

MURANG'A COUNTY ASSEMBLY**THE HANSARD**

Tuesday, 2nd September, 2014

The House met at 2:59 p.m.

[The Temporary Speaker (Hon. Bernard Kariuki) in the Chair]

PRAYERS**PAPERS****REPORT ON THE ELECTION OF HON. JAMES KAGONI AS VICE CHAIR OF
HEALTH AND WATER SERVICES COMMITTEE**

Hon. Joseph Machiri: Thank you Mr. Speaker, Sir. I am the M.C.A, Kamacharia Ward. I am holding brief for the Chair of Health and Water Services. I wish to lay on the table of this House a report on the election of Hon. James Kagoni as the Vice Chair of Health and Water Services.

Thank you, Mr. Speaker.

(Hon. Joseph Machiri laid the paper on the table)

Temporary Speaker (Hon. Bernard Kariuki): Next order.

ANNUAL REPORT FOR 2013/2014 FINANCIAL YEAR FOR THE MINISTRY
OF AGRICULTURE, LIVESTOCK AND ENVIRONMENT MURANG'A
COUNTY

Hon. James Kariuki: Mr. Speaker, Sir, I wish to lay on the table; the Annual Report for 2013/2014 Financial Year for the Ministry of Agriculture, Livestock and Environment, Murang'a County on the Cow Ownership Program, Concept paper.

Thank you, Mr. Speaker.

(Hon. James Kariuki laid the paper on the table)

STATEMENTS

Temporary Speaker (Hon. Bernard Kariuki): Chairman Budget?

Hon. Joseph Gitau: Thank you Mr. Speaker, Sir. I think the the question was asked to the Chairman of Finance and I think there was a problem about that. I remember, Mr. Speaker, you are the one who was there during that time and you refereed the question to the Chairman of Finance. But we have solved with my Chairman for Budget.

Temporary Speaker (Hon. Bernard Kariuki): Yes you can proceed.

Hon. Joseph Gitau: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, it is notified that pursuant to the Standing Order No.41 2(c), the Speaker has approved the following requests to Statements for Tuesday 2nd September, today.

The Statement, Mr. Speaker, Sir, was from Hon. Anderson Muchemi.

Mr. Speaker, he wanted to know the balance carried forward, as at 30th June 2014 by the Murang'a County Government, and was rendered to the treasury, by writing the amount as per department, including the reasons for the surrender of the aforementioned monies.

He also wanted to know the measures that every department would put in place to ensure that such monies will not be surrendered in consequent physical years.

Mr. Speaker, I wish to respond as follows:-

- I. That there was no amount surrendered to the treasury by the Murang'a County Government as at 30th of June 2014.
- II. On the same, that due to the forgoing, no such surrenders are envisaged in future.

Mr. Speaker, you note that when we have money in the Counties, normally the money does not go back to the treasury. Actually, we have the County Revenue Account, which is the account that normally releases the funds from the concentrated fund. That is why we are saying that, actually, there was no money which went back to the treasury.

On the same, maybe to elaborate a bit, Mr. Speaker, in the County Revenue Fund we had 360 million by the time of closure of the year, which was the reimbursement for that month of June.

The request for June came by the end of that month, and therefore, in our County Revenue Fund, we had 360 million which was requisite to be spent in the month of July. That is the money which paid the July salary and also the August salary.

As we all know, we have not received the money, although we understand that the money will come, about 12.6%, maybe in the course of this week.

Thank you, Mr. Speaker.

Temporary Speaker (Hon. Bernard Kariuki): Member for Kangari?

Hon. Anderson Muchemi: Thank you Mr. Speaker. I am one of the most worried persons this afternoon due to the answer given by the Chairman for Finance. Mr. Speaker, this House is very much aware that we had allocated 70,000,000 for the bursary. Even if he is telling us that the money---

(Hon. Joseph Machiri rose on a point of order)

Temporary Speaker (Hon. Bernard Kariuki): What is the point of order Member for Kamacharia?

