

REPUBLIC OF KENYA



THE COUNTY ASSEMBLY OF SIAYA

FIRST ASSEMBLY – FOURTH SESSION

THE BUDGET, APPROPRIATIONS, FINANCE,

PLANNING AND VISION 2030

COMMITTEE REPORT ON

THE GOVERNOR’S MEMORANDUM OF REFERRAL

OF THE SIAYA COUNTY WARDS DEVELOPMENT

FUND BILL, 2014

APRIL, 2016

PREFACE

Mr. Speaker Sir, having passed the Siaya County Wards Development Fund Bill, 2014, this Assembly sent it to His Excellency the Governor for assent on Tuesday, 5th April, 2016. This being the second time after an earlier memorandum from the office of the Governor had been considered.

Mr. Speaker Sir, this memorandum was laid in this Assembly during its afternoon sitting on Tuesday, 26th April, 2016 after which it was committed to the Budget, Appropriations, Finance and Vision 2030 Committee for consideration and reporting back to the House.

In considering this memorandum, this Committee has recommended the sustainability of the provision that 20% of the ordinary revenue – as defined in in the Bill.

Similarly, this Committee has recommended that the provisions on the representation role of the County Assembly Member – on calling for a public meeting during which members of the Ward Development Fund Committee shall be nominated – be sustained.

The Budget, Appropriations and Finance Committee has therefore examined and discussed the Governor's Memorandum of Referral of the Siaya County Wards Development Fund Bill, 2014 and has made recommendations as contained in this report.

COMMITTEE MANDATE

Mr. Speaker, Sir, the Committee on Budget, Appropriations and Finance was established under Standing Order No. 187 and is mandated to do the following;

- 1) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,
- 2) Discuss and review the estimates and make recommendations to the County Assembly;
- 3) Examine the County Fiscal Strategy Paper, as presented to the County Assembly;
- 4) Examine Bills related to the budget, including Appropriations Bills; and
- 5) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

COMMITTEE MEMBERSHIP

Mr. Speaker, Sir, the Committee on Budget, Appropriations and Finance, as was constituted by this Assembly comprises of the following members;

Name of Member	Position
1. Hon. Jack Odinga, MCA	- Chairperson
2. Hon. Peter Muhula, MCA	- Vice Chairperson
3. Hon. Joseph Kawuor, MCA	- Member
4. Hon. James Obiero Otare, MCA	- Member
5. Hon. Nicholas Ochieng Aneme, MCA	- Member
6. Hon. William Owiti Angul, MCA	- Member
7. Hon. Sylvester Madialo, MCA	- Member
8. Hon. Margaret Oketch, MCA	- Member
9. Hon. Jared Abayo, MCA	- Member

COMMITTEE MEETINGS

Mr. Speaker, Sir, in reviewing this Governor's Memorandum of Referral of the Siaya County Wards Development Fund Bill, 2014, the Committee held one meeting on Wednesday, 27th April, 2016 at the Assembly Chambers; a meeting attended by the rest of the members of this County Assembly.

During its sitting to consider this memorandum, the Committee considered various documents; key among them, the County Government Act, 2012, the PFM Act, 2012, the Siaya County Fiscal Strategy Paper, 2016 and the guidelines issued by the Controller of Budget for financial management. These documents helped inform the Committee in making key observations and consequently recommendations.

ACKNOWLEDGEMENT

Mr. Speaker, Sir, first and foremost, on behalf of this Committee, I wish to express our gratitude to the offices of Siaya County Assembly Speaker and the Siaya County Assembly Clerk for the support received as it discharged its mandate of examining the Governor's Memorandum of Referral of the Siaya County Wards Development Fund Bill, 2014.

Further, I wish to express my appreciation to the Honorable members of the committee together with all the other members of this Assembly for their worthy contribution to the completion of this report.

Mr. Speaker Sir, it is therefore my pleasant duty and privilege, on behalf of the Budget, Appropriations and Finance Committee, to table this report and recommend it to the Assembly for adoption. Attached is the copy of the Governor's Memorandum of Referral.

Signed

Hon. Jared Abayo,

For: Budget, Appropriations and Finance Committee Chairman,
County Assembly of Siaya.

Date

COMMITTEE RECOMMENDATIONS

Mr. Speaker, Sir, the Budget, Appropriations and Finance Committee having examined and discussed the Governor's Memorandum of Referral of the Siaya County Wards Development Fund Bill, 2014, wishes to make the following recommendations;

1. Mr. Speaker Sir, as observed by the office of the Governor, the Bill has not defined what the ordinary revenue would amount to as part of the County Revenue. This Committee therefore recommends that the ordinary revenue as provided for in the Bill be the "Equitable Share as proposed by the Commission on Revenue Allocation in a financial year". Further, this meaning should be included in the definition of terms in the Bill.
2. Regarding the percentage of the ordinary revenue to be allocated for the ward development projects, this Committee is of the idea that as has been in the informal agreements in the financial years before, there should be progressiveness in the funds allocated to the wards. For instance, Mr. Speaker Sir, this Assembly approved Ksh 29.5 million; Ksh 31 million and Ksh 33 million to the wards during 2013/2014, 2014/2015 and 2015/2016 financial years respectively. For consistency and progression, this Committee feels that by all possible factors, this amount should either be maintained or be increased as compared to the current financial year. In view of this, this Committee recommends that the 20% of the ordinary revenue provision be sustained and that such amounts be allocated to the Ward Development Fund. For instance, during the financial year 2016/2017, Siaya County is expected to receive Ksh 5.4 billion as the CRA Equitable Share. This therefore implies that Ksh 1.08 billion shall be paid to the Fund – translating to Ksh 36 million per ward.
3. On the role of the Member of County Assembly (MCA) on the nomination of members to the Ward Development Fund Committee, this Committee notes that by the MCA convening a public meeting for ward residents to nominate members of the committee does not in itself imply that the MCA shall be nominating the members. Furthermore, the area MCA would be performing his/her representation role as provided for under the Constitution of Kenya, 2010 and the Siaya County Public Participation and Petitions Act, 2015.

CONCLUSION

Mr. Speaker, Sir, the Committee therefore requests this Assembly to adopt this report and further resolve that the proposed recommendations as contained in this report on the Governor's Memorandum of Referral of the Siaya County Wards Development Fund Bill, 2014 be adopted.