

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 16th May, 2018

The Assembly met at the County Assembly chambers at 2:30 p.m.

The Speaker (Mr. Solomon Lempere) in the Chair

PRAYER

MOTION

MOTION OF SAMBURU COUNTY CIDP FOR 2018 TO 2022

MCA Elbarat Ward, (Hon. Peter Lempei): I beg to move the following motion, That Pursuant to Standing Orders 45 (1) the County Assembly debates and approves the report of Committee on Budget and Appropriation on the Samburu County Integrated plan 2018/2022. I request Hon. Leshoomo to second the motion

(Hon. Jarias Leshoomo bows to second the motion)

The Speaker, (Mr. Lempere Solomon): Hon. Members, I now propose the question That Pursuant to Standing Orders 45 (1) the County Assembly debates and approves the report of Committee on Budget and Appropriations on the Samburu County Integrated plan 2018/2022. Members can proceed to contribute to the motion

MCA Elbarat Ward, (Hon. Peter Lempei): The process of consideration of the Plan was an onerous task that could not have been achieved without the dedication of various actors and stakeholders who individually and jointly made a contribution towards the successful completion of this review exercise. Specifically, the Committee wishes to acknowledge: -

- a) The Office of the Speaker
- b) The Sectoral Committees for clearing their busy diaries and prioritizing the approval of the Plans.
- c) The County Executive through the Office of the County Executive Committee Member for Finance and the County Secretary for having facilitated the Assembly with the support of the Sub-County Administration during the public participation exercise.
- d) The Office of the Clerk for all the resources and guidance provided throughout the process.
- e) The Public for having honored the call of the County Assembly to take part in the public hearings which took place at many venues within the County.

Mr. Speaker, it is therefore my pleasant duty and distinct honour, on behalf of the Joint Committees on Finance and Budget to table this Report and recommend it to the Assembly for adoption.

Honorable Speaker, the background of this is the following: Whereas governments are set up to fill the void that would otherwise exist if the citizens were left to manage their affairs, they do not enjoy the infinity of resources to undertake all the activities that the people may desire. Fiscal Planning therefore is a stage during which the Government considers and decides on the range of development priorities. Projects and programs that it intends to pursue over the lifespan of the County Government. These are undertaken within the available resource limits and with adequate consultation with the citizenry that the development activities would affect.

The provisions of Section 104 of the County Governments Act 2012 decree that '*A County Government shall plan for the County and no public funds shall be appropriated outside a planning framework developed by the county executive and approved by the county assembly*'. The quoted provisions bring a few issues to light; one fundamental Issue Is that planning as has been greatly canvassed is the infant step of the County budget process. The provision therefore removes any doubt on whose responsibility it is to prepare county plans and the role of the County Assembly in the planning process.

Honorable Speaker, the County Planning process commences with the preparation of a five-year CIDP which provides clear goals and objectives accompanied with implementation matrix for the realization of the set outcomes. These are prepared in addition to the Strategic Plans, Sectoral Plans and City Plans that also inform the County Planning activities. These are ten-year plans that cover specific interest areas. Once the CIDP has been considered and approved in line with the clear procedure outlined in the County Governments Act, the County Government is then required to prepare an Annual Development Plan which provides the annual roadmap towards implementation of development projects and programs pulled out of the CIDP.

Mr. Speaker, compliance to the Law is looked in this process. There is an elaborate legal architecture on the role and place of the CIDP in the annual budget calendar. The CIDP is a document that ensures prudent use of public resources by ensuring that the County has consistent and predictable improvements by bringing together the many development agents into one

roundtable for a focused mission. The provisions of Section 125 of the Public Finance Management (PFM) Act 2012 records that *“the budget process in any financial year shall consist of integrated development planning process which shall include both long term and medium-term planning Further, the provisions of Section 126 (3) of the same Act is explicit that not later than 1st September of each year the County Executive Committee Member for planning shall submit the development plan to the County Assembly for its approval.”* The formulators of the law were able to discern that early approval of the CIDP would have a positive effect on all the subsequent budget processes without incurring any major hitches or delays. In fact the provisions of Section 107 of the County Governments (CGA) Act, 2012 provides that the plan would be able to guide, harmonize and facilitate development within the County.

