

# MURANGA COUNTY ASSEMBLY

## THE HANSARD

Monday, September 7, 2015

The House met at 10:41 a.m.

*(Deputy Speaker Hon. Gachui Mungai in the Chair)*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

**Hon. Deputy Speaker:** Hon. members, media fraternity and the members of the public present, I want to take this opportunity to welcome you to this special sitting in a very special way, hoping that you have all enjoyed your recess and you will still continue enjoying after this sitting. As you are aware, this special sitting was called to transact an important matter before this Assembly and that is why we are seated here today. I would urge the Hon. Members, as we debate, since this is a very important matter, we should not be emotional because this will determine the future of this county.

### MOTIONS

#### REMOVAL OF HON. GEORGE KAMAU FROM THE OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, IT AND PLANNING

**Hon. Duncan Njuguna:** Thank you Mr. Speaker, I am the Member of County Assembly for Gitugi ward and I am also a Member of the Budget and Appropriations committee. I beg to give notice of the following motion:-

Aware, that Hon. George Kamau was appointed by the Governor as the County Executive Member for Finance, IT and Planning in June 2013, after the approval of the County Assembly on 4<sup>th</sup> June, 2013, further aware that he has discharged his functions to date, cognizant of the fact that he has always acted in gross incompetence, grossly violated the Constitution and other laws; this House urges the County Governor of Murang'a to dismiss/remove Hon. George Kamau from the office of the County Executive Committee Member (CEC) for Finance, IT and Planning pursuant to Section 40 of the County Governments Act no. 17 of 2012 on the following grounds:

1. Preparation and processing of Budget Estimates for the Financial Years (FYs) 2013/14, 2014/15 and 2015/16;
  - i. The County Executive Committee Member for Finance, IT and Planning did not comply with Section 129 of the Public Finance Management Act (PFM) no 18 of 2012 in the following ways:-
    - a. The budget submitted by the County Executive Committee Member for Finance, IT and Planning did not comply with section 129(1) (a) and 2 (a) to the extent that it included the Budget Estimates of the County Assembly. The Budget Estimates of the County Assembly are submitted to the County Assembly by the Clerk pursuant section 129(3) of the Public Finance Management Act.
    - b. The County Executive Committee Member for Finance, IT and Planning did not comply with section 129(1) (a) to the extent that he failed to submit the draft Bills required to implement the County Government budget.
    - c. The County Executive Committee Member for Finance, IT and Planning failed to comply with Section 129(2) (b) that requires the Budget Estimates to be in accordance with the resolutions adopted by the County Assembly on the County Fiscal Strategy Paper (CFSP).
    - d. The County Executive Committee Member for Finance, IT and Planning did not comply with Section 129 (4) to the extent that he did not prepare and submit to the

- County Assembly comments on the Budget Estimates presented by the County Assembly Clerk.
- ii. The County Executive Committee Member for Finance, IT and Planning did not comply with Section 130 of the Public Finance Management Act in the following ways:
    - a. The County Executive Committee Member for Finance, IT and Planning failed to submit a summary of budget policies including revenue, expenditure, debt and deficit financing contrary to section 130(1) (a) (i).
    - b. The County Executive Committee Member for Finance, IT and Planning failed to submit to the County Assembly an explanation of how the budget relates to the fiscal responsibility principles and the finance objectives contrary to Section 130 (1) (a) (ii).
    - c. The County Executive Committee Member for Finance, IT and Planning failed to submit to the Assembly a memorandum explaining how the resolutions adopted by the County Assembly on the Budget Estimates have been taken into account contrary to Section 130 (1) (a) (iii).
    - d. Contrary to Section 130 (1) (b) (i) (v) and (vi), the County Executive Committee Member for Finance, IT and Planning failed to submit to the Assembly Budget Estimates that include:
      - a. A list of County Government entities that are to receive funds appropriated from the budget of the County Government.
      - b. All estimated expenditure, by Vote and by programme clearly identifying both recurrent and development expenditures. The submitted budget did not provide the Recurrent Expenditures for all the departments and entities.
      - c. Information regarding loans made to the County Government, including an estimate of principal, interest and other charges to be paid in respect of those loans. The County Government has acquired two loans from the Kenya Commercial Bank, whose details were not provided to the Assembly.
      - d. The County Executive Committee Member for Finance, IT and Planning failed to submit to the Assembly information relating to any payments and liabilities to be made or incurred by the County Government for which an appropriation is not included in an Appropriation Act contrary to Section 130 (1) (c).
      - e. The County Executive Committee Member for Finance, IT and Planning failed to submit to the Assembly a statement specifying the measures taken by the County Government to implement any recommendations made by the County Assembly with respect to the budget for the FY 2014/2015.
  2. Gross incompetence. The County Executive Committee Member for Finance, IT and Planning exhibited gross incompetence in the discharge of his functions in the following ways:
    - a. In February 2014 and 2015, he submitted the County Fiscal Strategy Papers that were substandard due to the following facts:
      - i. The County Fiscal Strategy Papers did not contain detailed analysis of sector ceilings, revenue and expenditure projections per program;
      - ii. The County Fiscal Strategy Papers were a copy-paste of the Budget Policy Statement for the National Government and focused on the National Government functions such as security, provincial administration, among others, which the Committee could not relate to the County future development agenda.

3. Inability to advise the Governor; he failed to advise the Governor on the manner in which a memorandum is written and submitted as is the case for the practices adopted by the National Government.
4. Non-disclosure of debts in the Budget Estimates for FY 2015/16 and in the County Debt Management Strategy Paper; the County Executive Committee Member for Finance, IT and Planning failed to disclose all the debts that the County owes the suppliers to the tune of Kshs. 1.86 Billion.
5. Annual Development Plan for the FY 2015/2016; the County Executive Committee Member for Finance, IT and Planning submitted an Annual Development Plan that was sub-standard and a copy paste of the plan for the FY 2014/15.
6. Failure to submit policy papers to the Assembly for approval; the County Executive Committee Member for Finance, IT and Planning failed to submit to the County Assembly policy papers pertaining to key programs. For example the milk processing plant, youth empowerment, among others.
7. Committing to projects that were not budgeted for in the FY 2014/15; the report on total debts that the County owes creditors, the County committed funds for such programs like construction of a dormitory at Kahuhia Girls that was not factored in the Budget Estimates for the FY 2014/15.
8. Use of unprofessional insulting language in official communication; the County Executive Committee Member for Finance, IT and Planning vide a letter ref no. MCG/FIN & PLN/63/27 dated 30<sup>th</sup> June 2015, responded to a letter from the Clerk to the Assembly using unprofessional language that is against the code of ethics. This exhibited disrespect to the County Assembly.
9. Inability to respond to issues as enumerated by the Controller of Budget; the County Executive Committee Member for Finance, IT and Planning has failed respond to the issues as enumerated by the Office of the Controller of Budget in a letter dated August 6, 2015, for example allocations made to the milk processing plant and the mango processing factory yet details of activities to be undertaken have not been provided.
10. Failure to itemise the Budget Estimates for the FY 2015/2016; the County Executive Committee Member for Finance, IT and Planning failed to submit a program-based Budgets for the FY 2014/15 and FY 2015/16 as required under Section 12 of the Public Finance Management Act, 2012, Second Schedule.
11. Misappropriation of public funds; the County Executive Committee Member for Finance, IT and Planning requisitioned Kshs. 29, 779,000 for the County Assembly but failed to remit the funds to the same Assembly in the FY 2014/15.
12. Sabotaging the operations of the County Assembly by refusing to remit Kshs. 71,000,000 that had been requisitioned and disbursed to the County Treasury; the County Executive Committee Member for Finance, IT and Planning requisitioned funds for the County Assembly to the tune of Kshs. 71,000,000 for the months of June and July 2015 but is yet to remit the same to the Assembly thereby crippling the operations of the Assembly.
13. Lack of professional thinking in budgeting; the County Executive Committee Member for Finance, IT and Planning purported to collect Kshs. 500,000,000 from power generation before carrying out feasibility study for the same program. This would result into financial deficit in the budget.
14. Mr. Speaker sir, running commercial entities without properly registered institutions and policies; the County Executive Committee Member for Member for Finance, IT and Planning has failed to generate policies of the county engaging in commercial entities such as Murang'a County Creameries, Mariira Farm, among others.

