

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Thursday 8th April 2021 at 2:43 PM

The Deputy Speaker (Hon. Cheboiwo) in Chair

PRAYERS

The Deputy Speaker (Hon. Cheboiwo): Members welcome to this afternoon session. Clerk!

MOTION

SECOND QUARTER IMPLEMENTATION REPORT FOR 2020/2021FY

The Deputy Speaker (Hon. Cheboiwo): We have a motion by the Committee on Finance and Economic Planning on the Baringo County Government the second quarter budget implementation report for the 2020/2021 financial year so Chair Finance Committee.

Hon. Kebut: Thank you Mr. Speaker sir I would like to move a motion that this House adopts the report of the finance and economic planning committee on Baringo county second quarter budget implementation report for the year 2020/2021.

On page six Mr. Speaker, introduction; Mr. Speaker Sir, Allow me to present the report of the Finance and Economic Planning Committee on the Baringo County Government Second Quarter Budget implementation report for the 2020/2021 Financial Year.

Mr. Speaker Sir, the Baringo County Government Second Quarter Budget implementation report for 2020/2021 Financial Year was tabled in the County Assembly on the 24th February 2021 and upon being tabled, the Honorable Speaker committed the document to the Finance and Economic Planning Committee to interrogate it and present a report to the County Assembly for consideration and approval. The report upon being tabled in the Assembly was also deemed to have been committed to all the Sectoral Committees of the House to analyze and make their recommendations to the Finance and Economic Planning Committee. It is now my pleasure and privilege to present the report of the Finance and Economic Planning Committee on the Second Quarter Budget Implementation Report for the 2020/2021 Financial Year having taken into consideration the views and recommendations of the Sectoral Committee Chairpersons and the County Executive Committee Members.

Mr. Speaker Sir, The preparation of the quarterly report is anchored under the provisions of Section 166 of the Public Finance and Management Act, 2012 which states that; let me just read the first line,

166“(1) an accounting officer for a County government entity shall prepare a report for each quarter of the financial year in respect of the entity.

(2) In preparing a quarterly report for a County government entity, the accounting officer shall ensure that the report:-

(a) Contains information on the financial and non- financial performance of the entity; and

(b) Is in a form determined by the Accounting Standards Board

(3) Not later than fifteen days after the end of each quarter, the accounting officer shall submit the

quarterly report to the County Treasury.

(4) 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 County Assembly;
- (b) deliver copies to the Controller of Budget, National Treasury and the Commission on Revenue Allocation; and
- (c) Publish and publicize them.

Mr. Speaker points 1.4 and 1.5 is still introduction and it goes through to 1.15 and more details is inside so I will go to page 13 that is the committee mandates but I might not also read through that one because they are things which are well known . Let me take Members to page 15 which comprises of the committee composition that one is also okay, I will read through page 16.

Acknowledgement; Mr. Speaker Sir, May I take this juncture to sincerely thank the Committee Chairpersons, County Executive Committee Members, Chief Officers, and the Clerk of the County Assembly who participated in the consultative meeting on discussing the Second quarter budget implementation report for the 2020/2021 FY at the Kenya School of Government, Kabarnet.

The Committee also acknowledges the role played by the County Secretary in ensuring that all the CECM's and the CO's participated in the consultative meeting.

I would further like to thank and commend the County Treasury Officials who joined the Committee for the entire period of the consultative meeting. Their presence and clarifications came in handy towards the success of the consultative meeting.

Much appreciation also goes to the Baringo County Civil Society Forum (BACSOF) for sending a memorandum to the Committee through the Office of the Clerk on various issues pertaining to the implementation of projects and revenue management. The committee recognizes the mutual partnership between BACSOF and the County Assembly in ensuring that the reports provided by the County Executive are implemented fully for the benefit of the County Populace.

Further, i would like to recognize and commend the Members of my Committee and the secretariat attached to the Committee for their tireless commitment and dedication towards ensuring that the Committee delivers on its mandate as provided for in the Constitution of Kenya, the Standing Orders and other relevant laws.

Last but not least, I would like to thank the Office of the Speaker and the Clerk of the County for facilitating the Committee to be able to develop its report without any hindrance

To you all, I Say thank you and God Bless.

Committee findings; Mr. Speaker Sir, the Committee after analysing the report and the presentations made by the respective County Executive Committee Members noted the following findings. There are several findings Mr. Speaker sir

Revenue Performance Analysis; Local Revenue receipts, Mr. Speaker Sir, as earlier mentioned, the Committee observed that, the total local revenue collected during the second quarter was Kshs. 39,905,021 representing 55% against the quarterly target of Kshs. 72,838,537. The County Treasury revenue section attributed the drop to the challenges which came up as a result of the global pandemic caused by Covid-19 which had adversely affected the revenue collection

especially from the Tourism sector and also other revenue sources like Agricultural produce, livestock markets and the doctor's strike among others.

Mr. Speaker Sir, the following table herein under represents a detailed analysis of the locally generated revenue per town or sub County during the period under review. Mr. Speaker Members can go through that it shows the breakdown, if you look at number nine that was the main source of our revenue and you can see it especially in December where we are expecting a lot of tourists and at the end of the day we only got Kshs. 6.8 million in Lake Bogoria compared to what we are supposed to receive from that area.

Mr. Speaker Sir, The table herein under shows the comparisons of revenue collection for financial year 2020/2021 and 2019/2020 2nd quarter per revenue source. From the comparison, it indicates a decrease in revenue by Kshs. 27,073,946.00 mostly contributed from Game park fees, Hospital Revenue among others.

There is the table Members can check the difference here the second quarter we recorded Kshs.39.9 million but if you look at the second quarter 2019/2020 we had Kshs. 66 million.