Hon. Joseph Machiri:---

(Hon. Joseph Machiri began to speak without the microphone)

Temporary Speaker (Hon. Bernard Kariuki): Order! Order! You should address us using the P.A.

Hon. Joseph Machiri: Thank you Mr. Speaker. My worry is, if the member should address this House from the place he was standing.

Temporary Speaker (Hon. Bernard Kariuki): The Hon. Member is quite in order because the place he was standing is quite in front from where he is sitting, not unless you also want to dispute where you are seated.

Continue Member for Kangari.

Hon. Anderson Muchemi: Thank you, Mr. Speaker. Let me come nearer because he is my chair of T.N.A. I will not run away with it.

Mr. Speaker, I was saying that I am one of the most worried persons this afternoon because of the answer given by the Hon. Member for Finance. Mr. Speaker, we are quite aware that in last financial year, we allocated 70,000,000 for the bursary. And up to date, there is no money that has been awarded to our kids. This money was really released by the time we were closing that year.

Mr. Speaker, I wish to notify the Chairman that the money we deposited to the Jamii Bora, 35,000,000 for members to enjoy the car loans, was also swapped back to the exchequer which is under the treasury.

So, Mr. Speaker, I don't understand unless he elaborates further how the money was swapped back to the exchequer- Jamii Bora. It was 35,000,000. 70 million was also requisite and deposited to Co-operative Bank and I wish he clarifies to this Assembly where that money went.

Temporary Speaker (Hon. Bernard Kariuki): Chair for Finance, I understand that you got this answer from the CEC Finance. Are you satisfied yourself? Considering the substantive issues the question is asking?

Hon. Joseph Gitau: Mr Speaker, Sir, I think I am because you remember that in our budget for 2013/14, we had actually budgeted for our own revenue to which we only realized 430,000,000 yet we had budgeted for 800,000,000.

On the same, Mr. Speaker, you also realize we had also the Donor's Funds, which was also in the budget and which was amounting to about 400,000,000. We never realized the 404,000,000. Mr. Speaker, you also remember that we had also budgeted for new sources of revenue whereby we were targeting water resources which never came about, again another 400 million.

So, in total Mr. Speaker, we had about 1.6 million. We only realized 430,000,000 as our own revenue. You realize we had a deficit of about one billion in the budget that year.

So, Mr. Speaker, the money which was left was only 360 million. Mr. Speaker, the requisition of the budget is done on monthly basis. That money was in our County Revenue Fund and the money could not be utilized without authority from the controller of budget.

This money was requested in July. I said it was the money we used for paying the salaries for July and August. So, you find that by the close of the year, the County had some debts which had not been cleared even for some contractors. I know these members are aware. In that sense, the balances of the debts are to be cleared within this financial year budget.

Thank, you Mr. Speaker.

Temporary Speaker (Hon. Bernard Kariuki): Member for Mugoiri.

Hon. Samson Kago: Thank you Mr. Speaker. I do not know whether I will be in order as the answer given has not been satisfactory. The question is on whether some arrears were carried forward from the budget of last year. My question arises because I thought it could be inclusive when he was giving us the answer.

Have we budgeted for those arrears in this particular year, or, are we going to consume this financial year's budget or to the allocation of last year. Has the Budget Committee included it this year?

Temporary Speaker (Hon. Bernard Kariuki): Order member for Mogoiri! You are asking quite a different question from what is on the Floor. Member for Kangari, are you fully satisfied?

Hon. Anderson Muchemi: Mr. Speaker, I raised this question which is of concern and that is the reason we had asked this question. I am saying this because the Chairman is also very much aware. We had deposited 35,000,000 in Jamii Bora. The Chairman is much aware that we had 70,000,000 for bursary, and up to date, our children have not been given that bursary.

