

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 6th December 2023

The Assembly met at the County Assembly Chambers at 9:30 a.m.

The Speaker, (Mr. Lenamarle Stephen), in Chair

PRAYER

MOTION

Chairperson, Committee on Budget and Appropriations, (Hon. Lenamparasio Caunda):
Thank you Hon. Speaker. I stand here to move the following Motion:

THAT, pursuant to Standing Order No. 47, the County Assembly debates and adopts the Report of the Committee of Budget and Appropriations on consideration of Samburu County Annual Development Plan for the Financial Year 2024-2025.

Thank you Hon. Speaker, I call upon Hon. Lemoosa to second the Motion

(Hon. Lemoosa Jonathan bows to second the Motion)

The Speaker, (Mr. Lenamarle Stephen): I now propose the Question, **THAT,** pursuant to Standing Order No. 47, the County Assembly debates and adopts the Report of the Committee Budget and Appropriations on consideration of Samburu County Annual Development Plan for the Financial Year 2024-2025.

Chairperson, Committee on Budget and Appropriations, (Hon. Lenamparasio Caunda): Hon. Speaker, Section 8 (1) (e) of the County Government Act, 2012 mandates the County Assembly to approve the County Development Planning and Section 107 of the same County Government Act, 2012; the County Executives are specifically mandated to prepare the following plans:

County Integrated Plans, County Secretarial Plans, County Spatial Plans and Cities and Urban plans as provided under the Areas and Cities Act No.13 of 2011. Further, the same section under 107 (2) provides that the County Plans shall be the basis of all budgeting and spending in a County.

Hon. Speaker, in particular; Section 126 of Public Finance Management Act, 2012 stipulates as follows:

1. *Every County Government shall prepare a development plan in accordance to Article 20 (2) of the Constitution that includes;*
 - (a) *Strategic plans for medium term to reflect the County Government priorities and plans*

- (b) Description of how County Government is responding to changes in the financial and economic environment*
- (c) Programs to be delivered with details of each program of strategic priorities to which the programs will contribute to services or goods to be provided.*
- 2. *Measurable indicators of performance where visible and nature*
- 3. *The Budget allocated to the program*
 - (d) Payments to be mandate on behalf of the County Government including details of any grants, benefits and subsidies that are paid to*
 - (e) Description of significant capital developments*
 - (f) A detail description of proposal with respect to the development of fiscal, intellectual, human and other resources of the County including the measurable indicators where those are visible*
 - (g) A summary budget in a format required by regulations*
 - (h) Such other matters as maybe required by the Constitution or this Act.*
- 2. *The County Executive Committee Member responsible for Planning shall prepare the Development Plan in accordance with the format prescribed by regulations*
- 3. *The County Executive Member responsible for Planning shall not later than 1st September of each year submit a Development Plan to the County Assembly for its approval and send a copy to the Commission of Revenue Allocation and Treasury*
- 4. *The County Executive Committee Member responsible for planning shall publish and publicize the Annual Development Plan within seven days after its submission to the County Assembly.*

Hon. Speaker, on behalf of the Committee on Budget and Appropriations, I wish to express sincere gratitude to Office of the Speaker and the Office of the Clerk for the guidance and necessary logistic support for this important exercise. I also wish to appreciate the Members of the Committee for their commitment to ensure that the process was successful.

Finally, the Committee is indebted to the County Assembly staff who offered invaluable technical support and services in successful compiling of this Report.

Hon. Speaker, it is now my pleasant duty and singular honour on behalf of Budget and Appropriations Committee to table the Report and recommend for adoption by this Honourable House, Thank you Hon. Speaker.

MCA Nyiro Ward, (Hon. Lemoosa Jonathan): Thank you, Hon. Speaker. I wish to join hands with the Vice Chair on Budget and Appropriation urging members to adopt this particular document for these simple reasons. This is a very important document in that segment of budgeting and as such therefore, this document is overdue to this house for either way. But honestly I want to plead with the honorable members to adopt the report such that the budgetary cycle is adhered to.