15. Refusal to respond to money Motions; the County Executive Committee Member for Finance, IT and Planning has, on various occasions, failed to respond to requests from the Budget and Appropriations Committee on the viability of money Motions, which clearly shows his inability to analyze the motions and give his comments economically as required under Section 21(3) of the County Governments Act No 17 of 2012. This is evident through Ref No. MCA/C/12/16 dated October 6, 2014 where the Committee requested responses on the following notices of motions:-
- i. Notice of Motion on feeder roads for access to Tea Factories by Hon. Charles Kirigwi, MCA Kinyona ward.
  - ii. Notice of Motion on the establishment of a training program for persons with disabilities by Hon. Esther Ngugi, nominated MCA.
  - iii. Notice of Motion on construction of ramps and lifts in all public offices for persons with disabilities by Hon. Esther Ngugi, nominated MCA.
  - iv. Notice of Motion on offsetting of debts owed to external parties by coffee societies in Murang'a County by Hon. Bernard Kariuki, MCA Gaichanjiru Ward.
  - v. Notice of Motion on development of reward schemes for farmers above the age of 65 years by Hon. Charity Wangui Rugu, nominated MCA.
  - vi. The County Executive Committee Member for Finance, IT and Planning, also on invitation by the Committee vides a letter Ref. No. MCA/C/5/57 dated October 22, 2014 where in a meeting held on Thursday, November 13, 2014 at 9.30 a.m. failed to respond to those notices of Motions citing lack of a robust Budget Office with competent analysts and he requested for more time to do so. Unfortunately, no response in that regard has been received.
  - vii. Additionally, in a letter dated June 9, 2015, Ref no. MCA/ C/12/49, the Budget and Appropriations Committee requested for the comments of the County Executive Committee Member for Finance, IT and Planning on a notice of Motion by Hon. Caroline Njoroge regarding the provision of free and compulsory early childhood education where the said Executive Member was expected to respond on, or, before Monday, June 15, 2015. Nevertheless, the County Executive Committee Member for Finance, IT and Planning is yet to respond.
16. Violation of Section 25 (2) of the County Governments Act No. 17 of 2012; the County Executive Committee Member for Finance, IT and Planning has been adamant to implement an Act of the Assembly. This is evident through a letter dated July 28, 2015, ref no. MCG/FIN & PLN/63/36 where he clearly indicated his unwillingness to implement the Murang'a County Appropriation Act No. 3 of 2015 that ought to have come into force on July 23<sup>rd</sup> 2015 pursuant to Section 25 (2) of the County Governments Act No. 17 of 2012. The County Executive Committee Member for Finance, IT and Planning has disregarded the force of law and if such a move is tolerated, it is likely to create a breeding ground for impunity and set a bad precedence of absolute disregard of the law.
17. Acting in ultra-vires/abuse of office; Mr. Speaker sir, section 24 (1), (2) of the County Governments Act No. 17 of 2012 provides as follows:-
- (1) "The Speaker shall, within 14 days, forward a Bill passed by the County Assembly to the Governor.
  - (2) The Governor shall within 14 days after receipt of a Bill:-
    - a) Assent to the Bill; or
    - b) Refer the Bill back to the County Assembly with a memorandum outlining reasons for the referral."
- The County Executive Committee Member for Finance, IT and Planning violated the above mentioned Section of the County Governments Act No. 17 of 2012, and acted in

ultra vires by purporting to be the Governor of Murang'a by requiring the County Assembly to consider his proposed amendments to the Murang'a County Appropriations Bill No. 5, 2015 and revert it for consideration vide a letter dated 30<sup>th</sup> June 2015- Ref. No. MCG/FIN and PLN/63/27. This was in contravention of section 24 of the County Governments Act No. 17 of 2012, that only entitles the Governor to refer a Bill back to the Assembly. Thank you Hon. Speaker.

Mr. Speaker, my motion is detailed on every item. I have quoted the section of laws that Hon. George violated. I would like to urge the Hon. Members not to debate with emotions just like you stated. All the same, we should now rise to the occasion. With that these hon. members and I decided that enough was enough and we will censure one Hon. George Maina Kamau so that the County Governor of Murang'a can dismiss him of his duties. I will just highlight a few points before I call the seconder of the motion.

On item number seven, it reads clearly that a contract was awarded to a contractor to go and refurbish dormitories in Kahuhia girls, knowing very well that Kahuhia girls is a secondary school and secondary schools are not a devolved function. With that a lot of money was used to construct dormitories, walkways and pavements leaving the devolved functions in the education department, like the ECDEs and polytechnics to suffer. That is why I am urging this House to support this motion that one Hon. George Maina Kamau must go.

Mr. Speaker, item 14, the County Executive Member for Finance IT and Planning failed to generate policies on the said construction of Murang'a County Creameries which is visible along Murang'a-Kenol road. No policy against the said corporation was approved by this Assembly. This is total violation of the Constitution and the laws thereof, so Mr Speaker sir, we found that if we continue like that we will be creating white elephant structures which will not stand when another government comes in. With that, and all the other items, I find that one George Maina Kamau must go.

On all the issues that I have mentioned from number one to 17, they are very well detailed. I remember Mr. Speaker, on 1<sup>st</sup> September 2015 at 10 a.m. in committee room number one, there was a joint meeting of the Budget and Appropriations committee and Finance and Planning committee which had issued summons to Mr. George Maina Kamau to appear before the committee and he failed to turn up without reasons. I would like to highlight that, as I said, there is total gross violation of the Constitution and other laws and incompetence from the said officer- County Executive Committee Member for Finance, IT and planning, who in the first place seemed not to have experience to deal with public finances. I find that with the support of the hon. members in this House, Mr George Maina Kamau must go.

Mr. Speaker, on the side of budget, you as an hon .member for Kihumbu-ini, representing your people in this House, we have time and again struggled to make those budgets according to the law of the land, time and again we have written to the said CEC to an extent that the County Assembly turns out to be an extension of his office so that the County Government budget of Murang'a can be acceptable by the Controller of Budget.

As I have mentioned in some of the items, to an extent that he purported to be the Governor of this county by doing a note which we cannot really call a memorandum, using unacceptable language to this Assembly and urging the Assembly to revert to him after making some amendments whereas there is the process that I have mentioned which is clearly indicated in the County Governments Act no. 17 of 2012 and our standing orders. With that, he had all the reasons not to be bothered by what is transpiring in this county.

We have everything, as I have stated to have the CEC dismissed or removed from that office. Since the hon. members are eager to contribute to the said motion, I will rest my case

by saying that if, as hon. members we want to earn back our respect to the people we represent, our oversight and legislation roles, Mr. Speaker sir, you are going to agree with me that Mr. George Maina Kamau must go.

*(Applause)*

I will call upon my able chairperson of Budget and Appropriations committee to second the motion, thank you Mr. Speaker.

*(Applause)*

**Hon. Peter Mweri:** I would like to second this motion by Hon. Duncan that this House urges the County Governor of Murang'a remove Hon. George Kamau from the office of the County Executive Committee Member for Finance, IT and planning, pursuant to Section 40 of the County Governments Act 2012 on the mentioned detailed grounds.

Mr. Speaker, as the Budget chairperson, we have had consultations with the mover, we have discussed these issues raised here and there are no false accusations in this motion. I would like to comment on a few things, as the mover has said the motion is very detailed.

