

OFFICE OF THE CLERK
COUNTY ASSEMBLY OF KITUI

12

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Clerk's Office,
Kitui County
Assembly,
P.O. Box 694-90200,
Kitui, Kenya.

INTERNAL MEMORANDUM

FROM: First Clerk Assistant
TO: The Clerk of Assembly
THRO. The Senior Legal Counsel
DATE: 14th May, 2018
REF: CAK/7/32/ (11)

SUBJECT: THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON CONSIDERATION OF THE KITUI COUNTY EMERGENCY FUND BILL, 2018 (C/A BILL NO. 2, 2018)

The above subject matter refers;

Forwarded herewith, please find the report by the committee on Budget and Appropriations on consideration of the Kitui County Emergency Fund Bill, 2018 (C/A Bill No. 2, 2018) as adopted by the Committee pursuant to Standing Order 179(5).

Kindly note that the Senior Legal Counsel had some reservations on the Bill. Nevertheless, she didn't get an opportunity to sit with the Committee.

A. M. KAVALI
(Table Clerk serving the Budget and Appropriations Committee)

Approved
[Signature]
15/5

Speaker
for name approval
14/5/2018

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

SECOND ASSEMBLY – (SECOND SESSION)

COMMITTEE ON BUDGET AND APPROPRIATIONS

**REPORT ON CONSIDERATION OF THE KITUI COUNTY EMERGENCY
FUND BILL, 2018 (COUNTY ASSEMBLY BILL NO. 2, 2018)**

**CLERK OF ASSEMBLY CHAMBERS
P. O BOX 694
KITUI**

MAY, 2018

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ABBREVIATIONS

B&A	Budget and Appropriations
C/A	County Assembly
CECM	County Executive Committee Member
KCE	Kitui County Emergency
PFM	Public Finance Management

ANNEXURES

- Annex I - signed list of members
- Annex II - members attendance register for the sitting
- Annex III - minutes adopting the report

1.0 PREFACE

Mr. Speaker,

On behalf of the Members of the Budget and Appropriations (B&A) Committee, I hereby beg to present to this Honorable House, the Committee's Report on consideration of the Kitui County Emergency (KCE) Fund Bill, 2018 (County Assembly (C/A) Bill NO. 2, 2018).

Honorable members, the Public Finance Management Act (PFMA), 2012, is the national piece of legislation responsible in management of all public finances as envisaged by Article 224 of Chapter twelve of the Constitution on public finances. The County Governments' Emergency Fund which may be established and administered by a County Executive Committee Member (CECM) is contemplated in Section 110 of the (PFMA), 2012. In preparation of this report therefore, the Committee in addition to other references will majorly rely on this Act, the County Assembly Standing Orders as well as the recommendation made by the Members of public.

2.0 COMPOSITION OF THE COMMITTEE.

Mr. Speaker,

The Budget and Appropriations committee as currently constituted comprises of the following Members;

Hon. Boniface Kilaa	Chairperson
Hon. Baridi Felix Daudi Mbevo	Vice Chairperson
Hon. Esther Kalunda Ndile	Member
Hon. Mary K. Philip	"

This Fund is established to cater for urgent and unforeseen need for which there is no legislative authority and shall be administered in accordance with the operational guidelines made under regulations approved by the Parliament and Law relating to disaster Management.

5.0 BACKGROUND

Mr. Speaker,

The KCE Fund Bill, 2018 (C/A Bill NO. 2, 2018) seeks to provide payments for unforeseen needs for expenditure which cannot be delayed to the next financial year. It further provides for payments for the need for expenditures to alleviate damage, loss, hardship or suffering of Kitui county residents that may be caused by unforeseen events such as a drought, fire, floods, storm, or outbreak of disease, among others.

This bill was introduced in the House through the First reading during a sitting held on 24th April, 2018 and subsequently committed to the Committee on B&A.

Pursuant to the provisions of Article 196 of the Constitution and Standing Orders No.120, the Committee on B&A organized and facilitated public participation exercise in two designated Centres being Kitui Multipurpose Hall and Mwingi Resource Centre on 10th May, 2018 as earlier advertised in electronic and print media on 4th and 9th May, 2018. This exercise was conducted to ensure members of public makes their input to this vital piece of legislation and as required by the law.

contributed significantly in providing technical advice and compiling of this report.



