

REPUBLIC OF KENYA
MURANGA COUNTY ASSEMBLY
THE HANSARD

Monday, 25th June 2018.

The House met at 10: 10a.m.

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

PAPERS

REPORT ON THE COUNTY INTEGRATED DEVELOPMENT PLAN (CIDP) 2022

Hon. Kiiru Mwangi: Thank you Mr. Speaker. Mr. Speaker I want to draw to your attention that pursuant to section 126 (3) of the Public Finance Management (PFM) Act 2012, the County Executive Committee Member (CECM) shall not later than 1st September of each year submit the Annual Development Plan (ADP) to the County Assembly for approval.

Consequently Mr. Speaker, also the County Integrated Development Plan (CIDP) is also a five year plan document that is also supposed to be submitted together with the ADP. The said documents were submitted in this Assembly and tabled on the 7th of May 2018. Following a consultative meeting with the CEC they said they had to realign the said planning document so that they can be able to prioritize and put the documents that were in the County Fiscal Strategy Paper (CFSP) 2018 that was approved by this Assembly and factor in the programs in the ADP in line with Article 222 of the Constitution. The document was taken back to the Executive and was re-submitted on 6th June 2018 and received by the office of the Clerk on 8th June 2018. Bearing in mind that this is a document that informs all the-----

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Can we let him finish please?

Hon. Kiiru Mwangi: Bearing in mind that this document is the one that informs all the planning and budgeting process of the County. Pursuant to County Governments Act (CGA) Article 108, the CIDP is a document that is supposed to be clear, with clear implementation plans and clear outcomes, provision for monitoring and evaluation and clear reporting mechanism.

In this case, section 107 (2) of the CGA also prescribes that the County plans shall also be the basis for all the County budget spending and planning in a County Government. Section 104 (1) also says that, no public funds shall be appropriated outside a planning framework. This being a very important document we have not had an opportunity to sit as a committee neither have we received any documents, any reports from the sectoral committees so that we can analyze and have a report. We are requesting this Honorable House that we be given time-----

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): I will allow him to finish

Hon. Kiiru Mwangi:----- we be given time to receive the views of all the sectoral committees, then we sit down as a committee, because pursuant to standing order 193, any report of a select committee is supposed to accompany with the-----

(Several members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Okay, point of order because you have gone for too long.

Hon. Gerald Wambugu: Thank you Mr. Speaker. I am an active member of Finance and Planning committee, is it in order for the Chair Finance and Planning committee to mislead this House by purporting to lay the report on the Floor of the House when he has undermantly refused to own the report?

Hon. Kiiru Mwangi: Thank you Mr. Speaker, I do not know what report that very active member is talking about because he is one member who does not attend meetings. He comes when we are closing. We do not have any report that is why I was requesting this Honorable House to give the committee time to compile because there is no report. Any report, I do not know what report I am told to own ----

(Hon. Francis Kibe rose on a point of order)

Hon. Francis Kibe: I want to express my disappointment with the Chair Finance committee, I am a member of that committee and we know that, that committee did its report. It is only that out of bad will, ill heart of the Chair Finance that he is not tabling that report. Otherwise the report is there and this report should be laid. Mr. Speaker, the Chair Finance is my friend, he is a learned friend and I do not have any issues with him, otherwise he is leading us well but on this report, he was not able to deliver on it. Otherwise we have the report.

Hon. Kiiru Mwangi: I still wonder again standing order 193 is very clear that a report of a select committee can only be adopted when a committee sits and minutes of that said meetings is supposed to be attached. I don't even know where that meeting was held, who called the meeting and where the minutes are. We do not have any minutes, we have never discussed.

In fact, the last meeting we had was on 18th and we were expecting the CEC Economic Planning to come and give us his take on the two documents, we have never had a meeting with an agenda of adopting any report. If there is a report, if there is any report it must be forged and that can stand in a court of law and we should understand the penal code. Thank you Mr. Speaker.

I urge this Honorable House Mr. Speaker that -----

(Hon. Lucy Ngugi rose on a point of order)

Hon. Lucy Ngugi: Thank you Mr. Speaker. In fact we have in our hands a report by the committee of Finance signed by members of the Finance committee, where more than a majority of the Finance Committee have signed on the committee findings approving this report. Thank you Mr. Speaker Sir.

Hon. Kiiru Mwangi: Mr. Speaker-----

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

The Speaker (Hon. Nduati Kariuki): Point of order, another of order.

Hon. Stanley Muhia: Thank you Mr. Speaker Sir. I am member for Makuyu. I am a member and an active member, one that does not even get late for the Finance committee. Mr. Speaker sir, rules of the House have got to be followed every time. There is no day that we sat as members of the Finance committee to deliberate on the report, that was written by the secretaries to the committee. It has been formed a habit and this must stop Mr. Speaker sir, members of this Assembly congregating in hotels to get money to go so that-----

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Order! Order! Order!

Hon. Stanley Muhia: -----so that they can mislead this House and I want to categorically say that members of this House received Kshs42, 000-----

The Speaker (Hon. Nduati Kariuki): Order! Order! Order!

(Loud consultations)

Hon. Stanley Muhia: Mr. Speaker, if there any minutes that can be brought to this House, these members have reduced themselves, you have reduced yourselves to paupers and this must stop.

The Speaker (Hon. Nduati Kariuki): Order! Order! Order!

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Honorable member, Stanley you have just insinuated some ill motives on members; unless you can substantiate it can you please withdraw it. Unless you can substantiate.

Hon. Stanley Muhia: Honorable Speaker, the money that was paid to these members Kshs42,000 can be gotten from the messages in their phones. As much they want me to withdraw, it is petty and very cheap of them to construe or be turned into paupers, be passing budget here because they have been.....*(silence)*... Members of this House, Mr. Speaker, I withdraw.

The Speaker (Hon. Nduati Kariuki): You withdraw?

Hon. Stanley Muhia: Yes.

The Speaker (Hon. Nduati Kariuki): Okay he has withdrawn, that is settled, he has withdrawn.

(Laughter)

Hon. Kiiru Mwangi: Thank you Mr. Speaker. I think all this poetics comes out -----

The Speaker (Hon. Nduati Kariuki): Order! Mr. Chairman, I think your duty here was to lay, to lay; it is not to give a speech but to lay or refuse not to lay. Please can you say whether you are laying or you are not laying.

Hon. Kiiru Mwangi: Mr. Speaker, I am saying we do not any report so we have nothing; there is absolutely nothing to lay.

The Speaker (Hon. Nduati Kariuki): Thank you

(Loud consultations)
(Hon. Charles Ng'ang'a rose on a point of order)

Hon. Charles Ng'ang'a: Thank you Mr. Speaker, this House is dignified, when an individual starts capitalizing on his personal gain rather than institution, we are off. Mr. Speaker, this report has been tabled and it is already signed by majority. I think we should go ahead. Thank you.

The Speaker (Hon. Nduati Kariuki): Honorable members I find that I have to make a decision. Honorable members, you took a break for two weeks in order to prepare these reports and we have a deadline of 30th June. I have not had any complaints from any committee that they have not been facilitated to meet.

Like I said we have a deadline of 30th June, we cannot punish the public by denying them services because of our own deficiencies. Honorable members, in as far as the Finance committee is concerned, I have a report here which says that pursuant to standing order 193 the following undersigned Finance committee members have unanimously agreed on Hon. Gerald Wambugu to table the CIDP report and ADP report and Hon. Pelagiah Muthoni to second the CIDP report and ADP report . This one is signed by Hon. Joyce Wambui Njoki, Hon. Francis Kibe Kamau, Hon. John Mwangi Mungai, Hon. Charles Kahoro Ruga, Hon. Gerald Wambugu, Hon. Morris Thuku Gathoni, Hon. John Kairu Kimani and Hon. Pelagiah Muthoni. Honorable members these are members of the Finance committee and I think democracy like you have all said deserves that we hear the views of the majority.