The CEC Finance is in charge of the finances in the whole county and he reports to the Governor, so anything concerning finance, he is answerable; he is also in charge for policy formulation for all sectors.

The mover has already said that one of the policies he had not done was the power generation policy, he had budgeted 500million for power generation without even first having a feasibility study, even before having the policy in place, although the Assembly decided to remove this vote, from this, it is clear that you cannot put 500 million to construct a power generation centre and at the same time state that the power generation plant will earn income. I think this was to increase county revenue and then have more money to allocate other projects

The mover has said about the summon to the CEC and he never turned up on the 1<sup>st</sup> of September, he was supposed to answer to a few issues and this is a clear indication that he has no respect for this Assembly among other issues.

Mr. Speaker, sometime this year even before the Executive presented 2015/2016 budget estimates, we had put it clear to them that we have been very silent for the last two years and sometimes we could see that they were not itemizing the budget as required by the law. We officially wrote to them and told them that this year will not be business as usual because the members had already learnt very well how to do proper budgeting. They had received guidelines on what the itemized budget should entail, if they were wise enough, even Hon. George Kamau could have learnt from the said letter so that everything comes flowing for this year.

We have had that there was a letter written by the Controller of Budget (COB), it had clearly stated that the budget should be properly itemized and the letter was in August but it has never been responded to. Some of the issues the COB raised were concerning the development expenditure. As we are aware, the monies for 2015 have not been received from the COB citing budget not being itemized and we have not got any report that the issues have been addressed and this will automatically affect the development in our County. We would like the queries by the COB to be responded to so that we can also go on with development projects for this County.

Item four, where there was non-disclosure of debts, it is very clear that there was no provision for the debts owed to the county and I would like to put it clear to the members present and the media that even the 1.86 billion indicated is not the only debt that is owed to

the county, this is only for the invoices. There is another figure of about 600 million for LPOs, and so the total debt still stands at around 2.5 billion.

On the money motions, as you have heard from the mover, these able hon. members have in the last two years come up with very good motions, unfortunately none has been executed since all money motions should be given a nod by the executive so that they can also have allocations in the budget.

If these motions had been responded to by the executive, I think we could have gone far. As you can see on the said list, on point number 15.bullet six, the County Executive member in charge of Finance, IT and planning failed to respond to the motions citing lack of a robust budget office.

Mr. Speaker, the dates that the letter was written to the CEC was back in November 2013 and you wonder how long does it take to employ a fiscal analyst? Since he stated he does not have a robust office, I think this should not have been an excuse at all and the CEC should come out clearly. For these reasons, I am of the opinion that the CEC must go. He is a personal friend to me but when it comes to work we have to take issues seriously. This is not personal, but his failure to own up duties as required by the Constitution. Thank you Mr Speaker, I rest my case

*(Question proposed)*

**Hon. Joseph Ndung'u:** I rise to support the motion on the following grounds; the CEC Finance did not advice the ministries on prioritization of projects because by the time the project is brought by the ministry, he should also advice on the priorities. Things like bursaries and health facilities were priorities but he could not advice accordingly.

I remember that I brought a request concerning Ichagaki being the only ward without a health centre, we budgeted for 5 million for the construction, but it was not done thus finding the CEC Finance a failure since he should release the money as a matter of priority.

I also brought a motion requesting the county government to be paying NHIF for the most needy families and it was also not considered. He is not a good adviser to the government on money issues.

**Hon James Kariuki:** I rise to support this motion that the Hon. CEC member for Finance Hon. George Kamau needs to go home. It is very clear that the role of the Assembly is legislation, representation and oversight. The role of the executive is to bring Bills, formulate policy papers and execute programmes and policies. Those roles are very clear. It is also very clear that while the Assembly is competent in its role of representation and legislation, it is hampered in the role of oversight; the executive does not show any seriousness in whatever roles they are supposed to carry out.

Looking at the County Fiscal Strategy Paper, which was a copy paste of the national government, this shows lack of seriousness on the CEC member for Finance and this is unacceptable.

When memorandums are brought to this Assembly, we always find that those memorandums are not clearly written because a memorandum should quote the areas that the Governor is not happy with, suggest amendments that can be considered by this House, but the memorandums brought to this House have nothing of that nature. To me that is inability by the CEC Finance to appropriately advice the Governor on how to write a memorandum.

We all know that it is a requirement of the PFM Act that policy papers are brought before any key programme is initiated in the county. We do not have any on all the programmes initiated by the county government especially on the milk processing plant, which is a requirement of the law.

On the issues of Kahuhia girls, we all know that Kahuhia girls is a former provincial school, I do not know their present status, and they have changed. This school is under the national government, even though we agree that interventions are acceptable, you cannot intervene in only one school and spend millions while we know the board of management of that school is able and competent.

Mr. Speaker, I have a lot of problems with number ten, failure to itemise the budget estimates for the FY 2015/2016, according to PFM Act 2012, section 12. It is very clear that to make our oversight role easy, that budget should be itemized and programme- based. This was not the case and yet the County Executive Member Finance thought it was a joke for us to ask for a programme- based budget properly itemized so that we will know if you want to build n ECDE class, in which ward will that class be, the location, the costs and the time it will take to release that particular project. This would help us a great deal in our oversight role and it is clear in the PFM Act 2012.

I would also like to comment on ground nine, misappropriation of funds, failure to remit Kshs. 29,779,000 to the County Assembly for the year 2014/2015. It is this kind of behaviour that has led to the clamour for autonomy for County Assemblies all over Kenya. In number 13, lack of professional thinking in budgeting, the CEC Member Finance showed ignorance or gross incompetence or underestimated the intelligence of the Members of the County Assembly when he put a figure of 500 million for power generation and at the same time that power generation plant is supposed to bring revenue in the same financial year. This is not possible since this is a project that will take three to four years before revenue is generated. Mr. Speaker, you fail to understand why this kind of item was in the budget in the first place.

On the issue of running places like Mariira farm without proper policies, as chair of Agriculture committee, I have been pestering the CEC Member for Agriculture to come up with Development Fund Bill that will make Mariira properly operational so that when you put in one shilling you ask the management in that particular farm that for every shilling that I put you need to bring 50 cents or 60 cents or another shilling. That way as an Assembly we will know that Mariira is operating profitably and to the benefit of Murang'a farmers. That is not happening, it is done haphazardly and we are very annoyed as members of Agriculture committee.

I do not want to speak much but I would like to say that when the CEC Member for finance obeys orders from the above and signs on the dotted line then he should know that there are consequences for that action.

This should be a lesson to the remaining nine CEC members that they should not obey illegal orders from the above and that they should follow the law and the laws are the Constitution,

*(Applause)*

The County Governments Act, the Public Finance Management Act, the Inter-Governmental Relations Act, et cetera. Our guiding act in this county is purely legal it is not otherwise, I rest my case.

**Hon. Deputy Speaker:** Hon. Member for Gaichanjiru.

**Hon. Bernard Kariuki:** Thank you Mr. Speaker, I rise on a point of order to move an amendment motion; pursuant to standing order number 49 and standing order 55, I wish to move an amendment as follows: that the words immediately after the word House be deleted and substituted thereof with the following words 'resolves that the County Governor of Murang'a dismisses/removes Hon. George Kamau from the office of the County Executive Committee Member for Finance, IT and Planning pursuant to section 40 of County Governments Acts number 17 of 2012 on the following grounds'



In order for the motion to read aware that Hon. George Kamau was appointed by the Governor as the County Executive Member for Finance, IT and Planning in June 2013 after the approval of the County Assembly on 4<sup>th</sup> June 2013, further aware that he has discharged his functions to date, cognizant of the fact that he has always acted in gross incompetence, grossly violated the Constitution and other laws; this House resolves that the County Governor of Murang'a to dismiss/remove Hon. George Kamau from the office of the County Executive Committee Member for Finance, IT and Planning pursuant to section 40 of the County Governments Act Number 17 of 2012 on the following grounds: Mr. Speaker the grounds are as in the order paper.

