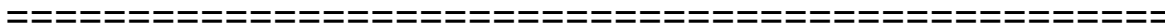


REPUBLIC OF KENYA

COUNTY GOVERNMENT OF SIAYA



FINANCE AND ECONOMIC PLANNING



**2023 MEDIUM TERM DEBT MANAGEMENT
STRATEGY**

FEBRUARY 2023

TABLE OF CONTENT

ABBREVIATIONS.....	3
FOREWORD	4
ACKNOWLEDGEMENT	5
CHAPTER ONE	6
PUBLIC DEBT MANAGEMENT	6
1.0 Introduction	6
1.1 Description of County Debt Management Strategy	6
1.2 Objective for Public Debt Management.....	6
1.3 Scope of the Strategy.....	6
CHAPTER TWO.....	7
COUNTY PUBLIC DEBT.....	7
2.0 Introduction	7
2.1 County Public Debt Portfolio.....	7
CHAPTER THREE.....	9
BORROWING FRAMEWORK BY COUNTY GOVERNMENT	9
3.0 Overview	9
CHAPTER FOUR.....	10
COUNTY DEBT MANAGEMENT STRATEGY	10
4.0 Overview	10
4.1 Sustainable Debt Level.....	10
4.2 Legal and Fiscal Responsibility guidelines	11
4.2.1 Fit for Purpose.....	11
4.2.2 Borrowing from an acceptable source.....	11
4.2.3 Borrowing with favorable terms and conditions.	12
CHAPTER FIVE.....	14
IMPLEMENTATION FRAMEWORK	14
5.0 Overview	14
5.1 Fiscal measures	14
5.3 Institutional framework.....	15
5.4 Operational framework	16
5.5 Key Assumptions	17

ABBREVIATIONS

CoK	Constitution of Kenya
PFMA	Public Finance Management Act
PDMO	Public Debt Management Office
MTDS	Medium-Term Debt Management Strategy
DLA	Defunct Local Authorities
CRA	Commission on Revenue Allocation
IBEC	Intergovernmental Budget and Economic Council
GDP	Gross Domestic Product
MOU	Memorandum of Understanding
CIDP	County Integrated Development Plan
ADP	African Development Bank
IMF	International Monetary Fund
CDMU	County Debt Management Unit
DMAC	Debt Management Advisory Committee
DMU	Debt Management Unit
DMAC	Debt Management Advisory Committee
CALC	County Asset and Liabilities Committee
IGRTC	Inter- Governmental Relation Technical Committee

FOREWORD

The Constitution of Kenya (CoK) 2010 and the Public Finance Management Act (PFMA) 2012, provide the requisite framework to ensure counties continue with prudent debt management. The PFMA, 2012 has provision for the National Treasury to establish a Public Debt Management Office (PDMO) that will assist in analysis and processing of debt information and borrowing on behalf of counties.

Preparation of the Medium -Term Debt Management Strategy (MTDS) is provided for under section 123 of the PFMA. The document provides guidance to the county government on the amount and type of borrowing to undertake over the medium term.

This Paper elaborates county debt management strategies for the period, 2023/24-2025/26 and takes note of the accumulated pending bills as at 25th February 2023 amounting to Kshs 500,609,922.69. In addition, the paper also puts in place mechanisms for county debt management framework, which if realized, will provide for prudent debt management. The institutional framework envisaged will ensure that both the county executive and the county assembly play their respective roles within the ambits of Section 9 (1) and (2) of the County Governments Act, 2012.

Hon. Benedict Abonyo Omollo

CECM- Finance and Economic Planning

ACKNOWLEDGEMENT

This is the first Medium Term Debt Management Strategy to be prepared and tabled in the county assembly for the 2023-2027 plan period in line with the provisions of section 123 of the PFMA 2012.

Notably, preparation of this document was premised on a robust stakeholder engagement and the entire county leadership playing a leading role. I therefore wish to recognize the following leaders for their tireless contributions in preparation of this document.