Hon. Boniface K. Kasina

Chairman, Budget & Appropriations Committee

May, 2018

Secretariat to the Committee

Mulandi Kavali
Charles Nyaga
Grace Musombo

8.0 SPECIFIC COMMITTEE RECOMMENDATIONS ON THE BILL

Mr. Speaker,

To this end and pursuant to Standing Order 123 on sequence of consideration of a Bill, this Committee hereby proposes the following recommendations to this House:-

9.0 CLAUSES WITHOUT AMENDMENTS

Clause 3, 4, 7, 8, 9, 10 and 11

The committee was satisfied with the provisions of the above clauses and thus proposes them to be part of the Bill as printed.

10.0 CLAUSES WITH AMENDMENTS

Clause 5

That clause 5 to be amended by deleting the words “this Act” at the end of sub clause 5(1) and inserting the following words **a framework and criteria approved by the county assembly**

Clause 6

That clause 6 to be amended by rephrasing the whole Clause as follows

6 (1) The County Executive Committee Member may make payments from the county government’s Emergency Fund only if he or she is satisfied that there is an urgent and unforeseen need for expenditure for which there is no legislative authority and shall be in accordance with operational guidelines made under regulations approved by Parliament and the law relating to disaster management.

14.0 CONCLUSION

Mr. Speaker,

In conclusion, the Committee's plea to the Assembly is to approve the Bill as amended in this report. There are some emergency cases already faced by the county residents resulting from the heavy downpour experienced in the last two months which cannot be address in absence of this law. It is therefore important that the members of Assembly gives priority in enactment of this Bill.

ANNEX I

**SIGNED LIST OF MEMBERS OF THE BUDGET AND APPROPRIATIONS
COMMITTEE IN AGREEMENT AND ADOPTION OF THE REPORT ON
THE KITUI COUNTY EMERGENCY FUND BILL, 2018 (C/A BILL NO. 2,
2018)**

- | | | |
|----------------------------------|-------------------|---|
| 1. Hon. Boniface Kilaa | -Chairperson |  |
| 2. Hon. Baridi Felix Daudi Mbevo | -Vice Chairperson |  |
| 3. Hon. Esther Kalunda Ndile | -Member | |
| 4. Hon. Mary K. Philip | -Member |  |
| 5. Hon. Philip Nguli | -Member |  |
| 6. Hon. Annastacia M. Mutunga | -Member |  |
| 7. Hon. Nzomo Mwalali | -Member |  |
| 8. Hon. Mary P. Ndumbu | -Member |  |
| 9. Hon. James M. Munuve | -Member |  |

ANNEX II

OFFICE OF THE CLERKS
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Clerk's Office,
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Kitui, Kenya.

**ATTENDANCE REGISTER FOR THE COMMITTEE ON BUDGET AND
APPROPRIATIONS MEETING HELD ON 11th MAY, 2018 AT MWINGI
COTTAGES HOTEL.**

TIME: 9.00 A.M-5.00 P.M

S.NO.	NAMES	DESIGNATION	SIGNATURE
1.	Boniface Kasina	CHAIRPERSON	
2.	Bardi F.D. MBEVO	VICE CHAIRPERSON	
3.	James Mumbo	MEMBER	
4.	Nicholas M. Mwalali	MEMBER	
5.	Mary Karimi Philip	MEMBER	
6.	Philip Nguli	MEMBER	
7.	Annastacia M. Mutunga	MEMBER	
8.	Mary P. Ndumbuzi	MEMBER	
9.		MEMBER	

Confirmed By.....

Signature..... Date.....

Annex III

MINUTES OF THE BUDGET AND APPROPRIATIONS COMMITTEE MEETING HELD AT MWINGI COTTAGE HOTEL ON 11TH MAY, 2018 STARTING AT 3.00 P.M.

PRESENT

MEMBERS

1. Hon. Boniface Kilaa -	Chairperson
2. Hon. Baridi Felix Daudi Mbevo -	Vice Chairperson
3. Hon. James Munuve -	”
4. Hon. Philip Nguli -	”
5. Hon. Annastacia Mwathi Mutunga -	”
6. Hon. Nzomo Mwalali -	”
7. Hon. Mary P. Ndumbu -	”
8. Hon. James M. Munuve –	“

ABSENT WITH APOLOGY

1. Hon. Esther Kalunda Ndile

IN ATTENDANCE

Mr. Charles N. Nyaga –	Senior Fiscal Analyst
Mr. A. Mulandi Kavali -	First Clerk Assistant (Taking minutes)
Mrs. Grace Musombo –	First Clerk Assistant

MIN. (BAC) 37/2018 PRELIMINARIES

The Chairperson thanked the Members for the efforts shown and the commitment to deliver their mandate. He commended them for the