A committee is not necessary the Chairman and the Vice-Chairman, the committee is the members. If the committee in their opinion is satisfied that they have a report, whichever way they have had it, if they are satisfied, that they have had a report, the Speaker has no option but to allow them to table it. I also want to refer you to standing order 93(6) which says, "A report of a select committee including any minority report together with the minutes of the proceedings of the committee and research note or record of any evidence by the committee, as the committee may deem fit, shall be laid on the Table of the Assembly by the Chairperson of the select committee or the Vice-Chairperson or by a member authorized by the committee on behalf of his members within 14 days of the conclusion of its proceedings. I therefore now call upon, Honorable Gerald Wambugu to lay the paper.

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

Hon. Amos Murigi: Thank you very much Mr. Speaker, I think it is important, as members of this County Assembly, we may not have issues with what you have said, but I think there are some issues which need to be taken into consideration. Considering this Assembly, Honorable Speaker, this is our first Budget and we look upon you to offer guidance. The issues at hand, we have up to 30th of this month. Because, instead of taking sides in this particular debate, I was of an opinion, Mr. Speaker, this is an issue we can be able ----

(Loud consultations)
(Hon. Lucy Ngugi rose on a point of order)

Hon. Lucy Nguigi: Mr. Speaker, today we all knew the business that brought us here and like you have said, members of the committee and which makes up the majority of the committee members met, they have minutes and they have signed the report.

Instead of wasting more time, I should think we all came to this House sent by the people that we represent; taking more time is denying Wanjiku their right to be served and to receive the services that made them send us to this House. So, Mr. Speaker sir, in view of that, of what Wanjiku expects us to deliver, I beg that we move and we stop the side shows and move on with whatever brought us to this House today. Thank you Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Honorable members, I am guided by nothing but the standing orders and I have read the standing orders and now I call upon Hon. Gerald Wambugu to lay the Paper.

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Lay that paper.

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Just lay that paper

Hon. Gerald Wambugu: Thank you Mr. Speaker-----

(Loud Consultations)

(Several Members rose and moved to the Table)

The Speaker (Hon. Nduati Kariuki): Can you go ahead?

Hon. Gerald Wambugu: I wish that this House adopts the Sectoral report Finance and Economic Planning on the Murang'a County Government Integrated Plan for 2018/2022. Thank you Mr. Speaker.

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Thank you.

(Loud Consultations)

Hon. Gerald Wambugu: Honorable Speaker, the sectoral committee on Finance and Planning is constituted under the provision of Standing Order 204-----

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Order! Order!

Hon. Gerald Wambugu: To undertake the following; to investigate, enquire and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments.

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Order! Order

Hon. Gerald Wambugu: Pursuant to Standing Order 204, schedule two-----

(Loud Consultations)

(Several Hon. Members rose on points of order and moved to the Table)

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Order! Sit down, everybody to sit down. Order! Can everybody sit down now! Everyone to sit down! Order! Order! Order! I am not hearing anything, unless you sit down.

(Loud Consultations)

(Some Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): I am not hearing anything until you sit down. Hon. Members, sit down! Hon. Members, I am not hearing anything until you sit down. I am not hearing anything until you sit down. Everyone has to sit down then I call the person to talk. Hon. Kiiru?

(Hon. Members moved to the Table to catch the Speaker's eye)

(Loud Consultations)

The Speaker (Hon. Nduati Kariuki): Hon. Chair, I cannot answer you when everybody is shouting.

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): I cannot make a ruling when you are shouting. I am not hearing you because you are shouting. Can you sit down then I point to you.

(The Hon. Members took their seats)

The Speaker (Hon. Nduati Kariuki): Okay, point of order now, one person at a time.

Hon. Cathyrn Mwangi: Thank you, Mr. Speaker, I am disappointed at the Floor of the House because I imagined that this report-----

(Loud consultations)

Hon. Cathyrn Mwangi: Help me with this report. It is okay. I can get one from here. I have read somewhere they have written that they are supposed to have their meeting from 26th to 30th to compile the County Integrated Development Plan (CIDP).

(Consultations)

Hon. Cathyrn Mwangi: Excuse me. I am the one who made the point of order. I therefore believe that this thing was cooked outside because it does not have the particular date they went and met.

(Several Hon. Members rose on points of order)

(Consultations)

Hon. Cathryn Mwangi: Excuse me; I am the one saying the point of order. Again, I believe that the Chairman for Finance and Economic Planning is present. I therefore wonder why Hon. Wambugu should be the one tabling the report. So, this report---

(Several Hon. Members rose on points of order)

Hon. Cathryn Mwangi: Excuse me; you would have raised the point of order. This report has been cooked outside and is being done so that the Budget Estimates are sabotaged.

Thank you.

(Several Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Order! One person at a time, all of you cannot speak on a point of order.

Hon. Francis Kibe: Thank you Mr. Speaker, it is very good for everybody to know that all the Committees were given two days, on Monday 18th and Tuesday 19th to sit and do their reports. This was in addition to the 21 days that had been given, from 7th May 2018, for all sectoral committees to do their reports.

(Several Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Wait for him to finish!

Hon. Francis Kibe: Mr. Speaker, all the Committees had two extra days, on 18th and 19th June 2018, to do their Reports and we did that as the Finance and Economic Planning Committee.

Hon. Kiiru Mwangi: Point of clarification Mr. Speaker---

The Speaker (Hon. Nduati Kariuki): Point of clarification.

Hon. Kiiru Mwangi: Thank you, Mr. Speaker; I want to clarify to Hon. Francis Kibe Kamau who is the Chairperson of Budget that this document was resubmitted on the 6th June 2018. 21 days elapses on the 27th June. Hon. Members, as much as we disagree politically, why fist fight? We are Hon. Members, let us agree to disagree. It is the dignity of this House. We are not fighting.

The Speaker (Hon. Nduati Kariuki): Right.

Hon. Kiiru Mwangi: Why should we fight? I have already seen somebody, Hon. Chege, kicking Hon. Muriigi.

(Consultations)

(Several Hon. members disagreed with Hon. Kiiru Mwangi's statement)

Hon. Kiiru Mwangi: I do not like it. If at all there is any report, it has been forged.

The Speaker (Hon. Nduati Kariuki): It has been stated that this report has been forged.

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Just a moment! Since I understand that all these people who have signed are Hon. Members, I would like to know whether their signatures have been forged.

(Several Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Can I finish? Respect the Chair! Let me finish. It has been alleged that this Report has been forged. In other words, the signatures of the Members that have signed here have been forged. This is a matter I take very seriously because if it has been forged, then it is a crime.

(Applause)

The Speaker (Hon. Nduati Kariuki): It is not only unparliamentarily but also criminal. Okay? I will therefore take my time to investigate whether these signatures were actually forged

(Applause)

The Speaker (Hon. Nduati Kariuki): and I call upon the Hon. Members who have signed to say whether their signatures were forged.

(Several Hon. Members rose on points of order)
(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Let me finish! I am talking about the Report and the signatures therein. If these signatures have been forged, then I will take it very seriously. My ruling is, we do not want to waste time on this matter because we have a deadline. I, therefore, want full Reports of the Committee tomorrow. The Finance and Economic Planning Committee has to meet today---

(Several Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Wait a minute. You do not give a Point of Order when the Speaker is talking. I want the Finance and Economic Planning Committee to meet today, after this sitting, and give me a Report in the afternoon. This matter will be revisited this afternoon and I want the Committee to have met by that time. That is my ruling. This matter will be resubmitted in the afternoon after the Committee meets. That is a ruling from the Speaker; that the Committee meets immediately after this and gives me the right direction.

Thank you. Next.