Mr. Speaker Sir, according to the tabled report, the Health facilities through Facility Improvement Fund (FIF) revenues recorded low revenue generation as at the end of the quarter under review compared to the collection for financial year 2019/2020 basically due to the doctors and health workers strike, the change in staff medical cover among others. The fund covers Baringo County Referral Hospital, Eldama Ravine Sub-County Hospital, Marigat Sub-County Hospital, Kabartonjo District Hospital, Chemolingot Sub-County Hospital and Mogotio Sub-County Hospital.

Mr. Speaker Sir. A detailed analysis on revenue sources from the National Government Exchequer releases, donor funded projects and local revenue is attached to this report as Annex 1A

Mr. Speaker Sir, as per the County Treasury report on the Second Quarter Expenditure report, the Cumulative overall expenditure during the period under review was indicated as 25% as compared to the previous FY 2019/2020 whose overall absorption rate was 27%. But the Committee upon interrogating the relevant CECM's noted that the department of Agriculture, Livestock and Fisheries whose absorption was reported as 14% was erroneously captured. The reported absorption rate represented cash transfers from the County Revenue Fund (CRF) Account to the project operations accounts for the Kenya Climate Smart Agriculture project and the Agriculture, Sector development support program (ASDSP II). Therefore, as shown in the following table herein under, all the departments recorded zero absorption on the development expenditure during the period under review whilst the recurrent Expenditure absorbed 41% of the total Budget. After computing the relevant corrections on the R.E, the overall absorption rate for for the period under review will be 23.86 % and not 25% as reported.

Mr. Speaker Sir, the following table shows the overall comparative analysis of the absorption rates for the 2019/2020 FY and the 2020/2021 FY.

That is table 3, expenditure summary per economic classification per department. Mr. Speaker I think Members can go through it is unfortunate to report all departments although they are consuming recurrent expenditure which is supposed to aid development projects, every department recorded zero percent and overall development is actually zero and this 2% is per what I had explained earlier the agriculture department.

So you can imagine that we are in the second quarter with zero absorption unfortunately also when it comes to third quarter we might not record much that means that all funds for this year are going to be rolled over.

Mr. Speaker Sir, as shown from Table 4 above, the Committee after engaging all the departments noted some challenges which were cross cutting while others were specific to some departments. A detailed analysis on the challenges faced and recommendations to address the low absorption rates especially on the development expenditure is captured in the foresections of this report

Mr. Speaker Sir, the following table herein under represents a summary of exchequer releases and Absorption rates per department as for the period under review. As shown below, most of the departments spent more than 98% of the funds requested from the exchequer.

Mr. Speaker sir Members can check through that one, you can even see that the health department, health services also consumed 100% the finance and economic planning 100% to mean all the money which was received was actually absorbed but these were just recurrent not development.

Mr. Speaker sir we have non financial performance per department. Mr. Speaker Sir, The following section provides a summary on the non-financial performance specifically on the Budget Estimates per department, Absorption comparative analysis for the period under review and the same period in the previous financial year, challenges faced and possible recommendations as outlined in the Second Quarter Budget implementation report for the 2020/2021 FY

I might not go through for all the departments but let me just take Members through this one for County Assembly Expenditure Trends and Analysis.

The Deputy Speaker (Hon. Cheboiwo): Be indicating the pages

Hon. Kebut: That is page 27. Thank you Mr. Speaker. Mr. Speaker Sir, the County Assembly was allocated a budget of Kshs. 705,025,056 to finance both Recurrent and Development expenditure. Of this allocation, Kshs. 687,926,864 and Kshs. 17,098,192 was for recurrent and development expenditure respectively.

The recurrent expenditure during the second quarter was Kshs. 160,868,224 while there was no development expenditure incurred during the period under review, hence, making a total expenditure of Kshs. 160,806,225. The absorption rate for recurrent expenditure was 36% and development expenditure was 0% resulting to an overall absorption of 35% for the half year.

We have table 5 Members can go through that one, let me take Members to page 28 the challenges faced by the Assembly, the following Mr. Speaker Sir, the following were the Challenges reported during the period under review; Delay in release of funds from the exchequer, inadequate office space/equipment for both members and staff, unreliable internet connectivity which slows processes, limited training resources, effects of COVID-19 pandemic on the execution of programs and activities, slow uptake of ICT infrastructure and low implementation of enacted legislation/house resolutions.

We have several recommendations there, Mr. Speaker sir I might not go through all the recommendations but because this is Assembly I will go through them.

Mr. Speaker Sir, the following were the key recommendations highlighted by the County Assembly Service Board;

1. That, the service should prioritize on providing adequate office space and equipment for both members and staff;
2. That, the service should develop a mechanism to track implementation of enacted legislations and adopted house resolutions;
3. That, the quarterly report shall capture programs, sub-programs, outcome, key objectives, key activities or output and the approved budget;
4. That, capacity building and development programme should continue to be prioritize to optimize productivity;
5. That, the procurement plan should be organized such that less or no goods and services are procured in the fourth quarter of the financial year;
6. That, the service should continue to develop more policies to manage performance and maximize productivity;
7. That, the service should comply to all the COVID-19 health protocols and embrace the new normal;
8. That, the service should invest in ICT infrastructure as part of its processes re-engineering.

We have the department of finance and economic planning and several other departments but Mr. Speaker sir they also have recommendations challenges but let me take Members to page 45

General findings on the presentations made by the county executive committee members; Mr. Speaker Sir, the following section provides the general findings which the Committee noted while engaging the Committee Chairpersons and the CECMs on the Challenges faced and recommendations or the strategies the departments were putting in place to address the low absorption rates especially on the development expenditure. As earlier pointed out, a detailed report from the CECMs is attached to this report as annex 2

Mr. Speaker sir we have all the recommendations , challenges as annexure in this document that is why it is too voluminous.

Mr. Speaker Sir, the Committee noted that, the department of Education, Youth, Gender, Sports Development and Social Services attributed the low absorption rates to slow procurement process at the County Treasury. The department eluded that, the County Treasury and Economic Planning had set up conditions on requisitions for the award of tenders to contractors which were hindrance to timely procurement of projects. The department further pointed out that, some of the documents such as the priced Bill of Quantities which is normally prepared by the public works department for some departments should only be availed at the evaluation stage and not at the requisition stage.

