

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY

THE HANSARD

Wednesday, 6th June 2018

The House met at 2:40p.m.

[Temporary Speaker (Hon. Ruoho Wangechi) in the Chair]

PRAYERS

PETITIONS

STATUS ON COMMITTTED PETITIONS

**PETITION BY KANGEMA TEA AND HORTICULTURAL FARMERS IN
THE MATTER OF GREEN LEAF ILLEGAL BUSINESS.**

Hon. Charles Kahoro: Thank Temporary Speaker (Hon. Ruoho Wangechi), I rise to issue a brief report on the status of the petition by Kangema Tea and Horticultural Farmers in the matter of Green Leaf Illegal Business. Pursuant to Standing Order No. 216 the petition was committed to the Agriculture, Livestock and Fisheries Committee for consideration and consequent reporting to the House within 60 days.

I wish to state that 60 days have since lapsed with the Committee not having compiled and tabled a report to the Assembly. The Committee commenced consideration of the petition on 22nd March, 2018 and invited the petitioners, representatives of the Kangema Tea and Horticultural Farmers Ltd to appear before it and make their submissions which they did.

Regrettably, in the course of consideration of the petition, the party accused by the petitioners of propagating illegal green leaf trade in the County, namely Njeru Industries Limited failed to appear before the committee to make their submissions. At the same time they were engaged in a legal suit with the Tea Directorate which is the tea industry regulator. Njeru Industries based in Meru, had filed a case at the Meru High Court against the Tea Directorate after their manufacturing license was cancelled by the Directorate on various grounds including the substantive matter of tea hawking that was before the committee through the petition. after careful scrutiny of the issue and through the advice of the legal officer, the committee resolved as follows;

That the matter is *sub judice* meaning that it is before a court and a judge under judicial consideration and is not yet decided hence should not be referred to until it

is fully determined. This is further emphasized in the County Assembly standing order 99 which states that “No member shall refer to any particular matter that is *sub judice*”

That the Committee should not proceed with discussions on the matter until it is concluded in Court after which the Committee may make recommendations that do not contravene the judgment of the court. This is the reason why the committee was not able to table its report on the petition within the 60 days.

PUBLIC PETITION BY KIHARU RESIDENTS ON DESTRUCTION OF KIHARU TARMAC ROAD

Hon. Muthoni Mburu: Thank you Mr. Speaker, it is true we received this petition on destruction of Kiharu tarmac road which was committed to the Committee on 21st March 2018. The Committee has considered some activities in regard to discussion of the Petition as follows: 28th March 2018, briefing on the petition by the chairperson and the clerk assistant to the Committee. On 28th March 2018, discussion on Petition schedule. On 4th April 2018, meeting with petitioners. On 18th April 2018, field visit to Kiharu to verify on the extent of Kiharu tarmac road destruction. The committee was supposed to report on the recommendations of the Petition on 19th May 2018. The Committee has faced challenges on disruption of its sitting dates with regard to discussion of the petition which is as follows:

1. Devolution conference which was held on 22nd to 28th April 2018.
2. First group visit to Arusha landfill which was happening on 7th to 14th May 2018
3. Second group visit to Arusha Landfill from 14th to 20th 2018 May 2018
4. The County Assemblies' Forum which was conducted on 20th to 26th May 2018

The Committee has pending activities on the discussion of the Petition which are as follows:

- (a) Discussion with County Executive Committee Member (CECM) Land, Housing and Physical Planning on beaconing of Kiharu tarmac road.
- (b) Discussion with CECM Infrastructure on the recommendations regarding the Petition on destruction of Kiharu tarmac road.
- (c) Drafting, discussion and adoption of a report on the Petition

The Committee requests for extension of time for consideration of the Petition by 21 days whereby a report with recommendations will be tabled in this House. Thank you.

Temporary Speaker (Hon. Ruoho Wangechi): The request for extension is granted. Next order.

PAPERS

MURANG'A COUNTY ASSEMBLY REPORTS AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED MARCH 31, 2018

Hon. Kiiru Mwangi: Thank you Mr. Speaker, I beg to Table the following Paper;-

The Murang'a County Assembly reports and financial statements for the period ended March 31st March 2018.

(Hon Kiiru Mwangi laid the Paper on the Table)

MURANG'A COUNTY ASSEMBLY REPORTS AND FINANCIAL STATEMENTS FOR THE CAR AND MORTGAGE LOAN REVOLVING FUND ACCOUNT FOR THE PERIOD ENDED MARCH 31, 2018

Hon. Kiiru Mwangi: Thank you Mr. Speaker, I beg to Table the following Paper;-

The Murang'a County Assembly reports and financial statements for the Car and Mortgage Loan revolving fund account for the period ended 31st March 2018. Thank you

(Hon Kiiru Mwangi laid the Paper on the Table)

MOTION

ADOPTION OF REPORT OF WATER, ENERGY, FORESTRY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON ENVIRONMENTAL CONSERVATION STRATEGIES IN MURANG'A COUNTY

Hon Peter Mweri: Thank you Mr. Speaker, on behalf of the committee I would like to move the following Motion;-

That, this House adopts the report of Water, Energy, Forestry, Environment and Natural Resources Committee on environmental conservation strategies in the County laid on the Table of the Assembly on Tuesday, 5th June 2018.