The essence of this amendment motion is to enforce the plea as provided for by the County Governments Act section 40. It requires this motion not to urge, it requires that the intention of the motion is to require the Governor to dismiss or to remove CEC Member from office and I request the member for Kamahuha to second.

**Hon. John Gitau:** Thank you Mr. Speaker, I second the amendments.

*(Question on amendment proposed)*

**Hon. Charles Kirigwi:** Thank you Mr. Speaker

*(Hon. Duncan Njuguna walked out of the Chamber)*

**Hon. Charles Kirigwi:** I do not know why the mover is moving out and I support the amendment

**Hon. Deputy Speaker:** Order! Hon. member the mover of the amendment is still in the House.

**Hon. Charles Kirigwi:** I am guided; I support the amendment and the mover of the original motion that is Hon. Duncan. I reliably learnt that he was a teacher and there is no way he could have had such a big oversight because this is a compelling motion, it is not a persuasive motion, it is compelling

*(Applause)*

I support.

*(Question on ammendment put and agreed to)*

**Hon. David Muhoro:** Thank you Mr. Speaker, I rise to support this motion with amendment. To be able to move forward as a county one George Kamau must be at home in the next few minutes.

My issue with CEC Member for Finance goes to number four. We know any financial institution, any institution not even your small set up we call home must have debts and without proper planning on finances, knowing what you owe others you cannot be able to move. No institution will move with debts.

A debt to a tune of 1.8 billion plus LPO's of about 600 million will not let this county move forward because it is after we clear this debt, that the county will be able to move with other projects but Mr. Speaker we cannot be able to move forward with projects when the suppliers, when the contractors are being auctioned.

It is unfortunate that the CEC member was not even willing, were it not for the pressure from the budget committee to disclose these debts. What has brought this is problem number five is because there was no proper planning. If you remember very well because this plan for

financial year 2015/2016 was brought to our committees, we were able to see they were not even able to edit what they had copy- pasted.

They went to National Assembly and brought the annual development plan for national government without even simple editing. We could see provincial administration, we could see police post all these, whereas we had gone for public participation and we brought what the people in Murang'a required and that was one item, he really was not willing to implement and that is Ward Development Fund which our people in wards require.

For sure Murang'a has to go forward and if Murang'a has to come out of these debts. If for sure we have to secure prosperity, we have a future, our contractors, and our suppliers one George Kamau must be at home at the end of this process of impeachment. Thank you Mr. Speaker.

**Hon. Mary Waithira:** Thank you Mr. Speaker, I rise to support the motion and I want first of all to start by commending the mover of the motion for the bold steps he has taken.

I want to start with number one which is talking about preparation and processing of the budget. As these people were vetted by the Assembly, one Mr. George alluded that he was competent and that he was compliant with issues to do with finance and that is why he was able to get the position.

But if you look at what has been spelt here in the motion you can see that the PFM Act sections 129 and 130 have not been adhered to by the CEC. If you look at number two where we are talking of the gross incompetence, I do not want to read all that is there because we know what it is there but to me I see that he has shown incompetence, inability or ignorance or lack of seriousness as he goes about budget preparation.

Number four, if you look at non-disclosure of the debts, whenever we are coming up with a budget we learn from history and our history takes us back to the budget of financial year 2013/2014. If at all we were not able to reflect on what we have done previously, the shortcoming and the challenges we experienced, then we were not supposed to prepare the budget for 2015/2016 without touching on those areas and that is why the mover of the motion has really talked on the same.

My other issue is number seven: when we talk of committing to programs that were not budgeted for in financial year 2014/2015, if we are not committed to whatever we are coming up with in the budget in the first place, then we are killing the spirit of the budget because it is there to act as a guide and if you do not plan, then you plan to fail and that is why this House is crying about whatever we are in.

If you look at number ten, where we are talking of failure to itemize the budget, you can see why we are talking of program- based budget because this one is the one that will help us to know what we have spelt in the budget and we shall also be able to know why the national government policies that the county government should inherit IFMIS system and that is the spirit. Because the IFMIS system is going to control and discipline the usage of money and we should not be having some projects being done and they are not in the budget. I think this is what we have really failed to do as per the CEC finance.

Lastly I want to touch on number 14, where we are talking of running commercial entities without properly registered institutions and policies. The mover of the motion has talked about some that we have settled to and there are institutions and policies to govern that. Like the Murang'a County Creameries, Mariira farm and shilingi kwa shilingi. All these are eating into what we have prepared as budget and that is why we are provided with a list of debts meaning the money that was budgeted went to do other things that has no legislation, institution or even approval by this House so that we can do away with the budget.

The money is not there, the work was done and that is why we are having cries from our people who have done those jobs and they have not been paid. The money is not there just because it has been taken to other engagements that are not in the budget.

If as a House we are not here to speak out, if we are not here to make sure that we support the spirit of the Constitution and to make sure that the law is adhered to, then we will see our county sink as we keep quiet.

But today is a good day because we have risen to say that we cannot allow this to happen and if it is some personalities that we have that cannot allow our Murang'a people to enjoy the development and the services from the money that we are getting from national government and from revenues collected from our people, then this is the time we are rising to say that he must go.

This government belongs to the people and this is a sovereign nation and the power belongs to the people and so all the monies and what we have in Murang'a belongs to the people of Murang'a. So we are here saying that we cannot allow the said things to happen. We must say that proper legislation, proper regulation must be adhered to and Murang'a county will be run as per the spirit of PFM Act and the Constitution.

This is a government that belongs to the people of Murang'a and we are here as their representatives to talk on their behalf. Murang'a will not be run as a personal entity; we are there to make sure that the law is adhered to and therefore I support that the CEC Finance Mr. George Kamau immediately after he should be packing and going home because we are here to defend the resources of the people and we cannot allow someone to run from powers that we do not know where they are coming from but to the spirit of the Constitution and to what is spelt in the PFM Act. Thank you Mr. Speaker

**Hon. Deputy Speaker:** Hon. Catherine.

**Hon. Catherine Mugo:** Thank you Hon. Speaker, I rise to support the motion on the grounds that have been outlined from number one to 17. I wish to state that or to remind ourselves that the day we were sworn in to be Members of this County Assembly we swore to uphold the rule of law and we also swore to protect Wanjiku without fear or favour.

I want to commend the mover of this motion for the courage of bringing this particular motion calling for a special sitting of this House because it is an urgent issue that we need to deal with.

On my side, I would like to say that the mover of the motion has clearly outlined how the Constitution and Public Finance Management Act together with County Governments Act has been violated. He has gone ahead to quote the sections that have been violated and we need to ask ourselves what the objectives of the PFM Act were.

It is very clear, the objectives of the PFM Act were to ensure that the CEC or the officer who has been entrusted with that particular office is accountable and transparent. From what I have seen in this motion, it is very clear that there has not been effective management of the resources of the people of the county of Murang'a. It is also very clear that as much as this CEC who is the accounting officer is entrusted with control of use of resources of the County Government of Murang'a, that control has not been exercised.

It is therefore my responsibility and that is why I am supporting this motion to oversee that the PFM Act is being implemented in the right way. It is very clear from paragraphs one (a) all the way to (f) that this has not been the case.

The PFM Act has been grossly violated and therefore I support the mover by saying that it has not only been violated but also effective management has not been seen when the CEC finance is executing his duties.

I would like to say that in regard to gross incompetence, we have seen that particularly paragraph two number two, we have seen particularly when this fiscal strategy paper was

brought in our various sectoral committees it was actually laughable. We were looking at it in the land committee and trade committee which I am party to and it was copy and paste of what national government had actually done.