We all know that being a money Bill, it is subject to a legal framework and is time-bound. This document has a few errors here and there which the committee has noted and actually proposed a few resolutions. With your office, we would wish to indulge our executive in pointing out some of the glaring shortfalls on the document. We had perused, taking this document into public participation. Our secretariat with the honorable committee noted a few errors or shortfalls for that matter but I would really want to notify our honorable members that such concerns will be addressed.

We have put up mechanisms on how to address the shortfalls and the typos in the document and as such therefore, Hon. Speaker, I wish to call upon our honorable members to such that we meet the deadline in order to comply with the budgetary cycle as it is in the Public Finance Act. Thank you, Mr. Speaker.

MCA Loosuk Ward, (Hon. Lenamparasio Caunda): Hon. Speaker, as committee we had five recommendations and I feel it is very prudent for me to read them to this honorable house. The recommendations, of which the fifth is a prayer to this house to approve the annual development plan. The first recommendation is that the committee emphasizes the need for the executive to recognize Wards in any planning at the departmental level.

Further allocations to the Wards should strictly be followed during the execution of the budget in accordance with the varying needs of the fifteen Wards. The second recommendation is equity in resource allocation. The Annual Development 2024-2025 proposed an allocation of Kshs.10M to each Ward. The departments are therefore advised to domesticate the said projects and develop

them within their respective programs and subprograms complete with work plans for presentation in subsequent planning documents, CFSP 2024 and annual budget estimates.

The third recommendation is that the cross-cutting and flagship projects that various departments are further advised to capture flagship projects as captured in the CIDP for implementation and the sector working groups to always engage with the sectoral committee in order to ensure that the plan is done within the set timelines.

The fourth recommendation is that the County Executive should ensure that there is a realistic budget in the annual development plans and reduce expenditure on budgets to ensure that there would be reduced pending Bills that accrue every financial year due to poor fiscal planning.

The last recommendation, which is a prayer, is that the County Assembly approves the Annual Development Plan 2024-2025 pursuant to provisions of section 126,3 of the PFM Act 2012. Hon. Speaker, on the first one, equity in resource allocation; the last budget that was executed by the Executive we saw a department that had its allocations to one Ward across the fifteen Wards and that was the Lands Department that tied all their allocations to Maralal Ward. That gave rise to the second recommendation that there should be equal distribution of resources to all the fifteen Wards. Thank you, Mr. Speaker.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Hon. Speaker. I also take this good opportunity to join the Hon. Members on the support of this recommendation and this report. I also thank the Budget and Appropriation Committee for coming up with a very comprehensive and a very understanding report. It was a very tiring work but they tried to come up with it. We had challenges with the ADP but the Committee sat down with our secretariat and came up with this very good report. I do not want to keep quiet without saying the Committee their very best to come up with this report.

There is the second recommendation on equity in resource allocation; I remember the other day when we were looking at the 2024/2025 Budget, we came across a Department that does not have even a single project in several Wards like the Hon. Member has said before me, like the Lands and Social Services. We saw that there are so many that do not capture other Wards in their Development Budgets. We saw that is good that we put this recommendation here that all Wards should be captured in all our Departments.

CIDP guides us on how to make Budgets; when you look at the CIDP all the Wards captured there are guidelines within the 15 Wards which will guide the Departments to come up with the Budgets. What we saw the other day is that we have some Departments for example Wamba North Ward we did not see even a single project from the Department of Lands and even the Social Services, there is not a single project for that Ward. This is a very good report that they have captured.