The answer the Chair is giving is that no amount was surrendered to the treasury. Where did the money go, especially the one for Jamii Bora and also the one from the Co-operative Bank amounting to 70,000,000? He has also not told us what he is intending to do. Why have they then surrendered back the money that was in Jamii Bora? That is why we came up with these questions. So, I am not satisfied unless otherwise advised.

Temporary Speaker (Hon. Bernard Kariuki): Hon Members, I am going to give the following direction:-

The Committee on Finance and Planning should do its homework properly so that they report to this Assembly through a Committee Report on the questions raised by the Hon. Member for Kangari so that the House, will indeed feel that it is satisfied with the answer that it will be given and the Assembly can play its oversight role as required by the Constitution.

So, Hon. Chair for Finance, you should note so that you tell us where for example, the 70,000,000 went; whether it was given to the needy students; whether it went back to the treasury; or what happened. So, that is the direction for the Committee of Finance. You shall also invite the Hon. Member for Kangari in your committee meeting when you are pursuing that matter.

Thank you.

Next order!

MOTIONS

REQUEST THAT THE NOMINATIONS FOR THE POSITION OF CHIEF OFFICERS BE
IN LINE WITH THE PROVISIONS OF THE CONSTITUTION

Hon. Samson Kago: Mr. Speaker pursuant to Standing Order 47, I wish to move the following Motion on behalf of Hon. Catherine Mugo.

Aware that the County Public Service Board is responsible for recruitment and the recommendation of suitable person---

Temporary Speaker (Hon. Bernard Kariuki): Order Member for Mogoiri. I hope you are aware of that grievous Standing Order number 47 (2); and that the Mover of the Motion has authorized you in writing?

Hon. Samson Kago: Thank you Mr. Speaker. She has done so.

Temporary Speaker (Hon. Bernard Kariuki): Go ahead.

Hon. Samson Kago: Thank you Mr. Speaker.

Aware that the County Public Service Board is responsible for the recruitment and recommendation of suitable persons for nomination of Chief Officers, considering that the recommendation of the County Public Service Board ought to comply with Articles 10, 27 (4), 56(c) and 232 (1) of the Constitution of Kenya 2010 to provide for equal opportunities in appointments of men, women, youth, and persons with disability, regretting that all nominees so far presented to this Assembly for the position of Chief Officers are of the same gender; this Hon. House urges the Public Service Board and the Governor to ensure that the nominees for the position of Chief Officers are compliant with the provisions of the Constitution with regards to gender balance, youth and persons with disability.

Mr. Speaker, after our general elections, it was noted that the Constitution provides for a 1/3rd gender rule. Each and every government organization or any public institution, whenever any employment or any engagement is being done, must observe the 1/3rd rule on gender.

Mr. Speaker, in our case, we were 35 members who were elected and only about three of us were ladies. All the rest were men. Due to that fact, the government had to appoint through the Political Party Act which is there, and we had to be given a number of ladies to top up for us to attain that gender rule.

So, the same should be done in the County Government of Murang'a, though this is not an election but a nomination. After the nomination of the Chief Officers, we approved the eight of them who were all men. None of them was a youth and none of them was a lady.

Mr. Speaker, due to this, we have a balance of two members who are yet to be vetted. We do not know whether they will come as men or as women. Mr. Speaker, on behalf of

Hon. Catherine Mugo, I am requesting this Hon. House to at least urge the Executive to nominate the rest to be ladies and also factor in another position.

I do not know whether they are going to retrench or I do not know the procedure they are going to use. But, Mr. Speaker, they should create another position so that we can have the 1/3rd gender rule in the position of Chief Officers who have already been nominated.

Mr. Speaker, I wish the Chairman and the Public Service Committee members, who I think are around, though I can see the Chairman is not around, when they will be vetting I would urge this House to at least try and say that they should not accept any male nominee further from the ones we have already accepted.

So, Mr. Speaker, with this regard I would request Hon. Kagoni to second the Motion. Thank you.