We know that office has a technical person who is supposed to come up with the budget and then the CEC who is the head of Treasury is supposed to look at what has been done by the technical person and then okay the budget. It was clear that this was not done because there were a lot of mistakes. We do not deal with security, we do not deal with provincial administration issues but it was glaring that it was not looked at.

The process of budget making, we know it is very important for each one of us and if there is something that this CEC has violated is budget making process. We all know what happens even in our homes when we have a budget and we do not work with it and we go out of the budget we get into a big mess. This is what is happening in our county. We have had budgets in the past, they have not been followed, we have overlooked the budget and I think that is not proper and we should not allow that to continue.

Section 107(2) (e) of the PFM Act also states that debts that shall be incurred by a county like ours should be sustainable. We are now talking of about 1.8 billion and the question that comes to our minds is this, are these kind of debts sustainable? Where did these debts come from? There was no framework or even criteria or a policy paper brought to this House for the County Assembly to approve the debts that have now been incurred.

The PFM Act does not only say that they should be sustainable, it says that they shall, meaning a paper must be brought to this House to show how those debts have been incurred. Therefore, I feel that even that section has been violated in incurring those debts.

The same PFM Act says that each county should adhere to PFM Act by ensuring that the principles that are laid out have been followed. None of the principles, in fact it looks like the particular CEC had no regard to PFM Act at all, he has greatly violated it.

The question that comes to our minds is how then should we allow somebody who has not effectively managed the county money, who has not effectively managed control the use of county monies to continue working? My answer is that I should be the first to say that he must go because I represent the people.

As one JK has said, I have oversight role and I have also the legislative role so it is my day to day duty and I am happy that I am exercising it without fear or favour to say that he must go because he has failed to control public funds as it is supposed to be. He has failed to effectively manage the public funds.

I would also want to say that in regard to non- disclosure of debts in the budget for the year 2015/ 2016 and in the County Debt Management Strategy Paper, these debts that are not sustainable and they are going to cripple our government and therefore we should not allow them.

I would also like to invoke section 111(1) of the PFM Act which says that the County Executive Committee Member shall administer the county government emergency fund for the county government in accordance with a framework and criteria approved by the County Assembly.

Some of the debts that we have incurred today it is very clear that as much as emergency funds have been used by the county government no paper has been brought on emergency fund and that is very evident by what is opposite this County Assembly, no policy paper has ever been brought into this House as much as we appreciate

*(Hon. Charles Kirigwi rose on point of order)*

**Hon. Deputy Speaker:** Yes, point of order

**Hon. Charles Kirigwi:** Thank you Mr. Speaker, going by the mood of the House and how hon. members want to contribute to this good motion, I seek to move a motion of extension of sitting time with may be one hour or two hours so that we are not outside the norms of standing orders.

**Hon. Deputy Speaker:** Before we debate on that, I want to give guidance to the House that this Assembly was gazetted to start at 10:00 a.m. and we are supposed to sit for three hours so when you propose the time that you want us to add make sure you propose time from 1:00 p.m. onwards because we are supposed to sit for three hours then from there we can extend. You may continue.

**Hon. Charles Kirigwi:** I propose so that we allow each and every member to contribute we extend sitting time by one hour from 1:00 p.m.

**Hon. Anderson Muchemi:** I second the proposal we extend our sitting time up to 2:00 p.m.

*(Question on extension of time proposed)*

**Hon. John Gitau:** Thank you Mr. Speaker, I wish to counter that by saying, looking at the mood of the House, I think it is evident and going by what is on these papers it is evident that the House wants to take a certain direction so there is no need of extending time.

**Hon. Deputy Speaker:** Hon. members before you debate the extension of time, I would like to remind the members, if the chair is going to rule on a roll call voting, it is a tedious exercise and it is going to take a lot of time so as you debate whether to extend or not to extend you put that into account.

**Hon. James Kariuki:** Mr. Speaker I am in agreement with member of Kamahuha that we go up to one maybe what you should do is to restrict the contributors to maybe two or three minutes because the mood of the House is very clear that we all want the CEC to go home

*(Laughter)*

There is no need for us debating too much just for the sake of the press or something of that nature.

*(Question on extension of time put and agreed to)*

**Hon. Catherine Mugo:** Thank you Hon. Speaker, I will be very brief because of time. I also want to highlight point number ten on failure to itemize budget estimates for financial year 2015/ 2016.

We have all seen the danger of having a blank cheque in the past where the budget has not been itemized and that is why we feel that giving a blank cheque to CEC finance and not having an itemized budget can cripple our county by not having some projects being done and others being taken care of that were not budget for.

I would also like to highlight on the issue of refusal to respond to money motions. We have seen many money motions that have been deliberated in this Assembly and it is very outright that there has been total disrespect to the County Assembly by the CEC not writing to the County Assembly to give reasons why those money motions should not be implemented or the status of those money motions. I rest my case.

**Hon. Deputy Speaker:** Yes, Hon. member for Kigumo.

**Hon. Caroline Njoroge:** Thank you Mr. Speaker, I rise to support today's motion and congratulate the mover because it is high time that this House and whole county realizes that the county issues and the accountability in this county is more important than an individual.

With that I also say that this House should support this motion wholeheartedly knowing that we need an accounting officer who is ready to work with this House as long as we want this county to run without the debts that we are seeing here. Without the debts that we have cited in this motion and in order to have a county that will not have the debt I do support that Mr. George Kamau must go.

In order to have a county that is ready to appropriate money as I cite number 11 in the motion, that we have had misappropriation of funds whereby the said CEC Member has been requisiting money especially where they requested money meant for this Assembly but they failed remit the same money to the Assembly during the financial year 2014/2015 and with this it is very bad and it is not in order for somebody to do that because this is where a vote is changed from doing what it was budgeted to do and it is diverted to other projects. We will continue to have debts from now and it will continue. It is very bad because we did not have them seeking this approval to change those votes.

I will not talk about anything else because these issues have been there since we came in this Assembly and we know these things have been happening and all the issues cited in this motion we know them. We are ready to support this motion to see that we have people who are ready to work with us; we have people who are ready to save this county and take it ahead. Mr. Speaker I support.

**Hon. Deputy Speaker:** Hon. member for Kangari

**Hon. Anderson Muchemi:** Thank you Mr. Speaker, I want to start with saying that for the county government of Murang'a to have very good preparation of budget estimates for the remaining two years, George Kamau must go.

For the Murang'a county to have a very good advisor to the Governor on matters finance, George Kamau must go. For Murang'a people to know their debts and to be updated on their debts George Kamau must go. To have very good legislations on institutions we are engaging with, George Kamau must go. Finally Mr. Speaker for Murang'a people to have a working county, George Kamau must go today, thank you Mr. Speaker.

**Hon. Peter Kariuki:** Thank you Mr. Speaker, today I am supporting this motion wholeheartedly. I want us to go to number 15 (2) notice of motion on the establishment of a training program for persons with disabilities by Hon. Esther Ngugi, nominated MCA. If we can go to Article 33 of the Constitution and I be allowed to read it says 'every person has the right to freedom of expression, which includes freedom to seek, receive or impart information or ideas' this means people with disability have not been .....(*inaudible*)..... and people of this county have not been..... (*inaudible*)..... I want to go to other part number three which is really annoying me. If we go to Article 35, it says every citizen has the right of access to; (a) information held by the state; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.

If you read number three it says notice of motion on construction of ramps and lifts in all public offices for persons with disabilities by Hon. Esther Ngugi and I want you to bear in mind that I usually to struggle to reach the office of the Governor. I am usually lifted by two people to reach there; other people are too heavy to be lifted to that office to seek information. My question is how the people with disability benefit in this county will if all those public offices will not have ramps. Thank you very much.