The Committee is comprised of 13 members and the Committee is mandated to consider all matters related to the implementation of specific national government policies on natural resources and environmental conservation.

In this regard, the Committee noted that during the last Assembly there was almost zero activity in that department; for one reason that it was combined with other departments. This is unfortunate enough because in the second Assembly, Committee on environment and climate change is on its own.

We as the Committee sat and raised the strategies that we are going to work on environmental conservation. Through consultation with the County Executive Committee Member (CECM) in charge, Hon. Cecilia Kibe, we observed that since there was nothing done in the last Assembly we must find out the problems. We explained the possible ways as a way forward to ensure that in the next five years the department will successfully and effectively execute its mandate. After the consultations with the CECM we observed the following:

That the County is practicing unsustainable harvesting of natural resources, e.g. sand, timber and water,

Number two; there is extensive deforestation due to high demand of trees for wood fuel, timber.

Number three, we realized that currently the County has been experiencing landslides and flash floods, we also noticed that the lower parts of Murang'a especially the wards like lower Makuyu, Kambiti and Gaturi have been experiencing drought in the recent years in some of the months. Hon. Speaker, we also observed that there was a lot of encroachment through the cultivation of water catchment areas including forests and riverbanks especially along river Mathioya and Chania.

We also realized there was poor waste management noticeable in towns and shopping centres through the County and in some areas it is a health hazard, we also realized that there was a dumpsite called Karii dumpsite which was not properly managed. We also realized that the department does not have staff except the six health officers who are not enough to handle the department including the CEC in charge.

Hon Speaker, the committee came up with the following recommendations and the recommendations are shown on the report on page eight but I would like to mention on recommendation number one, we said that the County should have policies and laws on the following in regard to environmental conservation.

Mr. Speaker, you realize that policies are also very important because they guide implementation of the projects, one of the policies we thought of is the waste management policy so that there will be details on dumping, on controlling, all those issues will be incorporated in that policy among others.

We also realized that sand harvesting needs a policy which is also a major revenue earner in the County but due to lack of policies we have been losing a lot of revenue in that sector.

We also realized that we need wetland conservation policies, noise pollution, environmental monitoring and compliance so that there is no pollution from the industries, shopping centres and other areas. We also need KenGen and all water companies to plough back some revenue to support all water companies since they are beneficiaries of our environment.

Another recommendation was that the County should have a tree planting week and event at the beginning of every rainy season, this will assist the trees that will be planted to cater for the trees cut down.

We also realized that the County should establish a tree nursery in every ward that should be owned and managed by the environment and climate change department on this one we noted that if we do so we will have a lot of youths employed because we will use them to manage the nurseries.

Another recommendation is a policy on ban of use of firewood on the tea factories so that they can turn to modern uses of energy like biofuels, hydropower, wind energy etc. I would like to note that on this one we have one of the factories trying to get rid of wood usage, that is Gatunguru and I think the others should follow suit.

Hon. Speaker, the other recommendation was since the tea factories are using firewood, they should also set aside at least 10 million seedlings to be planted in the Aberdares and river reserves every year. Another recommendation, the County should construct sewage and drainage systems in major towns like Murang'a, Kenol and Kangema and acquire exhausters for the sub- counties. On this we realized that there was proper planning of major towns since 2010 but implementation has not been done, some of the towns included in the urban planning was Kiria-ini, Kanyenya-ini and a few others.

Hon. Speaker, we also recommend that the County Executive should ensure that the dumpsites have a perimeter fence, trees planted all round and comply with Environmental Waste Management legal notice 121 of 2006 as we await the completion of the major landfill that is being built in Kenol.

Hon. Speaker, as I had stated, the environment department is very important in this County, we have been learning about climate change and Hon. Speaker, we have seen during these current rains what is happening all over our sub- counties especially in Kangema where we have a lot of landslides, sinking houses and so on.

In waste management, I know the whole Assembly has visited Tanzania and have seen some of the ways that we can organize our waste management so that our towns remain clean and also we conserve the environment.

Hon. Speaker, I would wish to request the Hon. House, as you have heard, this is the first time we are working on environment, I was in the last Assembly and we did nothing. I would request the Hon. House to support this motion so that the

committee on Environment can start following up on implementation of these projects. In this regard I will request Hon. Milkah Ngare who is a member of the committee to come and second the Motion. Thank you.