(Applause)

PAPER

REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON THE MURANG'A COUNTY GOVERNMENT ESTIMATES OF REVENUE AND EXPENDITURE FOR FINANCIAL YEAR (FY) 2018/2019

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

The Speaker (Hon. Nduati Kariuki): Is it on this matter on the Budget? The County Government Estimates on revenue and expenditure?

Hon. Stanley Muhia: Mr. Speaker, I am the Member of County Assembly (MCA) for Makuyu and with all due respect, it is not in order to have a Budget without the planning framework. You are a seasoned politician and you know the requirement of the law is that we must have the planning framework for the Budget before we have the budget. It will, otherwise, be a futile effort.

(Applause)

The Speaker (Hon. Nduati Kariuki): Next, Chairperson?

Hon. Francis Kibe: Mr. Speaker, we all know that the framework is there. We did public participation. We did everything and the framework is there; it is only out of ill heart that the disagreement is on the Tabling of the other documents. Otherwise, there---

(Several Hon. Members rose in their places)
(Consultations)

Hon. Francis Kibe: Hon. Members, kindly let me finish. There is no Standing Order that says that the budget should not be laid on the Floor of the Assembly if the CIDP or the Annual Development Plan (ADP) is not there. There is no Standing Order that says that.

(Applause)
(Hon. Kiiru Mwangi rose on a Point of Order)

The Speaker (Hon. Nduati Kariuki): Can you quote the Standing Order? Hon. Kiiru, he says that it is no such Standing Order, can you quote it?

Hon. Kiiru Mwangi: Mr. Speaker, as Hon. Muhia has said, according to the law---

(Loud consultations)
(Several Members urged him to quote the law)

Hon. Kiiru Mwangi: Yes, let me quote. According to Section 104 (1) of the County Governments Act (CGA), the County Government shall plan for the County and no public funds shall be appropriated outside a planning framework approved by the County Assembly. Therefore, if the framework is not approved by this Assembly, we cannot appropriate any funds because after tabling the Budget, what we expect is the Appropriation Bill. There is no way we can have any Budget that has been---

(Loud consultations)

Hon. Kiiru Mwangi: I am quoting the CGA that cuts across all the 47 Counties, and not specific Counties. It is not about the standing orders; the issue is the law and the Constitution is very clear. Thank you, Mr. Speaker.

(Several Hon. Members rose on points of order)

The Speaker (Hon. Nduati Kariuki): Can we have Morris?

Hon. Morris Thuku: Thank you Mr. Speaker for catching my eye. With all due respect, it is prudent for this House not to hold Wanjiku hostage who participated in public participation to give views on what they need to be done by this Hon. Assembly and County. Furthermore, during the month of May, this House sat and passed the County Fiscal Strategy Paper (CFSP) meaning that the guideline for this year is clear since all of us unanimously agreed on the CFSP from which we can Table this Budget and work on.

(Applause)

Hon. Erick Kimani: Thank you Mr. Speaker, I am the Leader of the Majority Party in Murang'a County Assembly. I am happy because my friend Hon. Kiiru has said that there is no money that can be appropriated before the ADP and the CIDP have passed.

We have a special sitting that was gazetted to pass the Appropriation Bill which we are not passing today. We are passing the Budget, the CIDP and the ADP today. On Friday, we will allow the execution and implementation of that budget by passing the Appropriation Bill. We are therefore in line with the Constitution and the Standing Orders.

Mr. Speaker, you are the Chair today and I plead with you that we continue and go on---

(Loud consultations)

Hon. Erick Kimani: It is okay, you continue. I plead with you Mr. Speaker that we continue with the business of today. If we really follow the law and people even speak and their voices are heard at Kenol today, let us lay the Papers even if it will take us 20, 50 or two hours. Let us clear with that business today. Let whoever will stand not to be distracted. If you rise, deal with the business that you have.

(Several Hon. Members rose on points of order)

Hon. Erick Kimani: Mr. Speaker, these Point of Orders are too many and they are there to distract us. We have our people. Continue to raise your voices---

The Speaker (Hon. Nduati Kariuki): Order! Do not insinuate ill motives on any Member.

Hon. Erick Kimani: Thank you Mr. Speaker. Let us finish our business today and if by any chance any Member feels that we have gone against the Orders of the Assembly, there are so many institutions to deal with those matters. I therefore plead with you that we continue with the business of the day.

The Speaker (Hon. Nduati Kariuki): Hon. Members, I take those views very seriously but I find that we are a long way from passing the Budget. We are not passing the Budget by laying the Paper. There are many Members who will be objected to the Budget and they will have an opportunity. There are Members who will be objected to the Bill and they will have an opportunity. Rather than wasting time, let us lay this Paper and any objection against the Budget can come along but let us move---

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

The Speaker (Hon. Nduati Kariuki): Yes?

Hon. Stanley Muhia: Mr. Speaker, I am here to represent the interests of the people of Makuyu and the County of Murang'a at large. The minutes that were taken from the public participation that we just heard about were not brought to us to compile the Report. On the Monday and Tuesday that you are hearing about, we invited the County Executive Committee Members (CECMs) to come and help understand the document. We were then supposed to sit as sectoral committees so that we could read and go through the Reports that were to be brought by our Clerks after making the Reports.

On the Reports that you are being told about, we as Committees and those of us who had the CECMs interrogated them and the Clerks compiled Reports. Those Reports followed us to Mombasa as the Budget and Appropriations Committee. We even do not have the views of the people that we represent and we do not know if they are in the Budget or not.

It is only prudent to have Members who represent- and I repeat- because I want to underline the word represent so that it can be well understood. We represent the people from our wards and Members will know the interests of Wanjiku that were given at the grassroots---

(Loud consultations)

Hon. Stanley Muhia: Mr. Speaker, I beg to continue. The Budget making process is supposed to be a bottom up process. Therefore, it is supposed to be Wanjiku's views---

(Hon. Ruth Wambui rose on a point of order)

The Speaker (Hon. Nduati Kariuki): This is not a debate. You were giving a Point of Information

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Wait a minute, can we have that Point of Order now.

Hon. Ruth Wambui: Thank you Mr. Speaker, I would like us as Hon. Members to come and understand what we are doing here which is not for our own interests but for the people we represent. I am totally disappointed by my Chairperson for the Governance, Labour, Justice and Legal Affairs Committee who has said that we invited the CECM to come and deliberate with us, I am totally disappointed and I wonder what we were doing because after the CECM left, we were left with the Hon. Members, the Chairperson and we really discussed at length to a point whereby we requested for clarification on the medical cover for the County Assembly. That was the main point that we dwelt on with the Chairman when we went to Mombasa while looking at the Budget for the Public Service. I therefore wonder what we were doing.

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Hon. Members, this debate will not end. It will not because there will be this side and that one. The Speaker will now make a ruling.

(Hon. Kiiru Mwangi rose on a point of order)

The Speaker (Hon. Nduati Kariuki): Can you sit down Hon. Kiiru!

Hon. Kiiru Mwangi: Just the last one Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): The last one and then I will make a ruling.

Hon. Kiiru Mwangi: Thank you Mr. Speaker, in fact this is a House of law and order and let us be guided by the law and we quote the necessary statutes. If you go to Article 107 (2), it says that the County plans shall be the basis for all budgeting and spending. Mr. Speaker without any plans there is no way we can have a Budget and there is no way we can purport to Table any Estimates.

Article (3) of the County Government Act says that, "The County plans shall take due cognizant of the financial viability of all the development programs." Mr. Speaker if we do not have in place a planning framework and that is the CIDP and the ADP and the procurement plans, although they are not Tabled in this House, Mr. Speaker, we will be doing a lot of disservice to the people of Murang'a County by Tabling Estimates that do not have any policy that informed the Budget Estimates. I beg to sit, thy will be done.

