COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 27th June, 2018

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

The Speaker, (Mr. Lempere Solomon) in the Chair

PRAYER

MOTION

MOTION ON REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE ON BUDGET ESTIMATES FOR THE YEAR 2018/2019

Vice Chair, Budget and Appropriation Committee, (hon. Benjamin Leitore): Thank you Mr. Speaker. I stand to move the following motion, that this County Assembly adapts the report of the Budget and Appropriation Committee on the budget estimates for the County Government and the County Assembly tabled in the County Assembly on 27th June, 2018. I call upon hon. Lenkirasi to second the motion.

(Hon. Lenkirasi bows in seconding the motion)

The Speaker, (Mr. Lempere Solomon): Hon. Members, I now propose the question that this County Assembly adapts the report of the Budget and Appropriation Committee on the budget estimates for the County Government and the County Assembly tabled in the County Assembly on 27th June, 2018.

Vice Chair, Budget and Appropriation Committee, (hon. Benjamin Leitore): Thank you Mr. Speaker. Allow me to read the Committee's report to the House. The budget is the most important instrument in financial management and the key to prudence in public finance applications for every government entity. The concept of county government budgeting emanates from our Constitution as contemplated in Articles 201, 220 and 224. It is further provided in Article 224 that, each county government shall prepare and adopt its own annual budget in the form and according to the procedure prescribed in an Act of Parliament.

To the consequences therefore, the Public Finance Management Act, 2012 (PFMA) is the National Assembly legislation that encompasses the fundamental procedures, guidelines and regulations that guides the budgeting process in public institutions/entities which includes the county governments.

Article 185 of the constitution bestows the legislative authority of a county government to county assemblies which *inter alia* includes: -

i) Receive and approve county plans and policies

ii) Ensure management and exploitation of the county's resources.

Nevertheless, the accountability of financial management of a county government entity is directly endowed to the county assemblies by Article 226 (2) of the Constitution. To overwhelmingly achieve this significant responsibility therefore, the County Assembly by extension and responsibly engages the select Committee on Budget and Appropriations to diligently undertake its mandate/functions as conferred under Standing Order 186.

This is the first Budget and Appropriations committee as currently constituted at the beginning of this session and in compliance to the provisions Standing Order 186. It comprises of the following Members: -

- 1. Hon Lempei Peter, Chair
- 2. Hon. Leitore Benjamin, Vice Chair
- 3. Hon. Leshoomo Jerias, Member
- 4. Hon. Lesoipa Shadrack, Member
- 5. Hon. Adamson Lanyasunya, Member
- 6. Hon. Doris Lenkirasi, Member
- 7. Hon. Lobura Antonella, Member

The Committee on Budget and Appropriations has specific mandate as to inter-alia: -

- Investigate, inquire into and report on all matters related to coordination, control and monitoring of the county budget
- ii. Discuss and review the estimates and make recommendations to the Assembly. Therefore, the consideration of budget of a County Assembly is within the purview of this committee.

Section 129 (2) (a) of the Public Finance Management Act (PFMA), 2012, and Standing Order number 206 provides that the CEC for Finance shall submit to the County Assembly the County Budget Estimates for the two arms of the Government by 30th April, each year. In adherence to this, the County Budget for the financial year 2018/2019 was dully submitted on 2nd May, 2018. The budget was laid on the table of the County Assembly on the same date and subsequently committed to each sectoral committee to deliberate upon according to their respective mandate.

On public participation, the Constitution of Kenya articulates in Article 201, that there shall be openness and accountability including public participation in financial matters. In adherence to these provisions and in observance of Article 196, the County Assembly organized for a public participation exercise in the following Seven (7) designated centres: -

- Loolkuniyani Centre
- Wamba Town
- Lodungokwe Town
- Lekurru Town Market
- Loosuk Town
- Logetei Village
- Lesirikan Town

This was spear-headed by the Budget and Appropriations Committee.

These public hearings were conducted to receive views and recommendations by the County residents on the proposed budget estimates. The views are annexed.

Upon being laid on the table and subsequent committal thereof, the Sectoral committees held their sittings during which the line ministerial staff from the executive were engaged before the committees coming up with sectoral recommendations which were submitted individually by each committee to the Chairperson, Budget and Appropriations Committee.

