

MURANG'A COUNTY ASSEMBLY THE HANSARD

Thursday, 1st October 2015

The House met at 2:38 p.m.

(First Chair Hon. Bernard Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

First Chair: Hon. members I want to make the following communication; the County Assembly received communication on July 27, 2015 from the County Secretary in a letter referenced MCA/78 regarding the vetting of Mr. Joseph M. Maina for the position of the member of the County Land Management Board.

The nominee was previously vetted on November 17, 2014 and rejected by County Assembly in a sitting held on November 18, 2014. He later appealed to the National Land Commission requesting to be accorded another chance of vetting.

Mr. Joseph M. Maina in his appeal cited psychological disturbances in previous vetting due to serious accident that afflicted a close family member as a cause of his poor performance in the previous vetting.

The National Land Commission in a letter dated May 11, 2015 considered his appeal to have reasonable grounds. In view of the above they recommended that he be vetted again.

Pursuant to the standing order 46 (1), this matter has been directed to the committee of land, housing and physical planning for consideration. Pursuant to standing order 46 (4) the committee is expected to table its report within 14 days from the date when the communication is received. The matter is committed to the land committee, thank you. Next order.

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

Hon. Charles Kirigwi: Mr. Speaker there is no quorum

First Chair: I ask the Clerk to establish whether there is quorum.

(No Quorum)

First Chair: Members, pursuant to the standing orders, I order that the bell be rung for eight minutes.

(Quorum bell rung)

(Quorum Attained)

STATEMENTS

HEALTH FACILITIES AND HEALTH WORKERS OF THE COUNTY GOVERNMENT OF MURANG'A

Hon. Mary Waithira: Hon. Speaker we have now achieved quorum in the House.

Thank you Mr Speaker, I stand to request for a statement on health workers. Pursuant to standing order number 42(2) (c) I hereby request for a statement from the chairperson health and sanitation committee on the following:

1. To provide a list of all the public and private hospitals, clinics, health centers, dispensaries and other health facilities licensed by the county government health department to operate in the county of Murang'a.
2. To avail records of all the health workers including but not limited to doctors, clinical nurses, clinical officers among other health practitioners in Murang'a county and

evidence of their qualifications under national and county laws, the list should contain the registration numbers or licenses numbers from their professional or regulatory bodies

3. The chairman to also submit the names of board members of all the health institutions in the county including their terms of office
4. Provide evidence/copies of the laws or regulations upon which the said appointments were made. Thank you Mr. Speaker sir.

First Chair: Who is the chair for health? Any other member of the committee?

Hon. Joseph Muchina: Thank you Mr. Speaker, I am a member of this committee and we are requesting on behalf of the committee to be given 14 working days so as to respond to that statement.

First Chair: Hon. Mary is 14 days enough?

Hon. Mary Waithira: Mr. Speaker sir, I agree by that and I think we will not exceed 14 because Mr. Speaker sir, that is a very important docket that is touching on our health so I will go for 14 working days, thank you.

First Chair: So hon. member for Gatanga, you note that 14 days from now and the answer will be on the order paper, next order.

MOTIONS

ESTABLISHMENT OF AN EMERGENCY FUND

Hon. Charles Kirigwi: Hon. Speaker, I beg to move the following motion;-

Aware that the Kenya meteorological department has urged the country to be prepared for the El- Nino rains expected between mid-September and December 2015, further aware that the Deputy President of the Republic of Kenya recommended that the national and the county governments needed to adjust and realign their budget accordingly in order for the country to respond appropriately to the impending El- Nino rains recognizing the tremendous effects associated with the rains including destruction of infrastructure, loss of livestock, damage to crop even loss of human life for instance on the fact that Murang'a county is highlighted as one of the landslide prone areas, noting that section 110,111,112 of the Public Finance Management Act provides for establishment and management of emergency funds for the approval of the County Assembly this House urges the county executive member in charge of finance, IT and planning to;