Hon James Kagoni: Mr. Speaker, I rise to second the Motion in regard to the youth and people with disability for the positions that are there. Mr. Speaker, in the Bill of Rights number 55, it is clear regarding the opportunities the youth are supposed to make in all levels.

Mr. Speaker, we have seen this happening. Our mind has always been tuned that this category will get to the service of this County. The Chief Officers are not limited to the activities of the Ministries. There will be an opportunity for these categories to get to the service of this County because the Chief Officers are not limited to the number of Ministries, they can be many.

We are compelling the Executive to consider our young people and PWDs for the existing positions and the remaining ones. We do not know how many chief officers that the

Executive are intending to hire but there is a reason why the drafters of the Constitution considered the people who are marginalized.

Some of us are beneficiaries of such clauses in the Constitution and the reason we are here is to speak and voice for those who cannot be in positions to speak for their behalf. We want to ensure that they are heard and considered for those positions. We cannot overemphasize this Mr. Speaker. I second the Motion and say let the young people and the PWDs be considered for the Chief Officers' positions.

Thank you, Mr. Speaker. I second the Motion.

(Question Proposed)

Hon. Duncan Njuguna: I stand to support the Motion and also to be guided on the issue. The position of the Chief Officer in the structure of the County Government is not a constitutional office.

The Service Board can apply the 1/3rd gender rule, even though it is not a constitutional office. It is the obligation of the Service Board to observe the same so that we can have equal number of staff in the County Government, representing all the people in the County, the marginalized, people with disability and the women.

Although I stand to support, I would like to be guided whether it is a constitutional office or whether the County Service Board is obliged to obey the 1/3rd gender rule.

Hon. David Muhoro: Thank you Mr. Speaker. I stand to support this Motion. Mr. Speaker, I will answer the Hon. Member who needs some guidance. It is a requirement by the Constitution of Kenya that any public appointment should have the 1/3rd gender balance.

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

Hon. Duncan Njuguna: Mr. Speaker, Sir, I do not see how an Hon. Member can stand and say it is a constitutional requirement without quoting the relevant Article in the Constitution. He is not answering me in anyway.

(Laughter)

Temporary Speaker (Hon. Bernard Kariuki): In deed, if I were you, the point of order would be that the Member for Kariara is debating your debate which is out of order, but the rest is in order.

(Laughter)

Continue Member for Kariara but do not debate the debate by the Hon. Member for Gitugi.

Hon. David Muhoro: Thank you Mr. Speaker. I would wish to quote Section 10 (4) where it is a requirement by the Constitution to have the 1/3rd gender balance.

Mr. Speaker, it is unfortunate that the Youth Committee will be vetting a Chief Officer because from the information I have, it is still a man. Mr. Speaker, this is not good precedent, especially considering that women are more than men, and knowing that what a man can do, a woman can do even better.

(Applause)

Mr. Speaker, this is the high time we start recognizing the capabilities of our women so that they can be appointed to such offices and demonstrates their efforts by being part of the County development.

If we take this House as an example, after the gender top-up, you can see the kind of women that were added to this House. You can see the quality of debate that these ladies bring to this House.

(Applause)

So, Mr. Speaker, I think it should not be a request. I would propose that the Service Board should nullify these appointments so that it gets to the threshold of that gender balance. I support this and demand that this should be seen to work for this County.

Thank you, Mr. Speaker.

Hon. Cecilia Gitu: I want to say it is a beautiful day today when young men are doing what they are supposed to do; defending the Kenyan Constitution. The 1/3rd gender rule has been violated in Murang'a, from left to right, backward to the front. I have been wondering; this House should be the citadel of hope and justice. If you check Article 21 (3), women and men have the right to equal treatment including equal opportunities in political, economic, cultural and social spheres. That is what we should be doing.

I want to congratulate the members who have spoken and the Mover of the Motion because they are all men, and this is the day when this Assembly has started doing what it is supposed to do; that is to defend the Kenyan Constitution and do what it pertains.