Mr. Speaker Sir, this is the sixth County Budget since devolution was ushered under the Constitution of Kenya 2010. The Members of the public have witnessed the full implementation of the last five year's budgets under review which has been increasing gradually.

During public participation on the annual budget estimates repeatedly held across the County, the members of the public who have always been actively engaged in this participatory process have dully comprehended to the development progressively instigated by the County Government during the period under review amid the challenges encountered. Nevertheless, this County embraces prudence and responsible financial practices in ensuring equitable society development as embodied in Article 201 of our constitution.

The Committee, in reviewing this budget estimates. will be guided by the values and the principles of public service as stipulated in Article 232 of the Constitution which among others provides for;

- 1. Efficient, effective and economic use of public resources
- Responsive, prompt, effective, impartial and equitable provision of services. Indeed, this
 committee will not diverge from the objects of devolution especially the need to promote
 social and economic development and the provision of proximate, easily accessible
 services throughout the County of Samburu.

In reviewing these estimates therefore, the Committee held a total of five day's sittings at Assembly Chambers between 4th and 18th June, 2018. During this period, the Committee had an ample opportunity to intensely interact with the Accounting Officer for the County Assembly and the County Executive Committee Member for Finance and Economic Planning. During this period, discussions over the budget performance, 2017/2018 and the submitted budget proposals for the next financial year 2018/2019 were held to allow the Committee arrive at rational recommendations on the budget under consideration for the Assembly.

In making recommendations to this budget, the Committee took keen interest in analysing the information as contained in the estimates submitted, the budget performance FY 2017/2018 for the two arms of the County Government, the Sector Committee recommendations and the views from the Members of the Public and the CECM for Finance and Economic Planning.

As outlined above in this report, you will find that the services offered by the top ragging ministries in terms of budget allocations were the services appealed for more funding during the public participation exercise on this budget. The targets set in this budget did not vary much from the ones for FY 2017/2018 due to implementation challenges as explained above. However, this Committee notes with great concern the need to increase the funding to the Programs such as the Ward Development Fund to comprehend the service demand, department of Health and Agriculture. In this report therefore, this committee will be seeking for additional funding where necessary and as allowed by the funds available.

In the circumstances therefore and in an effort to address the overall challenges raised in this report, and in adherence to various government guidelines and regulations on the questions relating to budget preparations, this Committee makes the following observations and recommendations:

- Mr. Speaker, the committee notes with concern the challenge of budget implementation in the previous financial years. Some projects that were budgeted for were unimplemented either completely or partly. In fact, almost none of the developmental projects in the Financial year 2017/2018 has been implemented so far. This calls for responsibility of the implementing Departments to curb this perennial problem.
- The committee noted high expenditure on fuel and lubricants across all Departments including County Assembly and hence recommends the County Government to introduce fuel cards as an alternative means so as to reduce unnecessary cost on fuel and also helps in accountability.
- The County should budget in subsequent years the County Government workshops; this will reduce unnecessary wastage of funds through unwarranted repairs.
- The committee notes with necessity the need to look into the procurement processes that might be hindering timely implementation of projects.
- There is under budgeting of projects especially in previous years' budgets, this has led to stalling of major flagship developmental projects, example Archers Post Health centre, Rigrig Bridge, Arsim Water Project, Barsilinga Water Project among others. All incomplete projects to be followed up and prioritised in order to increase funding in the subsequent years for their completion.
- There is Non-operational Health Facilities that were constructed in previous years like Logetei Dispensary, Lmisigiyoi Dispensary, Seketet Maternity, Angata Rongai Dispensary and Noolotoro Dispensary. These health facilities have not been operational, the Department cites lack of personnel, but the committee sees no reason of continuing to

construct new Dispensaries which shall be non-operational in the future for the same reason.

