

COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY - (THIRD SESSION)
COMMUNICATION FROM THE CHAIR

NO. 48 OF 2024

**COMMUNICATION AS RELATES TO THE APPROVED KITUI COUNTY
SUPPLEMENTARY BUDGET I ESTIMATES FOR FY 2024/2025.**

Honourable Members,

I wish to extend my heartfelt gratitude to each of you for your commitment and dedication in passing the Kitui County Supplementary Budget I Estimates for FY 2024/2025, which was submitted to this Assembly on 18th October 2024.

As you are all aware, we have engaged in extensive dialogue and consultation to produce a supplementary budget that adheres to the laws of the land and genuinely represents the interests of our citizens. Throughout this process, we have upheld the principle of separation of powers between the County Assembly and the County Executive as enshrined in the Constitution.

Article 175 of the Constitution of Kenya, 2010, underscores the principles of devolved governments, emphasizing that the County governments must have reliable and separate executive and legislative authorities. It requires that both the County Assembly and the County Executive to promote democracy, uphold the separation of power and ensure public participation.

Honourable Members,

The submitted budget contained an unjustified reduction of the Assembly development budget by Kshs. 133,042,008:

- Kshs. 100 million from a revote allocated for construction of a modern office block in the last Financial Year 2023/2024; and

- Kshs. 33,042,008 allocated for construction of Ward Offices in the current Financial Year 2024/2025.

I want to briefly take you through the legal requirements which guide on budgetary allocations and independence of the Assembly in revoting any unspent funds from the previous financial year.

- i. The procurement of works for the proposed Kitui County Assembly modern office block was done in compliance with Section 45(2) of the Public Procurement and Asset Disposal Act, 2015 which provides that all procurement processes shall be within the approved budget of the procuring entity and shall be planned by the procuring entity concerned through an annual procurement plan.

The proposal by the County Executive in the submitted supplementary budget to reduce this allocation for an already tendered project would interfere with the terms of the contract and constitute a breach of contract under Section 149(1)(d) of the Public Finance Management Act (PFMA), 2012, and Regulation 23(a) of the Public Procurement and Asset Disposal Act, 2015 which require the accounting officer to ensure that procurement entered into by the entity are lawful and are complied with. Insufficient funding to the project could potentially result to interest on delayed payments for not honouring payment certificates raised by the contractor which would plunge the County into undue financial crisis and legal consequences.

- ii. Section 11 (4) of the County Allocation of Revenue Act (CARA), 2021 stipulates that any unspent Assembly balances from the previous financial year should be budgeted for within the Assembly budget in the subsequent Supplementary Appropriation Bill. Reallocating these funds would contravene this provision which amended Section 130 of the Public Finance Management Act, 2012 by introducing new sub-sections (3) and (4) which gave Assemblies the autonomy to re-budget their unspent funds in a subsequent Appropriation Bill.

Honourable Members,

The submitted supplementary budget had further proposed expunging in its entirety the allocation of Kshs. 33,042,008 allocated for construction of Ward Offices in the approved budget for the Financial Year 2024/2025.

Equally, I want to briefly take you through the legal provisions which require institutions to ensure a conducive working environment for its workers.

- i. The proposal to take away the allocation for Ward Offices disregards Article 41(2)(b) of the Constitution of Kenya, 2010, which grants every worker the right to reasonable working conditions. Section 6(2) of the same Act puts the responsibility to the employer to ensure the provision and maintenance of a working environment for every person employed that is, safe, without risks to health, and adequate as regards to facilities and arrangements for the employee's welfare.

Honourable Members,

Our collective prioritization of these key and impactful construction projects was therefore essential to fulfil these legal requirements and to ensure that Members of County Assembly, the Service and the Ward staff would have a good working environment compared to the current sorry state at their work stations which is unfavourable due to unavailability of enough working space contrary to Section 48 of the Occupational Safety and Health Act, 2007.

Honourable Members,

As you will recall, the County Integrated Development Plan (CIDP) 2023-2027 prioritized constructing both the modern office block and Ward offices, priorities that were subsequently reflected in the approved Annual Development Plan (ADP) 2024/2025 and the County Fiscal Strategy Paper (CFSP) 2024/2025. These essential planning documents underwent comprehensive public participation, in line with Article 10 (2) (a) and 118(1)(b) of the Constitution of Kenya, 2010, as well as Section 91 of the County Governments Act, 2012, which mandate public involvement in the county planning process.