**Hon. Samuel Wandia:** Thank you Mr. Speaker for giving me this opportunity to contribute towards the removal of George as CEC Finance. I stand to support the motion fully and it is very sad because this House vetted the person we want to remove. We invited the same person to the Finance committee and I had prepared two questions to ask him. I wanted to ask him what is a budget and how does it help a manager.

The person we vetted has got a chain of qualifications and if at all he knew how important this tool is, Murang'a county would not have been in the state in which we are.

Somebody in the calibre of the current CEC and he presents to this Assembly a fiscal strategy paper which has been pulled from the Kenya government you wonder whether this person went to class because even when I went to school and if I pulled and answer from the text book word for word, that resulted to disqualification and I could not get any marks. I wonder how the Governor is having this person in office if at all he has seen the type of the fiscal strategy paper this person had presented.

The Governor should have set George free to go home if at all he could not present a quality memorandum to be presented to this Assembly. This Assembly is important, it is the area that passes each and every paper that affects the county and if the purported memorandum to this Assembly was just a paper, memorandum is quite conclusive and admirable but what we got is a letter addressed to Speaker and he should have been sacked instantly.

It is unfortunate because the other one is debt management paper. This is one of the important documents in budget making and when this document was prepared and brought to this Assembly it did not disclose all the debts in the county. I do not know why they were to be hidden from this Assembly. It was only after the finance committee addressed the office of CEC and asked for these debts, I do not know whether he remembered whether the debts management paper that he brought to us had no figures and what he forwarded to us was alarming. It was a debt of 1.8 billion plus another 0.6 billion on committed LPO's. I do not know whether he remembered but God is great we got the right thing and I hope the members will deal with it conclusively.

It is unfortunate we cannot work without the development plans. Like now I forwarded the development plan for Muthithi ward, it was not included, I do not know whether it was seen, it is very unfortunate.

Itemization of the budget is very important and in actual fact once the budget is itemized it guides each and every one, even my mother at home can be guided by budget. Everyone knows what comes to Muthithi; everyone knows what will go where. I have got a booklet here from Controller of Budget and she wants Murang'a County to ensure that the budget process is followed to the letter but nobody hears, God save Murang'a.

The other one I want to say is on policies, we have got Murang'a Creameries in Maragua, we have got Mariira farm and other big projects and no sessional paper or policy paper has ever come to this Assembly. If some of these policies or sessional papers were forwarded in this House I am sure and I believe the way this House believes, we would have stopped some of the projects from the word go. But it is unfortunate that the sessional papers have not been finding their way to this House and I hope once we throw George out, the person who will come after him will always be bringing sessional papers and policies to this House so that they can be screened and passed by the House to save Murang'a from failure.

Money motions, I have all a long been crying in this House that we employ a fiscal analyst so that he can analyse money motions before they find their way into this Assembly Mr. Speaker, letters has been sent to him with no response. How do we retain this man who does not respond to the Assembly? He should go and he should go today.

Disbursement of the money to the Assembly is our right, the Constitution is very clear that we have got two components of government in Murang'a; that is the Assembly and the executive. If money is meant to come to this Assembly, it is not questionable, it should come to us. Failure to remit money to the Assembly was an issue, we should have thrown him out last week when we were suffering without funds here. That is an issue because somebody is playing around with our right.

The last one I would advise the remaining CEC's and I quote words from the late Hon. Saitoti he said 'there comes a time when the interests of a nation and here I replace nation with county. There comes a time when the interests of a county supersedes once interest'

*(Applause)*

They should know that, they should read from the papers if they will pick this so that they may know from now on they should follow, the voices of Murang'a people will be supreme and they should go if they do not follow those words. The interest of this county supersedes the interest of individuals. Thank you Mr. Speaker for affording me that opportunity

**Hon. Deputy Speaker:** Hon. members before I give the next debater, for the interest of time it is good if we avoid repeating what the others have said because we might be taking too long talking about same things, same points and of course we should be addressing the chair not the media. Hon. member for Kanyenya-ini

**Hon. Peter Kihungi:** Thank you Mr. Speaker, I stand to support the motion for the removal of CEC Finance. I know I take the guilt because I remember when we were vetting the CEC; I think you were in that vetting committee and I remember the Speaker who is chairing did mention that the CEC does not understand about the public finance as per the Constitution. I took my position as the leader of majority and begged and said even when we were coming we were not conversant with law but we thought he would learn as time goes by.

I will not repeat anything that has been said but I wish to refer to section 26 (3) of the Public Procurement and Disposal Act that says that, 'all procurement shall be within the approved budget of procuring entity and shall be planned by the procuring entity concerned through the annual procurement plan'. The same is restated in (6) that, 'a procuring entity shall not commence any procurement procedure until it is satisfied that sufficient funds have been set aside in its budget to meet the obligation of the resulting contract'. Note the use of the word 'shall'.

Mr. Speaker, we have realised that the County Executive Committee Member (CEC), has allowed his officers to continually operate as if the County does not have a budget. They have been extremely careless with the budget; they have not been careful with it because Murang'a county should only be having those debts approved by the County Assembly, which I think to be Kshs.200 million by the Kenya Commercial Bank (KCB). The county has incurred debts to a tune of Kshs.2.5 billion because they have been careless with the Public Finance Management Act (PFM) and the Public Procurement and Disposal Act. If the contracts awarded were in the budget, there was no way our county would find itself with such debts.

*(Hon. Anderson Muchemi entered the Chamber without bowing at the bar)*

They are however procuring things that are not allocated for in the budget; hence violating section 26 (6) of the Public Procurement and Disposal Act that

*(Hon. Duncan Njuguna rose on a point of order)*

**Hon. Duncan Njuguna:** On a point of order Mr. Speaker, is it in order for the hon. member for Kangari to disrespect the House by entering without bowing to the mace?

**Hon. Deputy Speaker:** The hon. member for Kangari is very much out of order. I want to remind the hon. members that this is a very serious business; it is therefore good for



us to allow members contribute because it will make our case stronger. Do the necessary hon. member for Kangari.

*(Hon. Anderson Muchemi bowed at the bar)*

All the members must show respect to this House. It is good for us to respect the authority of this House. Hon. Kihungi may continue.

**Hon. Peter Kihungi:** Thank you Mr. Speaker, this county could not be having any debts if the CEC for Finance has been respecting laws such as the PFM Act and the Constitution. There has been disregard of those laws set aside on the issues of procurement and public finance. That explains why our county is in this big problem. If you read Article 226 (5) of the Kenyan Constitution, it says that, 'if the holder of a public office, including a political office, directs or approves the use of public funds contrary to the law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not'.

Therefore, Mr. Speaker, George takes full responsibility because we swore to defend this Constitution when we were being sworn in. We held the Bible and the Constitution while doing so. If we dip our heads in the sand and these people continue to mutilate the Constitution, not only Wanjiku will judge us but also God. If we continue allowing a person who do not respect the Constitution or any law of the land to continue serving in that office, we are liable for judgement even before God.

I am therefore saying that enough is enough, I will not repeat all the things said but I will emphasise that the county is going to hell on the issue of public procurement. Our county will not recover if the trend of people failing to respect the law continues. I support the motion that George must go, thank you.

**Hon. Deputy Speaker:** Hon. member for Gaichanjiru.

**Hon. Bernard Kariuki:** Thank you Mr. Speaker for the opportunity, I rise to support this motion and I will be very brief with two points. I wish to congratulate the mover because this is the day that the Lord has blessed for this Assembly.

The agitation for the new Constitution was in my view due to three things; one is Article 10 of the Constitution, devolution and the national cake. The national cake includes national finances, and we dedicated a whole chapter on it- chapter 12- so that public finances would be managed, not the same way as the former Constitution.