From the foregoing Mr. Speaker, Members may realize that these Sections of the law have not been fully complied with, on 1 September 2017 the County Treasury submitted to this Assembly for approval the Annual Development Plan 2018/2019. Members may note that the first ADP was presented prior to the submission of the CIDP making all the programmes and projects that is contained stand on somewhat shaky foundation. The Joint Committee, as stewards of the budget process therefore made a conscious decision and advised the County Treasury to rhyme the CIDP and the ADP that been finalized and approved in the County Assembly.

The Budget Committee wishes to remind the County Treasury that there is need to ensure that all actors in the budget process comply with the timelines provided in law with regard to submission and approval of various budget documents. This CIDP have been presented to this Assembly way into the budget process that it was meant to inform thereby providing little guidance to other documents that directly draw their life from their existence especially the County Fiscal Strategy Paper and the Budget Estimates. The Budget and Finance Committee is not oblivious to the fact that the second generation CIDP was prepared at a time when Counties were struggling to manage their transition from the First County Governments to the Second County Governments. It is also not lost to the Committee that preparation of the plan may have been a herculean task that did not only require methodological thinking but also comprehensive understanding of the dynamics of Samburu County.

In considering the document, it is construed that the Assembly invoked the provisions of Section 90 of the PFM Act, 2012 which empowers either House of Parliament to extend the time limit, other than a time limit set in the Constitution. For submitting a statement or document required to be submitted to it under the Act. The deadline for submitting the plan is not captured in Article 220 (2) of the Constitution which provides for development plans. It is therefore the view of the Committee that the plan has been regularly submitted to the Assembly in line with the provisions of the law. However, in future the County Executive should at all times ensure that such documents are submitted to this Assembly in a timely manner.

Hon. Speaker, Section 126 (1) of the PFM Act, 2012 dictates that the County Integrated Development Plan shall include the following:

- Strategic priorities for the medium term that reflect the county government's priorities and plans
- A description of how the county government is responding to changes in the financial and economic environment
- Programmes to be delivered with details for each programme of
- The strategic priorities to which the programme will contribute:
 - i. The services or goods to be provided:
 - ii. Measurable indicators of performance where feasible and for
 - iii. The budget allocated to the programme:
- Payments to be made on behalf of the county government including details of any grants, benefits and subsidies that are to be paid
- A description of significant capital developments
- A detailed description of proposals with respect to the development of physical, intellectual, human and other resources of the county, including measurable indicators where those are feasible

- A summary budget in the format required by regulations: and such other matters as may be required by the Constitution or this Act

Hon. Speaker, in reviewing the document the Committee noted that by and large the CIDP had met the statutory threshold spelt out in both the County Governments Act and the Public Finance Management Act 2012. The plans have made considerable attempt to evaluate the strategies that the County would aim to pursue in the medium-term period and also provided some of the priorities to be pursued. The strategic priorities remain the main areas of interest for the County and once realized would improve the standard of the County. Further the CIDP have provided a persuading literature on how the County is responding to crosscutting financial and economic issues by enumerating a number of problems that the County is currently grappling with and how It aims to address them going forward. Issues like traffic management, environmental degradation, high youth unemployment and solid waste management are major hurdles towards the realization of a national class County capable of comparison with other best performing counties.

Such like traffic management, environmental degradation, high youth unemployment and solid waste management are major huddles towards the realization of a national-class county capable of comparison with other best performing counties. Whereas the Committee was taken aback by some of the proposals provided, it embraced the positive thinking that the document developed on addressing the policy thrusts that aim to define the Second County Government of Samburu County.

It is worth appreciating that some of the challenges we face as Samburu County require more than just resource allocation. The County faces the risk of having too many write-ups on how to address the challenges if the County Government does not undertake to provide workable roadmap to solve the problems we face. The Committee is of the view that issues like environmental pollution require first and foremost attitude turnaround from all of us and cooperation from all quarters.

The Committee appreciates that the Plans have detailed how to address problems like low revenue collection, high debt levels and low technical capacity but it notes that unless the same is

accompanied with commensurate action the same may remain only but abstract and theoretical essay.