Hon Milkah Ngare: Mr. Speaker, we have our Kenyan heroine who said you destroy environment it is going to destroy you, by that I know all members of the House understand this and I second this Motion and exalt all members to kindly support it. I do not intend to take much time but I will highlight a few things so that members can peruse this.

There was a Motion by Hon Pelagiah on sand harvesting and we told her to go back and amend the Motion. Once we adopt this report, the Motion on Hon. Pelagiah is likely to be adopted in this House since this report will be a way for other Motions in this Assembly. Mr. Speaker, I want to go to recommendation number nine "That the County should construct sewerage and drainage systems in major towns." Mr. Speaker, right now on your way to Nairobi from Murang'a just across the Total petrol station I understand the drainage is not working there hence---

(Hon. Peter Mweri rose on a point of order)

Hon Peter Mweri: The member that I wanted to talk about has just walked out. Since Hon. Wambui came in, she has just been chatting and there is an important matter for the House to discuss on environment and I am sorry I noted all along----

(Hon. Murigi Amos rose on a point of order)

Temporary Speaker (Hon. Ruoho Wangechi): Thank you Member, what is your point of order Hon. Murigi

Hon. Murigi Amos: Hon Mweri the Mover of this Motion nowadays..... *(inaudible)*..... I think she was googling in preparation for a response, much of the information we are getting from phones and I think the Mover of this Motion should also appreciate the use of technology.

Temporary Speaker (Hon. Ruoho Wangechi): Thank you very much, we can proceed Hon. Milkah

Hon. Milkah Ngare: Thank you Hon. Speaker, I was saying there is a hiccup along the Murang'a-Nairobi highway, just across the Total petrol station because we do not have a good drainage system. Members, I would urge you to support this report because that is one of the problems that shall be sorted once you say yes to this Motion.

Mr. Speaker, once we adopt it, we shall open up many policies and I want to promise this House as member of the Water and Environment committee we are going to work and make rational policies to help Murang'a County. Mr. Speaker, I beg to second this motion. Thank you

(Question proposed)

Hon. Mburu Muthoni: Mr. Speaker I stand to commend the committee for the good work they have done. As I stand to support on part on recommendations page number eight, if you have noted the Mover of this Motion he was very categorical by saying that this is the first time and being the first time it is good that we do it in the right way. I am referring to recommendation number two that KenGen and all water companies should plough back some revenues to support afforestation since they are all beneficiaries of environment. My question on that is from when? When do you expect KenGen and all water companies to start ploughing back these revenues?

Recommendation number seven, that the department of environment and climate change should conduct civic education to County residents on the following; sand harvesting, water harvesting, environmental conservation and waste management. Again time. When will this start?

As you promised you want to do it the right way being the first time let us fast track the factor of time.

Recommendation number nine, that the County should construct sewerage and drainage systems in major towns like Murang'a, Kenol and Kangema and acquire exhausters for all the sub-counties. My big question is here, what criteria the committee used to pick only Murang'a, Kenol and Kangema as major towns in this County. Because Kabati town is bigger than Kangema then apart from Kangema you also left Kagundu. Kagundu is a big town. How can you leave Kagundu of all the towns?

(Hon. Milkah Ngare rose on a point of order)

Temporary Speaker (Hon. Ruoho Wangechi): Hon. Member there is a point of order. Hon. Milkah.

Hon. Milkah Ngare: Thank you. Hon. Mburu I would like you to read statements carefully, "That the County should consider building drainage systems in major towns like-----" that means it is an example and he just named three examples and that does not mean it is not the end of our County kindly. Thank you.

Hon. Mburu Muthoni: Mr. Speaker I represent Kagundu-ini when I see some grounds not scribbled on the paper then I will have to raise some eyebrows for that.

Number 11 you have said reposses the river banks taken by farmers, educate farmers on the need to conserve the river banks and convince them to replace farming with planting of tress that are beneficial e.g. avocadoes and other fruit trees. This is where you made an error but again when will it start, give us the time frame.

I thank you so much Mr. Speaker I stand to support.

Hon. Morris Thuku: Mr. Speaker, I want to echo the sentiments of able Hon. Member for Kagundu-ini. There is need for timelines as far as the report is concerned. Also to quote on number nine, when you give examples, I think it is very important to note at least the bigger towns that we have in this County. An example town like Kangari is far much bigger than Kangema or even the town I represent Kiria-ini.

I do not want to dwell much on that-----

Temporary Speaker (Hon. Ruoho Wangechi): Hon. Member Morris there is a point of order from Hon. Milkah.

Hon. Milkah Ngare: Mr. Speaker I do not understand why Hon. Members in this House are having a problem with the word, like it is just an example and we could have chosen not to give an example. Kindly let that not be a hindrance to you adopting this Motion, it is a good Motion. Thank you Mr. Speaker.

Hon. Morris Thuku: I agree it is just a matter of concern when my big town is not quoted as far as I am concerned.