The County Treasury through the procurement section pointed out that the following Sections 53,54,60,69 and 70 of the Public procurement and Disposal Act (PPAD Act) required all the departments to adhere to the provisions of the aforementioned sections.

They further pointed out that, the issue of price BQ's had been a contentious issue which was resolved under the leadership of the H. E the Deputy Governor and that the Officers from the Transport Infrastructure and public works and County Treasury were in attendance.

The Committee while interrogating the CECM and the Chief Officer for the department of Roads and Infrastructure expressively pointed out that the Procurement law including the regulations was clear on the conditions of submission of BQ's and that they had recommended that, during the requisition stage, the departments should only provide the Budget Estimates and the total amount of that project, goods or service as provided for in the BQ's and not the priced BQ's. The priced BQ's should only be availed during the evaluation stage.

The Committee did further research on the PPAD Act and the related regulations specifically sections 53,54,60, 69 and 70 of the PPAD Act and Sections 70 of the PPAD Act regulations 2020, and noted that, the law was silent on the issue of priced BQ's.

Mr. Speaker Sir, The Committee further, after listening to various submissions from the departments observed that, the other major reason which could be derailing the timely procurement of the goods, works and services was as a result of "personal interests" exhibited from different quarters specifically from the CECM's, CO's and other Officers dealing with procurement when it came to the stage of the award of tenders, Especially on Request for Quotations. The Committee further noted that, the issue of "personal interests" could not have arisen if the procurement department and all the Accounting Officers could have strictly followed the implementation of the e-procurement platform in the award of tenders and laws related to procurement of goods, works and Services

Mr. Speaker, the Committee further observed that, most of the departments faced Challenges of slow implementation of projects due to some contractors having inadequate capacity in terms of financial, personnel and equipment.

Mr. Speaker Sir, Most of the departments pointed out that, the delay in the approval of the first supplementary Budget estimates for the 2020/2021 FY resulted to delays in the procurement process since the procurement plan had not been loaded to the IFMIS portal. The Committee was further informed that, the approved Budget for the 2020/2021 FY had not captured the "roll over" projects thus hindered the departments from initiating the procurement process.

Mr. Speaker Sir, the County Treasury refuted the claims from the departments that, the delay in the approval of the first supplementary Budget was a hindrance to the procurement process. The County Treasury affirmed that the departments could have initiated the procurement process for the development projects for the current financial year which had been approved and contained in the Budget Estimates for the 2020/2021 FY. The County Treasury further pointed out that, the departments were lazy in their work and had not shown any commitments of fast-tracking the development expenditure. The Committee observed that, the allegations raised by the departments were not substantiated and baseless since, the absorption of the recurrent expenditure (R.E) was inversely proportional to the development expenditure. (As reported- R.E 41 % and D.E 0%)

Mr. Speaker Sir, Further, the County Treasury officials refuted claims from the departments that the County Treasury was delaying the procurement process citing that the role of the County Treasury was only two, that is; The award of tenders which are being generated by the departments through requisition to the County Treasury and making

Payments to the contractors who have completed their project (As per payment certificates raised by the departments). The County Treasury blamed the departments for being slow in terms of data collection, preparation of Bill of Quantities, uploading the projects in the E-procurement

platform, and processing payment requisition certificates for those contractors who have completed their projects to the County Treasury for processing.

Mr. Speaker Sir, Most of the departments also pointed out that, during the preparation and approval of the first supplementary budget estimates, the allocations of some projects were arbitrarily removed without them being consulted. They further claimed that, some of the projects which were affected by the Supplementary Budget changes were already completed and the contractors were awaiting payment. The County Treasury pointed out that, they relied upon reports forwarded by the said departments to the County Treasury on the status of the implementation of projects which had challenges. The County Treasury further informed the Committee that, they advised the Budget and Appropriations Committee based on the reports from the departments.

This was clearly demonstrated by the department of Agriculture and livestock where some projects which had already started contractors were already on site they had even completed executing projects awaiting payments.

They had even raised their certificates but they could not be paid because those projects were removed in the first supplementary.

Mr. Speaker Sir, the Committee observed that, the departments need to put in place adequate measures of monitoring the status of implementation of all their projects and ensure proper reporting. The Committee further observed that, the County Treasury and the Budget and Appropriations Committee should ensure thorough consultation with respective Ward representatives and the departments on areas to be changed or removed during the Supplementary Budget estimates to avoid unnecessary reductions of allocations of projects which are under implementation or are at the tail end of the procurement process.

Mr. Speaker Sir, Most of the departments further cited inadequate technical staff in the department of Public Works has led to late preparation of Bills of Quantities leading to late submission of contracts requisition to the County Treasury. The County Executive needs to address the issue employment/replacement of the requisite number of relevant technical personnel for all the departments to ensure fast tracking of project implementation.

Mr. Speaker Sir, some departments informed the Committee that, delay in disbursement of funds from the County Treasury was as a result of delay in exchequer releases has affected payment to some contractors who have already raised their payment certificates.

Mr. Speaker Sir, the Committee was notified by the department of Education that, the office of the Controller of Budget (OCOB) had delayed in approving the disbursement of the Bursary allocations to the respective beneficiaries citing that, according to the OCOB, Bursary provision to the Secondary and tertiary schools was not a County function as provided for in the fourth schedule of the Constitution of Kenya, therefore the County needs to realign the usage of the Bursary fund to be in conformity to the law.