1. Establish an Emergency Fund and set aside Kshs. 50 million in the supplementary budget for the year 2015/2016 and every subsequent financial year to cater for intervention like evacuation of people from the vulnerable areas among other disaster mitigation measures.
2. Further, in consultation with the CEC agriculture, livestock and fisheries to come up with preparedness plan to cater for imminent post-harvest losses associated with preference of diseases due to high moisture level.
3. In consultation with the CEC health and sanitation facilitate provision of drugs in the event of cholera, malaria resulting to stagnant water in flood prone areas in the lower Murang'a and lastly in liaison with meteorological department map out the prone area in Murang'a and engage the services of national youth service for prior evacuation of people and livestock.

Mr. Speaker, the motivation of my motion is that Murang'a historically we have had calamities affecting our county especially the upper Murang'a that is Kariara, Kangari, Kinyona, Kanyenya-ini and even the lower Murang'a whereby we have experienced floods and in some cases we have seen disease like what happened in Kenol-Kabati area where we had cholera outbreak the other day and considering that the Public Finance Management Act

has allowed counties to establish emergency funds, I will suggest that we establish the fund with a small amount of Kshs. 50 million every financial year whereby this fund ,the Kshs. 50 million will be like imprest. If we don't have emergencies this year or else if we have emergencies of about Kshs. 10 million this year, next year we only appropriate the difference of the fund that is Kshs. 50million minus what you spent during the year to cater for any uneventful instances where we have not planned for.

If you look at the PFM Act 110, 111 and 112 it's very clear on how counties will establish and work with the fund and who will be the accounting officer, for this case is CEC finance. In Murang'a currently I doubt whether we have this and I stand to be corrected because I know we don't have this Emergency Fund and there are cases whereby not only for El- Nino, we have forest fires, they have affected several of my ward population and I believe other areas. We need to have a fund to cater for this.

If you look at some areas, I have requested the CEC agriculture to look at where we can have possible post-harvest losses. If you look at today's paper you could see that in counties like Uasin Gishu there is a lot of public awareness and they are doing harvesting early enough to avoid post-harvest losses and the diseases that are related to this moisture in some of these crops like maize is aflatoxin and the like.

I am also invoking the indulgence of the CEC health to map out areas that can be affected by flood waters, where we have stagnant waters we have water related diseases that we can have adequate drugs well in advance and they are taken to dispensaries that are next to the areas that we do not have water related drugs like cholera taken to areas they are not needed.

Lastly, the national government is doing very well with the NYS program and I think it is important that our executive work with them to map out areas that are prone to landslides in a view of maybe looking at the threats that are there so that we can alleviate the loss or damage or hardship that the people of a certain area can undergo when they are affected by such calamities.

Lastly, we may also use the fund on restorative aspect whereby where it has affected a certain area like my ward last year I think I lost three people to landslides. We identify a way of restoring the damages in such areas. I have a case in my ward whereby a farmer lost all of his land five acres, three acres just went with a landslide so I don't know in such a situation how as a county government we can assist the farmer or such cases in restoring them to previous condition before the calamity hits them. Like we find such farmers may have title deeds that may appear they have five acres but on the ground its two acres. So Mr. Speaker i humbly request the members to positively look on the motion and support it. I call hon. member for Muthithi to second.

Hon. Samuel Wandia: Thank you Mr. Speaker, I stand here in support of this motion because apparently already the professionals in the meteorological department reported to us that we should expect El- Nino rains and it's appropriate that as a county we start preparing ourselves.

The creation of this fund is very important because we shall not be going against the law, we shall be within the boundaries of the law even if this fund is established. I know it is very expensive, those of us who were here in 1997 know the experiences that this country underwent.

I remember, I didn't know Kanyenya-ini, in Kanyenya-ini they had a landslide, in Kangari there was a landslide if I remember and for us to intervene, it is important that we create this fund so that we can build temporary shelters for these people. Some of them were housed in schools, others in churches and as a county we should try to form this fund and assist our people.