I urge this Hon. House once we pass projects and reports in this House they are very legal and they Department and the Executive should follow on the recommendations that we have made and considered in this House to make sure that there will be better implementation. I also observed the Budget and the CIDP where we have so many flagship projects that are captured in the CIDP, but when you look at 2024/2025 Budget I did not realize even a single flagship project but because of this Committee they have tried and saw the CIDP and the 2024/2025 Budget and they came and said that they are cross cutting/flashing an on-going project should be considered in our Budget lines. This a good job done by the Committee without forgetting our secretariat.

Secondly, when I was looking at the Annual Development Plan (ADP) I came across some false information; the other day the Hon. Majority Leader sought the Statement on the ECD Tanks and we saw that there are Wards that did not receive their tanks but when you see the ADP you will see them saying that they have bought and installed the 45 tanks which is false information according to what we have on the ground. They are not there. I urge the Hon. Members to be serious on oversight matters to ensure that what we have Budgeted is what is being implemented.

Just because Hon. Speaker I know we have a lot of 2023/2024 of projects that are zero done; yet we have done nothing on following up on this projects that are done zero work. Let me urge the Hon. Members that we be serious in our work and we make sure that in departmental work we look on that because even ADP when you look our standing order, it tell us when the ADP is tabled to the House all the selected sectoral committees to sit down look at the ADP report back to the budget committee to be captured to be considered and also put to the report of the county assembly Mr. Speaker, so let us just be serious and know what we are supposed to do at Honorable members sectoral committees so that for the betterment of this beautiful county.

I also realized to my understanding I saw misappropriation of funds just because when we budgeted a project for example in Wamba North you see that project being done in Loosuk ward is that not misappropriation of funds? If I am not wrong surely then we need to be serious when we pass budget in this House it became a legal document unless we supplement, then we change the project in a legal way.

I came across that this county is becoming a house of a person just sitting down and say that Murit road should be taken to Loosuk ward or to Suguta ward and that one is not legal then Hon. Speaker we need seriousness in this House with your help Hon. Speaker if we budgeted for example a project in Wamba north let it be done in Wamba North Ward. Unless we supplement so, thank you Hon. Speaker I support fully the project the reports with good recommendation and I call upon the Honorable Members let us support and let us do our oversight to make sure that what we are passing in this House, recommendations that we pass in this House is very good and it be done in the grassroots level, thank you Hon. Speaker.

MCA Lodokejek Ward, (Hon. Lekuchula Leinas): Thank you Hon. Speaker, I raise on a point of information I need your guidance Hon. Speaker if Hon. Lentukunye is properly dressed to attend the session, thank you Hon. Speaker.

The Speaker, (Mr. Lenamarle Stephen): is it Point of Information or Point of Order? It should be Point of Order. You need to inform me whether he is properly dressed or not, also you need to...

MCA Lodokejek Ward, (Hon. Lekuchula Leinas): Hon. Speaker I do not think the Hon. Member is properly dressed to attend this session Hon. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Lentukunye, you can...

MCA Nachola Ward, (Hon. Leshimpiro Paul): Point of Order Hon. Speaker

The Speaker, (Mr. Lenamarle Stephen): Yes

MCA Nachola Ward, (Hon. Leshimpiro Paul): Thank you Hon. Speaker, I think we have in a number of House even the senate, Hon. Senator Ledama used to dress in the traditional attire and our Standing Orders ideally it does not expressively give that clear description what it means to be properly dressed. Secondly, since the majority leader has been away for some time, he might

have forgotten a number of things I just request that he be pardoned because his contribution to this House is more important than the dressing, thank you Hon Speaker.

Specially Elected MCA, (Hon. Dube Osman): Mheshimiwa Spika, sheria ni sheria mbeleni ilitolewa nyingine, kama mtu hana Tai Mheshimiwa Spika atolewe polepole aende avalie Tai arudi, sheria ni sheria Mheshimiwa Spika, hakuna sheria inakata pande moja, atoke Mheshimiwa Mwakilishi wa Wengi dakika moja avae Tai arudi.