The department of Lands, Housing and Urban development alluded that, the County was faced with a lot of legal land disputes which required the County to settle. The department further pointed out that, the legal fees domiciled at the Devolution, Public service, Administration ICT and E-Government was not sufficient to also handle legal land disputes among other disputes facing the County

Mr. Speaker Sir, The department of Lands, Housing and urban development further informed the Committee that, the department was faced with a shortage of personnel especially building enforcers and inspectors who are mandated of ensuring that Building plans are controlled and regulated. The Committee further noted that, due to the shortage of personnel to enforce building plans approval as provided for in the Finance Act, the County was collecting only 24% of its expected revenue. That is Kshs. 40 Million instead of Kshs. 120 Million. Further, the department assured the Committee that, the County had put in place adequate development control tools for addressing the issue of mushrooming towns and centers

Mr. Speaker Sir, the department of Industry, Commerce, enterprise and cooperatives development assured the Committee that, before the end of the financial year, the department would ensure 100% absorption rate is achieved for both the development and recurrent expenditure. The department informed the Committee that, most of the Societies lacked adequate capacity of reconciling their financial books thus hindering the uptake of the County grants and loans. But, the department assured the Committee that they have already put in place adequate measures of capacity building/training all the Societies.

The Committee commended the CECM, CO and other Officers in the department for ensuring 100% absorption of their budget in the previous financial year and urged them to continue with the same spirit.

Mr. Speaker Sir, The department of Environment, Natural Resources and Mining informed the Committee that, after the reorganization of the County Government departments by H.E the Governor, the department was faced with huge number of staff from the department of Industry, Commerce, Enterprise and Cooperatives Development leading to inadequacy of personnel emoluments for the department of Environment.

The committee observed that, the County Treasury needs to realign and consider reallocating the Staff budgetary allocation from the department of Industry, Commerce, enterprise and cooperatives development to the department of Environment, Natural Resources and Mining. The Committee noted that, this should just be done administratively by the respective relevant Officers.

The department further pointed out that, the County Public Service Board needs to replace all the staff members who have exited service due to retirement or other natural attrition. The Committee averred that, the department needs to be supported fully since it plays a very crucial role in terms of revenue generation. As per reports from the County Treasury, revenue Collections from the Tourism subsector is the highest amongst all other revenue sources

Mr. Speaker Sir, the department of devolution, Public Service and Administration, ICT and E-government informed the Committee that, the department was in the process of establishing County Courts across the major towns within our County. What is derailing the process is the in availability of funds to the Office of the County Attorney. The Committee further noted that, the Office of the County Attorney needs to be revamped and to be operationalized as per the newly assented Office of the County Attorney Act, 2020.

This is one of the office Mr. Speaker sir which needs staff we only have the attorney general but we dont have any other lawyers to assist him so we only rely on one person to do the whole work which legal activities that is needed in that office.

The department further pointed out that, the ICT section needs to be allocated more funds for ICT infrastructure since the section plays a very critical role in terms of ensuring faster service delivery and offering empowerment initiatives to the youth through creation of online job opportunities. The section affirmed that, through the AJIRA program,

The unemployed members of the public can be able to assess job opportunities both locally and internationally

Mr. Speaker Sir, the department of Devolution, Public Service and Administration, ICT and E-government assured the Committee that, the department was in the process of conducting staff needs assessment and staff rationalization for all the departments for the purpose of ensuring that, all the staff who are due for promotion are promoted while critical staff from all the departments who have exited service are replaced in the subsequent financial Year

The Human Resource section further informed the Committee that, through a report on staff work load analysis, the recommended optimum staffing level for Baringo County is 7,000 members of staff. Currently, the County has employed approximately 4000 employees therefore there is still room for employing more. The only challenge facing the County Government is wage bill which is currently standing at 54.73 % instead of the recommended 35%. The County Treasury needs to improve on revenue collection so as to address the issue of wage Bill

The department and a good example in this one Mr. Speaker is the department of livestock, if we go in the same trend for six years we will not be having staff.

The youngest staff in the department of agriculture and livestock is 54 years to mean the next six years from now we will not be having staff in that department. The department of Health Services corroborated the presentations of some of the other departments that, the major challenge which has resulted to slow absorption or has resulted to incomplete projects is the lack/inadequate capacity by some Contractors especially those contractors who have been awarded tenders with significant amounts.

The department cited the surgical block in Baringo County referral Hospital which the Contractor due to inadequate capacity had delayed in completing the project despite requesting for extension of contract severally. That project I think Mr. Speaker sir has lasted for almost five years and it is yet to be completed; it started from the first Government.

The Deputy Speaker (Hon. Kiplagat): I think since most of these things are repetitions from the department you can just go direct to the committee recommendations.

Hon. Kebut: Thank you for that guidance Mr. Speaker. We can go to page 58.

Recommendations;

Mr. Speaker Sir, based on the observations and findings made by the Committee on the second quarter Budget implementation report for the 2020/2021 Financial Year and the presentations made by the Committee Chairpersons and their respective County Executive Committee Members, the Committee hereby makes the following recommendations:

That, the department of Lands Housing and Urban development in conjunction with the department of Environment, Natural Resources, Mining, Tourism and Wildlife should fast track the formulation of solid, liquid Waste management policy in urban areas of the County.

That, to create synergy and teamwork in the County, the CEC should develop a Paper/Circular to all County Departments and entities, mandating the Director of Revenue in the County Treasury to coordinate all revenue collection activities including the improvement of facilities, equipping and staffing the Revenue collection entities.

That, the Lands, Housing and Urban Development should form Committees to vet plot transfers with a view of issuing out allotment letters to plot owners in all the major Towns and Trading Centers of the County, within two months of the adoption of this report.

Further the Department should harmonize Land transactions and formulate a policy framework for land transactions in Urban Areas of the County.

That, as the County Government mobilizes to open and operate County Courts, the County Secretary to initiate discussions to enable the County enter into an MoU with the Judiciary, to determine cases brought forth by County Enforcement Officers, as a result of contravention of County Government Legislations or By Laws, charge and receive fines for the cases, and give a percentage of the fines collected to the County Government.