As they have advised, let us follow that rule. We do not want to be quoted in Murang'a as the Assembly that is allowing women to be ignored, and we do not want women to feel that those people who were nominated on their behalf are not speaking on women kind. Therefore, I support this Motion. In all practices, we should have the gender rule apply in the Assembly and outside there in the County government.

Thank you, Mr. Speaker.

Temporary Speaker (Hon. Bernard Kariuki): Member for Makuyu.

Hon. Danson Mburu: I would say that we MCAs as leaders are supposed to understand even better about the 1/3rd gender rule. We should stand and practice it because we go to many places where elections and nominations are taking places.

It is for us to go to those places and advice people when they are electing that they should remember we have people who live with disabilities. We also have young people and we need their leadership. We should, therefore, elect and nominate them and this will make the Constitution work. I stand to support the Motion.

Thank you.

Temporary Speaker (Hon. Bernard Kariuki): Member for Gaturi

Hon. Rosemary Wakuthii: I stand to support the Motion. In regard to what my colleagues have said about the Constitution, it states very clearly that members of all the genders should be observed in appointments.

What I can say, we must lead by example in the Assembly. Now that I am here as the Deputy Majority, I can observe in this Assembly that we have totally failed. Even though the

members representing gender came later, they were nowhere to represent gender in our establishments.

Out of 35 Wards, the elected women are only three. Although we have the positions of Deputy Chairs, we still feel don't have the number required to meet the 1/3rd gender rule.

It is my wish that my colleagues invite the others since elections are two to three years away. They should consider members from the other gender because we women feel that we have been discriminated against in this House. I remind my colleagues that if you want to lead you must lead by example, you cannot go and give a directive to people who know very well in the Assembly we are not represented. We must start here and then forward the directive to the others.

I stand to support the Motion. Thank you.

Temporary Speaker (Hon. Bernard Kariuki): Order! Member for Gaturi, the Chairmen and Vice-Chairmen of this House are so because of the standing orders. The substantive Motion is talking about public appointments and the Chairmen and Vice-Chairmen of this Assembly are not public appointees.

Therefore, the Assembly has not failed. When you impute such, the Chair must address that. I will allow one more contribution and then call the Mover to respond.

Member for Kahumbu?

Hon. Erick Kimani: Thank you Mr. Speaker for catching my eye. Mr. Speaker, first, I thank the Mover of this Motion for well knowing that, we as young members in this

Assembly, have also been complaining because of how some of these offices in the Executive were given to gentlemen and ladies who are beyond the age of young people.

Mr. Speaker, since we are vetting the Chief Officer for the Youth Department, I would propose that those people who will be vetted for that office should be men or women below 35 years, either a lady or a gentleman, but most preferably because of the gender I would prefer a lady below 35 years.

Even the CEC for the Youth Department should be a person below 35 years. The tradition in our Country has been talking of the youth but you find the person who is representing the young people is beyond 45 years. Even when some go to the youth, they shy off to say that they represent the youth because they are beyond that age.

Mr. Speaker, maybe we should amend the structure so that we have a person in the youth bracket that will talk as a youth and engage youth properly because I know there are so many young people with great experiences and great minds.

Thank you, Mr. Speaker Sir. I support the Motion.

Temporary Speaker (Hon. Bernard Kariuki): Reading the mood of the House, I call the Mover to respond.

Hon. Samson Kago: I would like to take this opportunity to thank the members for supporting the Motion, bearing in mind that they are the defenders of the Constitution. When we took oath at that platform, Mr. Speaker, we said that we are going to protect the Constitution and this is the way to go. If we don't protect the Constitution, it will be violated

not only by those who are in office, but also by those who will come. Mr. Speaker I am very grateful and I have no more other words to add but to say let's move in a similar way.

Thank you, Mr. Speaker.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Temporary Speaker (Hon. Bernard Kariuki): This House stands adjourned until tomorrow 2:30 p.m.

The House rose at 3:23 p.m.