The Speaker (Hon. Nduati Kariuki): Right, okay.

(Several Hon. Members rose)

The Speaker (Hon. Nduati Kariuki): Sit down now! Like I have said and I will repeat again, I agree with Hon. Kiiru, that before we pass this Budget, there are certain things that have to be done and procedures followed. There is the passing of the Budget and there is the Appropriation Bill, where members have an opportunity to object on any ground. But to speed this process, we do not want to take time. I am ruling that the Paper be laid. No more standing orders.

(Applause)

Hon. Francis Kibe: Thank you Hon. Speaker for your wisdom. I beg to lay the following Paper on the Table of the House;-

That, the report of the Select Committee on Budget and Appropriations on the Murang'a County Government Estimates of Revenue and Expenditure for the FY 2018/2019 and over the medium term, be laid on the Table of the Assembly.

The Speaker (Hon. Nduati Kariuki): Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON MURANG'A COUNTY GOVERNMENT ESTIMATES OF REVENUE AND EXPENDITURE FOR THE FY 2018-2019

Hon. Francis Kibe: Mr. Speaker, I wish to give the following notice of motion on adoption of the report on Murang'a County Budget and Appropriations committee on the Government Estimates of Revenue and Expenditure for the FY 2018/2019.

That, this House adopts the report of the select Committee on Budget and Appropriations on the Murang'a County Government Estimates of Revenue and Expenditure for the FY 2018/2019 and over the medium term.

Thank you Mr. Speaker.

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Next business.

MOTION

ADOPTION OF REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON MURANG'A COUNTY GOVERNMENT ESTIMATES OF REVENUE AND EXPENDITURE FOR THE FY 2018-2019

Hon. Francis Kibe: Thank you Mr. Speaker. Adoption of the Report on Murang'a County Government Estimates of Revenue and Expenditure for the financial year 2018-2019.

That, this House adopts the report of the select Committee on Budget and Appropriations on the Murang'a County Government Estimates of Revenue and Expenditure for the FY 2018/2019 and over the medium term.

Mr. Speaker, on behalf of the Members of the County Budget and Appropriations committee and as required under standing order 221 which gives direction on how the Estimates of Revenue and Expenditure will be dispensed with by the House, I hereby present to the House, the committee's Report on the Budget Estimates for the 2018/19 financial year.

Mr. Speaker sir, the committee appreciates the members of the public for attending the public participation and giving their inputs without which this process would not be complete. We also appreciate the sectoral committees for their unending efforts to ensure that departmental Budgets reflect equitable distribution of resources and value for money. Further the committee wishes to thank the County Treasury for fulfilling their mandate on the submission of the Estimates and also for spearheading consultative forums during deliberations of this report.

Mr. Speaker sir, I am therefore privileged to practice my mandate and as the plight of the Budget and Appropriations committee Table this Report and recommend it to the House for adoption.

Mr. Speaker, the Budget Estimates FY 2018/ 2019 were submitted on 30th April 2018 together with the County Integrated Development Plan (2018-2022) and the Annual Development Plan (2018-2019). The Budget Estimates were Tabled before the House on 7th May 2018 and consequently committed to the Budget and Appropriations committee as well as all other sectoral committees.

Mr. Speaker, submission and approval of Budget Estimates FY 2018/ 2019 is anchored in the Constitution of Kenya 2010 (220), the Public Finance Management (PFM) Act 2012 section 130 and section 131, the Public Finance Management Act (PFM) Regulation 37 and the Murang'a County Assembly standing order 221. The County Treasury and County Assembly submitted their respective budgets on 30th April 2018.

Mr. Speaker, given that the Budget committee scrutinized and approved the County Fiscal Strategy Paper 2018, the County Budget and Review Outlook Paper (CBROP) 2018/2019 and identified that the County has no debts and is not intending to borrow during the FY 2018/2019. The Committee requires that any policy document coming after the approval of this Estimates be aligned to it accordingly.

Mr. Speaker this House applauds the County Treasury for submitting the Estimates on time as per section 129 (a) of the PFM Act 2012. However, the Finance entity contravened section 129(b) of the Act for failure to consider some resolutions of the County Assembly on the approved County Fiscal Strategy Paper 2018 and also lack of supporting documents to assist in prudent budget approval.

Mr. Speaker, the mandate of the County Assembly over the Budget Estimates is provided for by section 131 (2) of the PFM Act 2012 that stipulates for consideration of the Estimates with a view of approving it with or without amendments by 30th June every financial year. While considering the Budget Estimates, the committee should find out whether the Estimates are in line with the approved CFSP. Mr. Speaker, the projects approved in the CFSP have been included in the list of projects in the Annual Development Plan and the CIDP

Mr. Speaker, this is the analysis of the revenue and expenditure, starting with the Resource Envelope; Equitable Share from the national government Kshs6,248,600,000, Road Maintenance Fuel Levy Kshs164,520,196 User Fees foregone Kshs20,138,691, DANIDA grant Kshs20,756,250, DANIDA grant balance brought forward from 2017-18 Kshs8,505,145, Agricultural Sector Development Kshs13,153,855, balance brought forward(Re-voted) 2018/2019 Kshs523,239,371, Polytechnics Grant Kshs65,710,000, THSUCP Grant 50,000,000 NAGRIP Grant Kshs140,435,163, Local Revenue Ksh800,000,000 KDSP Grant 48,244,593 Kenya Urban Support Program Kshs62,437,600 KUSP balance brought forward Kshs40,000,000. The total Resource Envelope for this County is Kshs8,205,740,864.

Mr. Speaker, public views on the Budget Estimates: I am delighted to report that this Assembly complied with Articles 1(2), 10(2), 27, 33, 35, 196 (1) and 201(a) of the Constitution of Kenya 2010, sections 113, 87 and 88 of the County Governments Act 2012 and sections 125 (2), 175(a) and 207 of the PFM Act 2012 on the obligation to involve the public in budget approval process.

Mr. Speaker, as you are aware public hearings on the Budget Estimates FY 2018-19, CIDP 2018-22 and the Annual Development Plan 2018-19 were planned to be conducted on 11th, 12th, 13th and 14th June 2018 in all wards as per approval of by the Budget committee.

The said exercise Mr. Speaker happened in 31 wards (88.57%) successfully whereas in four wards namely: Mbiri, Gatari, Gitugi and Ruchu public participation did not take place despite planning and presence of technical team in the venues.

However, Mr. Speaker, Honorable members are aware that advertisement was made on the website, newspaper and local media/ radio stations for any member of the public with budget reservations to forward a memorandum to the office of the Clerk on or before 14th June 2018. The Budget committee is therefore satisfied with the process of public participation conducted though improvement will be done in future to ensure proper planning and communication.

Mr. Speaker, the Budget Estimates were laid on the Table of the Assembly on 7th May 2018 and stood committed to all the sectoral committees as per Murang'a County Assembly Standing Order 221 (3).

Mr. Speaker, these are the recommendations of the Budget and Appropriation committee;

1. That the approved County Fiscal Strategy Paper (CFSP) 2018 be the basis of Budget Estimates FY 2018-19.
2. Given that the CEC Finance, IT and Planning submitted Budget Estimates without accompanying documents such as report on pending bills, revenue raising measures and an implementation status schedule, the committee recommends that in future no Budget shall be tabled in the House without other relevant materials to guide the committee in analyzing program allocations
3. To address the issue of late submission of County Integrated Development Plan (CIDP 2018-2022), and Annual Development Plan (2018-19) the projects approved in the CFSP 2018 shall be implemented by the approved Budget Estimates FY 2018-2019

where by 70% of the total development funds shall be utilized for the ward projects that will be in the ADP 2018-2019 as well as the CIDP 2018-2022.