This has happened elsewhere Mr. Speaker sir it is hapening in Nyeri and and it can also happen in Baringo we are losing most of the revenue to the national government because they pay fines to the national government;

That, all existing County Corporations should amend their respective Articles and Memoranda of Association to include in their Board of Directors/Management a representative of the County Treasury to emulate what obtains in State Corporations at the National Level.

That, the County Treasury should look into the option of employing Agency collection of revenue for the County Government. Towards this end the County Treasury should initiate discussions (leading up to a Memorandum of Understanding - M.o.U) with the Laikipia County Government on joint collection of Revenue in Mochongoi Settlement Scheme as the many exits in the Scheme make it a daunting task for Baringo County Revenue Officers to collect revenue. Further Agency collection discussions be initiated with respective bodaboda SACCO's. Mr. Speaker sir you know very well there are several exits in to Laikipia especially in Mochongoi area and we lose almost 90% revenue to Laikipia and that is our major current basket where we get or where we harvest a lot of maize and during transportation we pass through Laikipia area.

Also we are not collecting any tax we passed finance Act where bodabodas were included and we were supposed to collect Kshs. 250 per month in every bodaboda operator but currently we are not collecting anything.

That, the County Treasury should convene a forum of all CECM's, Chief Officers and representatives of all Revenue sections, to discuss on the modalities of developing policy regulations/guidelines on how to operationalize and enhance revenue collection in their respective Departments.

That, the Department of Water and Irrigation should institute regulations and guidelines towards ensuring that, Water projects in the County starting with Kirandich Water Company and Chemususu Water Company are self-sustaining and are recognized as revenue centers. The Department should also ensure that all water and revenue leakages are sealed in order to optimize on their operations and revenue generation.

All the departments are directed to fast track their project requisitions to the department of County Treasury and Economic Planning before the end of the first Month of the fourth quarter before the end of April 2021.

That, all the departments are directed to come up with a work plan of fast tracking the implementation of projects within the financial year. The departments should forward the work plans citing the strategies they are putting in place to ensure speedy implementation of projects to their respective County Assembly Committees within one month of the adoption of this report.

That, the department of County Treasury and Economic Planning should fast track the process of awarding tenders to all the qualified contractors. All the departments must follow the provisions of regulations 71(2) of the Public Procurement and Asset Disposal Regulations, 2020. Priced Bill of Quantities should only be availed at the evaluation stage and NOT at the requisition stage

That, the CECMs, COs, Procurement Officers and other County Government Officers who are allegedly derailing the procurement process through having “personal interests” in the award of tenders are put on notice that they are in contravention on the provisions of Articles 73(2)(b) and 75 of the Constitution of Kenya, 2010 and are warned that they are culpable of financial misconduct and are punishable by the provisions of section 197 and 198 of the PFM Act. To address the challenges of “Personal interests”, reorganization of the County Executive Committee Members and their respective Chief Officers as well as transfer of Officers culpable should be commenced.

All the Accounting Officers and the procurement department should adopt fully the use of the E-procurement platform in the award of Tenders. In addition, all the Accounting Officers should strictly adhere to the Public Procurement and Asset disposal Act and other related Legislations in the procurement of Goods, Works and Services

That, the County Treasury and Economic Planning should ensure that, before the award of tenders especially contracts which have huge sums of money, the department of procurement and the relevant user department should conduct due diligence of strictly scrutinizing the tender documents of all the applicants as well as even conducting market survey and initiating investigations on the implementation of previous works to ascertain the financial capability of the company before the award of tender

That, in order to ensure the Honorable Members of the County Assembly utilize and enjoy the services of the Chambers which is under renovation in transacting their Business, the County Treasury and Economic Planning in conjunction with the Budget and Appropriations Committee should consider allocating more funds for the completion of the remaining County Assembly works during the approval of the Second Supplementary Budget Estimates for the 2020/2021 FY

The County Government should allocate more funds to the ICT section to boost ICT infrastructure in the County so as to ensure efficient service delivery and also to provide opportunities for the unemployed youth to access job opportunities through online platform like the AJIRA program. The County Government should plan to set up model AJIRA centers in all the Wards to enhance youth empowerment. Mr. Speaker sir a good example is the other time when we had a problem with network and I think the department of treasury moved to Nakuru to perform their duties which was very wrong starting from the CEC the CO and the head of departments were operating from Nakuru.

Again a good example also in Nakuru County Government or Nakuru town where they have free WiFi where youth can enjoy and join this Ajira program. And if we can have the same emulated in our County like in the major headquarters like Kabarnet, Marigat and Eldama Ravine.

That, the County Government should support the office of the County Attorney with the necessary personnel, equipment and financial resources for them to work optimally. The office of the County Attorney should be operationalized as per the provisions of the Office of the County Attorney Act, 2020. I mentioned earlier that they have a shortage of staff.

That, the Human resources section and the CPSB should plan to replace all staff who have exited the service through Retirement, Natural Attrition or through other means in the next financial year.

In addition, all the departments are requested to submit requisition on the number of staff to be promoted and replaced to the department of HR and the CPSB before the commencement of the preparation of the Budget Estimates for the 2021/2022 Financial Year.

The CPSB should conduct staff rationalization with a view of conducting redeployment from departments where they are surplus to departments with deficits.

That, the County Treasury and Economic Planning should enhance the allocation for the Operations and Maintenance for all the departments to at least 25% of their Budgets.

That, the County Treasury and Economic Planning should liaise with all the departments which faced “budget cuts” or whose allocations for projects were reduced yet the contractors were on site and have completed their works are advised to apply the provisions of section 154 (2) of the PFM Act on reallocating funds from projects which are yet to start for the complete projects and regularize them during the approval of the second supplementary Budget Estimates for the 2020/2021 FY

That, the County Treasury and Economic Planning and the Budget and Appropriations Committee should ensure thorough consultation with the respective Ward representatives and the departments on areas of reallocations or reductions during the preparation and Approval of the Supplementary Budget Estimates to avoid unnecessary reductions of allocations of projects which are under implementation or are at the tail end of the procurement process.

