

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Thursday, 22nd June, 2023

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

Nominees for County Executive Committee Member and the Chief Officer Positions

The Speaker, (Mr. Steve Lenamarle): Thank you Hon. Members, Communication from the Chair On the nominees for the County Executive Committee Member (CECM) and the County Chief Officer (CO) positions.

Hon. Member, in accordance with Article No. 179 (2 b) of the Constitution of Kenya read with section 30(2 d) of the County Government Act 2012, and pursuant to section 45 1 (a b) of the County Government Act 2012, as read with section 6 of the Public Appointments, County Assemblies Approvals Act 2017, H E the Governor has forwarded the names of the County Executive Committee Member and the County Chief Officer nominees for vetting and approval by the County Assembly.

Hon. Members, in accordance with the provision of Article section 7 (1) of the public appointment, County Assemblies Approval Act 2017, I wish to report the receipt of the notification to the County Assembly, the names of the nominees and their respective departments as follows:

1. Lekimain Y Patrick (CECM Agriculture Livestock Veterinary services and Fisheries).
2. Lesilele Lysson (CO, Education)

Hon. Members, in accordance to article 185(3) of the Constitution of Kenya read with Section 8 (1 a) of the County Government Act No.17 of 2012 and pursuant to the County Assemblies of Samburu, standing orders No.46 (1) which states that, upon receipt of the nomination for appointment to the office as in under the Constitution or under any other legislation required to be approved by the Assembly, the nomination shall stand committed to the relevant Sectorial Committee of the Assembly for consideration.

Hon. Members, Standing Order No.46 (2) states that, despite paragraph 1, appointments under Article 179 (2 b) of the Constitution shall stand committed to the committee on appointments. Therefore, the appointment of Lekimain Y Patrick, CECM Agriculture Livestock Veterinary

Services and Fisheries is under Section 179(2 b) of the Constitution of Kenya and hence stands committed to the committee on appointments and the appointment of Lesilele Lysson CO Education which is not under Article 179 (2 b) stands committed to the relevant Sectorial Committee(Committee on Education and Vocational Training).The committees are expected to table their reports within 14 days pursuant to the County Assembly of Samburu Standing Order No. 46(4). I Thank You

PAPERS

Chairperson, Committee on Budget and Appropriation, (Hon. Jonathan Lemoosa): Hon. Speaker Sir, I beg to table the Report on the county estimate of revenue and expenditure for the financial year 2023/2024. Thank you.

MCA Poro Ward (Hon. Leleruk James): Thank you Mr. Speaker. I rise to table a Report of the Auditor general on Samburu Assembly Car loans and mortgage funds for the year ended 30th June, 2022.

NOTICES OF MOTIONS

Chairperson, Committee on Budget and Appropriation, (Hon. Lemoosa Jonathan): The Hon. Speaker sir, I wish to give a notice of Motion **THAT**, pursuant to the provisions of Standing Order No. 217(6), this County Assembly adapts the Reports of County Budget and Appropriation Committee on the Budget estimates for the County Government and the County Assembly tabled in the Assembly on 2nd May, 2023.Speaker sir, I beg the Hon. Christopher Lentukunye, Thank you Speaker sir.

MOTION

Chairperson, Committee on Budget and Appropriation, (Hon. Lemoosa Jonathan): Pursuant to the provision of Standing Order No. 217 Sub-Article 6, this County Assembly adapts the reports of County Budget and Appropriation Committee on the budget estimates for the County Government and the County Assemblies tabled in the Assembly on 2nd May, 2023 and I beg Hon. Christopher Lentukunye to second. Thank you Speaker sir.

(Hon. Christopher Lentukunye bows in seconding)

The Speaker; (Mr. Steve Lenamarle). Hon. Members I now propose the question **THAT**, pursuant to the provision of Standing Order No.217 (6) this County Assembly adopts the report of the County Budget and Appropriation Committee on the budget estimates for the County Government and the County Assemblies tabled in the Assembly on 2nd May, 2023.