4. Going forward, the County Treasury should ensure that there is a linkage between the Budget Estimates, the Annual Development Plan, the County Budget Review and Outlook Paper, the County Fiscal Strategy Paper and the County Integrated Development Plan. Further, the documents should be forwarded to the County Assembly as per legal timelines. The Budget and Appropriations committee understands that the FY 2017-18 was a unique year characterized by numerous economic and political instabilities across the country. However, the County Treasury should strengthen the County financial system so that in future the Budget cycle is not affected by external shocks.
5. To improve the system of Budget formulation in the County, the County Treasury should formulate the Budget and Economic Forum as per section 137 of the PFM Act 2012. The Forum should generate Budget ideas from the needs of the people ranging from priority areas to non-priority requirements.

Financial recommendations Mr. Speaker;

1. That the total estimates of revenue and expenditure be Kshs8,205,740,863 where Kshs5,015,315,047 (61.12%) is for recurrent expenditure and Kshs 3,190,425,816 (38.88%) is for development expenditure.
2. That every arm of the government be allocated the following revenues in the FY 2018-2019, County Assembly Kshs894,036,391 (10.9%), County Executive Kshs7,311,704,472 (89.1%)
3. That pursuant to Regulation 35 (1) of the PFM Act 2012, the County Fiscal Strategy Paper shall form the basis for Budget approval. Given that the County Treasury did not consider resolutions of the County Assembly on the County Fiscal Strategy Paper 2018 neither did the CEC Finance provide a memorandum on the reasons for deviation, the Budget and Appropriations committee decides that the Budget Estimates shall be approved as per the fiscal ceilings in the following programs/department;
 - i. Commerce, Trade and Industry Kshs66,959,720
 - ii. County Assembly Kshs894, 036,391
 - iii. Governorship Kshs238,079,004
4. To harmonize the departmental ceilings and balance the Budget Estimates the following votes be allocated funds as follows; County Assembly Development Program Kshs207,654,573, Road development-other roads Kshs404,523,069, Education interventions Kshs80,000,000
5. That allocations be effected as per attached Schedule A, B , C, D and E that shall form the basis for budget implementation FY 2018-2019. Governorship: recurrent 236,079,004, development 2,000,000, total 238,079,004. Finance, IT and Planning Recurrent 198,542,632, Development 42 million, total 240,542,632.

(Hon. Kihurunjo Mwangi rose on a point of order)

Hon. Kihurunjo Mwangi: Mr. Speaker, the Chair for Budget committee has said that in my ward public participation did not take place, so that one contravenes Constitution of Kenya Article 196 (1) (b) which says that the Assembly should involve the public on its matters. So in

my ward the public participation did not take place. I don't see the need the chair Tabling the budget.

The Speaker (Hon. Nduati Kariuki): Oder! I have already ruled about this and you will have opportunity about this when it comes to debating. Thank you and continue. Everyone will have opportunity to debate.

Hon. Francis Kibe: Thank you, Agriculture recurrent 206,089,011 development 447,839,018, total 653,928,029. Energy department recurrent 98,240,606 development 989,043,265, total 1,087,283,871. Commerce recurrent 6,781,954 development is non-----

The Speaker (Hon. Nduati Kariuki): Oder! You cannot read us the whole document. All you need is a summary.

Hon. Francis Kibe: Mr. Speaker this is a summary I am doing. I am just reading the totals.

The Speaker (Hon. Nduati Kariuki): Listen, do a summary quickly.

Hon. Francis Kibe: Mr. Speaker, as I had highlighted earlier, the total recurrent is 5,015,315,047 and the total for the development of the County is 3,190,425,816. I request this honourable House to support this Budget. I hereby call Hon. Dinah Muthoni to second the Motion, thank you.

Hon. Dinah Muthoni: Thank you Mr. Speaker, I rise to second this Motion. Having gone through the entire process of Budget scrutiny, I am proud to argue that these Estimates represent the first face of development agenda for this County during the second devolution time.

As the budget committee we have identified value for money in each item of expenditure contained in this Estimates. It is true that this Budget will improve the livelihood of Wanjiku and the residents of Murang'a in the FY 2018/2019.

Mr. Speaker, pursuant to Article 201 of the Constitution 2010, the members of the Budget committee spearheaded public participation and ensured that approvals of these Estimates consists the needs of the people. Mr. Speaker, I second.

(Question proposed)

The Speaker (Hon. Nduati Kariuki): Members can now air their views. Hon. Kiiru.

Hon. Kiiru Mwangi: Thank you Mr. Speaker. I wish to give my reservations on the said Estimates and I want to draw to the attention of this House that some of these things we are doing will come back to us at one point or another. There are some things we had invited the CECs to come and clarify during our meetings and some of them never turned up. This is why we do not have several sectoral reports. We did not have the policy statements that informed some of these plans in the Budget.

The Chair Budget has clearly indicated that these documents were never tabled by the CEC when he was bringing the Budget Estimates. In Article 130 (1), the CEC is supposed to attach all the documents in respect to the Budget. This includes the Budget summary policies, the Budget Estimates, and information relating to any payments and liabilities.

Mr. Speaker, these are some of the pending bills that we have been asking the CECs to bring. When we were vetting the Chief Officers (CO's) they indicated to us that we have pending bills close to a billion and they are supposed to be catered for when we are doing this document. We also needed to have the implementation status of the projects that need further funding like the multi- year project as stipulated in the PFM regulations paragraph 50 (4). Mr. Speaker we also needed departmental reports including the quarterly, missed targets and the measures being taken to achieve them for consideration in the same Budget.

Mr. Speaker, Article 130(1)(c), these liabilities are supposed to be in this Budget and they actually include some unremitted statutory deductions and we are going to a tune of more than 300,000,000. Mr. Speaker, we will be doing a lot of disservice to the people of Murang'a if we do not even follow our standing orders. The reports are supposed to have been compiled by the sectoral committees, tabled to the Budget committee for them to do their own consideration in accordance with standing order 193 of this County Assembly.

Mr. Speaker, standing order 221 also gives the sectoral committees the opportunity. This is why we were seeking for at least two days for each sectoral committee to sit outside, write their report and bring them to the relevant committees in respect to the Budget, ADP and CIDP but the Liaison committee was sabotaged last week.

Mr. Speaker, if you look at Article 129 (2), of the PFM Act 2012, the CEC is supposed to ensure that the Estimates are in accordance with the resolutions adopted by the Assembly on the County Fiscal Strategic Paper. If you look at ceilings that were raised or were given, Mr. Speaker the CMSP ceiling was 7.43 billion but the Estimates that were bought were at 8.254, an increase of 0.824 billion. The Assembly Budget and these are some of the things that we need so that we can do our duties diligently, our CMSP ceiling was 894 million but it was reduced to 716 million, a denial of 177 million.

Mr. Speaker, Article 131 (3) of the PFM Act is also very clear that amendments to the Assembly Budget must be in accordance with the CFSP. We have not fulfilled this and we need that to be done. PFM regulation of 2015, Article 26 (4) Mr. Speaker states that, "The approved CFSP shall form the bases of the Budget. "This was not considered and we have been crying for this to be done so that we go in line.

Mr. Speaker the CIDP and the ADP are the principles of budgeting and County Government as I had quoted that, Article 102 up to Article 107 are very clear, the County Budget is determined by the County plans. Actually it is very clear that County plans shall take due cognizant of all financial viabilities, it shall form basis for all budgeting and spending. Our standing orders also give priorities to CIDP and ADP. Mr. Speaker, standing order 227 (5), approved CIDP -----

(Hon. Nahashon Gachuhi rose on a point of order)

The Speaker (Hon. Nduati Kariuki): Point of order.

Hon. Nahashon Gachuhi: Mr. Speaker, I think what Hon. Kiiru Mbembe is doing is right but he should be brief. We have gone through this thing and we know how it is. He should not take all of our time because we need to finish with this business. Thank Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Take note.