Number six is to direct tea factories to set aside 10 million seedlings. Mr. Speaker sir, I think it is good we look at the reality of the matter. According to me it is unrealistic to push all tea factories to plant 10 million seedlings. I think it is high time we go to more creative ways on how we can conserve our forests, may be the committee should have gone an extra mile and give an incentive to those factories that are not using firewood or even introduce a higher levy to those factories that are using firewood instead of telling them to plant 10 million seedlings which has already been put in policy and we are yet to see the outcome of that.

Again the issue of the companies drawing water from our County should have been mentioned thoroughly in this report. An example is Nairobi Water Company. Instead of pushing factories which are high income earner to farmers in this County, we should first get to the throats of those companies drawing water from this County. KenGen, Nairobi Water Company should be the first ones to pay back to deforestation that is happening in this County.

On point number 10, I support the issue of garbage collection or garbage management, also the report should capture on dust bin installation in all towns within Murang'a County. For example in Murang'a town if you have a paper if

you eat chewing gum you have no option than to throw it across the road because this town doesn't have any dust bin. I thank you Mr. Speaker.

Hon. Murigi Amos: Thank you very much Hon. Speaker. I will start with number 10 before I forget; that the County supports the establishment of the proposed sanitary landfill in Mitubiri. I think that one, the committee has jumped the gun because we were in Arusha, that report has not been tabled in this Assembly and I think that one should be noted because one thing the locals from that particular area were promised that once they have the landfill it will create jobs, they will have fertilizer making factory from the land fill, also the gas but when I went to Arusha there was nothing like that.

As we talk because we were promised I am made to understand there is one ideal landfill in Durban where it is producing gas and fertilizer and I am proposing the County Assembly be taken to Durban. There is no way we can adopt this report with that one that we recommended the sanitary landfill at Mitumbiri which does not have the specific issues that we were promised that is gas and fertilizer.

Late Hon. Michuki when he was a Minister for Environment he tried to address the issue of drying up of rivers and he identified one area, planting of eucalyptus trees near the river beds and I remember those trees were cut down and were never uprooted. As you go along the rivers those trees are back and we should have talked about uprooting those trees completely because it was a good idea to get rid of those trees near river beds because it was one cause of drying of rivers.

As I finalize also the issue of charcoal. Charcoal burning was banned in Kitui and those traders know, I know there is an issue of charcoal burning in lower parts of Murang'a at Makuyu and Ithanga and that issue should be addressed. They cannot access Kitui and are now coming to Ithanga because of proximity to Nairobi.

Hon. Speaker we also have issue of cutting of trees. Most of saw mills are idle and if you go to timber yards there are no timbers because they cannot access the forest. What they are doing now is that trees are cut in large numbers and I think we require a very serious policy to contain this issue.

I support but on issue number 10 about land fill it needs to be expunged until such a time we adopt the report of Arusha and also I recommend highly that we proceed to Durban so that we can learn more on land fill, thank you.

Hon. Charles Kahoro: Thank you Mr. Speaker, I rise to support the committee's report but so on waste management. We have been very much affected like in the major towns of Kangari, Kiria-ini, Murang'a and the rest. I would suggest to the committee that there are those that are very much affected especially the major towns like Kangari, Kiria-ini, Murang'a and the rest. I would suggest to the committee there are those collection bins that have been constructed in those towns but they have not been collected. I propose in your report, you

should have maybe a device of collecting that garbage to one point where the lorry will be coming.

I propose that the report should include that the County Government should maybe acquire the donkeys carts to be collecting the garbage to one collection point. For easy collection by the trucks. That way I know if it is adopted, I know Kangari will be clean. Thank you Mr. Speaker.

Temporary Speaker (Hon. Ruoho Wangechi): Thank you very much, let us have the mover respond.

(Hon. Ruth Wambui rose)

Hon. Ruth Wambui: Thank you Mr. Speaker, I want to support the Motion but there are some areas I felt that the committee need to think about it. One of the things is climate change. It is real, if the climate change is not proactively addressed, climate change will adversely affect the County's sustainable development.

One of the recommendations that they have given is that, number one, that the County initiate a policy and law on the following activities; this is in regard to the environment. I felt like they have left out air pollution. Air pollution is one of the pollution that has really affected our climate. Air pollution really needs to be dealt with because it affects the Ozone layer and when it comes to the issues on open burning, open burning is really happening in our County. You find that by the end of the day because of climate change we used to predict the short and long rains, but because of this we are not able to predict.

This House will bear me witness, that during December, around Christmas time we used to have rain but it has not happened. We experience the hot temperatures that were there in January and it was not happening before.

We have also seen the farmers told to plant their crops but they are not able to apply the fertilizer. The Mover of the Motion is aware because he comes from a tea growing area. Farmers are really been affected by applying fertilizer. They applied fertilizer with the expectation that by the end of the day they will be able to have good produces, but because of the irregularity of the rainfall patterns, it has really affected the farmers.

