
REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, 11th April 2023.

The Assembly met at 2:56 p.m.

[The Temporary Speaker (Hon. Antony Marubu) in the Chair]

PRAYER

PAPERS

REPORT OF HOUSE BUSINESS AND RULES COMMITTEE ON PROPOSED
AMENDMENTS TO COUNTY ASSEMBLY STANDING ORDERS.

Hon. Kibe Wasary: Thank you Hon. Speaker. I beg to lay on the Table of the Assembly;-
Report of the House Business and Rules Committee on proposed amendments to the
County Assembly Standing Orders. Thank you.

(Hon. Kibe Wasary laid the Paper on the Table)

REPORT OF COMMITTEE ON DELEGATED COUNTY LEGISLATION ON MURANG'A
MUNICIPALITY AMENDMENT CHARTER 2023, KENOL MUNICIPALITY CHARTER
AND KANGARI MUNICIPALITY CHARTER.

Hon. Wanyoike Alex: Thank you Hon. Speaker. I beg that;-
The Report by the Committee on Delegated County Legislation on Murang'a Municipality
amendment Charter 2023, Kenol Municipality Charter and Kangari Municipality Charter be laid
on the Table of the Assembly today Tuesday, April 11 2023. Thank you.

(Hon. Wanyoike Alex laid the Paper on the Table)

The Temporary Speaker (Hon. Antony Marubu): Next Order.

REPORT OF THE TASKFORCE ON THE MURANG'A COUNTY GOVERNMENT STAFF
AUDIT 2022.

Hon. Kibe Wasary: Thank you Hon. Speaker. I beg to lay the following Paper;-

That the Report of the Taskforce on Murang'a County Government staff audit 2022 be laid on the Table of the Assembly. Thank you.

(Hon. Kibe Wasary laid the Paper on the Table)

The Temporary Speaker (Hon. Antony Marubu): I hereby commit the Paper to Governance Committee. Next Order.

REPORT OF FINANCE AND ECONOMIC PLANNING COMMITTEE ON FACT FINDING
VISIT ON OWN REVENUE COLLECTION AND MANAGEMENT.

Hon. John Ngugi: Thank you Mr. Speaker. I beg to lay a Paper;-

That, the Report of the sectoral Committee on Finance and Economic Planning on a fact-finding visit on own source revenue collection and management be laid on the Table of the Assembly.

(Hon. John Ngugi laid the Paper on the Table)

NOTICE OF MOTION

ADOPTION OF REPORT OF THE HOUSE BUSINESS AND RULES COMMITTEE ON
PROPOSED AMENDMENTS TO COUNTY ASSEMBLY STANDING ORDERS.

Hon. Kibe Wasary: Hon. Mr. Speaker. I beg to give the following Notice of Motion;-

That, this House adopts the Report of the House Business and Rules Committee on proposed amendments to the Standing Orders laid on the Table of the Assembly today, Tuesday, April 11, 2023. Thank you.

The Temporary Speaker (Hon. Antony Marubu): Next order.

MOTION

ADOPTION OF REPORT ON IMPLEMENTATION STATUS OF BUDGET PROGRAMS UNDER THE DEPARTMENT OF WATER, IRRIGATION, ENVIRONMENT AND NATURAL RESOURCES FY 2022/2023.

Hon. Hillary Muigai: Thank you Hon. Speaker. I beg to move the following Motion;-

That, this Assembly adopts the Report of the select Committee on Implementation on the implementation status of the budgeted programs under the department of Water, Irrigation, Environment and Natural Resources for the Financial Year 2022/2023 as at December 31, 2022 laid on the Table of the Assembly on March 15, 2023.

Hon. Speaker, Pursuant to Standing Order 201, the Committee on Implementation is mandated to scrutinise the resolutions of the Assembly including adopted Committee Reports, Petitions and the undertakings given by the County Executive Committee. It is worth noting that Standing Order 195 stipulates that within 60 days of a resolution of the Assembly or adoption of a Report of a select Committee, the relevant County Executive Committee Member (CECM) under whose portfolio the implementation of the resolution falls, shall provide a Report to the relevant Committee of the Assembly in accordance with Section 39 of the County Governments Act, 2012. The resolutions range from Reports, Petitions, and Motions through to Bills. Implementation of House resolutions captured in the various Committee Reports and other legislative processes in the House is critical in the evaluation of the Assembly performance and success.