- There is no equitable distribution of projects across the wards, this should be looked into in the future budgets.
- The public cites that Major Livestock sales yards have no single social amenities like water and Toilets hence disabling business environment.
- All requisitions from the county exchequer should include significant component of development as well as recurrent budget in order to enhance timely service delivery

Mr. Speaker, part 8.2 informs on where the Committee did reservations for funds specially allocated for Ward development and other important projects. That was part of the report recommendations by the Committee. The Committee did a thorough work and am sure you did follow Mr. Speaker because in our social media pages is where we discussed on the Committee's progress. The Committee had three days' report writing in Archers that was completed yesterday and that enabled us to come up with a comprehensive report Mr. Speaker I want to congratulate the Committee

(The Committee Clerk consults with the Chairperson Budget and Appropriation Committee)

Before I make my contributions I will inform the House further on these recommendations as guided by the Committee clerk.

On County Assembly budget Mr. Speaker, this department intends to construct a County Assembly Chambers and the official Speaker's residence and an allocation of Ksh.100 million and 15 million has been set aside for these constructions respectively. The committee notes the necessity but due to budget constraints, the committee recommends that the construction for the County Assembly chambers be reduced by Ksh.30 million and the Speaker's Residence by Ksh.5 million and the saved amount of Ksh.35 million be applied to defray the budget deficit in other equally important projects.

The Office of the Governor.

This department intends to construct six Ward offices and the Official Governor's Residence at a cost of Ksh.14.400,000 and 15 million respectively. The Committee notes the necessity but due to budget constraints, the Committee recommends that the six ward offices be reduced to three saving Ksh.7.2 million. The Governor's Residence is reduced by Kshs.5 million. The amount of Ksh. 12,200,000 be used for other new or existing projects as will later be recommended. s

On Department of Medical Services, Public Health and Sanitation

This department intends to apply Ksh.55 million on Universal Healthcare project for Acquisition of NHIF (National Hospital Insurance Fund) subscription to thousands of families within the County. The Committee understands the importance of primary healthcare but due only to a total of seven health institutions are registered to provide this service within Samburu County and three are public Hospitals. The Committee recommends that the amount be reduced from Ksh.55 million to Ksh.25 million. The Committee therefore sets aside Ksh.30 million that will be used as will be explained below.

On Department of Lands, Housing, Physical Planning and Urban Development.

This department intends to use Ksh.15 million on County Spatial Planning. The Committee noted that this is a huge amount which should be reduced by Ksh.5 million so that other more important projects be given chance; This will bring a total cumulative savings of Ksh.82 million, and will be distributed in projects under the following departments as hereunder;

On Department of Finance, Economic Planning and ICT.

This department allocated Ksh. 112,500,000 for Ward Development Fund giving each ward Kshs.7.5 million for the following financial year's budget. The Committee recommends that the Amount be increased by Ksh. 52,500,000 from the cumulative savings above of Ksh. 82,200,000 to make it Ksh.165 million allocating Ksh.11 million for each ward

Mr. Speaker, the Committee also proposed projects be factored in the budget, it notes with concern that following projects be considered for funding;

- 1) Maralal Hospital Outpatient Block and the Maralal Referral CT (Computer Tomography) scan unit.
- 2) Salamat Alu road
- 3) Baragoi Kawap Road improvement
- 4) Lengei Lolua Road
- 5) Loibor Nkare Purra Road
- 6) Suiyan- Ntotoi Road
- 7) Masikita- Nteremka Road
- 8) Construction of Maralal Community Library
- 9) Demarcation of Lolmolog Group Ranch
- 10) Lariak Oorok Borehole
- 11) Kurseine Dispensary

Mr. Speaker, on other recommendations, the Committee recommends that:

- 1) The Social Hall at Porro be diverted to Lodokejek Ward and be constructed at Naiborkeju.
- 2) Naisunyai Water Project was given Ksh. 8 million and the Committee recommended that it be diverted to Lodungokwe Water Project.
- 3) Dispensary Staff House at Lmarmaroi, the Committee directed that the amount be diverted to Ngare Narok Dispensary, since Lmarmaroi Staff house has already been built.
- 4) Maternity wing at Westgate be diverted to Ngutuk O Ngiron Dispensary.

In conclusion Mr. Speaker, these adjustments and the re-votes maintained the budget balanced with neither a surplus nor a deficit at a total of Ksh.5,452,497,720.

Mr. Speaker Sir, the Committee therefore requests this House to resolve as follows;

that the House:

- a) Adopts this report;
- b) That the proposed amendments to the proposed 2018/2019 budget as contained in this report be adopted; and

c) That the figures as amended in this report becomes the basis for the appropriations for 2018/2019 budget.