The other recommendation is number five, I wish to request the committee on Water before they introduce the policy to ban the use of firewood by tea factories, they first visit all the tea factories in our Murang'a County that is 10 factories. I want to make it clear to this House that four factories have gone the hydro- power way, that is Kiru, Kanyenya-ini, Githambo and Gatunguru, but the factories on the other Murang'a, that is Nduti, Njunu and Ngere. Those six factories wanted to produce hydro- power but due to Ndaka-ini and the water that was taken to Nairobi

Water, they were not able. They were told by the Cabinet Secretary (CS) for Water that they cannot generate hydro- power from there.

So if we introduce a policy to totally ban them, where are they going to go? They will go the furnace oil way. There before factories used to produce tea through the furnace oil, but one of the things that Kshs30 to Kshs40 was being posted per every kilo of made tea. But once firewood was introduced, this factory was able to produce was able to use a cost of Kshs7 to Kshs10 per kilo. And for that one if we totally ban firewood from those areas, every factory has a policy that each factory has purchased 620 acres.

Now by planting trees and according to the logistics that I got, every factory has invested 550 million in forests. What are they going to do?

These farmers by the end of the day either the factory to be closed or the farmers go to the way of being poor by having their tea being bought at low price because of the cost of production.

The other one is on number six, I also want to support Hon. Morris when he talked about the tea factories to set aside 10 million seedlings. The Mover of the Motion understands very well because every factory has established a tree nursery whereby the farmers are being sold to the tree seedling at Kshs5. This is because we want to improve a source of income for these framers. That is why by the end of the day you are seeing the bonuses being paid very well because of another source of income. The other thing is that Kenya Tea Development Agency (KTDA) has introduced the social responsibility. It is doing the social responsibility---

(Hon. Stanley Muhia rose on a point of order)

Temporary Speaker (Hon. Ruoho Wangeci): Point of order Hon. Stanley Muhia.

Hon. Stanley Muhia: I think we heard enough of the tea yesterday so we shouldn't dwell so much on tea, otherwise every day we will be having a lot on tea issues. Let us dwell on environment and conclude on the debate.

Hon. Ruth Wambui: Mr. Speaker, the reason I am talking about this is yesterday we were talking on the recommendations they got but what is coming here is that they want to ban something. They should also come to understand that before they come to ban, what are the implications? Yesterday we were only talking of the production. That is why I had to explain that. Thank you.

Temporary Speaker (Hon. Ruoho Wangeci): The Mover to respond.

Hon. Peter Mweri: Thank you Hon. Speaker., first I would want to appreciate the contributions that have been given by the Hon. Members more so for supporting the Motion. I said this is the first time we are drafting a Motion to deal

with environment because last Assembly they did almost nothing. I would like to appreciate their input and for the committee for coming with these information.

Mr. Speaker I noted the concerns of Hon. Mburu of Kagundu-ini, about the civic education and the exhausters, especially on civic education. The committee is committed to give the civic education as we start the next financial year which is coming in less than a month's time. Also he talked about not considering towns from his side. I think that was responded to by Hon. Milka because we are just giving examples.

Hon. Morris on the issues, he was categorical about Kiria-ini, I would like this Assembly to know that Kiria-ini as I had mentioned earlier was among the first towns to be considered for urban planning and it is still under away among others. About the issue on incentives to companies that plant trees, I think that is a good thing and we will take that.

He also talked about the Nairobi Water giving back because we give them water. That is being addressed County wise; I think very soon we will start getting revenue from Nairobi. About dust bins maybe labelled all over towns. I think that is a good input, we are going to look into that.

Hon. Murigi from Kimorori, the issue on landfill. As from our recommendation number 10 we have noted. I think we will deal carefully on that because we also advise our committee that we need to learn more because what we saw in Tanzania was not adequate. As a committee we will follow up so that we can see whether members can visit other areas to see countries that produce landfills and so on.

About the cutting down of trees, we are going to engage ourselves in coming up with policies on how best we can reduce on tree cutting so that we can reduce deforestation.

Hon. Ruth you have talked about climate change is real. I also agree and we must appreciate this. We are going to take care of this. I appreciate that you have enlightened the House about the factories. They normally give back to the community and I am aware of that because we buy the seedlings at a subsidized cost.

Having said that, members I would like to once again say that we are just starting and when a child is born he grows gradually. I am double sure in the next five years we will have done a lot in terms of conservation, waste management and what Hon. Ruth talked about, air pollution. I have noted that and we are going to incorporate that as well in the report. Otherwise members, thank you very much for supporting this report. We as a committee are going to be very fast following the implementation. Hon. Speaker thank you very much.