The CIDP have provided the programmes that the County wants to implement with details of their budget requirement fully captured in the book. The Committee is convinced that most of the indicators are realistic and measurable. However, in areas where the Committee noted specific issues that it would wish addressed it would be highlighting the same in the subsequent parts of this report. In relation to the provisions of Section 12 (1) (g) that requires that the CIDP contains a summary budget in format required by regulations, the Committee notes that the plans have been prepared in total cognizance of the legal provisions. This comes with a few reservations however, which the committee notes in its observations and recommendations at the end of this report.

In addition to the above provisions of the PFM Act, 2012, the provisions of Section 108 of the County Governments Act, 2012 notes there shall be a five-year County Integrated Development Plan for each county which shall have five year CIDP with—

1. *(a) clear goals and objectives:*
 - (b) An implementation plan with clear outcomes:*
 - (c) Provisions for monitoring and evaluation: and*
 - (d) Clear reporting mechanisms.*
2. *Each County Integrated Development Plan shall at least identify—*
 - a) the institutional framework which shall include an organization chart required for:-*
 - (i) the implementation of the integrated development plan: and (ii) addressing the county's internal transformation needs:*
 - b. as informed by the strategies and programmes set out in plan(I) any investment initiatives ;n the county;*
 - ii) any development initiatives ;n the county. including infrastructure, physical, social, economic and institutional development;*
 - iii) all known projects, plans and programs to be implemented within the county by any organ of state; and*

iv) *the key performance indicators set by the county.*

3. *An integrated development plan shall—*

a) *have attached to it maps, statistics and other appropriate documents: or*

b) *refer to maps, statistics and other appropriate documents that are not attached but held in a C/f based database system: Provided that the plans under paragraph (a) and (b) are open for public inspection at the offices of the county in question*

4. *A resource mobilization and management framework shall be reflected in a County's Integrated Development Plan and shall at least:-*

a) *include the budget projection required under the law governing county government financial management:*

b) *indicate the financial resources that are available for capital project developments and operational expenditure: and*

c) *include a financial strategy that defines sound financial management and expenditure control: as well as ways and means of increasing revenues and external funding for the county and its development priorities and objectives, which strategy may address the following: -*

i. *revenue raising strategies:*

ii. *asset management strategies:*

iii. *financial management strategies:*

iv. *capital financing strategies:*

v. *operational financing strategies: and*

vi. *strategies that would enhance cost-effectiveness.*

The provisions of Section 113 (2) of the County Governments Act, 2012 require that the plan should detail clear input, output and performance indicators including:

a. *the percentage of households with access to basic services contemplated under Article 43 of the bill of Rights of the constitution:*

b. *the percentage of a county's capital budget actually spent on capital projects identified for a particular financial year in terms of the county's integrated development plan:*

- c. the number of jobs created through any local economic development initiatives including capital projects: and
- d. Financial viability of the integrated development plan in accordance with nationally applicable ratios.

It is the expectation of these provisions of the law that the CIDP shall contain a comparison of the county's population access to health, housing, Food security, safe drinking water, social security and education. This analysis is critical at helping all of us comprehend the prevailing factors as well come up with effective ways of mitigating any upcoming challenges thereof. The Committee appreciates that the CIDP has provided comprehensive data on County facts and figures. This information can be helpful even to researchers who are interested in running some specific analysis on the County variables.

REVIEW OF THE FIRST CIDP (2013-2017)

There has been exclusive discussion on how the County Government was able to implement the first generation CIDP with elaborate information on the strides made and the hurdles that the County had to jump during that duration. The Committee reviewed the presented information and would wish to dedicate this part of the report to discuss the issues noted. From the very beginning the Committee wishes to point out that allocation of public resources is followed with a huge responsibility to account and report on the utilization of the funds. The Committee was hence shocked that some sectors did not have details of their implementation matrix of the First CIDP. The sectors affected include the Public Service Management, County Public Service Board and Finance, Economic Planning and Marketing, which only gave a brief description without analysis even on revenue collection. The Committee would hence be making recommendations with regard to the above Sectors.

