REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 16th November, 2021

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

VISIT FROM PRESBYTERIAN CHURCH OF EAST AFRICA

Speaker: I wish to recognize the members of the Presbyterian Church of East Africa (PCEA) and JPRC. They are occupying the public and the Speakers gallery as well. I wish to read out their names and also request that if your name is read out, please stand up.

Jackson Maina, Michael Githethuki, John Ngunjiri, Eunice Ruguru, Ann Mwangi, Jane Mukami, Charity Muthoni, Purity wairimu, Alice wamuyu, Michael Maina, Florence Wachira and Peter Mukiri who is the team leader, Mr. and Mrs Wangacha. Welcome so much to the County Assembly of Laikipia. Unfortunately, you have come during a day when we do not have all the Members of the County Assembly present because we have got games in Embu and quite a number of our Members are participating there. I hope that the business will continue as usual and therefore you will be able to watch the proceedings. Thank you so much and I believe that I will be able to talk with you before you leave. You may be seated.

PAPERS

QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR DEPARTMENT OF TRADE, TOURISM AND INDUSTRIALISATION

Hon. Judy Lukio: Thank you, Mr. Speaker. I beg to lay a report by the Committee of Trade, Tourism and Cooperatives on the County Government of Laikipia (County Executive) quarterly report and financial statements for the period ended 30th June, 2020 for the Department of Trade, Tourism and Industrialization dated 9th November, 2021.

(Hon. Judy Lukio laid the paper on the table)

NOTICE OF MOTION

QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR DEPARTMENT OF TRADE, TOURISM AND INDUSTRIALISATION

Hon. Judy Lukio: Thank you, Mr. Speaker. I beg to give notice of the following motion;

> THAT this Assembly adopts a report by the Committee of Trade, Tourism and Cooperatives on the County Government of Laikipia (County Executive) quarterly report and financial statements for the period ended 30th June, 2020 for the Department of Trade, Tourism and Industrialization dated 9th November, 2021.

MOTION

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QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR DEPARTMENT OF FINANCE AND COUNTY PLANNING

Hon. Mary Samken: Thank you, Mr. Speaker, Sir. I beg to move the following motion;

THAT this Assembly adopts the Finance and County Planning on County Government of Laikipia (Executive) quarterly report and financial statements for the period ended 31st March, 2020 for the Department of Finance, Planning and County Development dated 8th November, 2021.

Mr. Speaker, Sir, on behalf of the Members of the Committee on Finance and County Planning in Pursuant to the provisions of Standing Order 191 (5) (f), it is my duty to present to the House the committee's report, on the County Government of Laikipia (County Executive) quarterly report and financial statements for the quarter ended 31st March, 2020.

Committee's membership

1. Hon. Mary Samken - Chairperson
2. Hon. George Karuiru - Vice Chairperson
3. Hon. Joseph Kiguru - Member
4. Hon. Joseph Suge - Member
5. Hon. Chalumbo Kaparo- Member

Mr. Speaker, I take this opportunity to thank the Hon. Members for their valuable contribution and the Office of the Speaker and the Clerk for providing us with time and support to be able to bring this report.

Mr. Speaker, I wish to go to page 4 (4.0) on the funds financial statements because I believe that the Members have got the report with them. The County Government statement presents the recent actual fiscal performance for the quarter of the F/Y 2019/2020 and makes comparison to the budget appropriation for the same year.

It further provides a comprehensive and financial review with sufficient information to show changes from the projections outlined in the latest County Fiscal Strategy Paper 2019/2020. The statements provides an overview of how the actual performance of the 3rd quarter of 2019/2020 affected the compliance with the fiscal responsibility principles and the financial objectives as detailed in the 2019/2020 County Fiscal Strategy Paper.

Mr. Speaker, on 4.1, below there is a budget execution by programmes and sub-programmes which I believe the Hon. Members can see on the table. You can be able to see the programme, sub-programme, description, the approved budget, quarter 3, variance and the absorption rate. I will not go through the table but you can see and read it.