(Question put and agreed to)

MOTION

DECENTRALIZATION OF DEPARTMENTAL BUDGETS

Hon. Murigi Amos: I beg to move this motion;-

Hon. Speaker, Aware that Article 226 of the Constitution of Kenya provides for designation of an accounting officer in every public entity at both National and County level, further aware that Section 148 (2) of the Public Finance Management (PFM) Act 2012 further stipulates that an accounting officer is responsible for the administration of a County Government entity and management of its finances, cognizant of the fact that the County Assembly has vetted and approved the accounting officers of departments in the County Government pursuant to section 45 (1) (b) of the County Government Act 2012; this House therefore urges the County Executive Committee (CEC) in charge of Finance, IT and Planning:

a) To decentralize the County Treasury so that every department Chief Officer is able to deliver on their mandate over public finances and subsequently be answerable to the County Assembly;

b) That in ensuring compliance with the resolution, the County Executive Committee Member (CECM) in charge of IT and Planning submits a report to this House with the following details for every department, on or before 15th June 2018;

i. The Chief Officer

ii. The procurement Officer

iii. The Accountant

iv. Whether the above named persons has authority to incur expenditure, make requisitions and implement programs in the department.

a) That the report in (b) above should serve as a basis of approval of the budget of the year 2018/2019 by the County Assembly.

Honourable Speaker this issue is quite crucial, we are coming to the end of the financial year and we believe that if we have the decentralization of financial services in the County Government, this will go a long way in enhancing service delivery to the people of Murang'a.

Taking into consideration that Article 226 (2) of the Constitution of Kenya 2010 says that "The accounting officer of a public entity is accountable to the National Assembly for the financial management and the accounting officer of the County public entity in the County Assembly is accountable to the County Assembly for financial management."

That is the confusion of Kenya, if you look at the Public Finance Management (PFM) Act of Kenya section 148 (1) it says that, " The County Executive Committee Member for Finance shall except or otherwise presided by law in writing designate an accounting officer to be responsible for managing the finances in the County Government entities."

You remember we vetted this Chief Officers and they are the accounting officers but what usually, the system that we have, we have a centralised system and in some cases Mr. Speaker, sometimes even accessing the CEC, accessing Kshs5000 they must go to the Chief Officer in charge of Finance Mr. Gicheha and sometimes there is a lot of embarrassment in such a manner that one has somehow hindered provision of services in this County.

I know here, Members of the County Assembly our work is oversight and this members here bear me witness, in order for us to oversight we require this department to be quite independent whereby if you go to the department of Education they have their own procurement officer, their account, once we pass the budget they are given their total budget to execute their mandate.

But what we are seeing today some of the things are happening and they are not even aware and sometimes I know they do not even pay their payment vouchers and you know they are the accounting officers. We want to correct this anomaly because it is in law and I am sure once we do that I know the service delivery will be far much better.

In so doing we shall also have those officers, whereby because we have flagship projects whereby we have the procurement officer for the entire County and he can be dealing with those issues. The Chief Officer in charge of Finance can be dealing with those flagship problems and not others.

Remember today those in the ward, if today you want two culverts, even at the sub-county level you cannot get assistance, you have to travel all the way from Kariara to go here and seek Mr. Gicheha so that he can approve that you be given two culverts. This one will make our work very easy because I believe even at the sub-county level we have the sub-county Finance Officers. Some of these things if you have decentralization they can be dealing with these small issues.

Because I believe they have overwhelmed that particular office and sometimes, if you go today, you visit, there is indeed a very long queue. Sometimes you even sympathise, you see some CECs, Chief Officers lining up to see the Chief Officer Finance. Sometimes if you continue like this as we look at it and I know there is a lot of complaints in terms of delivery.

I value Mr. Gicheha so much, I know he has done a lot but I know he is totally overwhelmed because if you visit his office, sometimes you sympathise with him. That is why I am calling upon, because it is in law the CEC in charge of Finance, he should at least create those departments.

As we pass this budget can it also be a requirement because it is within the law, he creates those departments and I am sure our work will be very easy. I know in some instances we may have some problems here and there but because we are dealing with law, I beg you that we support this particular Motion so that as we go forward we shall definitely be able to institute very meaningful changes even at the

lower level of our wards. I know at the end of it all, the person who will definitely benefit is the Wanjiku whom we want to serve diligently.

I know in the Auditor's General report, I am very particular with the Auditor's General report, I have studied the report for 2013/2014, 2014/2015, 2015/2016, the one which is not out is 2016/2017 that one I have not seen it but our Treasury has been painted in a very bad picture by the Auditor General and he has really talked about the issue of, there is no organisation in that department.

I know the issue is only that the Chief Officer Finance is overwhelmed and you see, he is a young man and if he plays around and you know how the Government is dealing with corruption that young man might land in jail. Not because of mistakes of his own but as an Assembly, we have refused to do our work.