Over the lifetime of the previous CIDP the Finance and Economic Planning Sector managed to entrench Medium Term Expenditure Framework, institutionalize Sector reports, implementation of measures to monitor budget execution, asset management implementations monitoring and evaluation of development projects and programs as well as reduce arrears on pending bills.

There has been consistent effort to allocate funds to settle pending bills but that has not ensured that the County has no pending obligations at the tail end of the financial year. The PFM Regulations have attempted to cure late commitments in the financial year by requiring that all procurements for the supply of goods and services are done not later than end of May. There is need to ensure that the debt management strategies pronounced annually are implemented and that the figures set aside for settling debts /pending bills are utilized for that purpose.

RECEIVED SUBMISSIONS

SUMBISSIONS FROM OTHER STAKEHOLDERS (UNDP)

The Committee on budget through the speaker of the county assembly received another submission from the UNDP representatives in order to enable them fund some health projects in the county. The committee therefore recommends the County Executive Committee Members to make changes to suit Donors as UNDP as follows;

1. THAT, Sections 1.6 and 1.7 on Human Development and Human Poverty. – Apart from the descriptions these should be backed with county data to show the compare with national average and other counties
2. THAT, Chapter 2 doesn't refer to the Big 4. This needs to be looked at and link the county flagships to national flagships and Big 4 Plan
3. THAT, The CIPD should use an integrated approach in the suggested intervention to have maximum impact and impact of co- financing of the sector interventions
4. THAT, It is not clear what is the comparative advantage of Samburu county, What is Samburu good at and in which areas can it leverage the comparative advantages of its neighboring counties?
5. THAT, The M&E framework should be linked to the SDGs 128 indicators which were identified by KNBS as having baseline data. This would also inform the county on data gaps, investments needed in generating the data and the partners to work with to collect the data.

6. THAT, for the new CIDP, we recommend inclusion of HIV and AIDS prevalence and incidence as well as priority areas based on the 2015 Samburu County HIV profiles as follows:

- Strong County and community leadership for a multi-sectoral HIV response
- Mobilizing additional local resources to increase and sustain the HIV response
- Expansion of HIV testing and treatment programs
- Focus on reduction of mother to child transmission
- Invest in HIV prevention especially among the adolescents and young people
- Invest in improving comprehensive knowledge of HIV and AIDS to reduce unsafe sexual practices (include in Education)

SUBMISSIONS FROM THE COUNTY ASSEMBLY SERVICE BOARD

1. THAT, For the County Assembly, be included a bore hole within the precincts of the county assembly for alternative supply of water since the water usage will increase drastically after the completion of new assembly building. The CASB proposes a big borehole and water reservoirs within the first three years at a cost of approximately Ksh. 50 Million.

SUBMISSIONS FROM THE PUBLIC ON THE PLANS

Mr. Speaker, the pinnacle of the Constitution of Kenya 2010 is the critical role that the public plays in the determination of how resources are mobilized and how the same are utilized. To satisfy these legal requirements and ensure that the County Plans have received input from the entire County, the County Assembly through the Committee on Budget and Finance in cooperation with all the members of other sectoral committees undertook public hearings across the 3 Sub- Counties between

Monday 19th and Thursday 29th March 2018. Further the Finance, Budget and Appropriations Committee held the final public consultations with organized groups at Nairobi Transit hotel on 15th and 16th March 2018. In these hearings the County Assembly was able to interact with residents of Samburu County who submitted views which the Committee has considered and

included in this report. The committee noted that most of the public views have already captured in the CIDP draft document since the county executive widely publicized and incorporated public views before tabling it in the county assembly. However, their main concern was;

1. That; The projects be shared equitably among the wards and/or sub wards and that data from KNBS and other statistical analysis should be used to determine areas of need.

SUBMISSIONS FROM THE SECTORAL COMMITTEE CHAIRS

The committees on Finance & Budget and appropriations invited all sectoral chairs who had any views and submissions to submit it by 1st of May 2018, there was no communication received from any sectoral chairs, gesturing that they are satisfied in their respective departments with the documents as is.