Thus, retaining these projects in the approved County Budget for FY 2024/2025 reflects the will of the people and aligns with the Assembly's strategic objectives. Removing allocations for the construction of the office block and Ward offices at the supplementary budget stage would, therefore, undermine these planning documents and our institution's long-term goals.

Honourable Members,

The contract for constructing the office block was awarded in 2021 under the previous administration, stemming from an initiative by the last Assembly leadership. The initial allocation for this project was also made in 2021, and

it has since been revoted annually due to circumstances outside the Assembly's control. The current County Assembly Service Board (CASB) is only implementing this vital flagship project and we are committed to ensure that it complies with the relevant laws through our Contract Implementation Team (CIT), supervision by the consultant and seeking guidance and professional expertise from the Department of Public Works.

The County Executive has also proposed several development projects aimed at improving the welfare of County staff through increased office space and other initiatives. As an Assembly, we fully support these efforts and encourage the County Executive to plan and present such proposals to the Assembly for consideration. A good example of this is the construction of offices for village administrators, among other projects.

Honourable Members,

Contrary to any claims suggesting a lack of developmental prioritization, I wish to present a comparative analysis of allocations for various construction projects undertaken by the County Executive in contrast to the Assembly's allocation for development. This demonstrates our modesty in relation to similar projects undertaken by the County Executive:

S. N. O.	FINANCIAL YEAR	COUNTY HEADQUARTERS ADMINISTRATION BLOCK	SUBCOUNTY, WARD AND VILLAGE ADMINISTRATORS' OFFICES	ACQUISITION OF LAND	CONSTRUCTION OF MINISTRY OF LANDS, ROADS, INFRASTRUCTURE AND URBAN DEVELOPMENT OFFICES IN VARIOUS SUBCOUNTIES	CONSTRUCTION OF POLICE POSTS	CONSTRUCTION OF CPSE OFFICES	CONSTRUCTION OF ENFORCEMENT OFFICE BLOCK	TOTAL ALLOCATIONS
1	2013/2014	-	-	-	-	-	-	-	-
2	2014/2015	32,250,958	90,000,000	-	-	-	-	-	122,250,958
3	2015/2016	61,741,772	129,485,585	19,480,550	-	-	-	-	210,707,907
4	2016/2017	-	44,786,311	-	18,000,000	-	-	-	62,786,311
5	2017/2018	50,000,000	-	-	-	-	-	-	50,000,000
6	2018/2019	71,840,142	-	-	-	-	-	-	71,840,142
7	2019/2020	37,079,918	7,382,956	-	2,500,000	-	-	-	46,962,874
8	2020/2021	8,793,235	-	-	-	-	-	-	8,793,235
9	2021/2022	7,106,317	1,467,340	-	7,841,535	-	-	-	16,415,192
10	2022/2023	17,621,312	-	-	-	50,000,000	-	-	67,621,312
11	2023/2024	12,000,000	45,416,334	1,700,000	8,000,000	48,866,000	15,000,000	-	130,982,334
12	2024/2025	37,500,000	5,000,000	-	9,080,000	73,741,227	10,000,000	2,000,000	137,321,227
	TOTALS	335,933,654	323,538,526	21,180,550	45,421,535	172,607,227	25,000,000	2,000,000	925,681,492

In view of the above, I urge all Members to uphold our priority projects and ensure their successful completion, recognizing that the Assembly's development budget is significantly smaller compared to the allocations in the Executive's development budget.