I know if Mr. Gicheha is asked today and he is here I know he can really appreciate my effort of decentralizing this because I know he is totally overwhelmed and I know, I have also talked with him, he is for the idea if this department can be independent, I know his work will also be made easier and as I said, to us those Members of the County Assembly, I know we have suffered in our own levels and as I have said, as we talk now, as we deliberate on this issue now, I know we have some challenges here and there and I think we can only address those challenges if we have Chief Officers, CEC's having their own departments, have their own budgets that they can be able to follow as they execute their duties.

I do not wish to go on, I just want to request the Chairman Budget Honourable Kibe to come and second this Motion.

Hon. Francis Kibe: Thank you Mr. Speaker. I draw the attention of the recommendations that we made under the County Budget Review Outlook Paper (CBROP) recommendation number three, that we said that, "The CEC Member in charge of Finance, IT and Planning should decentralize the County Treasury in order to hold Chief Officers accountable over their departmental budgets."

That recommendation is in line with the Motion that we are moving here this day. It is good to appreciate that the rise of the pending bills in the County is as a result of the CEC and Chief Officers giving work to contractors without knowing the resources available to them. With decentralization they will give work considering the budget and the cash that they have.

As I second and as I finish, when we invite the CEC's and the Chief Officers as an Assembly and the various committees they will be in a position to explain their expenditures accordingly. Mr. Speaker I second the Motion.

(Question proposed)

Hon. Kihurunjo Mwangi: I rise to support the Motion, if you look at the County of Murang'a, you find the way the fund is being utilised, there is a lot of

problems in this County. If you heard from the suppliers those who have supplied properties and they were awarded tenders in the County, there is a lot of outcry in this County that everyday Mr. Gicheha is not in the office, Mr. Gicheha *hapatikani* (cannot be found) simply because we have not decentralized this function.

(Hon. Francis Kibe on a point of order)

Hon. Francis Kibe: Mr. Speaker I would wish the Assembly to address the office of the Chief Officer but not the person.

Hon. Kihurunjo Mwangi: Thank you Honourable Kibe, but I want you to know that Mr. Gicheha is the Chief Officer of Finance. As much as we are addressing the Chief Officers, he is still the Chief Officer for Finance but thank you so much for that. It is a point of correction and I am happy for it but we cannot run away from the title that is being held by an individual.

The Assembly should adopt this Motion in order for us to hold the Chief Officer accountable because we have invited the County Executive Committee Members and the Chief Officers in our committees but they are telling us that they are going to contact the Chief Officer and the CECM for Finance. They therefore do not have the autonomy of the resources in their departments. With those few remarks, I support the Motion.

Temporary Speaker (Hon. Ruoho Wangechi): Yes Hon. Kiiru.

Hon. Kiiru Mwangi: Thank you Mr. Speaker, for the sake of the Hansard, I am the Member of County Assembly (MCA) for Gatari ward. I also rise to support this Motion and draw the attention of this House to Article 176 (2) of the Constitution of Kenya that, "Every County Government shall decentralize its functions and the provisions of its services to the extent that it is efficient and practicable."

(Hon. Duncan Muturi rose on a point of order)

The Temporary Speaker (Hon. Ruoho Wangechi): Yes, what is your point of order?

Hon. Duncan Muturi: Mr. Speaker, I request these two Members here that when they are using the microphone, they should, at least, lower their tones.

(Laughter)

Hon. Duncan Muturi: Thank you, Mr. Speaker.

Temporary Speaker (Hon. Ruoho Wangechi): Noted.

Hon. Kiiru Mwangi: Thank you Mr. Speaker and Hon. Muturi for your advice. Unfortunately, voice is God given and I am proud it. We are supposed to hold our sittings in public, therefore, even if the person hears what I am saying, the better.

Mr. Speaker, I was drawing the attention of this House to Article 176 (2) of the Constitution, "That every County Government shall decentralize its functions and the provision of its services to the extent that is efficient and practicable." It is the high time that we tried to make the people in this world responsible. If I am given a task, either in a Committee or in any public office, I should take responsibility. The responsibility of a Chief Officer is to account for the activities and expenditure of his or her department. We can only do that by giving them the leeway to control the budgets and control the functions of their departments. As such, once they are invited by particular committees, they will be able to automatically give answers directly without consulting other people.

Mr. Speaker, two is that it will also help reduce the pending bills because according to the laws of any country, you cannot sign a Local Purchase Order (LPO) as an accounting officer if you are not sure that funds are available. You can only commit yourself when you know and are very sure that funds are available and you will be able to pay that particular person.

Mr. Speaker, finally, I am a Member of the Finance and Economic Planning committee and also the Chair to it. Members are aware that I have been going to the Chief Officer's office to fight for our salaries. Every time you get there, there is always a very big queue. In fact, this gentleman is like he overworks; he is the person who works in this County Government.