Thank you Mr. Speaker.

(Applause)

MCA Suguta Marmar Ward, (hon. Shadrack Lesoipa): Thank you hon. Speaker. I stand to join the hon. Member for Wamba West, being a Member of this Committee, we made factual observations and the Members of this House bear witness. Mr. Speaker, from the recommendations made, we only pray that in future such gaps should be bridged so that service delivery will be prudent and effective to the publics that we represent. As from the appropriated figures, I think this budget is much bigger than the previous budget that we normally budget in this House.

It is my prayer that with the oversight and representation of these Members that they are supposed to give to the people of this County that this budget transforms the lives of people of Samburu and be able to give services that are required to our people. As much as we have gaps, we know that resources are never enough. There are recommendations that are very clear on the issues of implementation and under budgeting. We want these issues that we are talking about here to end in this 2018/2019 Financial Year. The department has been budgeting for some projects, we are talking of the Irrigation Scheme in Arsim, it has been failing every Financial Year since 2013 to date. The issue on Rigrig which has become a vocabulary in this House. There is also the issue of Archer's Health Center, we need such projects to be finished and our people celebrate. And call it the flagship project of Samburu County under the leadership of this House.

As Members of this hon. House, we do not want to see projects being repeated every Financial Year due to incompetency in Implementation of services or under value of projects that are provided. We also want projects that touch the lives of the people of Samburu. The Committee made several implementations and going forward we are not going to repeat in the subsequent years as we have seen over the other time. I urge the hon. House to have this report adopted

moving forward so that services will be given to our people. I am talking about services that are tangible, effective and touch lives of the people of Samburu. I congratulate the Committee for the tireless effort that they put within three days to come up with this genuine report. I urge the Members to adopt this report so that we can move with speed and within time so that we can pass the Budget as required by law. I urge the Members who will speak to echo the sentiments of this Committee, thank you. (*Applause*)

MCA Ang'ata Nanyokie, (hon. Paul Leshimpiro): Thank you Mr. Speaker. I rise to support this Motion but I have serious observations in this Budget. It is unfair on how the budget was spread in all wards not only now but in the previous budgets. I have observed that there are wards that have more than three zero projects from the departments. If I am a Member of Ang'ata Nanyokie and I have three or four zero projects from the four departments, I would have not rose focus to complain. I do not believe that there is any department that can surely say that there is no need of any project in that particular department that can be implemented in any ward.

All departments can do a project or two in every ward. It is unfortunate that some wards have about four zeros of projects, to me this is unfair and not the way to go. Secondly, the formula that the department used shows the relationship between the distribution of resources and the leadership of the department. The leadership of the department also includes the Chairperson of the Committee of that department.

There is a relationship between the distribution of resources based on the background of the leadership of the department e.g. The Cos, CECs, Directors and possibly the Chairman of the Committee of that department. Thirdly, there is a tendency that some wards which are far from accessibility area for example that which is far from Maralal which are far from reach are allocated more funds, more projects and with big amount of money, what does this imply? in my thinking, it implies that we allocate more funds, more projects with big money to far and hard to reach areas which might not be possible for the auditors to verify. This is my observation.

I have also observed a problem where we pass this budget and have a supplementary budget that follows after. There is a possibility that today's budget which we are adopting has completely different projects by the end of the year if they are because there is also a possibility that there is

not going to be any project at the end of the Financial Year. If there will be any project it will be totally different from what we are passing today and at the end of the year. Prioritization of funds is totally misplaced. I also tend to think that the biggest department is Health where the Chairperson of the Committee on budget have just read the facilities which were constructed but still not operational. One thing is wrong, either the need for constructing these facilities was not there at the beginning. If the need was there, then we are not allocating department of Health enough money to open those facilities.

I request in future that these things be taken into consideration. If we do not do this, then it becomes survival for the fittest County. The person who can have the biggest share becomes the ruler of the day in this County if we dot correct these malpractices. Lastly, I saw that the Committee has recommended that there should be a diversion of a Social Hall from Poro to another ward. I find that this is not good. A Member can divert a project from within the ward for example the West Gate maternity to another one is still within that ward. What happens if a project from your ward is taken to another ward? I find it not to be in good faith and something needs to be done. I rise to support but we need to see it in a much serious way in the future, thank you.