Hon. Kiiru Mwangi: Thank you Mr. Speaker. I think I can take that note but I have to exhaustively give the statutes that we need to consider. I have no problem Mr. Speaker. My vote might be one but my conscious will be clear and I will never feel guilty.

Mr. Speaker according to the Standing Order 227, it is very clear that approved CIDP shall set forth the development priorities for that period and we do not have any in place. Approving this will be going against the law.

According to the guidelines that were given by the Controller of Budget on 30th May 2017, reference number COBDB1 (020) (3), Mr. Speaker this was circular number 16, the documents that are required to be tabled to the Controller of Budget at the beginning of every financial year,

the first document is the CIDP, the second document is the ADP, the third document is CBROB. We have some of these documents.

(Hon Charles Mwangi rose on a point of order)

Hon. Kiiru Mwangi: Mr. Speaker, because even the Controller Of Budget-----

The Speaker (Hon. Nduati Kariuki): I would like you to give him an opportunity to finish without points of order.

Hon. Kiiru Mwangi: Yes. I will not stand again Hon. Ichagaki.

The Speaker (Hon. Nduati Kariuki): But please be brief.

Hon. Kiiru Mwangi: Yes. In fact Mr. Speaker I am summing up. Even the Controller Of Budget understands that these documents are very important. The releases of the next financial year do not start on the first of July. Actually, sometimes they even commence in August.

We can give this House the opportunity to align and clear out these issues that are being raised and we shall not lose anything. PFM regulations article 38 gives us an opportunity to survive even if we do not have the documents in place. Sub-Article 2 clears that once the Appropriation is passed then article 1 then becomes null and void. So, the opportunity of survival or working is still there. There is nothing that can stop.

Mr. Speaker, I think when times are tough, constant conflicts may be good politics, but in real world, co-operation works better. Mr. Speaker, after all, even a broken clock is correct twice a day. Progress is impossible without change and those who cannot change their minds cannot change anything.

Mr. Speaker we are here, we are made wise not by recognition of what we did but taking responsibility of our future. We have a future and we have a life. I want to reiterate the words of one of the professors of politics in Kenya, "Bad politics is bad life." As I conclude Mr. Speaker, the politics that we are playing here will be detrimental to Wanjiku. I rest my case in your heart you know I am right. I know I am right. Thank you.

Hon. Jecinta Ng'ang'a: Thank you Mr. Speaker. I am the MCA Township ward. I would wish to concur with my learned friend that this is a House of orders, laws, and this House is guided by Standing Orders, but my dear friend, Wanjiku does not know that-----

(Applause)

(Laughter)

Hon. Jecinta Ng'ang'a: You have just told us that we are doing disservice to Wanjiku and the moment that we are sitting here wasting all this time telling us all these things -----

(A Hon. Member rose on a point of order)

(The Speaker interjected)

The Speaker (Hon. Nduati Kariuki): Let us give whoever is speaking an opportunity to explain herself.

Hon. Jecinta Ng'ang'a: Yes. Mind you that the roads are very pathetic, they are impassable, so, we should pass this Budget as it is because everyone who is in the committee that he or she represents was given an opportunity and time to go through the budget. So, Mr. Speaker we are wasting time and Wanjiku is waiting for us. I support.

(Applause)

The Speaker (Hon. Nduati Kariuki): Hon. Kihurunjo.

Hon. Kihurunjo Mwangi: Thank you Mr. Speaker. I represent the people of Gitugi. I stand to oppose the Budget.

(Applause)

Hon. Kihurunjo Mwangi: One, Mr. Speaker, is that if you look at the Budget, there are some of the statutes that it does not comply with. If you look at the Constitution that I was talking about, Article 196 (1)(b) of the Constitution of Kenya, it talks about Assembly to involve the public in its matters. As I stand here, I have the document with me from Gitugi ward where public participation did not take place. That means I cannot support the Budget as it does not meet the threshold. Public participation did not take place in my ward.

If you also look at the Budget Mr. Speaker, there is money, 30 million allocated for youth empowerment. I will read the Public Finance Management Act 129 (1)(b) Mr. Speaker. It states that, "The County Executive Committee Member of Finance shall submit to the committee for its approval the draft Bill at any County level required to implement the County Government Budget." So, if you look at money, 30 million for the youth, it is supposed to be accompanied by the Bill for that empowerment. We do not have that document with us.

Another thing, Mr. Speaker, is to do with the money that is allocated for the grants. If you look at the PFM Act 2012, it is well stated that the money allocated for the grants must accompany the regulations which we are supposed to follow when we are utilizing that money. There is nothing like that in this Budget.

As I sit down Mr. Speaker, I want to say that in the court of Kiambu, I want to cite the Kiambu case; there was a rule by Justice George Odunga to do with public participation. If it is not effective, what the judge does is to nullify that Budget. In this case, there is no effective public participation. So, it means that in that document, our people, Wanjiku, are not well represented. Their views are not in that document.

I am talking about my ward. That is why I am saying that-----

(Loud consultations)

Hon. Kihurunjo Mwangi: I am saying that--- the document is here, somebody can read why the public participation did not take place in my ward. The document is here written by the clerk assistant and the Hansard and the Serjeant is there. It is not Kihurunjo who has written this document my friend. It is the people who were sent by this Assembly. It means that in that document my people are not represented. That is why I am saying that I one hundred percent oppose that Budget. Thank you Mr. Speaker.

(Applause)

The Speaker (Hon. Nduati Kariuki): Hon. Morris.

Hon. Morris Thuku: Thank you Mr. Speaker. I am grateful to stand on this memorable and monumental day since it marks my first time to support the Budget for the people who sent me here.

(Applause)

Hon. Morris Thuku: To start with, Mr. Speaker sir, I personally conducted public participation in my ward which was very peaceful.

(Applause)

Hon. Morris Thuku: My boss who, is Wanjiku----

(Laughter)

Hon. Morris Thuku: Sent me here and unanimously agreed to what was in this Budget. Who am I say no?

(Applause)

Hon. Morris Thuku: Secondly, Mr. Speaker, the whole document may not be perfect since no one is perfect, but I tend to say that for this House to move, we need to pass this Budget Estimates today Mr. Speaker for Wanjiku to get the service, the Budget Estimates need to pass today.

(Applause)

Hon. Morris Thuku: Mr. Speaker sir, if you look at the majority party of this country, the Agenda Four, the Budget Estimates have uniquely and widely covered on the Agenda Four of His Excellency President of this country. For example manufacturing; the Budget covers on the issue of MCC, which is value addition of milk, universal health very clearly articulated in this Budget, housing, and food security.

Notably, it is to the concern of this House and His Excellency the Governor on the issue of the rising of recurrent expenditure that stands at 5 billion out of the total budget of 8 billion. We urge the executive to look on the measures of how they can cut on the recurrent expenditures so that much the budget in future can go to development. We support and I highly support automation which shall make this County realize its revenue targets of 800 million and we request for this to be done like yesterday. I support the Budget Estimates.

(Applause)

The Speaker (Hon. Nduati Kariuki): Hon. Murigi Amos

Hon. Murigi Amos: Thank you very much Hon. Speaker. I take this particular opportunity to just raise a few issues. As I raise these few issues concerning this Budget, I think one thing and we are in agreement because we are not enemies, this is politics and when it comes to politics you have to push your agenda. But some of our peoples' agenda is a bit suspicious. Nevertheless, I think this County is bigger than anyone of us. If you look critically, our Governor has only four years to go and I think you also have those four years, but this County will remain. It is very important that as we also disagree on some of these issues, I think it is important we reason together.