Chairperson, Committee on Budget and Appropriation, (Hon. Lemoosa Jonathan): Thank you the Hon. Speaker Sir. The Hon. Speaker Sir, I wish to bring attentions to the Hon. Members of the report on the County Estimate of Revenues and expenditure for the Financial Year 2023/2024. Speaker sir, the legal framework, Speaker this is a report on annual Estimate of Revenue and Expenditure submitted by the County treasury on 28th April, 2023 for the Financial Year 2023/2024, the proposal are submitted in the accordance to Section 129 of the PFM Act 2012 which **THAT**, states, the County Executive Committee member to submit Budget Estimate and other Documents to:

1. County Executive committee for approval 129 (1) County Executive Committee member of finance shall submit to the County Executive Committee for its approval:

a. The budget estimate and other documents supporting the budget of the County Government excluding the County Assembly.

b. The draft bill at the County level requires to implement the County Government budget in sufficient time to meet the deadlines prescribed by this section.

2. Following approval by the County Executive Committee, the County Executive Committee shall, member for finance shall:

a. Submit to the Assembly the budget estimate supporting documents and any other bill required to implement the budget except the finance bill by 20th April in that year and ensure that the estimate submitted in subsection A are in accordance with the resolution adopted by the County Assembly, all the County Fiscal Strategy Paper.

3. Each County Assembly clerk shall prepare and submit to the County Assembly, the budget estimate for the County Assembly and a copy shall be submitted to the County Executive Committee member for finance.

4. The County Executive Committee member for finance shall prepare and present his or her comments on the budget estimate presented by County Assembly Clerk.

5. The County Executive Committee Member for finance shall ensure that, the budget process is conducted in a manner and within a time frame sufficient to permit the participants the process to meet the requirements of the constitution and this act.

6. As soon as possible, after the budget estimate and other documents have been submitted to the County Assembly under this section, the County Executive Committee for finance shall publish and publicize the document.

Mr. Speaker sir, further Standing Order 217 of the County Assembly standing orders provide for the procedures of handling the budget estimate and in particular states as follows:

- i. Presentation of the budget estimates and committal to the Committee.
- ii. Speaker sir, establishment and mandate of the Committee.
- iii. Mr. speaker sir, the Budget and Appropriation Committee is established under the provisional Standing Order 195 as currently constituted. The Committee comprises of the following members, Committee membership:
 - 1) Hon. Lemoosa Mwaura Lekuram - Chairperson
 - 2) Hon. Lenamparasio Phelix Caunda - Vice chair
 - 3) Hon. Lentukunye Christopher – Member.
 - 4) Hon. Lenamantiyo Silapia – Member.
 - 5) Hon. Leshimpiro Paul Hosma – Member.
 - 6) Hon. Lenyakopiro Charity – Member.
 - 7) Hon. Lekuchula David Linus – Member.
 - 8) Hon. Leleruk James Koileken – Member.
 - 9) Hon. Leitore Jeremiah – Member.

MANDATES OF THE COMMITTEE AND ACKNOWLEDGEMENT

Mr. Speaker sir, on behalf of the Committee on Budget and Appropriation, I wish to express sincere gratitude to the Office of the Speaker and the Office of the Clerk for the guidance and necessary logistical support for the important exercise. I also wish to appreciate members of the committee for their commitment in ensuring that the process was successful. Finally, Mr. Speaker sir, the Committee is indebted to the County Assembly staff who offered invaluable technical support and service in successfully compiling this report. Mr. Speaker sir, it is now my pleasure, duty and single honor on behalf of the budget and appropriation committee to table this report recommended as is adopted by the honorable House.

Mr. Speaker sir,

INTRODUCTION 1:0.

The Samburu County estimate for the financial year 2023/2024 was submitted to the County Assembly on 28th April 2023, tabled and deemed committed to the Sectorial Committee on 2nd May 2023. Mr. Speaker sir, the Committee on Budget and Appropriation thereafter, proceeded to examine and deliberate on proposal estimate and come up with recommendation which are contained in this report.

Speaker sir, the Committee recommendations were arrived at during Committee meetings and consultations with the County Executive. Upon approval by the honorable House, the resolution contained in this report will form the basis for the appropriation bill for the financial year 2023/2024.

Mr. Speaker sir, this report has been divided into four main sections, namely;

- i. Revenue basket with three components: Equitable share, County owned revenue and Grants.
- ii. Recurrent expenditure: Personal emolument, Operations and maintenance, Funds and recurrent grants.
- iii. Development expenditure: Development grants and Ward priorities,

- iv. Revenue framework. Speaker, revenue framework 2 (0) is stipulated in the table 2 (1), 2 (2)

An observation Mr. Speaker sir, observation of the resource basket.

