Hon. Leitore bows in seconding)

Temporary Speaker, (Hon. Paul Leshimpiro): I now propose the Question **THAT**, the Samburu County Supplementary Appropriation Bill 2021 be read a third time.

The Question was put and agreed upon.

The Samburu County Supplementary Appropriation Bill No. 2, 2021 a Bill for an Act of the County Assembly of Samburu to authorize the issue of sum of money out of the County revenue funds and its application towards the services of the year ending on 30th June 2021 and to appropriate that sum for certain public services and purposes enacted by County Assembly of Samburu

MOTION

MCA Wamba West Ward, (Hon. Benjamin Leitore): Thank you Hon. Speaker, allow me to continue from where I left yesterday and I will go straight to No. 13 of the report, that is where we reached because we had moved a Motion yesterday and we are moving towards the end of the report.

I will read the query and recommendations by the Committee in order to take the shortest time possible.

- 13. Unconfirmed maize seed donation:** the committee recommended that the County Officers should respond to the queries promptly.

14. **The performance by accounting officers:** The committee noted with concern the poor performance by some accounting officers' specification there given. Recommendation:

a. The recommendations is the accounting officers should take the audit process very seriously and ensure prompt action to the Auditor General Management letters.

b. In future, the committee will name and shame accounting officers who do not take the audit process seriously especially those who fail to act on its directives and Auditor's General Management letters. PAC Committee will hold them responsible with attendance sanctions.

3.1, lack of procurement plan. The committee recommended that the County Assembly should prepare and adhere to procurement plan in the subsequent years.

3.2: Procurement committees: The committee recommended as follows: - The County Assembly should establish procurement committees to undertake specific roles as stipulated by Public, and Disposal Procurement Act of 205.

3.3: Procurement Committees: Procurement from firms not prequalified. The committee recommends as follows: - County Assembly should ensure that there should be acknowledgement receipts of the food served by the beneficiaries or evidence of the same should be well shown. Secondly, goods should be put in charge and applies section 881 and subsection 3 of Public Procurement and Disposal Act of 205.

3.4: Single sourcing of Hansard equipment by the County Assembly: The committee recommendation is that, the management should ensure that proper procurement laws and regulations are followed to the latter.

3.5: Outstanding temporary imprest: The committee observed that in order for efficient service delivery, County Assembly and Executive should be separated in terms of financial operations. Secondly, the County Assembly should strongly adhere to section 10 subsection 9 of the government regulation on imprest in the subsequent years.

3.6: Foreign travels: Particularly a trip to USA, Malesia, Singapore and Israel. The committee recommends the County Assembly Management should clarify audit issues with the office of the Auditor General prior to a final report to avoid negative publicity that arise on audit issues.

Secondly, In future, the County Assembly should establish Internal Audit Committee or auditor's office to check financial documentation before the main audit.

3.7: Reallocation of funds for foreign travels: The County Assembly should address audit issues at early stages of audit or through management letter so that to those audit issues that can be addressed at the management level do not appear at the final audit report.

3.8: Single sourcing of travel agency services: The County Assembly need to contract travel agency independently instead of relying on one government agency. Secondly, the management should ensure that the Public Procurement and Disposal Act and regulation be followed to the latter.

3.9: Doubtful mileage claim by the County Assembly: The County Assembly needs to device ways of payment so that these allowances do not come through one individual account. Secondly, the committee also recommends that the County Assembly should device ways of filing related payment documents for ease reference. Thirdly, the County Assembly to clear with audit queries before the final report is done.

3.10: Doubtful payment of allowances by the County Assembly: The management should adequately avail all required documents during audit for verification purposes.

3.11: Irregular payment of responsibility allowances: The accounting officer should institute measures to ensure that the department always acts promptly on the Auditor General Management letter to forestall audit query. Secondly, in future, the County Assembly and the audit office should discuss some issues before presenting for final reporting.

3.12: Irregular expenditure of lunches by the County Assembly: The Assembly should avail documents to support payments.

