



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY – (SECOND SESSION)

MESSAGE FROM HER EXCELLENCY THE GOVERNOR

**MESSAGE AS RELATES TO THE MEMORANDUM ON THE KITUI
COUNTY EMERGENCY FUND BILL, 2018 (C/A BILL 2 OF 2018)**

Honorable Members,

I wish to convey a message from her Excellency the Governor, Charity Kaiuki Ngilu on The Kitui County Emergency Fund Bill, 2018 pursuant to the provisions of standing order no. 39 (1).

Honorable Members,

As you are aware, The Kitui County Emergency Fund Bill, 2018 was passed by this House on 17th May, 2018 and subsequently forwarded to her Excellency the Governor for assent in accordance with the provisions of this Assembly's Standing Orders no. 134 (1).

The Governor subsequently returned the same with a memorandum outlining her reservations for not assenting to the same in exercise of her powers under Section 24 (2) (b) of the County Government Act as read together with Standing Order no 134 (2b).

Honorable Members,

In her message, the Governor thanks the house for facilitating the legislative process that culminated into the passing of the Bill. 24(2b

That notwithstanding, the Governor has noted with concern that the bill contains sections which may slow down the County Government's ability to access the budgetary allocation and meet its obligations as intended. Her key concerns are;

- I. That section 5(1) of the Bill requires the CEC member for finance to administer the fund in accordance with a framework and criteria approved by the County Assembly. The Governor is of the view that the CEC member for finance already submitted the said criteria and thus the wording '*in accordance with a framework and criteria approved by the County Assembly*' should be deleted.
- II. That Section 6 (1) of the bill requires that the fund conforms with the operational guidelines made under regulations approved by parliament and the law relating to disaster management. The governor is of the view that the wording '*and shall be in accordance with operational guidelines made under regulations approved by parliament and the law relating to disaster management*' should be deleted since we currently do not have a national law relating to disaster management. The same can always be amended once a national law is passed.
- III. That section 8 of the bill requires that the fund balance should not exceed two percent of the revenues. The governor feels that this

requirement can only be tied to funds appropriated by the County Assembly and not donor funds since donor funds are conditional in nature and are always tied to specific programmes that the donor specializes on. In this regard, requiring the excess amounts to be swept to the County Exchequer Account will not be agreeable in respect to donor funds. Therefore the words '*subject to the fund balance not exceeding two percent of the revenues as shown in the County's audited financial statements for the previous financial year*' should be deleted.

Honorable Members,

I now therefore commit the memorandum to the Budget and Appropriations committee for consideration and report back to this Assembly within fourteen (14) days from this communication.

Thank you.


HON. GEORGE M. NDOTTO

THE SPEAKER OF ASSEMBLY

KITUI COUNTY ASSEMBLY