- I. The total estimated revenue for the financial year 2023/2024 is 7,268,830,376.
- II. In the financial year 2023/2024 the equitable share of revenue donates the largest share revenue at 76.88% while conditional grants translate to 9.72%. On source revenue at 3.52% and projected and spent balance of 9.88% as tabulated below. (The figures and the table tabulating are underneath).
- III. The equitable share of revenue Mr. Speaker sir, increased from 5,371,346.37% in financial year 2022/2023 5,588,175, 670 shillings in the financial year 2023/2024 thus an increase in Ksh. 216,829, 633.
- IV. Conditional grant has increased from 35,957,243 shillings in financial year 2022/2023 to Ksh.706, 627, 306 in financial year 2023/2024 as tabulated below. (The table Speaker sir is underneath).
- V. The local revenue has been projected at 256, 027, 400 for financial year 2023/2024. Speaker sir, 3(0) consolidated County expenditure for the financial year 2023, Mr. Speaker sir the committee recommended that total recurrent expenditure of Ksh. 4,575,112,076 to fund personal emolument, support operations routine maintenance, funds and recurrent grants. (The table below is a summary of County consolidated expenditure estimate for the financial year 2023/2024. The table underneath explains).

Local Revenue 3:2

Mr. Speaker, the committee recommends a total overhaul of the revenue collection system to embrace technology to ensure that it is easy, efficient and effective to encourage payment of revenue and accountability of the collected revenue as well as collection of non-remitted revenue.

Development Expenditure 4:0

Mr. Speaker sir, the committee recommends to finance development programs in the financial year 2023/2024 as summarized in the table below. Table four, Speaker sir explains how development expenditure is spread within the county all through page 18,19,20,21,22,23,24 Speaker sir and 25.

Recommended Development Inclusion 4:1

Mr. Speaker sir, upon consultations, with relevant departments the committee recommended the following items to be estimated that, in consideration to the County government additional allocation bill published on 24th May 2023 the summary of what was focused in the budget and what the bill proposes are shown below.

We have the revenue transfer of National government, conditional grants, leasing medical equipment, DANIDA mineral royalties, risking and value enhancement, fertilizer subsidy, agriculture sector, Kenya Livestock Commercialization project, locust, balance brought forward and finance led to climate action programme of FLLOCA.

The bill amount of Ksh. 2,000,000 has counter fund for the World bank loan for the National agriculture and rural inclusion growth project. The committee recommends the incorporation of changes in the County budget of revenue expenditure of the Financial Year 2023/2024.

That in the consideration sectorial on Water Environmental, Climate Change, Natural resources and Energy the Committee on Budget and Appropriation made the following observation:

- a. That during the Budgeting process the department realized some of the critical components have been dropped off we request the County Assembly to consider having been re-budgeted some of the components that were dropped have some implications on Donor Funding since they are required to counterpart funding Department for example is implementing a World Bank Funded Program financing local laid climate action of(FLLOCA) which is a performance for results program requires the participating counties meets some minimal performance conditions (MPCS) one of such conditions is that the County allocates the counterparts and or marching fund for the program.

- b. Be in line with Samburu climate change Act 202, and FLLOCA requirement The Governor has committed to allocate Ksh.40 million in which 1.5 the County Development Budget to support climate change action as counterpart funding for the financing locally led climate change or action (FLLOCA) program.

The committee recommends that the following as per the department request;

1. The allocation of proposed funding amounting to 5.9 million to the department of Water Environment Climate Change, Natural Resources and Energy towards supporting recruitment of town cleaners for Wamba, Archers and Baragoi.
2. Re-allocation of budget amounting to Ksh.8million from Land and Urban Planning Department to the department of Water Environment Climate Change Natural Resources and Energy for procurement of Waste transfers stations for sub-county towns. The mandate of land and urban planning department through the municipality and solid waste management is limited to Maralal town municipality.
3. That in reference to the later program coordinator National Program Implementation Unit (NPIU) Financing Locally Led Climate Action (FLOCCA) program by H.E Lati Lelelit regarding commitment by the County Government. Of Samburu to allocate funds towards the FLOCCA program at a tune of 41.5million as a marching fund the committee recommends priority of the wards which had programs in the utilization and implementations of the FLLOCA program.

4:2 Infrastructure support towards VTCSIS that the committee recommends improved infrastructure program that is centered towards improving access quality of learning on vocational training centers they include as shown in the tabulating in page 28.

5:0 Ward Projects Mr. Speaker Sir the committee recommends developments in the following ward projects in the FY 2023/2024 per ward in the spirit of enhancing equitable developments ward fund a total of 23 hundred million the projects are listed in the table below table 6 ward fund priorities Pages 29,20,30,31,32,33,34.