Article 201 of the Constitution requires that financial management should be very responsible, and that fiscal reporting should be very clear. Section 129 and 130 of the PFM Act bring out that clarity and the way the financial procedures in the County Government should be operated. The CEC Member for Finance- Hon. George- may not have read the law properly before he requested for this job. It is therefore upon this House to tell him that though we tried him, he is not fit. Contravention of section 129 and 130 of the PFM Act is in my view a gross violation of Article 201 of the Constitution which sets the precedence and standards on how we should manage our public finances because the national cake is something that we should not play about with.

Therefore, Mr. Speaker, the first count of this motion is enough to send George home because nobody can run away from the provisions of the Constitution and we, as a County Government, cannot allow that.

My second point is that Article 176 of the Constitution recognises the fact that any County Government is a partnership between the County Assembly and the County Executive, and that respect must always be there. It is not only limited to respecting the financial autonomy of the County Assembly which the CEC for Finance has failed miserably

on, but also to respect the decisions that are made by this House; they remain the binding factor of the people of Murang'a.

Mr. Speaker, the County Assembly is the senior partner in the County Government because if you, for instance, had a firm of Wakibocho and Mweri Advocates, it is practice that Wakibocho is the senior partner. Article 176 of the Constitution says that the County Government is a partnership of the County Assembly and the County Executive. We would need a referendum to change that and therefore, the CEC for Finance should have gone home yesterday because he has failed to realise that County Assemblies require financial autonomy. Secondly and most important is the fact that decisions made by the County Assembly should be respected because this is the seat of power of the people of Murang'a. Therefore, our decision should be binding.

We have made so many money motions that the CEC for Finance has failed to respond to in the budgetary appropriation which he submitted to this House. Therefore, on the first count, the CEC for Finance- the Hon. George- should have gone home yesterday. I support.

**Hon. Deputy Speaker:** The hon. member for Kamahuha.

**Hon. John Gitau:** Thank you Mr. Speaker, it is unfortunate that we are sending Hon. George Kamau home. Given the counts that are listed here, his exit is eminent. I, therefore, highly support the motion because there is clear lack of respect for this Assembly by the Executive. It is actually very clear how the resolutions of this House are not respected because the Executive thinks that they can work in isolation, which is not possible within the doctrines of the current Constitution.

The lack of an itemized budget has opened misuse of cash. We have had cases where members of public who attend rallies and meetings are paid allowances. Where in the budget are such allowances factored? We have also had cases where those people who attend Trade fairs or what we call agricultural shows are served buffets. This is a lot of money which is actually coming from somewhere. That is why we are having problems because we have had some other very important votes such as the bursary where money is not being expended. As we sit here, money was drawn for the bursary but we cannot see it. Our parents are crying at home because the money has not been disbursed and we do not know what is happening.

Mr. Speaker this has also come recently, we know and are very sure that development money has not been released; however, we recently heard the Governor and the Executive announcing that they have released the bursary, which is under development. You can see that, that is money meant for other things which they want to use on items not meant for. This motion should act as a manual or a guide to bodies such as the Auditor General, the Ethics and Anti-Corruption Commission (EACC), and the Director of Public Prosecution (DPP). What is here should actually be seriously investigated. This is also a wakeup call for the Public Investment and Accounts Committee (PIC/PAC) to investigate most of these allegations and many more. I rest my case by saying that George Kamau must go, thank you Mr. Speaker.

**Hon. Deputy Speaker:** Hon. member for Kamacharia.

*(Loud consultations)*

**Hon. Joseph Machiri:** Thank you very much Mr. Speaker, there is a lot of noise

**Hon. Deputy Speaker:** There is no noise hon. member because members are consulting. They should however do so silently. Consult silently hon. members for Muthithi, Kigumo and Gitugi. You may continue.

**Hon. Joseph Machiri:** Thank you once again; I am the chair for many things.

*(Laughter)*

First, I would like to congratulate the mover of this motion who is no other than my best friend in this Assembly hon. Duncan, Member for Gitugi, for coming up with this long awaited motion.

This is the day of the Lord; it can be called a historical and memorable day for this county and the people of Murang'a. I remember very well that we vetted this person- George Kamau- for the slot of CEC Member for Finance. Little did we know that he would sink this county government in terms of finance to the bottomless pit; we know he has been the bonafide financial legal adviser to the county government, which he never did.

Mr. Speaker, the dismissal of this CEC Member was long overdue; it ought to have been done in the year 2014. The said CEC member has done historical financial injustices to this county. He is also a liability to the county government of Murang'a and he ought to go.

We have always sung choruses for the itemised budget, policy papers and we have repeatedly done so for two consecutive years to no avail. What I am saying is that we are talking about dismissal and so on. I am personally talking about dismissal and going ahead to investigate the said person. This is just an eye opener because there are so many others in this county government who have done wrong things in spite of being entrusted by this County Assembly to hold very important positions, let me not give examples.

**Hon. Deputy Speaker:** Stick to the motion.

**Hon. Joseph Machiri:** All the same, I will stick to the motion and give a very glaring example, even the people passing along the Murang'a- Total road near the carwash down there can see how incompetent this CEC is. They hired a fire fighter engine which they pay almost Kshs.500, 000 per month. If you do simple calculations, the county government is losing about Kshs.6 million annually by hiring that Securicor fire-fighter engine instead of buying one for this County Government. We will spend about Kshs.12 million in two years for that hired fire fighter engine. That is just a small thing I have narrated to prove how money for this county government was misused by this CEC who is the financial adviser to the government.

The other issue is about the nappier grass which everybody outside there is talking about. Even Wanjiku is waiting for the decision of this County Assembly today. For example, we cannot track who planted that nappier grass and we cannot even audit on that matter. Look at the issue of is it English potatoes? Sweet potatoes. We cannot even track or do auditing on who planted the sweet potatoes. In addition, one crush was costing about Kshs.100,000 yet there is not even one cow that has been inseminated in my area. I am now uprooting those crushes and building sheds for the milk collecting centres for the people of Kamacharia ward.

Therefore, Mr. Speaker, according to the PFM Act, it is our mandate and moral obligation to go deeper and investigate the Kshs.2.5 billion debts and identify the companies which are been given tenders in this county government and even the due diligence of the people who are being contracted. For example, I raised an issue in this Assembly on how the contractors are being paid their money. Is it on a first come first serve basis or is it total corruption in those offices? For one, on the issue of Ihura, there is a accompany called Top Image which ought to be investigated because it raises questions how you can work just the other day and be paid Kshs.15,million before somebody who completed his contract in 2014 is yet to be paid. That is questionable and has to be investigated and we ought to know the directors of that company.

*(Applause)*

According to section 40 (1) of the County Governments Act, even somebody who is blind can see that George has to go because of incompetence, abuse of office and even gross misconduct. Therefore, if you can read the mood of this House, George is already gone. With those few remarks, can I be the last one to contribute?

*(Loud consultations)*

**Hon. Joseph Machiri:** Thank you.

**Hon. Deputy Speaker:** Hon. member, the Chair is there to decide who will be the last to debate.

*(Laughter)*

I could see the member for Ithiru on his feet or have you been overtaken by events? I now call the mover to respond. Hon. Duncan.

*(Loud consultations)*

**Hon. Duncan Njuguna:** Thank you Mr. Speaker, can you defend me?

**Hon. Deputy Speaker:** Order! Order! Hon. members for Ithiru and Muthithi, please consult silently, you may continue.

**Hon. Duncan Njuguna:** Thank you Mr. Speaker, I thank the hon. members for the support since I have no words to add other than quote the Bible. Psalms 118 verse 24, says "This is the day that the Lord has made, we shall be glad and rejoice in it." We have done our work and it will be seen. We will please God by what we have done today. I request the hon. members to wait so that we can vote for the same, thank you Mr. Speaker sir and thank you for the support.