I have seen other counties like Nairobi, Nyamira, and Kwale where there were acrimonies like these but the Speaker had to suspend for two days so that people can sit down and thrush a few issues. We are all in agreement that we require a Budget for the 2018/2019. What I would

say is that the chairman for Budget and Appropriations committee has admitted that the CFSP was not taken into consideration. We have a problem Mr. Speaker whereby I remember two months ago and even last week, it was unanimous from some of these members that we are not going to pass a Budget which is not itemized.

I know Mr. Speaker----. Mr. Speaker three days ago I met with some two Members of the Parliament and they were indeed very happy when the Budget was read. As the Honorable Member for Maragua "I have been able to squeeze two roads in Maragua and one has been given 201 million and the other one 113 million." Mr. Speaker as we come out of that door, I will be asked by the people from Kimorori, "You have passed the Budget, which particular road will be considered in the next financial year?" If we come to the issue of water projects, that is why we were insisting on the issue of itemization.

Hon. Speaker, in the last Assembly there was the issue of one billion road project which was lumpsome. The Assembly could not be able to oversight some of these projects: That is where the biggest problem is. Mr. Speaker as we sit down here today deliberating on this report, you know there is also the issue of the Finance Act, all transporters are on strike today and the problem is this Assembly has been assumed, already the executive, we have not passed the Finance Bill and it has not been brought here but the Executive has implemented it. We have not enacted that Bill and today they are charging. All of them are outside up in arms. The last one which was considered by this Assembly was done around two years ago of which is a document that should be approved by this Honorable Assembly every year.

Mr. Speaker, not unless you want to render us irrelevant and it is indeed very hard because this will go in history, even 30, 40 years to come there are people who will refer to what we are doing today, that we are very busy rendering this Assembly useless, because we have our responsibilities drawn from the Constitution Kenya, but what am I seeing Mr. Speaker?

As I also look at some of these issues, remember we invited majority of the CECs but they could not find time. Remember this is the time that they require us to pass the Budget. If they could not afford to come and reason with us, how are we going to deal with them in the year under review if they cannot appear in this particular time? I remember we require to consider-- but we are not enemies but we know who our enemy is. We are not enemies and it is important that we reason together because I know that the moment the Assembly is divided like this there are people who are very eager and they are also beneficiaries of the same.

(Applause)

Hon. Murigi Amos: Mr. Speaker as I conclude, I know and I have critically looked at those Estimates, the Executive is very poor in matters of policy. Remember today there is an issue going on, 'One family one cow.' That policy has not come to this Assembly and it is already been owned outside there having by passed the Assembly. If we ask these members, nobody knows about it today, it is important because I want to go in history, when I heard about it last week, I had to do an invitation and Hon. Speaker, can you allow me time to Table a document here which will form records for the Assembly. This document is from the Commissioner for Co-operatives and it is dated 22nd of this month, I am about to Table because it has-----

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): I would rather allow the speaker to finish, If we interrupt him with too many..

Hon. Murigi Amos: I must read because it will be a document of the Assembly.

The Speaker (Hon. Nduati Kariuki): You lay it formally

Hon Murigi Amos: I will do it formally and this document I am going to do it formally and this document is a search for 'one family one cow program' and search for officials as I read; One is George Gitau Murimi who is the Chairman and sub-county administrator Gatanga, number two Fredrick K. Munyua who is vice- chairman and sub-county administrator Kigumo, we have Beatrice Wairimu Gicheha Treasurer and sub-county administrator Kandara and Wilson Kuria Thuita who is Secretary he was sub-county administrator Kangema and now he is the Deputy County Secretary. This is a document I want to lay here, if anything happens I think you are going to refer to this particular document and I hand over the Assembly.

(Hon. Murigi Amos laid the Paper on the Table)

Hon. Murigi Amos: As I conclude, I had more documents which I wanted to Table here but unfortunately when I was pinned down and some two documents were removed and some Kshs15, 000.

(Laughter)
(Consultations)

Hon. Murigi Amos: Lastly last week but one I brought a Motion here on issue of decentralization of services on County Government and it was passed by this Assembly and there was a clause that this will be subject to the approval of Finance Budget 2018/2019 which has not been done and the CEC never came and I now humbly beg these Hon. members to shoot down these Estimates.

Thank you Mr. Speaker, my conscience is clean, is clear and it will never haunt me. Thank you.

The Speaker (Hon. Nduati Kariuki): Ichagaki

Hon. Charles Mwangi: Thank you Mr. Speaker. Im glad for you catching my eye.First I will congratulate Hon. Kiiru Mwangi for quoting a lot of standing orders but they are all summarized by standing order 228 and Section 112 for County Governments Act which states clearly that all whatever has been discussed can be amended.

Mr. Speaker sir, I also congratulate Hon. Murigi for being a doctor who can declare a virgin to be barren when all machinery are in 100% in operation mode.

(Laughter)

The Speaker (Hon. Nduati Kariuki): I think I allowed everybody who spoke to speak uninterrupted, so let us allow him to speak

Hon. Charles Mwangi: Mr. Speaker sir, as I stand, I support the Motion and the first thing is to understand the Budget concept. It is a strategic plan, it is an estimation of revenue/ expenses for specified period of time and probably it is one year. If you agree this is a formulation, whatever we are discussing here Mr. Speaker sir, they need only to understand that this Budget is flexible and can be amended at any time. Mr. Speaker sir, not unless a fool who can oppose something that is put on the paper-----

The Speaker (Hon. Nduati Kariuki): Order! Order! Order! That is unparliamentary there are no fools in this Assembly.

(Laughter)

The Speaker (Hon. Nduati Kariuki): Kagundu-ini.

Hon. Mburu Muthoni: I thank you Mr. Speaker, I am one very jealous person when I sit and watch over the media what other Counties have done to their people. Like the County of Makueni to put it categorically, which was even acknowledged by His Excellency the President. I also quote categorically the County of Pokot which has been a dry land all the years but today we can even get the time to go for bench marking there.

Mr. Speaker, today I only put two things across. I want to get my conscience free. One thing Mr. Speaker this Assembly spent money on adverts concerning the public participation. Public participation was conducted on 31 wards as Chair Budget has stated and after public participation there was no time at all and if I can remember very clearly, there was no time allocated for the full House to recheck on the issues that has been proposed or highlighted by Wanjiku whom we were calling for public participation: that is number one.

Number two Mr. Speaker, the issue of sectoral committees; I am the Chair for Public Works and Infrastructure. We invited the CEC and even the secretariat is very much aware, there were terminologies that we could not define on our own, so we invited the CEC so that we can be guided on how we can do the report for this particular committee, the CEC was not available.

Mr. Speaker as we sit here today you are the head of the Assembly, and being the head of the Assembly one thing that you said when you were seeking this position you said you will consider with no merit of favour at all when you are making your decisions and that is prudent. And Mr. Speaker, I stand to state that it is good to do something in the right way from the word go. The time, a whole year has gone- Murang'a deliberately- we have done nothing but the other Counties have moved. As I sit here Mr. Speaker if we were to do or decide to do things in the right way. One, I do not have any differences with any single member in this House. Number two, when people sit together and communicate and air out their views there is likelihood and it is 95% there is likelihood of getting solution to an issue.

Mr. Speaker, I would advise you defer this sitting, even if it is for a day, so that we can have all these reports compiled so that now you will be making a decision on all that has been worked on and all the contributions pegged upon these Estimates are already in place. I stand to oppose, thank you very much.

Hon. Sospeter Nyoko: Thank you Mr. Speaker, I stand to support. One thing, we did public participation and it is very clear that over 90% of Murang'a people presented their views and in fact they supported. It is only that there are few wards where public participation was not done and I think it is because their leadership was opposed to that. As I stand to support let us look into that. I thank you Mr. Speaker.

Hon. Nahashon Gachuhi: Thank you Mr. Speaker, I stand to support and make some comments. Whatever we are doing right here will affect the people of our County for next one year. Let us be very categorical and very particular here because we cannot put our vested interests and our political affiliations in the Budget so that we can shoot it down and have some recommendations from wherever one gets them from.