Mr. Speaker, the select Committee on Implementation does not follow up on the actual implementation (100%) of resolutions, since implementation process is progressive. Rather, the Committee should follow up on status or extent of implementation and report to the House. The select Committee, in the meeting held on Tuesday, 31st January 2022, while discussing implementation status of the County budgets for the Financial Year (FY) 2022/2023, the department of Water, Irrigation, Environment and Natural Resources was required to furnish the Committee with--- ---noted that one of the key resolutions that are adopted by the County

Assembly is the County budget, which includes the budget allocated to the programs under the County departments.

In recognition of the mandate vested upon the Committee on Implementation by Standing Order 195 and Section 39 of the County Government Act, 2012, the Committee resolved to require the said CECM to submit an implementation status Report on the implementation status of the programs under the department of Water, Irrigation, Environment and Natural Resources for the FY 2022/2023 as at 31st December 2022 using the format approved by the Committee.

Mr. Speaker, the Committee is aware that the Budget implementation is the core mandate of the select Committee on Budget and Appropriations. The select Committee on Implementation may be overwhelmed if they take up the role of following up on the budget implementation status. This should be left to the Budget and Appropriations Committee and the sectoral Committees as part of their duties. However, the select Committee on Implementation may follow up on quarterly reports from various CECMs on budget implementation status.

The response from the CECM was received by the Office of the Clerk to the County Assembly on 14th February 2023. The Committee, thereafter, held discussions on the implementation status of the departmental budget for FY 2022/2023 as at 31st December 2022, where it held a workshop dated 23rd to 26th February 2023, in Nairobi as well as meetings within the precincts of the Assembly which has culminated into this Report. The Committee set out the following objectives:

- 1) To determine the implementation status of the programs under the department of Water, Irrigation, Environment and Natural Resources for the FY 2022/2023 as at 31st December 2022.
- 2) To identify the key challenges that faced budget implementation during the reporting period and appropriate recommendations to overcome the said challenges.
- 3) To advice on effective implementation of the departmental budget.

Mr. Speaker, after scrutiny, the Committee found out the following: -

- 1) That, there was zero absorption of sector development funds during the reporting period.
- 2) That, there were no policies developed by the department under the abovementioned programs during the reporting period.

- 3) That, there were no laws enacted by the department under the abovementioned program during the reporting period.
- 4) That, the report by the CECM has identified challenges that hampered effective budget execution during the reporting period.
- 5) The report has not provided appropriate recommendations on how to address challenges to enhance the smooth execution of the budget in the future.
- 6) Irregular cash flows and delay in uploading of supplementary budget in the system and approval of the budget by the National Treasury resulted to delay in development of the procurement plan, advertisement and requisition.
- 7) Effect of August elections; there has been change of Government and this slowed down the expenditures for the first quarter of the FY.

Hon. Speaker, the Committee recommended as follows: -

- 1) That, all the sectoral Committees should immediately initiate a follow-up on the respective departmental budget absorption rates. The sectoral Committees should seek justifications from the departments as regards the low absorption rate, especially on the development vote and report to the House within 60 days.
- 2) The Chief officer or the accounting officer in charge of Water, Irrigation, Environment and Natural Resource department to prepare half year budget implementation review for FY 2022/2023, pursuant to Article 228 (6) of the Constitution and section 166 of the Public Finance Management (PFM) Act 2012,
- 3) That, the National Government treasury should ensure timely disbursement of funds to the Murang'a County Government to ensure that priority projects are implemented within schedule.
- 4) That, the County Executive Committee Member in charge Water, Irrigation, Environment and Natural Resource should identify and address issues causing delays in implementing development projects to avoid huge unspent development funds being rolled over to the subsequent financial year.
- 5) That, the County Treasury should address its revenue performance to ensure the approved budget is fully financed without the hidden budget deficit and institute mechanisms to stop revenue leakages at the source.