The department of Transport, Infrastructure and Public Works should present a detailed report through the relevant Committee of the County Assembly on the following issues pertaining the County Machineries;

- a). A List of all the County Machineries under the department
- b). The Status of the Machineries in terms of their mechanical conditions.
- c). Specific activities undertaken by the County Machineries in the last Six months
- d). A detailed report on the amount of revenue received from the County Machineries in the last six Months.
- e). Status of the preparation of a policy on the Management of all the County Machineries including the Ward specific Machineries

That, the department of Transport and Infrastructure should ensure that all the County Machineries including the ones located and managed at the Ward level are fully realigned to the

department's mandate. All machinery should have a work plan and work tickets for their efficient utilization and management

The County Treasury and Economic planning should ensure that they allocate funds only to the County Government functions as provided for by the provisions of the Fourth Schedule part 2 of the Constitution of Kenya, 2010. The operations and management of the Bursary fund needs to be realigned to be in conformity with the provisions of the Constitution.

That, the County Treasury and Economic Planning in conjunction with the department of Lands, Housing and Urban development should set aside funds to be domiciled at the department for legal fees to cater for Land disputes which are rampant in the County

That, to enhance development in the County and to improve revenue collection, Kabarnet Municipal Board and the Town Administration of Eldama Ravine Town, should recommend to the County Government the compulsory acquisition and competitive re - issuance of idle and undeveloped plots in the Towns for which the County is not accruing any revenue. In Addition, the department should also provide a list of the plot Owners, rates due and site map within a month of the adoption of this report.

That the County Government should widely sensitize the public on payment of Revenue electronically, while publicizing the USSD Pay bill Code 315330 for cashless payments of revenue to the County Government.

That, towards enhancing revenue for the County Government through the BCRH and the Sub County Hospitals, the County Government through the Office of the County Secretary should initiate consultations with the Kenya Alliance Insurance Company and Madison Insurance Company for the County Executive and County Assembly respectively on the recognition and use of the County Health Facilities by County Staff covered under their respective Medical Schemes.

Further, the County Treasury should initiate negotiations with Medical Personnel on how they can be given some percentage of funds accrued from charges emanating from use of the County Health facilities, to treat patients under the Medical Insurance Schemes.

That, the County Treasury to Budget for and ensure that all revenue collectors across the revenue sections are properly facilitated through issuance of Authority to Incur Expenditure (AIE's) to Wards and Sub Counties for use by the revenue collectors.

That, the County Treasury should prioritize the phased procurement of compact and affordable Four Wheel Drive (4WD) Vehicles, as well as hardy Motor Cycles(Yamaha, Suzuki, Honda varieties) for use by Revenue Officers in the Sub Counties and in major Revenue collection points within the County.

To mitigate the lack of adequate enforcement Officers in the County, the CEC to enter into an agreement with the National Government to engage National Youth Service (NYS) Officers as County Enforcement Officers for a period of one year as resources are mobilized to recruit enforcement Officers for the County. To give effect to this, the County Treasury should budget for Lunch allowances and other relevant duty allowances for the NYS Officers in the making of the 2021/2022 FY Budget Estimates. This has happened Mr. Speaker sir we can copy what happened in Uasin Gishu County Government and maybe even Nakuru.

That, the Department of County Treasury should recognize and propose to appropriate any savings made from Project implementation especially from the Ward Specific projects across departments to the respective Wards in the preparation of the 2nd Supplementary Budget Estimates for the 2020/2021FY;

That there should be a strong linkage between the ADP and CIDP which should be adhered to during identification of Ward specific projects. To entrench this, the Ward Project Management Committees structure be budgeted for in the 2021/2022FY and revitalized through re-composition and capacity building.

Conclusion; Mr. Speaker Sir, Article 185(2) of the Constitution of Kenya provides for the oversight role of the County Assembly.

The Quarterly Expenditure Reports play a very crucial role in aiding the County Assembly to play its Oversight role on the County Executive especially on the implementation of projects. As earlier alluded, the Quarterly Reports also clearly provide both the financial and non-financial performance of the various departmental entities and much attention needs to be given in terms of its analysis. The recommendations arrived at by the Committee and those from all the departments needs to be fully implemented so that the problem of Cash transfer “roll over of projects” is reduced or fully addressed.

To that end Mr. Speaker Sir, and in view of the aforementioned, I hereby on behalf of my Committee urge the County Assembly to Approve the Report of Finance and Economic Planning Committee on the Second Quarter Budget implementation Report for the 2020/2021 FY for the purpose of ensuring speedy implementation of projects.

Mr. Speaker sir I beg to move and request the majority leader to second. Thank you.

Hon. Leparsalaach: Thank you Mr. Speaker sir, I rise to comply with the request of the Chair finance and economic planning that I second his motion. he did that because his members of the committee are absent; it is shocking and clear indication that we are not taking the business of this house seriously starting from the Chairman he would have taken the lead role and ensure that some of his members would be present during this debate.

I sympathize and congratulate him for recommendation 615 that this chambers is not conducive for such debates or this voluminous document; its tiresome. The Budget and Appropriations Committee members to ensure that the new chamber is complete. The whole world watched us during the BBI debate and someone volunteered to buy carpet for our chambers it was so embarrassing.

Mr. Speaker sir we are in an economic crisis globally and all departments are in low absorption rate due to corona pandemic. But the health department’s reason is the strike of the doctors and nurses which is a valid reason. They need to be motivated especially this difficult time of pandemic.

Delayed implementation of project in our wards is due to stringent procurement rules and personal interest including us as members of county assembly, CECM and other quarters. This should be stopped.

The wage bill stands at 54% yet some departments operate without staff for example department for agriculture and fisheries! It is just matter of balancing the existing workforce to maximum.