To begin with, my gratitude goes to the County Executive Committee led by H.E. the Governor for providing leadership, vision, and resources required for preparation of this document. Secondly, all the stakeholders who provided input during the preparation of this document are highly appreciated. Finally, my gratitude goes to the secretariat for working tirelessly to ensure timely collection and collation of information incidental to the preparation of this paper.

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Jacktone Ouma Odinga

Ag. Chief Officer-Finance and Economic Planning

CHAPTER ONE

PUBLIC DEBT MANAGEMENT

1.0 Introduction

Section 123 of the Public Finance Management Act (PFMA) 2012 requires that on or before the 28th February in each year, the County Treasury shall submit to the County Assembly a statement setting out the debt management strategy of the county government over the medium term with regard to its actual and potential liabilities in respect of loans and its plans for dealing with those liabilities. After submission to the assembly, the County Executive Committee Member (CECM) for finance is required to publish and publicize the statement and submit a copy to the Commission on Revenue Allocation (CRA) and the Intergovernmental Budget and Economic Council (IBEC)

1.1 Description of County Debt Management Strategy

Public Debt Management is the process of establishing and executing a strategy for the management of Government debts in order to raise required amount of resources/funding to meet any other obligation.

County Debt Management Strategy (CDMS) is a framework that will guide the County Government in ensuring that debt levels are affordable and sustainable.

1.2 Objective for Public Debt Management

The main objective of this strategy is to ensure that the financing needs and payment obligations of the county government are met at the lowest possible cost over the medium to long term and are consistent with a prudent degree of risk.

The strategy aims at minimizing medium to long-term costs and limiting risk in the public debt portfolio to provide an optimal and sustainable composition of public debt.

In summary, the strategy seeks to balance cost and risk of public debt and take account of demand constraints. It also seeks to institutionalize the production of a debt strategy publication as provided for in the PFMA, 2012

1.3 Scope of the Strategy

This County Debt Management Strategy is for the medium term 2023/24-2025/26 and aims at providing policy direction that will facilitate County Government access to financial markets as well as support future development of a well-functioning vibrant debt policy over the medium term.

CHAPTER TWO

COUNTY PUBLIC DEBT

2.0 Introduction

The County Public debt portfolio of the county government comprises all financial obligations, attendant to loans raised and security issued by the County. The debt policy guides the County in determining, establishing and upholding legal and institutional framework that are in place to guide borrowing and addresses both external and domestic debt management within the County. The County Government in its operations will accumulate pending bills which will accrue due to huge roll-overs occasioned by late procurement process during financial years, erratic exchequer releases affecting the projected cashflow and continuous non-realization of local revenue target due to global pandemic, political interference and government policies leading to non-payment of County Government suppliers.

2.1 County Public Debt Portfolio

The County Government of Siaya has accumulated pending bills amounting to Kshs.500,609,922.69 as at 25th February 2023 and is committed to retire the bills through annual budget process as it enhances Own Source Revenue to meet short term gaps in cashflow

The pending bills comprise balances owed to contractors and suppliers of goods and services as shown in table 1 below

Table 1: Summary of accumulated pending bills as at 25th February 2023

Description	Pending Bills as at 30th June 2022 (in Kshs.)	Payments	Outstanding Pending Bills as at 25th February 2023
Construction of buildings	123,861,240.18		
Construction of civil works	259,896,906.63		
Supply of goods	321,056,378.65		
Supply of services	113,988,707.01		
PAYE	140,284,350.77	140,284,350.77	0.00
Total	959,087,583.24	458,477,660.55	500,609,922.69

Source: County Treasury

The County Government has adopted the following strategies to reduce and curb these debts in future:

1. Verification of outstanding claims to prevent payment of fraudulent claims through formation of pending bills committee and occasionally engaging the Office of Auditor General (OAG);
2. Providing budgetary allocations for pending bills within departments;
3. Timely remittances of statutory deductions and other obligation to avert any interest and penalties due to late remittance or non-remittance;
4. Adhering to budgetary provisions during execution of programmes and projects to avert expenditure outside the budget.