3.13 Failure to deduct income tax by the County Assembly: Managing directors, and CO should ensure state cooperation pay their statutory obligations like NSSF, PAYE, and NHIF as debts on time to avoid penalties and interests. Secondly, all statutory deductions should be settle in a timely manner as provided in the relevant legislation. Thirdly, the managing of directors, Chief Executive Officer of the state cooperation who fail to remit statutory deductions should be held

liable for such delay and surcharged interest and penalties that may accrue because of such delays Thank you Mr. Speaker.

Temporary Speaker, (hon. Paul Leshimpiro): Hon. Members I now propose that this House debates and approves the report of the Committee on Public Investments and accounts on the inquiry into the financial operations of the Samburu County Executive County Assembly of Samburu and Samburu Water and Sanitation Company Limited for the financial year 2013/2014 1st July 2013 to 30th June 2014.

MCA Wamba West Ward, (hon. Benjamin Leitore): Mr. Speaker allow me to make a few comments because I am sure that the report was self-explanatory and

Temporary Speaker, (hon. Paul Leshimpiro): Hon. Kiragu you should know that you are out of order. Switch off your microphone.

MCA Wamba West Ward, (hon. Benjamin Leitore): Thank you Mr. Speaker. I wish to commend the hon. Members for standing with me and my Committee. Having tabled our Audit Report for the first time since the inception of the County Assembly. I thank the Speaker, office of the Clerk and the County Assembly of Samburu for facilitating the Committee. I commend each Member of the Committee and the whole House for making this production of the report a major success. I applaud all the Members, thank you very much.

Specially Elected, (hon. Silapia Lenamatia): Thank you Mr. Speaker. I take this opportunity to thank God and the Committee of PIC and Pac; it has been tedious since you are aware that there are so many reports that have not been tabled for the last eight years. I thank the Committee for delivering their task perfectly and produce a report that is user friendly and easy to understand. We have included the querries, recommendations and also observations. I also ask my fellow Members to support this report. I also thank the Committee for producing this report for the first time.

MCA Suguta MarMar Ward, (hon. Shadrack Lesoipa): Thank you Mr. Speaker and the entire Committee for the good. It is my prayer that the entire as he stands mentioned that he is indebted to God for his energy that he was given to write the report and that he is also indebted to the

County Assembly for the resources that he used to take this work and also indebted to the colleagues. My prayer is that after all the thanks giving and indicating all the grievous allegations on your recommendations it is my prayer that this report as good as it is may not hang in the cabins of this Assembly and become an archive that will collect dust as the wind blows and become as the previous Committee reports that will just disappear. I pray that the Committee uses its powers and privileges bestowed in them by the Constitution of Kenya to implement the Committee observations and recommendations, thank you Mr. Speaker.

MCA Lodojek Ward, (hon. Jerias Leshoomo): Thank you Mr. Speaker even though I did not raise my hand. I congratulate the Committee for producing the first report. I thank the Chair of the Committee and commend the good work. I also request the Chair that other yearly reports be tabled in the House. It will ease the reports that have been cleared and the ones that haven't been cleared. We are aware that even in the National Assembly audit reports and the PIC and PAC reports are tabled. This is the first report and we also want the ones for the seven years, thank you Mr. Speaker.

MCA Wamba West Ward, (hon. Benjamin Leitore): Thank you Mr. Speaker. I would like to give an assurance to the hon. Members that this was our first assignment and we have delivered despite these challenges since our time as the Committee and we started our first Committee on November and we went for training in December yet there was COVID and again we had two recess periods. We also had the challenge of travel restrictions to Nakuru where the office of the Auditor General is situated and this are technical people who help us. We are glad that we delivered and that we must have tabled around five to six reports starting from the 14th to the 16th. Mr. Speaker you are also a Member of the Committee and you are aware of the speed that we are putting, thank you Mr. Speaker.

Temporary Speaker, (hon. Paul Leshimiro): Thank you hon. Leitore. I now put a question that this House approves the report of the Committee of Public Investments and Accounts on the inquiry into the financial operations of Samburu County Executive, County Assembly of

Samburu and the Samburu Water and Sanitation Company Limited for the financial for the financial year 2013/2014 starting from 30th July 2013 to 30th June 2014.

(Question put and passed)

Hon. Members the time being ten minutes past four o'clock and there being no other business this Assembly now adjourns until Tuesday 18th May 2021 at 2:30 pm.