If we decentralize these functions, at least the Chief Officer for Finance will be able to do his work. As a Committee, we have tasked him to look for ways of automating revenue collection. We want him to deal with his statutory deductions, we want him to work on the payroll/salaries and allowances of his colleagues but he cannot do that effectively because he is supposed to look at every tender and pay for every road that was constructed.

He is supposed to know before he signs any cheque that, actually, that road was actually done. He also needs to know the number of pipes that were delivered to a certain place so that he can pay the department for Water. He is supposed to look where the garbage was dumped before he pays the garbage collectors and he is supposed to look and ascertain that fertilizer was supplied before he pays the suppliers. All this work is not his and it is not supposed to be part of his work. It should be given to the various departmental accounting officers. I therefore beg to support this Motion so that our County can move smoothly.

Thank you, Mr. Speaker.

Temporary Speaker (Hon. Ruoho Wangechi): Yes Hon. Chege.

Hon. Stephen Chege: Thank you Mr. Speaker, I stand to support this Motion.

(Applause)

The reason being that we vetted the Chief Officers for the 10 departments and there is no Chief Officer who is supreme to the others. I am the Chair for the Youth, Culture, Gender and Social Services committee and my Chief Officer should not go queuing to the Chief Officer for Finance because he should account for his department.

The pending bills in the Youth department are very huge and I was discussing that with the Director for Youth this morning in my committee. I stand to support this Motion because as we speak, Gicheha- sorry- the Chief Officer for Finance has taken the work of all the departments and other Chief Officers in the Executive. I therefore stand to support.

(Applause)

Hon. Stephen Chege: Thank you, Mr. Speaker.

Temporary Speaker (Hon. Ruoho Wangechi): Thank you. Hon. Kongo from Kanyenya-ini.

Hon. Jeremiah Kongo: Thank you Mr. Speaker, I stand to support. The issue of decentralization of departmental budgets is long overdue because in terms of service delivery to Wanjiku, it is---

(Hon. Ibrahim Ngundo walked out without bowing)

(Hon. Peter Mweri rose on a point of order)

Temporary Speaker (Hon. Ruoho Wangechi): Hon. Kongo, there is a point of order.

Hon. Peter Mweri: Mr. Speaker, I have just noted that Hon. Ngundo from Muguru has walked out without bowing, just to let you know.

Temporary Speaker (Hon. Ruoho Wangechi): Now that he is absent, we shall deal with him when he comes back. Hon. Kongo continue.

Hon. Jeremiah Kongo: Mr. Speaker, decentralization of departmental budgets will go a long way in implementation of County projects and it will be faster as the Chief Officer is well equipped with his docket and priorities of projects will be key.

It will be easy for this County Assembly to do its oversight role putting into consideration there are not so many departmental heads that will be put to account

for Wanjiku's money. In any case, this is one Motion that should be implemented immediately and followed to the letter. We should task the Implementation committee for this as it forms the basis of approval of the budget for the year 2018/2019. I support.

Temporary Speaker (Hon. Ruoho Wangechi): Thank you, let us have the Mover respond.

Hon. Murigi Amos: Thank you very much Hon. Speaker. One, I, very sincerely thank the Members for supporting this Motion. I think we are united. We can have divisions in other issues but I am indeed very happy because of that show of unity when it has come to service delivery. I think that is the way forward from now. It is important we have this unity when we have an issue affecting all of us. I will be very happy if we are able to solve the issue of pending bills.

(Hon. Ibrahim Ngundo walked back to the House)

Hon. Murigi Amos: I sympathize with some people who supplied and sometimes, it is not the problem of the Chief Officer for Finance; he is sometimes overwhelmed. I believe that once we have this decentralization, we are going to sort that issue of pending bills once and for all.

Temporary Speaker (Hon. Ruoho Wangechi): Order!

Hon. James Karanja: Mr. Speaker, I am the MCA for Kamahuha Ward. I do not know whether you are aware that Mr. Ngundo is back in the House.

(Hon. Ibrahim Ngundo walked out of the House)

(Laughter)

Temporary Speaker (Hon. Ruoho Wangechi): Unfortunately, he just left so proceed.

Hon. Murigi Amos: Mr. Speaker, as I end, I know that the Assembly is also a department and, so far, we have a problem with pending allowances. We have 10 departments in the Executive and the Assembly is the eleventh department. If it can be totally autonomous, we will stand to benefit as an Assembly.

I was very happy when Hon. Chege said that there is no Chief Officer who is superior to the other. I highly appreciate that type of support. This Motion will not be referred to the Implementation committee because it has the implementation date. I believe that this Motion will be a requirement before we pass the budget; that the CECM for Finance first establishes those departments and decentralize the financial services. Thank you, Mr. Speaker.

(Question put and agreed to)
(Applause)

ADJOURNMENT

Temporary Speaker (Hon. Ruoho Wangechi): This House now stands adjourned until tomorrow the Thursday 7th June 2018 at 2:30 p.m.

The House rose at 4:05p.m.