The County Government of Siaya in financial year 2023/24 plans to incur public debt for funding agricultural inputs geared towards improving agricultural productivity from Agricultural Finance Corporation (AFC).

CHAPTER THREE

BORROWING FRAMEWORK BY COUNTY GOVERNMENT

3.0 Overview

In the proposed County Fiscal Strategy Paper (CFSP)-2023, there is a funding gap in the development expenditure of Kshs. 500 million which the County Government proposes to bridge through borrowing. Initial borrowing will be approximately Kshs. 200 million from AFC. This debt will be used to acquire farm inputs to boost agricultural productivity thereby ensuring food security within the County. The balance of debt will be used to finance flagship projects proposed in the County Integrated Development Plan (CIDP) 2023-2027.

The County Government powers to borrow is anchored on article 212 of the Constitution of Kenya (CoK) 2010 and section 140 of Public Finance Management Act (PFMA), 2012.

Section 140 of PFMA, 2012 states that a County Executive Committee member for finance may, on behalf of the county government, raise a loan for that Government's purposes either within Kenya or outside Kenya, only if the loan and the terms and conditions for the loan are set out in writing and are in accordance with:

1. Article 212 of the Constitution;
2. Sections 58 and 142 of this Act;
3. The fiscal responsibility principles and the financial objectives of the county government set out in its most recent County Fiscal Strategy Paper;
4. Debt Management Strategy (DMS) of the county government over the medium term.

In line with the legal provisions above, the County Government of Siaya has initiated a new strategy to finance implementation of capital programmes and projects. This new strategy is called Asset Financing whose return will transform and impact the lives of the people of Siaya County.

CHAPTER FOUR

COUNTY DEBT MANAGEMENT STRATEGY

4.0 Overview

Components of the Medium-Term Debt Management Strategy (MTDMS) are to: maintain debt at sustainable and affordable levels; ensure that new borrowing follows fiscal responsibility guidelines for a fit purpose and are from an allowable source and with acceptable terms and conditions; introduce and consolidate fiscal, legal, institutional and operational measures that ensure that the above objectives are met.

4.1 Sustainable Debt Level

To ensure that the debt levels are sustainable and affordable the County government will employ the following strategies:

- 1 Pursue grant funding and budget support;
- 2 Where grants are unavailable, or where a loan element of grant funding for priority development projects is mandatory, limited concessional borrowing may be sought;
- 3 Borrowing must be limited to concessional loans from multi- or bilateral donors or development partners;
- 4 The criteria for considering concessional financing shall be a grant element;
- 5 Concessional debt terms and conditions must be appropriate for the project being financed;
- 6 Projected debt servicing cost, not allowing for grace periods, must be less than 8 per cent of forecast domestic sourced revenues, assuming no growth in revenue;
- 7 Debt servicing shall be sequenced to avoid large peaks in repayment expenses at certain times of year;
- 8 As part of the budget process, an annual borrowing limit will be set such that debt levels will not exceed the minimum set thresholds;
- 9 As a general rule, and to maintain any debt to be incurred at its affordable and sustainable levels or below, the cumulative new issuance should not exceed the cumulative principal repayments to be made once interest to incur debts are floated;
- 10 Debt levels must be lower than any thresholds stipulated in the section 50 (5) of the Public Finance Management Act 2012 and any other legislation governing matters debt;

11 Any additional fiscal surplus arising from buoyant county revenues will be used to retire domestic debt.

4.2 Legal and Fiscal Responsibility guidelines

The County Government must ensure that any new borrowing follows legal and fiscal responsibility guidelines for a fit for purpose; from an allowable source; and with acceptable terms and conditions. New borrowing must be recommended by a County Debt Management Advisory Unit and approved through the proper legal channels. It must comply with the conditions contained within the MOU signed by the county and the entity issuing the debt. New borrowing must be:

4.2.1 Fit for Purpose.

In order to ensure borrowing is fit for purpose, the following types of projects will be prioritized;

- a) Investing in the productive capacity of Siaya County;
- b) Funding priority core infrastructure and development initiatives;
- c) Specific purposes (projects) identified as a high priority in the county CIDP, CADP and CFSP or specific sector plans.