We should embrace ICT to some extent will reduce corruption and in fact it will increase the efficiency otherwise Mr. Speaker sir I take this opportunity to urge Members that for the speedy implementation of our projects we need actually to approve this debate and bear in mind that we are charged to oversight all the implementation and making implementation of all this recommendations.

Mr. Speaker sir we also made a disastrous mistake because when we approved the 2020/2021 budget without the rollover we also actually contributed in the delay of the implementation of the projects.

So we have to be very careful every time a budget is brought here then we have to look at it very keenly to make sure that whatever we approve is actually correct, so I take this opportunity to second the motion moved by the Chairman on the finance and economic planning. Thank you.

The Deputy Speaker (Hon. Cheboiwo): Thank you. The motion having been proposed and seconded I now propose the question.

(Question proposed)

Now debate is open. Yes Hon. Kibarar.

Hon. Kibarar: Thank you Mr. Speaker. I arise to support the adoption of this report, we are satisfied but I have an input on this. I congratulate the Chairman and his committee for coming up with this report, it is a very nice one and laying a lot of way forward strategies in terms of implementing these issues of budget and other projects in our County.

I was impressed by his advice on having a database of all specifics streams and maybe all sources of revenue in every sub-county. Most of the revenue can be collected in every sub-county but the database is not there.

We do not know where to even go and get some money for this County, we are getting a very small amount and if they go by this recommendation or this advice from the department of treasury and the department in general then we are going to get our own source of income.

The issue of implementation of projects have been highlighted very well, it is wanting Members so the report is true and we need to do something because at the end of the day most of the projects for the last financial year have not been started you have seen most of them have been in data collection, others have just been handed over and nothing has been done so the implementation is still very low and it is wanting for all of us.

There is this meeting I have seen that they are going to call on the multi-sectorial consultation whereby they will meet I don't know the Governor for the third quarter budget implementation report, it should be done Mr. Chairman so make sure that you follow up with the committee so that you get all the facts.

We are making this report on the second quarter, we make on the third quarter but we don't go and follow up with what we said, that is an area where we need to emphasize that we need to consult wider that you don't come with good recommendations anyone to follow up.

So the committee and even in case you need budget team or the whole House we will come and talk on them. The issue of HANSARD I was seeing that they want to complete the other chamber soon and in the preparation for the main budget the HANSARD was captured and I think the

issue of completion now... HANSARD is going to be installed and the other completion is done then we believe we shall reach there.

So as a House let us have some funds to complete that thing, this one is bringing us down even when we were doing the bill for the BBI everybody was watching live and they were looking at the kind of a House we are in and they were not happy in fact someone was volunteering to buy a carpet and that is not a good thing to us we need to speed up the completion of our own chamber House.

I was also getting the point from the Chair on the public service board, I want to bring to your attention that since they came I don't know whether they have replaced anybody or even promoted anyone in this County, so that is a sleeping dog to me unless proved otherwise.

They need to wake up and do their role, they were complaining the other time that they don't have the service board to do all these things but the service board came and they did nothing so it is now us to push those people to do their work.

People are retiring but there are no replacements, enforcers are very few , we also do not have enough nurses, engineers to do our BQs , I have told you that we only have one , the department of agriculture we are told is eight people so where are we going to go to.

They should come up with something even in terms of a contract they should allow them to employ and something which can make this County to run. The Chairman came up with a very good report but we need to follow up otherwise there is nothing going on there.

On the list of projects on the annexes, I can remember when we were in Nakuru I complained of a project of mine and I am very happy to see that that project is number 163 in the water department. It is written awarded but in the real sense there is no contractor. So when I said it was there in the main budget and when we are coming to look at it is not there and there is no money for it, then I was saying the truth so we need to erase these things. When something has been passed it should be given its money and works should start. Not to give us in a report like this that it has been awarded and there is nothing. These are the errors that this committee has been doing because they will show us which projects have been awarded and it has not been done. So some errors from the department are very many and we don't take all of them to be authentic and we need to correct the errors as we proceed, I want to support the adoption and say it should be passed. Thank you.

The Deputy Speaker (Hon. Cheboiwo): Thank you Hon Kibarar it is good you are a member of budget and appropriations committee, you should be correcting the errors before the messes occur. Hon Ernest Kibet.

Hon. Kibet: Thank you Mr Speaker sir. I have some few remarks, I want to support this motion just like the majority leader has said that it is with a lot of sympathy to the Chairman because it is very difficult to be served food when you cannot see the cooks. What we are seeing here is serious stuff being presented and I was imagining if we were to consider the biggest challenge that we have is that we have good recommendations but very weak implementation. We should be knowing that here we have the government by having the Chairmen who are supposed to be dealing with government processes. If the Chairman Finance is presenting here every department is touched. When we talk about implementation each and every department you could see departments that are ranging at 8, 10 implementation progress. What has really touched me is item 622 that is transport infrastructure and public works.

Mr Speaker this is an area that talks about County machinery. Today I was in the roads department the machines that are lying there, we have lorries just for lack of tires and we have dozers. Mr Speaker in normal situations a lorry would fetch like 30000 and if we have four lorries lying in our yard we are losing over 100, 000 as a county because it has been quantified. Work that would have been done in a day for the people of Baringo County. We have a dozer that has been missing a few items. What we have is a serious problem that if only this report would have been implemented it would sort most of these problems. Mr. Speaker there was something else that I was seeing. The towns like Kabarnet Municipality we brought forward and instituted a municipal board but the board is doing nothing because of lack of funds. We have town administration in Eldama Ravine and the rest and I am happy that the Chairman budget has come back, these are the people whenever they go for budgeting they don't consider. Like there was a ridiculous statement that Kabarnet is receiving Kenya Urban Support funds but these are conditional grants, they are directed, you cannot change that money to deal with issues like garbage collection, fencing and beautification.

Mr Speaker for the first time this Government cannot even plant a tree. This is a government that doesn't want to see flowers. I was a businessman when we had the first experience with devolution and I used to supply chapatti to the governor/s office and I used to see fresh flowers from the farm. We might think we are saving but we are killing the economy. The other issue that I have seen is the issue of staff. Today I was talking to some of the staff and they are asking what kind of entities that you don't hear of a promotion or anything?