Also it is important to establish this fund because sometimes you find that when the rains come, even our livestock are washed away and also we experience a lot of diseases as a result of these rains and if as a county we shall not be prepared, we shall be a laughing stock, everybody will be laughing at Murang'a when they hear that we have got very heavy El - Nino rains and we are crying to the central government to come and intervene whereas we would have intervened.

So it is appropriate that we safeguard ourselves so that we cannot be a laughing stock before the members of the public in this country. It is important we establish this fund because sometimes you find that the county sometimes does not get enough rains and when it does not get enough rains everybody goes to the newspapers crying that we should be fed, we should be done all this. It is important that we create a fund for the intervention whenever this sort of calamity comes that we can manage to fight the calamities even if not 100%.

I stand to support this motion and I hope my colleagues here will support it so that we will not be caught up unaware or unprepared to meet the challenges of the El -Nino. Thank you Mr. Speaker, I support.

(Question proposed)

First Chair: Hon. Catherine.

Hon. Catherine Mugo: Thank you Hon. Speaker, I rise to support the motion and commend the mover because this is a very important motion which is long overdue. We have had emergencies in our county but it is unclear because we have never heard of any Emergency Fund and we wonder how such emergencies have been catered for before. No policy paper has ever been forwarded to this House laying out how the Emergency Fund is to be handled.

The mover was asking if there is such a fund and I believe there is none because the County Executive Committee Member (CEC) for Finance has never brought such a paper here for us to approve the Emergency Fund.

This particular fund will actually ensure that monies are not misappropriated. The Public Finance Management Act (PFM) is very clear and he has quoted the relevant sections. It provides that for a particular CEC to deal with emergencies, such emergencies must have been catered for in the Emergency Fund, however, we do not have such a fund.

For instance, we had the Kahuro case where we lost some students but it is not clear from what vote our government spent money on. Our county travelled to and from Mombasa and catered for the emergency. When there is no such allocation, one is able to misappropriate funds.

The mover is for instance suggesting Kshs. 50,000,000. If we then want to evacuate people or a certain mitigation to be done, we will be saying that we need to use a particular amount out of the Kshs. 50,000,000 and we will know the balance we will have. As of now, it is hard to tell how much was used in that incident of Kahuro and from what vote. Therefore, this particular fund is very important to curb corruption.

He has highlighted the issues of El-Nino which we are all expecting; hence this motion is very timely because we all know what happens when we have heavy rains. There will be a lot of destruction and people will need to be evacuated from places where there is danger and I believe that this Emergency Fund will come in handy. I hope that the implementation committee will follow up with the relevant CEC so that we can have the policy paper in the House and approve it to have the emergency fund. Thank you.

Hon. Danson Mburu: Thank you Mr. Speaker sir, I am the MCA for Makuyu, and I stand to support this motion. I also congratulate the mover since the motion has come at the right time because it has been announced that a serious El- Nino is coming. Proper planning dictates that this is the time that the hospitals are supposed to be stocked with enough

medicine because we know that, most likely, there may be outbreak of some diseases. This is the time for hospital and dispensaries to be equipped instead of running when it is too late.

Mr. Speaker sir, we know that some roads become impassable when it rains. There should be some people from the Ministry of Infrastructure going round while earmarking areas that are going to be impassable after the rains begin. Such places make it impossible for people to move from one place to another. This is the time we are supposed to work together. The office of the Governor is supposed to consult the Assembly and set aside money cited by the mover of the motion so that we may be in a position to fight the problems that will be there as a result of the rain.

Mr. Speaker, when we know that there will be an outbreak of diseases; when we know that the roads will be impassable; when we know that there will be landslides in the upper parts of our county; when we know that water that moves from the upper side will lead to a lot of destruction in the lower sides; this is the time we are supposed to prepare. We should not wait for the rains to begin to clear the mess.