Preference shall be given to projects with high rates of return or projects such as investing in hospitals or schools that generate a high ‘social rate of return’ and those that can help the county reach the Kenya Vision 2030 and the County Integrated Development Plan (CIDP 2023-2027).

Investment projects cash flows need to be clearly identified as sufficient to make debt repayments and the cost of any contingent liabilities and obligations such as tied procurement must be factored into the cost and risk of debt. When lending for revenue generating enterprises, the rate of return must be sufficient to make debt servicing payments and contribute to the future capital requirements of the county. Finally, the County shall not borrow to fund shortfalls in recurrent expenditure and any form of losses incurred by the County.

4.2.2 Borrowing from an acceptable source

Acceptable and unacceptable funding sources shall be prescribed in the yet to be proposed county debt management bill. For the duration of this Debt Management Strategy (three years), borrowing after the transition period shall be restricted to concessional sources of finance from multilateral or bilateral donors. Such financing generally comes with greater scrutiny and oversight, making sure that funding is used for the purposes it was provided and decreasing reputational risk.

Concessional lending is available through multilateral agencies like the AfDB, World Bank and bilateral donors. Loan amounts will depend on the specific projects to be funded and donor funding allocations to the county. The denomination of the loan currency will also influence the acceptability of the source. Acceptability of source will also depend on the individual characteristics of the loan, limitations, terms and conditions on the loan. Lending from bilateral partners is linked to specific projects and terms and conditions depend on the project.

The County Government of Siaya proposes that borrowing from commercial lenders will be of last resort because servicing such loans is expensive due to high and variable interest rates, roll-over risks (loans tend to be short term), requires collateral and may lack transparency.

4.2.3 Borrowing with favorable terms and conditions.

The terms and conditions associated with any debt proposals must be examined carefully. Loans will be subject to a cost risk analysis by the County Debt Management Unit (CDMU). The following factors will be examined while checking for favorable terms:

1. Debts with a large grant component and fulfils the fit for purpose should be given preference as they have concessional elements ingredients.
2. The volume and cost of debt must not have a negative impact on debt sustainability and affordability.
3. Despite offering very low interest rates, concessional loans still carry foreign exchange risk. The benefit of very low or even zero interest rates could be negated by depreciation. Stress tests used in the above analysis must assess the impact on affordability and sustainability of foreign exchange movements.
4. The term of the loan (tenor) should be more closely aligned to the cash flows of the project. The advantages of very long-term loans (such as the impact of inflation on the value of the loan) and very low repayment amounts can be outweighed by accumulating large amounts of debt over many generations. Very long-term loans may encourage fiscal irresponsibility, because if the project fails, it is future generations that must bear the cost. By using up the borrowing envelope now, it might restrict the ability of future generations to borrow, and they will be servicing debt for projects that were completed before they were born and for which they receive no tangible benefit.
5. Debt sustainability analysis must extend beyond grace periods. The length of the grace period should be assessed in terms of factors such as the revenue stream from the project, its duration, inter-generational equity and the time value of money.

6. Prevention of concentration risk: If the volume of the loan is large, it may contribute to concentration risk. If an institution or bilateral partner has a large concentration of debt it could use this as a means of exerting undue political influence or bargaining for favors (for example tax concessions, access to resources). The behavior of the lender needs to be assessed.
7. Legal risk: Borrowing proposals must be examined for potential legal risks. They must not contravene any legislation

CHAPTER FIVE

IMPLEMENTATION FRAMEWORK

5.0 Overview

This section seeks to introduce and consolidate fiscal, legal, institutional and operational measures that ensure that the objectives of the Strategy are met. Fiscal, legal, institutional and operational measures are needed to strengthen debt management and establish a borrowing framework. These measures also need to increase transparency and accountability to restore credit worthiness through rebuilding reputation. The PFMA 2012 provides an effective borrowing framework.