**Hon. Deputy Speaker:** Hon. members, because of the weight of the matter before this House, I will direct the vote for that particular matter be by roll call so that we may be able to ascertain clearly those who will be for ayes and those for the nays. The matter is weighty because it is touching on the finances of our county. At this point, I direct the Serjeant- At- Arms to ring the bell for roll call voting.

Meanwhile, during the roll call voting and according to the standing orders, order should be maintained in the House while the bell is being rung. We should remain calm as our clerks prepare for the voting. As we await the bell to be rung, we also require two tellers to pick the votes for the nays and ayes respectively.

*(Division Bell rung)*

I can see the hon. member for Kariara trying to volunteer.

*(Laughter)*

*(Loud consultations)*

We also need another teller, any member can come. The bell is rung so that in future, nobody can claim to have been resting in our lounge and did not realise that voting was on. That is the essence of ringing the bell for ten minutes.

*(Loud consultations)*

Hon. members let us consult silently and maintain order. We are still in the House; it is still on. As we wait for the bell to stop ringing, let us consult silently. No member should be allowed to move out by the Serjeant-At-Arms when the bell is being rung, unless it is the whip. Maintain order hon. members. You should be silent as you prepare to vote. Serjeant-At-Arms, ten minutes are not yet over? Is it over?

*(Division bell stopped ringing)*

Hon. members, I now want to put the question.

*(Question put)*

I now direct that the names of members so that we can vote. Those who are for the approval of this motion should say yes while those opposed to the approval of the motion should say no.

A member should say whether he or she votes yes or no. A member may choose to abstain. We recently had a similar voting and I think members have not forgotten because in my opinion, they are competent enough to even serve as members of the National Assembly. It is good for us to remember the procedure, let us continue.

*(Roll call voting)*

**Hon. Agnes Ndunge:** I vote yes.

*(Applause)*

**Hon. Anderson Muchemi:** I vote yes.

**Hon. Bernard Kariuki:** I vote yes.

**Hon. Beth Wanjiku:** I...*(microphone went off)*.....

**Hon. Deputy Speaker:** Be audible hon. member, we want it captured in the Hansard.

**Hon. Beth Wanjiku:** I vote yes.

**Hon. Boniface Njihia:** I vote yes.

**Hon. Caroline Njoroge:** Hon. Speaker, I vote yes.

**Hon. Catherine Mugo:** Hon. Speaker, I vote yes.

**Hon. Cecilia Gitu:** Hon. Speaker, I vote yes.

**Hon. Charity Wangui:** Hon. Speaker, I vote yes.

**Hon. Charles Kirigwi:** I vote yes.

**Hon. Charles Karina:** Mr. Speaker, I vote yes.

*(Laughter and Applause)*

**Hon. Danson Mburu:** Mr. Speaker, I vote yes.

*(Hon. David Kabaka's name was called out)*

*(Hon. David Kabaka was not in the Chamber)*

**Hon. David Muhoro:** Mr. Speaker, I vote yes.

**Hon. Duncan Njuguna:** Mr. Speaker sir, I vote yes.

**Hon. Eliud Gitau:** Mr. Speaker, I vote yes.

**Hon. Erick Kimani:** Mr. Speaker, I vote yes.

*(Applause)*

*(Hon. Esther Nyakio's name was called out)*  
*(Hon. Esther Nyakio was not in the Chamber)*

*(Hon. Esther Ngugi's name was called out)*  
*(Hon. Esther Ngugi was not in the Chamber)*

**Hon. Francis Kamande:** I vote yes.

*(Laughter and Applause)*

**Hon. Isaac Kamote:** Mr. Speaker, I vote yes.

*(Hon. James Kagoni's name was called out))*  
*(Hon. James Kagoni was not in the Chamber)*

**Hon. James Kariuki:** I vote yes.

**Hon. James Njoroge:** Hon. Speaker, I vote yes.

*(Applause)*

**Hon. Jane Ndegwa:** Hon. Speaker, I vote yes.

**Hon. Jesse Mburu:** Hon. Speaker, I vote yes.

**Hon. John Kiarie:** I vote yes.

**Hon. John Gitau:** Mr. Speaker, I vote yes.

**Hon. Joseph Kimani:** Mr. Speaker, I vote yes.

*(Laughter and Applause)*

**Hon. Joseph Machiri:** Mr. Speaker, I vote yes.

**Hon. Joseph Muchina:** Mr. Speaker, I vote yes.

**Hon. Joseph Ndung'u:** I vote yes.

**Hon. Joseph Njoroge:** Hon. Speaker, I vote yes.

*(Laughter and Applause)*

**Hon. Julius Kimani:** Mr. Speaker, I vote yes.

**Hon. Lucy Wangechi:** Hon. Speaker, I vote yes.

**Hon. Martin Mwangi:** Mr. Speaker, I vote yes.

**Hon. Mary Waithira:** I vote yes.

**Hon. Mary Watiri:** Hon. Speaker, I vote yes.

*(Applause)*

*(Hon. Gachui Mungai called out)*

**Hon. Deputy Speaker:** Before I vote, I want to make a clarification because of the members of the public and the media. I want to draw the attention of all the members to

standing order no.70 on electronic voting. I will go straight to sub- section six which says, 'where the presiding officer has an original vote, the presiding officer shall cast his or her vote from the Chair'. In this case, the presiding officer is a member of this Assembly. I have an original vote and I vote yes.

*(Applause)*

**Hon. Peter Kariuki:** Hon. Speaker, I vote yes.

**Hon. Peter Kihungi:** Mr. Speaker, I vote yes.

*(Applause)*

**Hon. Peter Murigi:** Mr. Speaker sir, I vote yes.

*(Laughter and Applause)*

**Hon. Peter Mweri:** Mr. Speaker, I vote

**Hon. members:** What?

**Hon. Peter Mweri:** Mr. Speaker, I vote yes.

*(Laughter and Applause)*

*(Hon. Rebecca Mwicigi's name was called out)*

*(Hon. Rebecca Mwicigi was not in the Chamber)*

*(Hon. Rosemary Wakuthii's name was called out)*

*(Loud consultations)*

**Hon. Deputy Speaker:** Order! hon. members, let us continue.

*(Hon. Rosemary Wakuthii was not in the Chamber)*

*(Loud consultations)*

**Hon. Kago Njoroge:** I vote yes.

*(Applause)*

**Hon. Samuel Wandia:** Mr. Speaker, I vote yes.

**Hon. Samuel Ndehi:** I vote yes.

**Hon. Florence Nyambura:** Mr. Speaker, I vote yes.

**Hon. Deputy Speaker:** As we come to the conclusion, let us remain calm hon. members. Let us remain calm as our tellers complete their work. We have a teller for ayes and nays respectively. In this case, the teller for the nays is Charles Mwangi Kirigwi while the teller for the ayes is David Muhoro Njeri. We are waiting for the results so that we can communicate to the House.

Hon. members, out of the total of the 49 members of this Assembly, 43 members voted while six of them were absent, no member has abstained from voting. The results are as follows; nays are zero, while the ayes are 43. Therefore, the motion to remove the CEC for Finance has carried the day.

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*(Question as put agreed to)*

On that note, since the motion to remove the CEC for Finance, IT and Planning has passed, section 40 (3) of the County Governments Act 2012, states that the County Assembly shall appoint a select committee comprising of five members to investigate the matter and the select committee shall report within ten days to the County Assembly.

The Speaker directs the committee on selection under standing order no. 156 (2) to propose the names of the members of the select committee pursuant to section 40 (3) as stated above of the County Governments Act, 2012. Once the names of the select committee have been proposed, they shall be approved by this Assembly.

### **ADJOURNMENT**

**Hon. Deputy Speaker:** The House now adjourns until we resume from recess.

*The House rose at 1:16 p.m.*