Mr. Speaker, the department had an absorption rate 29.12%, Kshs. 322,383,077 was spent against a budget of Kshs. 1,107,088,222. During the period under review, monitoring and evaluation programme has the highest absorption rate of 65.39% whereas the intergovernmental relations programme has the lowest absorption rate of 4.36%.

Committee Observations

Mr. Speaker, we have observed two things in the report;

1. There is a low absorption rate in almost all the programmes with various sub-programmes like Revenue Management Services, Corporate Governance,

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integrated planning services and Youth Development Empowerment Services not utilizing any of the budgeted amounts for two consecutive quarters.

2. During the period under review intergovernmental relations had the lowest absorption rate at 4.36%. The sub-programme had a high budget allocation, however for the first two quarters they did not utilize these funds accordingly.

Committee Recommendations

Mr. Speaker, Sir, we recommend as the Committee that:

1. The Department of Finance should ensure that the budgeted funds are utilized for their intended programmes.
2. The County Government to ensure that they develop a work plan for the programmes being budgeted for before use. The work plans should guide utilization of funds in the department accordingly.

Committee Conclusion

In conclusion, Mr. Speaker, we conclude that the House adopts the Committee on Finance and County Planning on County Government of Laikipia (Executive) quarterly report and financial statements for the quarter ended 31st March, 2020.

Mr. Speaker, I call upon Hon. Judy Lukio to second the report. Thank you.

Speaker: Hon. Judy Lukio, I do not know whether the light is enough for you but if your eyes are strong enough, then you can continue.

Hon. Judy Lukio: Thank you, Mr. Speaker. I rise to second this very important motion on financial statements. The way the chairperson has read it out because there is not enough light, it shows how much money was budgeted for in the department and how much has been utilized. I will still go by what the Chairperson has read; the department should have a work plan so that it can guide them to utilize the money well and to the fullest. Thank you, I second.

Speaker: Thank you, Hon. Judy. Maybe before I propose the question, I hope the Serjeant-At-Arms office is working on the lights because the lighting system has been affected but the electric system has not been affected.

(Question proposed)

Speaker: Serjeant-At-Arms, have the lights been… *(Brief silence)* Hon. Members, I think we can still continue as we wait for the lighting system to be checked. The issue is not electricity because we have electricity here, the problem is the lighting system. We may continue.

Hon. Veronica Ikunyua: Thank you, Mr. Speaker for giving me this chance to give my contribution. I want to take this opportunity to thank Hon. Mary Samken, the Chair of this department. According to this financial report, we are not satisfied. The department cannot utilize County money without any plan. That tells you that there is a lot of misuse and it is a shame because this is the department which is like the backbone of this County, yet you can see that they are utilizing money without any plan. It is a shame, it is not right and they need to improve on how they are doing their work.

Mr. Speaker, I have also seen that they do not even utilize the whole amount that is allocated for that department. That tells you that there is a lot of laxity, people are just relaxed.

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They are just there, and are not utilizing the money to the letter. Every budget time we allocate money for them yet they do not utilize it. They do not have a plan for the little that they use. They need to improve because they are not serious in whatever they are doing.

Anyway, the committee has tried. We support the committee but request it to push the department so that at least they can utilize the whole amount and have a budget plan so that we can know what is utilised and what is not utilised and in what way they have used what they have used. I support the committee and request them to continue pushing the department because we are not happy about the way that they are doing their work. Thank you.

Hon. Mutahi Muritu: Asante sana, Mheshimiwa Spika. Kwanza nawashukuru wageni waliotutembelea siku ya leo. Wametoka kwenye wadi yangu, nawashukuru sana. Kabla sijaendelea, napata kigugumizi kupitisha hii ripoti ama hii taarifa ya kamati kwa sababu nataka nikuelekeze katika ukurasa wa nne. Nukuu ya tatu kwenye ukurasa wa nne inasema: *"Mr. Speaker, Sir, pursuant to the Public Finance Management Act, 2012 Section 166 which stipulates that not later than one month after the end of each quarter, the County Treasury shall:*

a) Consolidate the quarterly reports and submit them to the Assembly.

b) Deliver a copy to the Controller of Budget, National Treasury and Commission on Revenue Allocation.

c) Publish and publicize them.