The Speaker, (Mr. Lenamarle Stephen): Mheshimiwa Lentukunye nenda ukavae Tai kisha urudi
(Laughter and chuckles)

The Speaker, (Mr. Lenamarle Stephen): Hon. Lekuchula

MCA Lodokejek Ward, (Hon. Lekuchula Leinas): thank you Mr. Speaker Sir, I raise to support the document, I think this is a very good job for the committee thank you very much.

We might not miss one or two things that we need to rectify in this document maybe because we found when we were doing the committee meeting we found that there is a lot of errors copy pasting. You will find something which was in the last ADP is still appearing in this ADP. So those are the small things that we need to rectify as a committee and also we want all committees' to go through the ADP so that they can rectify the small errors that we have in the documents. Just look at your department or whatever in the planning of the committee so that we will rectify those small issues. Thank you Hon. Speaker sir.

Specially Elected MCA, (Hon. Hasan Dube): Asante Mheshimiwa Spika, mara ya pili kusimama. Naunga mkono hii document. Hii kamati imefanya kazi ya kulete hii. Mimi naomba tu kitu moja kwa sababu ile mambo ingine yote iko sawa, ninaomba mwenyekiti na hii kamati pamoja supplementary ikikuja, iangalie mambo ya disabilities kwa sababu pesa yetu ni kidogo kwa sababu naona vile hao wamefanya balance, ikikuwa supplementary ikikuja, tuangalie sisi kwa sababu hii budget yetu kila mwaka milioni tano na iongezwe kwa sababu maisha ni tofauti. Tulienda disability day Archers, nilishangaa watu ni wengi kuliko wenye wako Maralal. Kwa hivyo kamati, kazi mnafanya ni mzuri. Uangalie balance kama disability hii mambo kama hiyo naunga mkono Mheshimiwa Spika.

MCA Ang'ata Nanyokie, (Hon. Leshimpiro Paul): Thank you Ho. Speaker, I rise to support the Report, am a Member of the budget committee and I think in our ADP as I said before, the ADP is just a one part of the five-year plan of the CIDP and we went across a number wards, sampled and the recommendation of the committee was very contagious.

We come across that some Departments do not have even a single allocation to a number of wards, not one, two or even three a number of them. It has just been seen as though where the CECM or the CEO or probably a director in that department comes from almost an entire budget goes to that region where that CECM come from.

We find that as very big discrepancy and I do not think it reflects going beyond the leadership we also need to go beyond just being the Ward representatives or even CECMs coming from specific Wards or villages. That is a very serious problem and if allowed to continue, there is possibility that some Wards may never the four years that are remaining gets any proper allocations. That is one very major thing as a House that we need to look into.

In the second Assembly, I use to tabulate the entire figures of every department and sample them again as a whole so that a reflection is seen of every Ward. How much does this Ward got for the full financial year.

I have not done it this time and am looking forward to do it soon, probably tabled it in this House because it can be very possible that one Ward in full year that one Ward may get that Ward fund of twenty million and may be a maximum of ten million from all the departments. That is very possible under the same time. There is a Ward while other one is getting thirty million together with the Ward funds, there is a Ward that is getting around three hundred million in one Ward, so that is a serious discrepancy and as the representative of those Wards we need to be very keen on that so that the CECMs who happen to get the opportunity to serve do not take the advantage.

Secondly, this so far, okay we have got one year that we have completed and up to now we have not seen any fluctuate project even in the budge I do not see in this major projects like what we have seen in the first and second Assemblies. These County government, the Executive and the Assembly need to look into what they need to do, the fluctuate projects that has significant impacts to our communities, that is something need to be noted and be noted seriously. It is also

important to note here that we need to have financial discipline and the budgetary discipline, it is noted that, there is a tendency by the Executive to move one project from one point to another and I suppose that is an absolute misappropriation. I do not consider for example, a removal of a road in Ang'ata Nanyokie to be implemented in another Ward as properly used money.