JOINT COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

The committee notes the following observations and recommendations;

1. THAT; The draft CIDP 2018-22, in its Revenue Projections by stream page (page 286- as annex I), considers all possible revenue sources (including donors) for five years as approximately Kshs.28 Billion, but the grand totals of all projected development projects as well as recurrent budget exceeds Kshs.44 Billion (Annex II). For document to be realistic, this needs an explanation on how to collect more revenue than projected.
2. THAT; The CIDP should provide a report on the public inputs that were in the CIDP preparation process and how it influenced the final document. If these inputs were rejected, reasons should be provided. Public participation should not be reduced to discussion of capital projects only. The discussion should begin at articulating needs, deliberations on prioritizing them, deliberation on the best way to meet these needs which could include recurrent programs.
3. THAT; there is a statement at the second page of the draft document (Annex III) that gives copyright to the county government of Samburu and prohibits use or distribution of the draft CIDP by the public. This statement should be removed.

“All rights reserved. No part of this publication may be reproduced, stored in a retrievable system, or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise, without the prior permission in writing of the County Government of Samburu.”

4. THAT; The CIDP should be structured to cater for the emergencies that might arise in the course of its implementation.
5. THAT; The CIDP should give a clear role of the private sector in the implementation process; public private partnership should be encouraged and well elaborated in the CIDP document.
6. THAT; The listed projects should be placed in their respective geographical areas as well as elaborate timeframes and not generalizations as mid-term, end term, etc. (Annex IV, Page 295 of CIDP).
7. THAT; The Members noted that the plan didn't adequately address the concerns of the persons living with disabilities which should be looked into by the CEC Finance before the final copy of the CIDP is produced.
8. THAT; The plan should have a clear guideline on the land use management system for the County since land a key factor of production.
9. THAT; The Executive should consider setting up a specific institution to undertake monitoring and evaluation. Key indicators that measure the ultimate outcome were missing.
10. That; There is a need for the Executive to fast track the process of setting up and equipping planning unit to come up with statistical data for the County by creating a County Statistician position.
11. That; The CEC Finance to ensure that the CIDP document is in compliance with the submissions from the UNDP as found within the report in order to attract more funding from such international donors.
12. That; The CEC Finance to amend the draft CIDP document for inclusion of the county assembly major building borehole as submitted by the county assembly service board (as found within the report).
13. THAT; Notwithstanding the observations and recommendations that should be looked into, the draft CIDP document meets the minimum threshold as scrutinized by the

Committee and should therefore be fast tracked to meet the requirements of Article 126(1) of the Public Finance Management Act 2012, that identifies the development of the CIDP as the initial process of the Budget making process.

Mr. Speaker, this brings the end of our Committee report recommendations. The report is annexed with the minutes and the contributions that were made thereto that gave rise to the making of that report. I beg to sit and finish my initial submissions as made by the report of the Budget and Appropriation and the Finance Committee. Thank you Hon. Speaker.

The Speaker, (Mr. Solomon Lempere): Thank you Hon. Lempei for a comprehensive presentation. The Members can now contribute to the Motion.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Thank you Hon. Speaker. I stand to support the report that was tabled by the Hon. Chair. CIDP is a very important policy document that this County has ever developed. I commend my Hon. Chair for the report and the recommendations therein the report. I think Hon. Members have understood the report tabled by the Hon. Chair. I think that County Government has done a lot of inclusivity during the CIDP process.

As the Finance Committee, we deliberated on the report and we found it to have inclusivity by all the stake holders, the NGOs and even the Members of the public. As a Committee we also visited several areas in this County during the public participation process of this document. We as a Committee found out that most members of the community have an idea on the document.

On what the Chair has said that this document contains programs detailing the priority areas that the County wishes to focus over the middle term period, as we found it during the CIDP developed with other strategic plans, sectorial plans and these are plans which are focused in the next 10 years and the CIDP which touches on midterm for the improvement of the livelihood of our people.

If the County Government can implement the work as it is then I think that this County in the next five years will move an inch higher. I also want to urge the House that this is a document that we should try to follow and to make sure that it is followed by the executive to do their part during the implementation. I was in the previous Assembly and we did not have much on the CIDP which is why we found out that most of the activities that were planned was never done in the last five years.