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Thank you Mr. Speaker. I also stand to support the report on the County Budget Estimates for the Financial Year 2018/2019. The budget Committee did the Estimates for 2018/2019 where they deliberated it in length and made the recommendations that were aired by the Chair. We as a Committee thought that the Budget that was tabled in the House has a lot of technicalities and gaps that the Committee highlighted in the report. I concur with hon. Leshimpiro when he says that there is lack of equitable distribution of projects allocation across the Ward. The Committee highlighted in their report that there was no fair distribution.

We also did Budget implementation in the previous Financial Years and the challenges that we also underwent. The Committee also pointed out that in the subsequent years that we do not want to see the same being repeated. I want to inform my colleague, hon. Leshimpiro. He talked of a social hall that was diverted to another ward. Mr. Speaker, in the previous years, we discussed in

the house that each financial year a social hall should be constructed in every ward. In the last year, three social halls were constructed, Mr. Speaker. We have one in Ang'ata Nanyokie, two in Poro and three in Suguta Marmar.

MCA Suguta Ward, (hon. Lesoipa Shadrack): Point of information.

MCA Suguta Marmar Ward, (hon. Lesoipa Shadrack): Let me inform my colleague and Member of the budget committee that he withdraws the statement that three social halls were constructed in Suguta. We have only one social hall in Suguta since 2013 to date.

The Speaker, (Mr. Lempere Solomon): Proceed, hon. Leshoomo.

MCA Lodokejek Ward, (hon. Leshoomo Jerias): Thank you, hon. Speaker. Sorry for the misinformation. I was saying Suguta Ward has a social hall, Poro has a social hall, Ang'ata Nanyokie has a social hall. We, as a committee, did not see that a second social hall should be put in place while other Wards have no social halls, Mr. Speaker. As was passed in this house, we thought each Ward should have a social hall at least in a span of ten years.

So, Mr. Speaker the diversion of the social hall from a ward to another is correct as proposed by the budget committee since no ward should have two social halls while others don't have any. Mr. Speaker we have also talked about the delay in implementation of projects in the last financial year and that was highlighted by the committee. Due to some delay in procurement it hindered the implementation of the projects.

I think it is wrong for us to discuss the issue of projects which were budgeted for in several wards because each Ward has several problems. For example, in my Ward, Mr. Speaker, I might not have any problem with roads or in water but in hon. Letura's Ward he probably has problems in roads and water. So as we discuss equal distribution of resources, Mr. Speaker, let us also know the parameters of each Ward. For instance, I don't have any problem with healthcare or dispensaries but in hon. Lentukunye's Ward they probably need ten dispensaries, Mr. Speaker. So as we deliberate on the budget let us also focus on the needs of each specific Ward.

Also, Mr. Speaker there is the issue of budgeting for specific items. As we peruse the budget, we have seen a budget for fuel in specific departments Mr. Speaker. A department uses Ksh. 10 Million on fuel. I think it's only NYS or a bigger transport company that use such a large amount of fuel, not the county government, Mr. Speaker. This is something we should look into as an assembly because if you see the usage of that fuel it means an institution should have at least a fleet of a hundred vehicles. The committee also talked about the use of fuel cards, to cut the cost and to increase accountability. As a member of the committee I think we have highlighted some problems and recommendations of which I think this house has an oversight role over the county government. We should make sure that such recommendations are implemented in future. Thank you, Mr. Speaker.

Specially elected MCA, (hon. Lobura Antonella): Thank you, hon. Speaker. I rise to support the motion. hon. Speaker, I think this committee did a great job especially in one of their recommendations. As has been said earlier, equal distribution of resources to all the Wards is of paramount importance. That's why this committee found out that some Wards have a lot of projects while others don't.

During public participation this committee found out that there's a certain population of people living in between Nyiro and Nachola Wards at a place called Kilepoi. Those people have not seen any fruits of devolution. There are no schools in that place, there are no water projects, and there are no roads; not even marketing or security road. I think this financial year 2018-2019, those people should be considered because they are just there. Even the executive has not factored in those people's needs neither are our colleagues who are supposed to oversee those people. Thank you, Mr. Speaker.