In compliance to the above regulations, the County Government of Laikipia submitted the quarterly report and financial statements for the quarter ended 31st March, 2020 to the County Assembly.

Bwana Spika, ukiangalia nambari 3(1), *(Fiduciary Management of the Funds), The key management personnel who held office during the financial period FY 2019/2020 and who had direct fiduciary responsibility were the County Executive Committee Member for Finance, planning and County Development as well as the Chief Officer, Finance, Planning and County Development.*

Mheshimiwa Spika, ukienda ukurasa wa tano kipengele cha 4(1), ukiangalia vizuri Wizara ya Fedha na mipango, ndiyo nguzo muhimu sana kwenye nchi yoyote na taasisi inapowadia wakati wa utekelezaji wa majukumu iliyopewa. Tumeona pia katika kanuni zetu za matumizi ya fedha za serikali kifungu cha mia moja na sitini na sita.

Ukiangalia vizuri jinsi kuna *programs, sub program, Description, Approved Budget*, na pia uangalie matumizi vile ilivyo asilimia hazijawekwa wazi. Kamati imeeleza vizuri walipokuwa wanafanya majumuisho yao. Kama taarifa ya tano. "*There is low absorption rate in almost all the programmes with various sub-programmes like Revenues Management Services, Corporate Governance, integrated planning services and youth development Empowerment Services not utilising any of the budgeted amount for two consecutive quarters."*

Mwanzo hapa niungane na Mheshimiwa kutoka Nanyuki. Hata kama kamati walipata taarifa, ukiangalia katika maoni ya kamati wamekubali kwamba kulikuwa na shida katika matumizi katika wizara yenyewe. Baadaye bado kamati wanatusihi sisi tuipitishe ilhali ukiangalia asilimia katika ukurasa wa tano jinsi walivyotumia ni 29.12%.

Sijui kwa nini na mwenyekiti atakapokuja kufanya majumuisho atatuelezea zaidi kwa sababu anasema ni mwaka wa 2019/ 2020. Wakati huo hajatuelezea kwa sababu vitu

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zitakazoenda kwa kumbukumbu ya Bunge. Ikiwa hivi hajatueleza kulikuwa na janga la korona tujue ndiyo sababu fedha hazikutumika, haliko wazi zaidi.

Ukiangalia *vote-heads* pia haziko wazi. Kwa mfano wanaweka *vote-heads* zote ni moja, mbili, tatu, nne, tano na sita zaidi ya kumi ambazo *vote-heads* zake hatujajua asilimia. Taarifa imetoka kutoka kwa serikali lakini jukumu letu ni kujua imekuwa na asilimia ngapi. Ukiangalia kama asilimia iliyoenda juu zaidi ni *monitoring and evaluation services* kwa kazi ipi? kama hamkuweza kutelekeza.

Hii inaleta shida kwa kuelewa. Mimi sipingi lakini kidogo tunapopitisha ningeomba mwenyekiti kama angeweza kwa sababu hili ni jambo ambalo tunataka kutolea ufafanuzi zaidi katika matumizi ya fedha. Hii ni wizara ya fedha na mipango. Wizara ya fedha na mipango matumizi yake ni asilimia 29.12% kidogo kwa wataalamu wa kifedha hapa kuna shida.