What we should do is have a declaration here that the Budget with some few issues it has, let us pass it because there is always Supplementary Budget that comes after: that is the time that we

can be able to look at this Budget and see where we never appropriated well and continue as our County continues.

We cannot have political differences that will bring the Budget down. For example Mr. Speaker I got shocked when I saw somebody post pupil from his ward with a worn out sweater, that he wants us to shoot down the Budget because that kid has a worn out sweater. That is primitive. We should concentrate on the matters of the Budget and have a good will towards our County. Thank you Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): I think we have covered the subject, I will ask the Mover to respond.

Hon. Francis Kibe: Thank you Mr. Speaker, I will take this opportunity to thank all the Hon. members both those who have supported and those who were of different opinion.

I will start with Chair Finance, he touched on various issues number one on issue of public participation: there was memorandum requirement for any member of public to do so by 14th day of June 2018, we never received any memoranda.

On submission of relevant documents, the committee on Budget and Appropriations felt it will not be held back by the County Executive where the CEC did not turn up. The Assembly is independent and Budget and Appropriations committee is independent and should not be held back at all.

Lack of proper management of time by sectoral committees cannot prevent the Budget committee from doing its work; enough time was given from 5th May 2018.

On issue of CIDP, you have made a wise ruling that the committee on Finance to meet today and do a report before Appropriation Bill comes to this Floor and do a report hence the documents will be available as we start the next financial year.

On issue of co-operation touched by Chair Finance, with all due respect to the Chair Finance, I feel he is the one who sabotaged the spirit since even his ward did not do public participation.

Mr. Speaker, public participation as it was touched by the Deputy Speaker, it was 88% across Murang'a County, in terms of grading that is a straight A. Advertisement was done conclusively, it was done well so we have done our good job.

On issue of grants as was touched by Hon. Kihurunjo, the grants are guided by County Allocation Revenue Act. I wish to advise this Honourable House that the Clerk of this Assembly did give all the members through WhatsApp group the County Allocation Revenue Act.

Mr. Speaker, Hon. Amos touched on the issue of itemized Budget and the law calls for program-based budget but this Assembly needed to be safe and therefore the projects that were done by all members of this Honourable House were attached to the CFSP and we have said that this should be merged with CIDP and ADP which has been done. So all the projects that we did including all those roads that need to be done they are there in our policy documents. Mr. Speaker we have requested all policy papers to be brought to this Assembly and we are going to follow that matter as an Assembly closely.

Hon. Amos had a document that he wanted to Table in this House, the document he has was to be submitted by 14th June 2018, where memorandum were to be submitted otherwise he is totally late.

Hon. Peter Mburu touched on the issue of time for sectoral committees; remember time was given on 18th and 19th June 2018, for all committees to do their reports on public participation: time was enough.

If we have done nothing as was said by Hon. Peter Mburu; if this House or the executive has done nothing in that one year, Mr. Speaker we need to do something in next financial year, that is why we do not need to be sabotaged in any of our processes.

I thank you all for supporting this Motion and I request this Honourable House to support this Motion so that our County can continue. I thank you all Hon. Members, I thank you Mr. Speaker.

(Question put and agreed to)
(Several Members rose calling for division)

DIVISION

The Speaker (Hon. Nduati Kariuki): It is right for members to have a division so we shall have a division. Arrange for a division.

According to Standing Orders, we are going to have the division bell for 10 minutes so that whoever is out can come in. I ask the Serjeant- At- Arms to ring the bell for as long as is necessary to call out those who are outside if there is any.

(Division bell rung for 10 minutes)
(Hon. Morris Thuku on a point of information as division bell continued to ring)

Hon. Morris Thuku: Mr Speaker sir, a point of information, it is to my concern when you raised the question you finally said the Ayes have it, so it was very clear on you the Ayes had it why the division?

The Speaker (Hon. Nduati Kariuki): It is very clear that if there is any doubt among the members there should be a division which is a head count.

(Consultations))

The Speaker (Hon. Nduati Kariuki): Order! Honorable members, we can now proceed with the division. The procedure is that we have all doors closed and nobody should get out before the end of the division. The procedure for division is that we shall have two tellers one for Ayes and the one for Nays, who will be recording the names as each member stands and says if they vote yes or no. This will be recorded and the numbers will be tallied against the total numbers and then the result will be announced. I would like the Ayes people to give me one person as their teller and the same to the Neigh people.

(Hon. Jecinta Ng'ang'a was the teller for the Ayes and Hon. Murigi Amos was teller for the Nays)

The Speaker (Hon. Nduati Kariuki): The tellers can sit here and have the forms ready. The Clerk will call names one by one and each person will announce if they vote yes or no. There is no secret ballot in this case. Can we go ahead?

(Tellers took their seats at the Table)

RESULTS OF THE DIVISION

AYES

1. Hon. Isaac Kamote Waciama
2. Hon. Caroline Njoroge
3. Hon. Erick Kimani
4. Hon. Peter Murigi
5. Hon. Peter Mweri,
6. Hon. Elizabeth Mwangi
7. Hon. Alex Makau
8. Hon. Wangari Kigo
9. Hon. Waithira Ndung'u
10. Hon. Charles Ruga
11. Hon. Charles Ng'ang'a
12. Hon. David Ng'ang'a Wagathoni
13. Hon. David Ng'ang'a Kiiru
14. Hon. Dinah Kagiri
15. Hon. Duncan Muturi
16. Hon. Eunice Nduta
17. Hon. Francis Kibe
18. Hon. Gerald Wambugu
19. Hon. Ibrahim Ngundo
20. Hon. Jacinta Ng'ang'a
21. Hon. Jane Muigai
22. Hon. Joel Murigi
23. Hon. John Kairu
24. Hon. John Mungai
25. Hon. Ruoho Wangechi
26. Hon. Wambui Njoki
27. Hon. Lucy Ngugi
28. Hon. Morris Thuku Gathoni
29. Hon. Moses Murigi
30. Hon. Nahashon Murigi
31. Hon. Pelagiah Muthoni
32. Hon. Muthoni Mburu
33. Hon. Sarah Njoroge
34. Hon. Simon Wamwea
35. Hon. Sospeter Nyoko
36. Hon. Stephen Chege
37. Hon. Zablon Machugu

NAYS

1. Hon. Murigi Amos
2. Hon. Cathryn Wanjiku
3. Hon. Kiiru Mwangi
4. Hon. Chege Mwangi
5. Hon. Kongo Kihara

6. Hon. Waweru Mwangi
7. Hon. Kihurunjo Mwangi
8. Hon. Stanley Muhia
9. Hon. Peter Githuka
10. Hon. Mburu Muthoni

ABSENT

1. Hon. Kibe Githuka
2. Hon. Flasia Nduta
3. Hon. Lilian Kabaya
4. Hon. Milkah Ngare
5. Hon. Passy Kang'atu
6. Hon. James Kabera

(AYES 37, NAYS 10, ABSENT 6)

The Speaker (Hon. Nduati Kariuki): Order! On the question that this House adopts the report of the select Committee on Budget and Appropriations on the Murang'a County Government Estimates of Revenue and Expenditure for the FY 2018/2019 and over the medium term, the results of the division are as follows abstentions six, nays 10, ayes 37

ADJOURNMENT

The Speaker (Hon. Nduati Kariuki): That is the end of business this morning, but like I said we have decided that the Finance and Economic Planning committee will meet before this afternoon because I want to know if there is a valid document. There was an allegation that the report we have is a forgery, I therefore want the Finance and Economic Planning committee to meet so that they can bring us a report that is clearly not a forgery or if they are not able to bring a report they say so.

The House rose at 12:25p.m.