Honourable Members,

I want to sincerely thank the County Budget and Appropriations Committee for being firm and seeing to it that the Assembly's development allocation of Kshs. 133,042,008 is rightfully re-budgeted under the Assembly's budget for the Financial Year 2024/2025 as guided by the relevant provisions of the law. The summary of the supplementary budget approved in this afternoon sitting can be summarised as follows for all the County entities;

KITUI COUNTY SUPPLEMENTARY I BUDGET FY 2024/25						
County Ministry	Recurrent Estimates		Total Recurrent Estimates	Development Estimates	Total Budget Estimates	%
	PE	O&M				
Office of the Governor	508,750,023	841,630,036	1,350,380,059	1,080,925,698	2,431,305,757	16%
Office of the Deputy Governor	67,995,241	90,208,315	158,203,556	34,298,479	192,502,035	1%
Ministry of Water & Irrigation	92,191,299	47,255,495	139,446,794	634,298,726	773,745,520	5%
Ministry of Education, Training & Skills Development	792,641,583	148,826,190	941,467,773	134,743,229	1,076,211,002	7%
Ministry of Roads, Public Works & Transport	155,338,312	58,952,011	214,290,323	750,909,421	965,199,744	7%
Ministry of Health & Sanitation	2,683,235,689	1,139,427,207	3,822,662,895	425,802,009	4,248,464,905	29%
Ministry of Trade, industry, MSMEs, Innovation & Cooperatives	85,147,508	113,759,458	198,906,966	639,194,086	838,101,052	6%
Ministry of Energy, Environment, Forestry, Natural & Mineral Resources	51,627,213	74,414,131	126,041,344	356,330,080	482,371,424	3%
Ministry of Culture, Gender, Youth, ICT, Sports & Social Services	69,159,768	98,003,135	167,162,903	43,500,045	210,662,948	1%

County Ministry	Recurrent Estimates		Total Recurrent Estimates	Development Estimates	Total Budget Estimates	%
	PE	O&M				
Ministry of Finance, Economic Planning & Revenue Management	221,304,941	212,348,432	433,653,372	102,791,974	536,445,346	4%
County Public Service Board	29,665,152	37,201,506	66,866,658	24,734,068	91,600,726	1%
County Assembly Service Board	468,287,168	778,353,821	1,246,640,989	240,900,561	1,487,541,550	10%
Kitui Municipality	33,636,755	46,559,814	80,196,569	85,896,953	166,093,522	1%
Mwingi Town Administration	31,360,891	37,842,909	69,203,800	33,352,967	102,556,767	1%
Ministry of Agriculture & Livestock	260,189,069	102,480,188	362,669,257	573,508,752	936,178,009	6%
Ministry of Lands, Housing and Urban Development	56,983,440	45,250,624	102,234,064	198,802,376	301,036,439	2%
TOTALS	5,607,514,051	3,872,513,271	9,480,027,323	5,359,989,425	14,840,016,748	100%
PERCENTAGE (%)	37.79	26.10	63.88	36.12	100.00	

The Office of the Clerk will forward the approved report to the County Executive Member for Finance, Economic Planning and Revenue Management for him to prepare and submit the Supplementary Appropriation Bill to the Assembly for consideration.

In line with Standing Order No. 134 and Section 24 of the County Government Act, 2012, after the Assembly considers and passes the Supplementary Appropriation Bill:

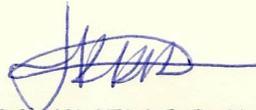
- i. The Speaker shall, within fourteen (14) days, forward the Bill to the Governor.
- ii. The Governor shall within fourteen (14) days after receipt of the Bill;
 - a. assent to the Bill; or
 - b. refer the Bill back to the Assembly with a memorandum outlining reasons for the referral.
- iii. If the Governor refers the Bill back to the County Assembly, the Assembly may, following the appropriate procedures -
 - a. amend the Bill taking into account the issues raised by the Governor; or
 - b. pass the Bill without amendment.

- iv. If the Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen (14) days submit the Bill to the Governor for assent.
- v. If the Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven (7) days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.
- vi. If the Governor does not assent to a Bill or refer it back within fourteen (14) days, the Bill shall be taken to have been assented to on the expiry of that period.

Honourable Members,

As I conclude, I want to state that we have made remarkable progress together as an Assembly. Let us remain united, resilient and committed to doing what is right, disregarding any external pressures that may seek to divide us or cast us in a negative light. This Assembly is a House of rules and order, and I urge each of you to stand by our decisions with integrity.

Thank you!



HON. KEVIN KINENGO KATISYA
SPEAKER, KITUI COUNTY ASSEMBLY
WEDNESDAY, 13TH NOVEMBER, 2024