Mr. Speaker our staffs have not even be taken for any training. It is like they are operating in...what do we call? A detention camp where you work at the mercy of your master. Mr. Speaker that is a very serious issue because as my colleague put it hear, why did we bring on board the Public Service Board. There were supposed to come and look into those issues. We have people who are retiring, those who have died but what is happening? Why are people not getting to be employed? Like in water Mr. Speaker and you will agree with me. Currently we don't have a hydro- water engineer, someone who deals with issues to do with boreholes.

Mr. Speaker what has happened is that we have created room for services procured at a very high cost unlike if we were to employ people. Mr. Speaker before that engineer died, this County made use of him to his last breath. Mr. Speaker the man would go for his dialysis for two days and the he goes for work for two days in a week and we would wait for him to finish the dialysis and then we take him to the place of work. I think that was not good. We would have planned early and we would have looked for replacement so that as we exit him, we would have now stabilized so right now Mr. Speaker even getting someone to do that job is a big problem.

Mr. Speaker we also have our staff like the issues to do with revenue, I have seen a good recommendation. Mr. Speaker this County will not progress if we don't enhance revenue collection. Mr. Speaker I am in the belt of Kerio Valley where we have a big resource that is the sand and Mr. Speaker if Elgeyo Marakwet County is collecting Ksh 10,000 then Baringo County is collecting Ksh 2,000 in terms of revenue and we are almost at a ratio of 1:5.

The reasoning Mr. Speaker is very simple, people are not being monitored. We have people fetching sand at night. Do we have a policy? And why would we allow people to go to the river at night Mr. Speaker? Because if they go at night then we don't have revenue collectors at night?Nd Mr. Speaker because you stay here I just want to encourage you, one of this Wednesday just go and stay in Oinobmoi past 8, 9 and 10PM. And you will see so many lorries

ferrying sand which I a material that whenever we are building structures here, we are quoting sand at a certain cost. So how would we allow people to go and scoop sand that they are selling at around 10,000 to 20,000 free of cost Mr. Speaker and all those?

I support this recommendation that we push the government to look into that. The reason why most of the staff are so demoralized is because we have been going to monitor projects, many times we the MCA sacrifices our means of transport to even transport the works officers and even the administrators and Mr. Speaker that is where we are not achieving more because our contractors who are willing to work, to process their payment is a problem because of that hindrance of transportation.

I was listening to somebody and he was saying. We were supposed to go and do a site visit but we don't have a vehicle and so we will go next week. Can you imagine that information getting to the mind of maybe a contractor who was expecting to be evaluated; maybe he has completed his work and want to be paid. So what does that say? It will now encourage the contractors to start facilitating our staff and in that process Mr. Speaker there will be compromise of work done because if someone is facilitating your coming to inspect a project then it will become a problem.

Mr. Speaker, we have seen there is also a recommendation on the health sector or hospitals. Mr. Speaker we have a big problem. We have a facility in these hospitals known as social waiver. They waive if you have a bill. Mr. Speaker we realized that when our people come to this facility like the Baringo County Referral Hospital, people will ask for waivers but when they go to Moi Teaching and Referral Hospital (MTRH) they will not ask for waivers and that has really affected the revenues in our hospitals and you know that monies are the one used to run the hospitals.

I support this motion but I would ask that can we look into it? Let us create trust among our people. There has been a problem of late where people are so discouraged that they only come to this hospital as they seek for referral. So it is like they are just looking for the ambulance and I think that is what has really affected us because people have no trust and they feel like the hospital is not up to the standard but Mr. Speaker I want to say that the facility we have here is good and it is just a question of work ethics.

Mr. Speaker you are one person who has been to these mission hospitals and they don't even have the quarter of facilities we have here but it is because of the services they offer and thus making people to trust and believe in them. My plea is we need to work on how we handle people there and create confidence and also look at the issue of insurance.

Mr. Speaker there used to be a time we had an amenity ward which was meant for those who have high income the reasoning was so that we can generate more money and stop people seeking medication else ware because someone may go to Eldoret to seek for the same medication he would have procured here just because of lack of good service. I would ask the government to rethink on the issue of amenity because we have so many people who have manageable conditions and we could easily tap their resources because they have medical covers. Mr. Speaker I believe the Chairman is doing a lot of work he is just being let down by his colleagues, I support this Thank you.

The Deputy Speaker (Hon. Cheboiwo): Thank you Hon Earnest Kibet being no other member, I call the mover to respond.

Hon. Kebut thank you Mr. Speaker it's unfortunate that most of my members are not here today it coincided with the public participation which is currently undertaken by the executive and one of my member is sitting as the Chair meaning that we are present but we could not handle the issue of seconding. Mr. Speaker I want to urge the sectoral committee to be very pro-active because all these projects are in the annexure and when the oversight team start relaxing they give a room to the executive to continue doing what they are doing now like not providing services for our people and for your information Mr. Speaker we might rolled over projects for 2020/2021 almost 95% there is a serious crisis in the county and members need to act and they should even go to an extend of impeaching those lazy officers and if they are serious they can go for the big boss because he is the one controlling all the things, thank you Mr. Speaker.

The Deputy Speaker (Hon. Cheboiwo): thank you Hon. Chair and I want to congratulate members who have stayed in this house in support to this motion Hon. Ng'otie, Hon. Francisca Cheburet, Hon. Deputy Majority Leader, Hon. Kakerel and Hon. Elizabeth despite that you dint get any chance I thank you.

(Question put and agreed to)

The Sectoral Committee Chairs to work on the report so that we see the results as requested by Hon. Kibet. Order members!

ADJOURNMENT

This House stands adjourned till 13th April Tuesday 2021 at 2:30p.m

The House rose at 4:24 P.M