5.1 Fiscal measures

The County Government must continue its commitment to balanced recurrent budgets and debt should not be used for recurrent spending.

Annual borrowing limits will be set as part of the budget process to keep debt at sustainable and affordable levels, based on conservative forecasts of macro-economic factors, and in line with the County Fiscal Strategy Paper.

5.2 Legal measures

Essential aspects of debt management contain these elements:

- 1 Definition of debt to include loans, borrowings, guarantees and on-lending;
- 2 Clear authorization by county assembly to approve borrowings and loan guarantees on behalf of the county government;
- 3 A requirement that all borrowing proposals (including guarantees) are reviewed by a Debt Management Advisory Committee (DMAC) and recommendations submitted to the CECM for finance before borrowing and loan guarantees can be approved on behalf of the government;
- 4 Decisions surrounding borrowing made as part of the budget process so that projects can be compared on merit, and appropriations are made for borrowed funds;
- 5 Clear authorization from the CECM for Finance to the debt management entities to undertake borrowing and debt-related transactions and to manage loan guarantees;
- 6 Clear debt management objectives, including that the cost of the debt is minimized from a medium/long-term perspective, the risks in the debt portfolio are kept at acceptable levels, and that development of the domestic debt market is promoted;

- 7 A requirement to review and update the Debt Strategy annually which will serve as an operational strategy and will provide a framework for how the county government will achieve its debt management objectives; and
- 8 As part of the annual update of the Debt Strategy, mandatory reporting on progress since the last review, covering an evaluation of outcomes against stated objectives.

5.3 Institutional framework

(i) Process for recommending borrowing proposals to County Executive

There is needed to be clear delegation of responsibilities for recommending and approving debt, where debt includes loans, borrowings, and guarantees and on lending by the county government. In this regard, DMAC will recommend and rank acceptable proposals. It is therefore, proposed that:

Proposals that have been recommended by the DMAC can then be submitted and incorporated as part of the budget approval and appropriation process.

The CECM for finance has sole authority to approve loans. Therefore, borrowing will not be legal unless it has been signed off by CEC Member for finance.

(ii) Functions and responsibilities of the Debt Management Unit

The functions and responsibilities of the DMU will include:

- 1 Make debt payments on time and for the correct amount;
- 2 Keep timely, comprehensive and accurate records of outstanding government debt, guarantees, contingent liabilities and new borrowing in a single debt database;
- 3 Publish, in a timely manner, monthly (and quarterly) reports showing the status of outstanding debt, debt payments, and projected debt payment obligations;
- 4 Prepare, review and update the Debt Management Strategy;
- 5 If required, prepare an annual borrowing plan;
- 6 Prepare and publish auction calendars for issuance of domestic securities (Treasury Bills and Treasury Bonds);
- 7 Assess the risks in issuing any guarantees, and prepare reports on the method used for each assessment and the results thereof for the attention of the CEC Member for Finance.

DMAC will assess the volume and risk characteristics of debt to ensure that:

- 1 Debt is sustainable and affordable;
- 2 Debt is below the thresholds established;
- 3 Debt is from an acceptable source;

- 4 Debt is for a good purpose and the project is a high priority in the CIDP;
- 5 Debt is not for funding recurrent expenditure;
- 6 Project has a positive Net Present Value or helps achieve Vision 2030 and the SDGs;
- 7 The cost of any contingent liabilities and obligations such as tied procurement are factored into the cost and risk of debt;
- 8 Cash flows from project can be identified that will be able to be used for repaying the loan.
- 9 Loan terms and conditions are acceptable and achieve the best cost and risk outcome.
- 10 Borrowing aligns with the CFSP.

(iii) Debt Management Advisory Committee

The Debt Management Advisory Committee will evaluate borrowing proposals. The Debt Management Advisory Committee will be chaired by the chief officer in charge of finance with membership from Planning, Infrastructure and water dockets. The County Treasury will act as secretariat for the Committee. The Committee will make recommendations to the CECM for finance as to whether borrowing should or should not proceed.