Hapa kidogo mwenyekiti atatuelezea zaidi kwa sababu *Development planning services* 42.77%. Ukiangalia *Public Service Management* hata kamati na idara ya ukusanyaji wa mapato unashindwa kuelewa jinsi ilivyo. Kamati pia inaeleza "*During the period under review, Monitoring and Evaluation Programme has the highest absorption rate of 65.39% whereas the Intergovernmental relations programme has the lowest absorption rate of 4.36%. The sub programme had a high budget allocation however, for the first two quarters they did not utilise this funds accordingly.*

Tunataka ufafanuzi tujue kwa nini robo mwaka na tunaelewa katika pesa zetu kama serikali huwa unapata mara nne. Kama awamu mbili hazikuweza kufanyika na hii ndiyo wizara ya fedha inayohusika. Tunataka ufafanuzi zaidi ili tuweze kujua. Ningemsihi mwenyekiti kama angeweza kurejesha taarifa hii kwa sababu haijakisi haja na ni mwaka wa 2019/2020.

Tujue kwa nini kamati imesema sisi kama Bunge tupitishe na tunafanya majumuisho. Kama tutakuwa tunapitisha taarifa kama hizi siku za baadaye tutafuatwa sisi. Kama robo mbili hazikutumika mwenyekiti atoe taarifa zaidi, ili aweze kufanya upekuzi zaidi ili tuweze kuelewa zaidi.

Ni fedha nyingi sana kwa mfano bilioni moja ndiyo ilitengewa na milioni mia tatu ishirini na mbili ndizo zilitumika. Zaidi ya milioni mia saba ama nane tunataka tujue taarifa yake ili tujue nitakachofanya. Nitakapoenda kueleza wapiga kura wetu, nitaweza kueleza kwa nini hizi fedha zilikuwa na idara gani na ni wapi hakukufanyika.

Tusije tukabeba mizigo ambayo wakati mwingine tunajitwika mizigo mizito kuliko uwezo wetu. Zaidi ya bilioni moja imetengewa idara. Pesa zilizotumika ni milioni mia tatu ishirini na mbili. Robo nusu mwaka mwenyekiti nataka anieleze zaidi kabla sijapiga kura yangu ya ndiyo ama la ni wapi kabla kujua ni wapi tunaelekea.

Kama haikiri haja, ningemwomba hata wanachama, wengi wao wa kamati husika hawako kwenye Bunge, wako michezo kule Embu. Tuweze kufanyia kazi zaidi kwa sababu tunaendelea kufunga mwaka. Tuko mwaka wa 2021, sasa hivi tunaendelea na bajeti na labda itaendelea hivyo awamu ya kwanza na ya pili. Hatuna shida na serikali, lakini tunataka ufafanuzi zaidi ili tuweze kupata haja. Asante sana, Mheshimiwa Spika. Nashukuru kwa hio nafasi.

Speaker: If we have no more contributions then I will call the mover, or the Deputy Speaker you wanted to contribute?

Hon. Daniel Nyausi: Thank you, Hon. Speaker. I will just put some of my feelings though a good part of it has been expressed by the two speakers who were ahead of us, or rather

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who were ahead of me. As much as we support the report of the committee because in any case they are reporting what has been forwarded by the executive. There is need to revisit this report or to make Members understand because what we are getting at the moment has been expressed by my two colleagues.

This report is wanting and we really need a serious scrutiny of the work that has been ongoing in this government. Hon. Mutahi has said that we have no problem with this government. We have a problem with any government that is not performing to our expectations. That is me and once I see something that is going contrary to the intended and what the system of this county has intended, I will be having a serious problem with this government if this is the case.

So Mr. Speaker, it is not in order to have more expense than the work that you are entitled to do. You cannot have a report that is only consuming public money and does not have any outcome. Even the plan was poor and by the end of the day you have consumed more than you were supposed to. I think that with this the committee has to prove to this House that this is the right report. Otherwise if I was to be asked, I think we need more time as much as it is just a report. The wisdom dictates that we give them more time to sit together with the department because this report is very much wanting.

Mr. Speaker, we know the consequences of this House failing to approve this report and act otherwise but we will be going for the next six months. In those six months, they will find more time to run away with whatever they intend to run with. According to me, it would be wise to give the committee at least some time to bring this report either tomorrow or next week so that they would be able to meet with the CEC of this department and other government officials. Thank you.