MCA Maralal Ward, (hon. Kiragu Fred): Thank you very much Mr. Speaker. I also stand to support the report but I fear that this house might be used as a rubber stamp to pass a budget that goes to enrich the implementers and this is my biggest worry because at the end of the day, we shall not have achieved for our people and we shall not have achieved the aims of helping the communities we represent here.

I am saying this because though it has been recorded by the honorable committee, it is rather annoying when we read the implementation stages of the 2017-2018 budget and have about 80% of the projects that were passed in this house were not implemented and the funds are not available. Then the question arises. How do you go telling people that you're putting up a dispensary which is not put in the financial year, or whatever other facilities and the funds are not in the accounts?

I just hope that the sectoral committee will follow up to make sure that these projects that are in this budget are fully implemented. You cannot go to the end of a financial year and this honorable house is told that such and such a project is not started at all yet it had a budget of about Kshs. 9, 10 or Kshs. 13 Million and the money is not in the account. This house has been used as hand to feed the implementers and nothing is done on the ground.

It is also very bitter, Mr. Speaker Sir, when you're told a project is 10% done. The funds are not there. When will these projects be done? Now that we have gone into another financial year, now that we have passed another budget, now that we are giving other funds and the projects are still undone. Some are at zero while others are at varied stages. None has been done 100% as per the report that was presented to this house by the CS.

So what I am saying Mr. Speaker, if it were not for the reason that our people would suffer if we do not pass this budget, I would propose that we do not pass this budget until the projects that were budgeted for in 2017-2018 are completed and if they are not completed the money is availed to this house for re-direction or re-budgeting. It is very serious that no project is done and there is no money.

I think, Mr. Speaker, the for sectoral committees are not serious either and I'm not afraid to say this because when this report was brought here, the Speaker directed that the sectoral committees go to the executive to find out why the projects were not done, find out where the money was but up to this time as we pass this budget no report has come from any sectoral committee to say that these were the reasons or these kind of funds are available.

So Mr. Speaker I call upon the honorable members to be serious completely when we pass this budget. The sectoral committees and especially the chairmen need to be serious in following up. We cannot say we have oversight when the money is not there and projects are not done.

(Interruption due to point of order)

The Speaker (Mr. Lempere Solomon): On which order are you standing?

MCA Suguta Ward, (hon. Lesoipa Shadrack): Standing order number 81.

The Speaker, (Mr. Lempere Solomon): Proceed, hon. Lesoipa.

MCA Suguta Ward, (hon. Lesoipa Shadrack): Thank you Mr. Speaker. Is the honorable member (hon. Kiragu), the honorable chair of the Implementation Committee, in order to be crying and is the one to follow up on this implementation Mr. Speaker? You should show us the way Mr. Speaker.

The Speaker, (Mr. Lempere Solomon): Hon. Members, just for some direction, the honorable Chair for Implementation tabled a report on which I gave some direction for each sectoral committee to provide their own individual sectoral reports which has not been done. This House is still awaiting reports from sectoral committees on the status of the implementation of the last two Financial Years. Halfway into the next year, we are still waiting for those reports. Proceed, hon. Kiragu.

MCA Maralal Ward, (hon. Fred Kiragu): Thank you very much Mr. Speaker for that protection. I would also like to say what was said by hon. Leshoomo that we cannot seek in every budget year to have equity in all our Wards. There are some Wards that have different needs, different populations. I think when we try as hon. Members to seek equity or to equalize whatever goes to every Ward we are not being fair to some Wards. Even as we give Ward funds at Kshs.11 Million, Maralal Ward should qualify for about Kshs.15 Million because of the population. Maralal Ward cannot be compared with other Wards whose 11 Million is enough to do almost everything.

We still have a lot of poverty in this town and especially in our slums and they should be taken care of in a special way, Mr. Speaker and some affirmative action should be taken at the ward. We cannot, Mr. Speaker, argue and be comfortable that Maralal is a town and everybody is comfortable. We have also high rates of poverty in this town. So Mr. Speaker, with those few remarks I wish to support the report.

(The questions put and the motion passed)

The Speaker (Mr. Lempere): Honorable members, the time being 4:15 pm and there being no other business this Assembly now adjourns until Thursday afternoon, 28th June 2018 at 2:30pm.