5:1 Samburu County Government co isolated Budget summary analyzing the FY 2023-2024 That we have the ward name total development percent Maralal 106,500,000million 12.9% Elbarta 72% Wamba, Nyiro, Suguta ,Lodokejek,Nachola ,Ndoto ,Wamba North ,Wamba East ,Poru,Angata Nnyekie Totaling to 828,165,720 million

5:3 The Samburu County Wide Summary Budget analyzing 2023-2024 stipulated in Pg. 36 totaling to Ksh.978 237 783 million.

6:0 consolidated estimate of expenditure for the FY 2023-2024 table 7 recommends the expenditure Framework Pg.30.

7:0 The committee recommends the following:

- That this house approves the report of the budget and appropriation the county estimates and expenditure of the FY 2023-2024
- The recommended expenditure Framework in table 7 report forms the basis of the county appropriation bill for the FY 2023-2024
- All ward based projects to be procured before the first supplementary budget is submitted to the assembly.

We the Members of the Committee and Budget and Appropriation do hereby append our signatures to confirm accuracy, authenticity on this report.

- ❖ Hon. Jonathan Lemoosa – Chair
- ❖ Hon. Caunda Lenamparasio – Vice chair
- ❖ Hon. Christopher Lentukumye – Member
- ❖ Hon. Lemantiya Silapia – Member
- ❖ Hon. Charity Lenyakopiro – Member
- ❖ Hon. Lenas Lekuchula – Member
- ❖ Hon. James Leleruk – Member
- ❖ Hon. Patrick Lerte – Member

MCA Loosuk Ward, (Hon. Caunda Lenamparasio): Thank You Mr. Speaker, may I first take this opportunity to thank the budget and appropriation committee for the work they did during report writing together with our technical staff so I take this opportunity to that them I raise here to maybe raise a concern and as much as it is not in the report is just good for me to raise this concern maybe it is not in the report so that in future in future take into consideration.

Mr. Speaker Sir, it should be noted the spirit of devolution when it came it required that this money Exchequer from the should be shared equitably across the boards Mr. Speaker Sir, I rise here on an issue of one department having all the allocation in one ward. If you just look for those with this budget just look at the department of Lands you find that out of 94 million of the funds allocated for development 98 million went to one ward Maralal ward and Maralal ward is just under World Bank Project Municipality so it is hard here to maybe explain the reason as to why this department allocated funds to one Ward Mr.

Hon. Speaker sir, if I can use my ward as an example Loosuk Town had its planning done some 10 years ago they did planning they did beaconing the only thing remaining is validation of the Planning report and I think validation only requires 5 or 4million so after demarcation maybe all the people who were not registered in group ranches in Loosuk went and bought plots in Loosuk Town God willing maybe in some short time we will be having tarmac road from Maralal to Loosuk.

I don't understand even this department has not taken into consideration validating the planning report of Loosuk Ward so Mr. Speaker sir I rise to raise the concern am the vice chair of this department it's so unfortunate that we never captured it in the report its very bad that we have one department having the allocation in one board and I don't think it's in the spirit of devolution that this equitable share should be even shared equitably here that in all ward we should be having activities spread across all the wards in every departments so let me for today say that and I think in future as a committee we should take into consideration. Thank you.

MCA Suguta Marmar Ward, (Hon. James Leleruk): Mr. Speaker Sir first I would like also to congratulate all members of Budget Committee, staffs for and also your office as a committee we

would like to say we love our County and we want it to go forward and the concern that that my brother Hon. Lenamparasio has raised we also have those concerns but I will put a suggestion That the first supplementary that we undertake is on the land issue because every ward has a town and urban centers are growing if need be balancing must be done so we didn't want to bring a lot of issues on this budget but because we have it as a concern we will raise it later Thank you Mr. Speaker.

Chairperson, Budget and Appropriation Committee, (Hon Jonathan Lemoosa): Thank you the Hon. Speaker sir, The Hon Speaker Sir it is actually prudent it is wise and insight observation from the vice chair budget but in the spirit of actually of equitable chairs within the County within the County the fifteen wards The vice Chair.(Hon Caunda Lenambarasio): Has a point this was an oversight from the committee but I wish to join his statements the sentiments of actually equitable share all is not lost as a committee and the Hon House I beg that in in the first supplementary budget we look into this matter of department of lands am also sure that am also affected and the people of Nyiro are also affected because under the community land act of 2016 Speaker all trust land that the county council the defunct county council.

