



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF SAMBURU
THIRD ASSEMBLY – SECOND SESSION

MOTION

Hon. Speaker, I beg to move the following motion;

AWARE that borrowing by County Governments is provided for under Article 212 of the Constitution, which Provides inter Alia that; a county government may borrow only—

- a) if the national government guarantees the loan; and;
- b) with the approval of the county government's assembly.

FURTHER AWARE that, Sections 58, 140, 141 and 142 of the Public Finance Management Act (PFM) 2012, amongst other things, outline conditions on the authority for borrowing by county governments;

NOTING that specifically under Section 140 of the PFM Act, 2012, such request for borrowing can only be allowed if the loan and the terms and conditions for the loan are set out in writing and are in accordance with—

1. Article 212 of the Constitution;
2. Sections 58 and 142 of the PFM Act;
3. The fiscal responsibility principles and the financial objectives of the county government set out in its most recent County Fiscal Strategy Paper; and
4. The debt management strategy of the county government over the medium term...;

HAVING RECEIVED a request for borrowing from the County Assembly Service Board vide a resolution of the Board dated 14th April, 2023, forwarded to the Assembly to request for authority to engage other lenders on the refinancing of the County Assembly's Kenya Shillings Sixty million (60,000,000) loan;

OBSERVING that Members of the County Assembly never received Mortgage and Car Loans since inauguration of the third House occasioned by inadequate funds in Mortgage and Car Loan Fund Account;

DEEPLY CONCERNED that failure by the County Assembly to advance mortgage and Car Loan scheme to members of the third Assembly will greatly impact delivery of service negatively in the County and especially the key role of oversight. This issue needs be addressed urgently and without further delay.

SATISFIED that with the current request by the County Assembly Service Board through the County Assembly has demonstrated a renewed commitment to finding ways to finance members' mortgage and car Loan scheme through private lending since the current procedure completely failed.

FURTHER AWARE that; the County Assembly Service Board is a Body corporate pursuant to provisions of Section 12(2) of the County Government Act as read together with Section 12(d) of the County Assembly Services Act, No. 24 of 2017, thus has all the rights and powers of the body corporate.

This **ASSEMBLY RESOLVES** pursuant to the provisions of Article 212 (b) of the Constitution, Section 142 of the Public Finance Management Act, 2012, Section 8(1)(d) of the County Governments Act, 2012, to AUTHORIZE the County Assembly Service Board to engage other lenders including the National Government, other County Government agencies and private Financial lenders as required by law as well as other suitable lenders with favorable terms with a view to finance the Members of the County Assembly mortgage and Car Loan facility to a tune not exceeding Kenya shillings Sixty Million (60,000,000).

Thank you Hon. Speaker Sir

Hon. Lentukunye Christopher, MCA
The Leader of Majority,
County Assembly of Samburu

April 19, 2023

Hon. Fred Lengess, MCA
The Speaker,
County Assembly of Samburu

April 19, 2023