It is absolutely a wasted money, there is no money that can be used in another ward or in another project that has never been budgeted for and approved by this House. If need be that there is a need to change, then the normal supplementary process has to be undergone because you can get a project that has every detail of Ang'ata Nanyokie for example road, so it has every detail advertised as the road in Ang'ata Nanyokie but the implementation is done in a different site, the payment, everything reads Ang'ata Nanyokie and then the payment is done in a different Ward.

That is a very serious offence and our Executive need to change that. I chair the public accounts Committee and that is a serious offence and we wish even to cooperate with the auditors to sight out such kind of projects in future. Thankyou Hon. Speaker, I support.

The Speaker, (Mr. Lenamarle Stephen): I now put the question, that pursuant to Standing Order 47, the County Assembly debates and adopts the report of the Committee on Budget and Appropriation on the consideration of the Samburu County annual development plan for the financial year 2024/2025.

(Question proposed, put and passed)

MCA Ndoto Ward, (Hon. Lemoosa Jonathan): The Hon. Speaker sir, I wish to sincerely thank the Honorable Members, for approving the ADP (Annual Development Plan). I am sure actually, the Members are alive to the fact that, this is a very important document and I think this is why all the Members and the beautiful work done by the Committee and the secretariat that has informed this approval.

The Hon. Speaker sir, we as the Budget Committee we have listened carefully the Hon. Members ventilating into the matter and we have found it necessary of course, there are a few things that we need to inform or actually share with the department. Besides that, Members have really spoken loudly that of course the secretarial committee is going to do the oversight role.

This is very important in budgetary implementation; this is exactly why we have the secretarial committee that of course they oversight the work done by their departments. Moreso Speaker sir, this House has a standing committee on implementation, the implementation committee also has to see that some of the regulation policies and some rules or acts in that matter that are passed in this House, are actually implemented maybe rafter six months and especially after the budget.

The Hon. Speaker sir, it is noted that of course Members have noted with a lot of concern, the budgetary implementation process that, of course some of our CECs, CECM the CEOs where they come from, they lamp the project, of course they take the lion share and this is exactly the Hon. Speaker sir, our committee is pleading with your esteem office to enable us though we know there are financial constraints but of course when the situation is better, we really wish kindly request your esteem office, to enable us sit, draw reports to correct the vice because it is true what Members have observed.

You can really see some projects change from one Ward to another which is actually a vice. It is really a vice which need to be corrected. I think it is somehow acceptable maybe within the Ward, the project can be shifted from one point to another but when it is actually shifted from one Ward to another, it takes away the allocation that was meant for the particular Ward and the Hon. Members, I really wish to sincerely maybe inform you that I am of the opinion that we request the Hon. Governor or the Executive in that matter, that of course in our 2024/2025 budget, we try and seek an additional of Ksh.10,000,000 to be lamped into the Ward fund because I think this is where we have some control over.

We have a lot of control in this Ward fund and if it is actually upped by Ksh. 10,000,000 to read around 30,000,000, we can have that balance. So, this is what I want to urge the Hon. Members, the Hon. House including our Hon. Speaker that let us actually see how we can up this fund because this can be equity, equitable share of Ksh. 30,000,000 the rest now can differ because of population and other issues or dynamics that play in the Wards.

But actually, with Ksh.30,000,000 in each ward we can call that equity because it is true Speaker sir, we have noted such variants from one Ward to another others having Ksh.300,000,000, Ksh.200,000,000, Ksh.50,000,000 and it brings about some imbalance, in other words, we are also trying to marginalize some of our Wards and with that Hon. Members, we as a committee,

we really want to thank you for being live to this particular paper, we have noted with concern the few shortcomings as we have read and we want to address it going forward. Thank you, the Hon. Speaker sir.

ADJOURNMENT

Hon. Members, the time being 14 minutes to 11 O'clock and there being no any other business, this Assembly now adjourns until Wednesday 6th December 2023 at 2:30PM.