The County Government holds intrans of the locals has to be delivered to the communities and my ward of Nyiro is also affected and that is why I called the committee on land and the Hon House that on our first County Government supplementary we look into this matter and spread the services of the land department equitably where actually it is needed we respect actually maybe there were some issues that has informed but I cannot call it unfair yes but actually it is not really representing as a committee we regret this but we promise to revisit the issue in our first supplementary if the House actually conquer and agree with us.

The Speaker, (Mr. Stephen Lenamarle): Hon members I now put the question that persons to the provisions of standing order no.2176 this County Assembly adopts the report of the County budget and appropriations committee on the budget estimate for the County Government and the County Assembly tabled in the County Assembly on 2nd may 2023.

(The question was put and the Motion passed)

ADJOURNMENT MOTION

MCA Wamba North (Hon. Lentukunye): Mr. Speaker sir I beg to move the following Motion, **AWARE THAT**, the Members of the County Assemblies of all the 47 counties have formed an association called Association of the Members of the County Assembly (AMCA): being the representative of the 2000 Members of County Assemblies in Kenya further aware that there was a general Assembly meeting held on 3rd May 2023 in which a 14 day notice was issued in order for the resolution of the summit were to be addressed.

CONCERN THAT, the 14 days' notice has elapsed with minimal or no significant progress made by the concern parties on the resolutions of the general Assembly align to the letter dated 20th may 2023 reference (AMCA/DA, DJ 1/23): address to leadership of the all 47 County Assemblies requiring the County Assemblies to abide by resolutions number 7 here it is stated that unless the above stated resolutions being number 1to 6 are considered within the next 14 days of their adoption it is hereby further resolved that all the 47 County Assemblies shall adjourn indefinitely on the first official assembly sitting after expiry of the 14 days therefore in this regard I urge this House to adjourn all the plenary sittings until 29th June 2023 at 2:30pm, I call upon Hon. Lenamparasio to second the Motion.

MCA Loosuk War, (Hon. Caunda Lenamparasio): Mr. Speaker I second the Motion.

The Speaker (Mr. Steve Lenamarle): Hon Members, I now propose the question aware that the Members of the county Assemblies of all the 47 counties have formed an association called Association of Members of County Assemblies (AMCA): being the representative of over 2000 members of County Assemblies in Kenya, you are further aware that there was a general Assembly meeting held on 3rd May 2023 in which a 14-day notice was issued in order for the resolution of the summit were to be addressed.

CONCERNED THAT, the 14days notice has elapsed with minimal or no significant progress made by the concerned parties on the resolutions of the general Assembly life to the latter dated 20th may 2023 reference (AMCA\GA,ADJ 1/23): addressed to the leadership of all the 47

County Assemblies requiring the County Assemblies to abide by resolution no.7 here it is stated unless it is stated that unless the above stated resolutions being no.1to 6 are considered within the next 14days of the adoption it is hereby further resolved that all the 47 County Assemblies shall adjourn indefinitely on the first official Assembly sitting after expiry of the 14days therefore this House to adjourn all plenary sittings until 29th June 2023 at 2:30pm

Hon Members, I now put the question that the Members of the County Assemblies of all the 47 Counties have formed an association called Association of Members of County Assemblies (AMCA): being the representatives of over 2000 Members of County Assemblies of all the 47 Counties further aware that there was a general Assembly meeting held on 3rd may 2023 in which a 14day notice was issued in order for the resolutions of the summit were to be addressed.

CONCERNED THAT, 14 days' notice has elapsed with minimal or no significance progress made by the concerned parties on the resolutions of the general Assembly aligned to the latter dated 20th may 2023 reference (AMCA/GA,ADJ,1/23): addressed to leadership of all the 47 County Assemblies requiring the County Assemblies to abide by resolution no.7 that states that unless the above stated resolutions being no.1to6 are considered within the next 14days of the adoption it is hereby further resolved that all the 47 County Assemblies shall adjourn indefinitely on the first official Assembly sitting after expiry of the 14days therefore this House to adjourn all plenary sittings until 29th June 2023 at 2:30pm

(The Question was put and the Motion passed)

Hon Members, the time being nine minutes past 12 o'clock and there being no other business, this Assembly now adjourns until Thursday 29th June 2023 at 2:30 pm