Mr. Speaker, a few days ago, we asked the minister in charge to explain how well they are prepared. He told us that they are only minding the livestock because they are aware that there will be outbreak of diseases that will attack them. That tells you that there is nothing much being done. We therefore support the motion that some money be set aside at this time to cater for the destruction that is likely to come. I support.

Hon. Jesse Mburu: Thank you Hon. Speaker, I represent Nginda Ward. I congratulate the mover of this important motion that I support; it was long overdue. The areas that are going to be hit by El-Nino are known. From the newspapers, the meteorological department has identified the places or spots that are going to be hit hard by the El-Nino rains. Our place should not be like Bundalangi where it is known that people have to be re-located together with their property whenever it rains due to floods.

Mr. Speaker sir, let us inform our people because when they are not informed, they will not move to the higher grounds. We have the responsibility to inform our people. I do not know if the administration or the Executive should inform our people that they are likely to be affected by El-Nino so that they can move away from those spots that are going to be destroyed by the El-Nino. My concern is how this information can reach these people. They should be advised to re-locate until the El-Nino ends. I support this motion.

Hon. David Muhoro: Thank you Mr. Speaker sir, I am the member for Kariara and I stand to support this motion. It is quite unfortunate that we are running a government that lacks priorities. Some of the things that this motion is requesting the Executive to do should be in the newspaper headlines. Our Governor and his Executive should be echoing the same to Wanjiku in Murang'a. It is unfortunate that when the CEC in charge was called, he said that he has only been preparing for the cows and other livestock.

We know that we have a population of 1,000,000 in Murang'a. We also know that landslides occur in Murang'a and that there will be floods in the lower side due to the water that will come from the highlands. It is therefore sad that a CEC Member only knows of a few cows which are less than 100,000. We can see Governors of other counties trying to educate their people on what the meteorological department is telling people. We need to prepare for El-Nino because it is a reality. We are actually seven days to El-Nino.

Mr. Speaker sir, it is unfortunate that what has dominated the minds of our leaders, and especially the Executive, is how they will fight the proposed Supplementary Budget. Instead of caring for the people of Murang'a, they are concerned with how they will make ends meet. It also calls for the people representatives or the members of this House, to not point fingers because we know they will not do what they are supposed to do. As a member of this House, you should take the initiative of going to your own area and actually organise

with the local leaders and other administrators on educating on the dangers of the areas we know that landslides will occur. The members of this House should also take this serious.

I therefore support this and add that Kshs. 50,000,000 will not be enough. Emergencies do not occur in only one part of Murang'a; emergencies can occur anywhere. If you remember, Mr. Speaker, when we joined the county government, the Transition Authority (TA) had allocated more than Kshs. 100,000,000 for emergency because of the heavy rainfall during the time. That money has not been accounted for to date. I remember we brought proposals from our areas that were heavily affected by the downpour; some of the bridges that were carried away by the floods are not yet repaired. We are just making some interventions to ensure that such places are passable. Such problems have never been addressed since the year 2013.

Mr. Speaker, this is a matter we shall take up even after the El-Nino; hence the CEC in charge should know that our eyes are on him because he is taking the tax payers money. He is taking too long with a responsibility that is entrusted on him. We do not even see him doing what he is supposed to do. This is a serious matter that needs a lot of intervention and we hope that we shall not lose lives, having been warned that this will happen. I therefore support this motion and actually thank the mover for actually been pre-active by challenging the leaders of this county on what they should be doing at this time. Thank you Mr. Speaker sir.

Hon. Esther Ngugi: I stand to support the motion, although the member who has contributed has already mentioned what I wanted to say. I feel that considering the high cost of living, Kshs. 50 million is not enough. We have experienced El-Nino before in this country and in the world. We have seen homes being destroyed and deaths occurring. We are talking of situation where families and whole populations will be evacuated, and they will need food, shelter, clothing, drugs and other items. I feel we should increase this amount.