Speaker: May I now call upon the mover to give a reply.

Hon. Mary Samken: Thank you, Mr. Speaker and the Hon. Members for contributing towards the report. I would like to say two things and the Hon. Members will listen. One, I think that the Executive have done what they are required by the law and that is why Hon. Mutahi has quoted on the Public Finance Management Act Section 166, which allows them to consolidate the quarterly report and also submit it to this House for approval.

Mr. Speaker, there is are a lot of questions brought about by the Hon. Members which I believe that most of us know why some of the budgets are not utilized. Every now and then we can see the Council of Governors complaining that the treasury have not released the money. We are aware that there has been delay by the treasury releasing money to the county governments.

Mr. Speaker, we are also aware that even up to date, the last quarters funds have not yet been released to the County Governments and therefore there has been a lot of delay in development in the county level. There are so many cries by the counties because of the delay from the National Treasury. So I believe that whatever the department gets, they try to utilize according to priorities.

Mr. Speaker, because the Hon. Members seem to have a lot of questions with this report, let me urge that we do not come into conclusion today but give us some more time to look at the report as a committee as we give the Hon. Members time to look at the report so that we can do a lot of contributions. I don't know whether the Speaker is listening because now I am addressing him.

(Consultations)

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Mr. Speaker, when you were consulting with Caroline, I was saying that maybe because the Hon. Members seem to have an interest in this report, that you give us more time as a committee to look at it and give the Hon. Members time to also look at it. We can allow some more contributions next week so that we can decide as a House whether to pass it or not. This is not my report, I am just standing here on behalf of this House and on behalf of the committee. What we have as a committee is what was forwarded to us and that is what we have scrutinized. That is why we need the Hon. Members to decide whether to approve it or disapprove it and take it back to the Executive.

So Mr. Speaker I wish that you give us more time and also rule that we will do more contribution towards the report before we vote for it.

Speaker: Hon. Mary, for information, if you just stood and asked me to allow the contributions to continue next time, maybe I could have ruled that way but when you first reply and give us a reason why it has happened like that, now that you have replied, we have no choice but to continue putting the question. The only thing I can do, is either you are requesting to postpone the question. We can do that part and postpone the date of putting the question but when we come next time we cannot go to contributions after having replied as the mover. With that you can make the request.

Hon. Mary Samken: Mr. Speaker, you know even laws sometimes can be bent. I tend to think that I was not replying and I also believe that you have got powers. In our Standing Order No.1, it gives you powers to rule anything in this House. Because it is within the law, with those powers given to you by our Standing Orders, you can rule that we continue discussing this report and then give Hon. Members time to contribute especially those who are away. I can also see that the whole finance team are not here. I still believe that you can give us more time. Thank you.

Speaker: Hon. Mary, the Standing Order No. 1 that you are referring to and I wish to quote; "*In all cases not hereinafter provided for and subject to the Constitution and other written laws, the Speaker shall decide having regard to the orders of the Assembly, the usages, forms, precedents, customs, procedures and traditions of the Assembly and the National Parliament and Legislative Assemblies from other jurisdictions in view of the constitutional principles, the practices in other parliaments in so far as the same may be applicable to this Assembly."*

Therefore, the issue of continuing with the debate after replying, it has not been provided for in the Standing Order and the procedure which has been written here is very clear. Therefore, we shall be seen as if we are breaking the law knowingly. The only thing which I will do is to extend to you time of putting the question which we can do next week on Tuesday at exactly 2.30 p.m. I can as well give you more time so that you make more replies in case you would be having more information which would help you to lobby the Members in voting for the report. So I will give you more time to extend your reply because you are at the point of replying. Thank you.

(Motion deferred)

ADJOURNMNENT

Speaker: This House now stands adjourned until tomorrow Wednesday, 17th November, 2021 at 9.00 a.m.

The House rose at 3.42 p.m.

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