If we do our work and ensure that the document that we passed in this House is followed to the latter, then I think that this County will find that most activities and most developments are undertaken with clear goals and proper objectives. If we follow the CIDP to the latter then the people of this County will have something to say in the next five years, thank you Hon. Speaker.

Specially Elected MCA, (Hon. Osman Dube): Asante sana Mheshimiwa Spika. Ninaunga mkono kamati hili kwasababu wamefanya mpango mzuri. Tutaendelea mbele ikiwa tutafanya

hivi kwa miaka mitano. Hapa pia wameandika kuwa tuendeleo vizuri. Ukiangalia Kaunti letu, kuna wale ambao wako chini kwa mfano kuna akina mama, vijana na walemavu na tunaomba kuwa pia hawa wainuliwe juu kama vile ilivyo katika Kaunti zingine. Mwenyekiti na kamati yake wamefanya kazi nzuri na tunataka baada ya miaka tano tuwe katika hali tofauti kama Kaunti zingine, asante Mheshimiwa Spika.

MCA Maralal Ward, (Hon. Fred Kiragu): Thank you very much Mr. Speaker Sir. I also rise to support the CIDP report as it is. I wish to commend the Committee on the job well done and also the Chair who has eloquently presented the report. We had undergone several seminars on this as it is or as it was in the other stages. My concern which must be followed very closely by the Budget Committee, Finance and the Sectoral Committees is that there was a CIDP report before this one but as it emerged when we were looking at the projects implementations is that there are places where funds were set aside for a given purpose and by the end of the CIDP period they had not been touched at all. This House cannot be told how these funds were used because they were set aside. After setting aside we were then told that there is no money in most of this sectors.

You find that there is a dam that was budgeted for but when you go to the ground you cannot even find a hole leave alone a tractor going to these areas.

In areas where projects have been implemented and they cannot be used by the local communities. How can you put up a classroom where people have shifted? You build classes but no toilets and other sanitary amenities. It is sad that when you go to these areas where they were supposed to be provided with water tanks in the last CIDP and the tanks have been lying there unused for the last one or two years. We cannot have things on paper and yet our people do not benefit. I went to a place where they had been given 10,000 water tank and to my surprise 2 of them were being used as houses. They had cut a door and people slept inside the water tank. Have we achieved what they purchased for?

I also learned though belatedly that while we went through the CIDP we had some of the donors who were invited and took plan in the CIDP because they inject some funds in the County in various field like Health, Education Etc. I learned though late that the CCF was not recognized in the CIDP and this is an organization that has done a lot for this County for about 50 to 40years. Many children in this County have gone to school through CCF. They put up facilities like classrooms and have been involved in development especially around Maralal, Lorroki, Elbarta, South Horr and maybe some parts of Samburu East. They have been pained since they were not mentioned. I met a few of them the day before yesterday and they have moved from being CCF to being a full NGO that even gets funds from International donors.

The situation that they are in now discourages them. I urge the Chair for the Budget Committee to move with speed. These are people who get over 20 million per year and if they feel discouraged to participate where they are discouraged by persons who are representatives of the

beneficiaries then which shall carry that burden. Through your guidance Mr. Speaker, I urge the Chair for Budget to move with speed and have a letter done either by the Committee or the County Secretary so that they can show when they go to the website and looking for donors they show that they are recognized by the County Government since they serve this County.

I met them while they were planning the 2018/2019(2) and they have millions of funds that they can put into development. We can only remedy it through having the County Government and County Assembly recognize them as part of the donors. With those few remarks I beg to support.

The Speaker, (Mr. Solomon Lempere): Hon. Members I now put the question that pursuant to Standing Order number 47(1), the County Assembly debates and approves the report on the Committee on Budget and Appropriation on the Samburu County Integrated Development Plan 2018/2022.

(Question put and passed)

Hon. Members the time being ten minutes to 4 o'clock and there being no other business, this Assembly stands adjourned until 17th Thursday May 2018 at 2:30 pm.