Hon. Peter Kihungi: I support the motion and congratulate the mover. My area is heavily affected by El-Nino because of landslides. I think there is a directive from the national government where the county governments were requested to do supplementary budgets to prepare for El-Nino. We might not have set aside such money; we can open a room for misuse.

If the PFM Act 2012, talks about an Emergency Fund and now we have a crisis since we have not set aside some money for emergencies, we have an open check where anybody can use the Kshs.100 or Kshs.300 million but whenever we have set it aside in the budget, we can be called to do a supplementary budget whenever there is need and we will ensure that the funds are prudently managed.

We should also agree on the areas where this money should be used. If we open it up for emergency, we should be specific since the emergency in my area is different from the emergency in the lower area. As the member has put it, the CEC in charge should do a supplementary budget and specifically state the area they are planning to work on so that we may not now open up and have the money used in other different sectors.

In the last El-Nino, we lost a whole family in my area to El-Nino due to a landslide. There are instances where people are required to move to higher grounds with low risks but people cannot move at early stages, they must wait for the rains to start. So the temporary measures are important. When the rains starts, those people are able to move to specific areas and during the day they can go and work in their shambas. We need to have organized systems to be dealing with emergencies. We need to know whether the money will be managed from a sub-county level or at a county level.

In an instance where we have ten emergencies across the county, we cannot assume that all of them will be handled from the headquarters, let us also have sub- county areas to work

with the officers there, involve the Red Cross to facilitate them and have an officer in every sub-county who will be available.

The member has brought it at the right time, in the Supplementary budget we need clear structure on how the money will be used and the officers who are responsible. If it is a single person taking the reports, he might be overwhelmed. We can have a staff at the sub-county take imprest to manage through the emergencies. I support the motion.

Hon. Florence Nyambura: I congratulate the mover because he saw what most of us are aware of but had not acted on. In Wangu ward, last April, I witnessed people who were washed away by floods. These are the waters that come from shops without good drainage. When the roads were rehabilitated, drainage was not done well in some areas.

Apart from focusing on areas that can be affected, it is important for the CEC in charge to collaborate with meteorologists and tell the members to take part and report needy cases in their wards. Some places may not be high, but poor drainage may bring challenges to the people.

Mr. Speaker I congratulate the mover, last year in Murarandia ward, some people were affected. They are aware that they are supposed to move and the government is telling them so, but they are wondering where they are moving to. It is good for the CEC to come up with a very good plan. I would also wish to support the Leader of Majority in saying that this emergency function should not be conducted at the county level, it should even be at ward level. Imagine someone from Kiruri or Ichichie coming to Kangema to report a case.

On health, our CEC Health should be prepared and start giving out mosquito nets. We are aware that at this time, malaria outbreaks are possible. There is that fear because we pass so many resolutions in this House but they are not implemented. The CEC should give first priority to this because our people are more important than anything else in the county. In Nyeri, they have started vacating their people from danger zones. I look forward to the implementation of this motion.

Hon. Charles Kirigwi: I think the pro-active leadership that I have seen with members, considering that disaster management is a devolved function under schedule four, this is the right way to go. We should not bury our heads in sand and wait for calamities to happen. I agree with our members that there is need to have serious civic education and sensitization so that we engage our ignorant residents of the county to tell them of the dangers that can come with the rain.

We also need to advise our farmers in the low areas. Like when coming from Saba Saba there are farmers who are doing nurseries there and I agree with the members that we need a co-ordinated system where we have an SMS code or a telephone number so that we will be able to liaise and the system to be co-ordinated and work smoothly. I am happy and I hope the members will wholeheartedly support the motion.

(Question put and agreed to)

First Chair: Before we go to the next order, all hon. members are invited tomorrow to a meeting with the Commission for Revenue Allocation at Nokras from 9 in the morning. You are also invited for a Kamukunji meeting immediately after this.

ADJOURNMENT

First Chair: The House is adjourned until Tuesday next week, thank you

The House rose at 3:33 p.m.