5.4 Operational framework

Operating framework will consist of:

Debt recording: The DMU will maintain accurate and up-to-date records of all debt (including guarantees, on- lending and contingent liabilities) and investments, which can then be reported. DMU also needs to keep records on liabilities of county entities.

Debt reporting: DMU will publish monthly reports on the status of County's total debt including loans, guarantees, contingent liabilities and payment arrears. The report will include details of new borrowing and issuance of Government guarantees, as well as debt repayments, rescheduling, write-offs, and retirements.

Quarterly debt bulletins indicating debt levels and cost, debt sustainability and affordability and actual and projected debt service costs over the medium term will be published on county's websites. An Annual Report will be produced showing changes in the debt status over the year, details of any new borrowing and debt repayments, key events in the management of debt and the DMU, and a review of progress and performance against the Debt Strategy. Reports will be published in a timely manner, so that stakeholders have access to up-to-date information.

Debt Strategy: Every year the DMU will review, update the debt management strategy and present to the county assembly. The Debt Strategy will provide a framework for ensuring debt

financing decisions are consistent with County government's broader fiscal and development strategies and that the level of borrowing fits within the debt sustainability/affordability thresholds defined in legislation or any other official documents and with achieving macroeconomic objectives.

Borrowing Plan: When required, DMU will prepare a borrowing plan.

Debt Sustainability Analysis: DMU will prepare a debt sustainability analysis.

Integration with Cash Management: The DMU will continue to work with county treasury to integrate cash and debt management. Cash management ensures that County government has sufficient funds to meet its obligations as at when they fall due. Use of cash management tools depends on reliable cash forecasting. For example, Treasury Bills can be issued to fund forecast cash shortfalls, with maturity timed to coincide with periods of forecast cash surplus. Similarly, excess cash can be invested in term deposits or similar instruments to earn the county government reasonable rates of return, with term deposits maturing at times of forecast cash shortfall.

Compliance: Where staffing levels permit, the DMU will move toward an office organization with separation of back, middle and front office duties so that work can be monitored and verified. DMU will also work with Treasury toward greater integration of the cash management task.

Capacity Building: Capacity building will continue at all levels and the DMU will update its capacity development plan annually.

Business Continuity and Disaster Recovery: Business continuity will be strengthened by documenting procedures for all key processes. A register will be kept of key spreadsheets and documents, and these will be backed up regularly.

5.5 Key Assumptions

This section describes the medium-term strategy assumptions considered during preparation and those that are to affect the realization of the proposed management strategies. The assumptions are as follows:

- 1 The macroeconomic framework underpinning the strategy will remain stable during the medium-term period. Forecasted GDP growth rates will be realized and variables such as inflation rates, interest rates amongst others will remain stable to minimize the cost of debt.

- 2 The macroeconomic framework underpinning the 2023/24- 2025/26 MTDMS is consistent with projections included in the County Fiscal Strategy Paper for FY 2023/24. The fiscal strategy paper objects at providing a general fiscal direction to support economic activities taking into consideration debt harmony in the next three years with improved forecast of the national economy.
- 3 The political, social and economic environment will remain favorable during the implementation of the strategy.
- 4 As per the constitution:
 - a) The county government will be allocated funds as provided for in law;
 - b) The national government will guarantee all county government loans;
 - c) The County Government of will adhere to the strategies contained in this document.

Appropriate enabling debt management framework exists (adequate legal framework; effective institutional arrangements and comprehensive and efficient debt recording).

6.0 Conclusion

This Paper has enunciated county debt management strategies for the period, 2023/2024 – 2025/2026. The Paper takes note of inherited debts of the DLAs and pending bills. In addition, the Paper also puts in place mechanisms for county debt management framework, which if realized, will provide for professional debt management. The institutional framework envisaged will ensure that both the county executive and the county assembly play their roles within the ambits of Section 9 (1) and (2) of the County Governments Act, 2012. The strategies proposed will ensure low-cost funding with high returns, thereby promoting socio-economic well-being of the citizens.