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- 6) That, the County Assembly should cost all Motions and Bills before they are approved by the Speaker for deliberations by the House, so as to establish their financial implications and share the same information with the County Executive Committee Member in charge .

I now call Hon. Jane to second the Motion.

Hon. Jane Mukami: Thank you Mr. Speaker, I stand to second the Motion.

Thank you.

(Question proposed)

The Temporary Speaker (Hon. Antony Marubu): Honourable Members the Floor is open for debate. Yes, Majority Leader.

Hon. Kibe Wasary: Hon. Speaker, I stand to support this Motion by Committee on Implementation as I commend them for the good work that they are doing as a Committee. For projects to be implemented in this County, the follow up is very crucial and we can only get follow up and a good follow up through this Committee on implementation. It is my urge to this Committee that it should give us status of implementation from all the departments and through this we will see our County progressing well, we will see our county doing very well in terms of projects implementation. I commend the Committee and I support the Motion.

The Temporary Speaker (Hon. Antony Marubu): Yes, Honourable Ithanga.

Hon. Alex Ndunda: Thank you Mr. Speaker, I also rise to support this Motion of this Committee. I must say they have done a wonderful job because it is only through this Committee that we are position to understand all the implementation status of the projects or the progress of the reports or the Motions that we pass here in this House. However, let me also challenge this Committee that the reports, there should be a follow up because going by this Report you see that it was for the programs of the year 2022/2023 as at 31st December.

Looking at the level of implementation you will find that in many of these projects the status projects you will see that the status was preparations for requisition, not advertised others you will find advertising in progress. By the time the budget is passed up to 31st it is like almost half an year and if something which has been passed by the time we are passing the budget can go up to December, six months before it is implemented, you will find that even if they go through the procurement processes it will have to be delayed and these are the pending bills which we are

discouraging so I would urge the Committee to further follow up on this because we do not know about these projects; what happened after 31st because their Report is up to 31st of December last year. It is good for the Committee to follow up and come up with another Report so that we can understand what happened. Are they still in the same status which they were at 31st December or the status have changed? Thank you the Committee and I commend you for the good work that you are doing.

The Temporary Speaker (Hon. Antony Marubu): Honourable for Mugoiri.

Hon. Kamwaga Mwangi: Thank you Mr. Speaker. I rise to support the Motion and as a member of this Implementation Committee, I want to tell Members that as they are aware, this Committee's work is to scrutinize the resolutions passed by this Assembly and also follow up on the undertakings taken by the CEC's. As a member of this Committee, I am urging Members to understand the role of this Committee is not necessary making follow-ups because according to Standing Order 191 (2) it states that our mandate as a select Committee should not go beyond what has been reported by the other sectoral Committees.

It is upon the sectoral committees as per this Report and recommendations as given, it is upon the sectoral Committees now to make follow up with their relevant departments so that these recommendations can be implemented. Otherwise as a select Committee, these recommendations can only remain being recommendations if the relevant sectoral Committees don't go to the relevant department or even invite the relevant CEC's.

The other issue I want to urge these Members, as we have learnt from that Report, majority of programs which were to be undertaken were not undertaken. As much as we might realize they were not undertaken because of the electioning year which we have also noted. We request because some did not go ahead because of the laws that need to be enacted. I want to urge this House that the moment those laws will come, to this House let us assist the relevant sectoral Committees so that they can come up with laws that can guide these CEC's. As much as we can also agree that some of them, by the time this Report was being done, that is by end of December some of them had barely been in office for less than a month or two.

We also might be aware as a House, some of these programs are supposed to be undertaken by the accounting officers who are the Chief Officers who even now, some have not been approved by this House. We want to believe that by the time we will be giving another REPORT which will

be for the next quarter, we will be able to have given the update after these Chief Officers have taken their offices. Once again, I want to retaliate again that I am supporting the Motion. Thank you.

The Temporary Speaker (Hon. Antony Marubu): Thank you, I now call the mover to respond.

Hon. Hilary Muigai: Thank you Hon. Speaker and I would like to start by thanking Honourable Members for supporting this Motion and I will assure the House that the concerns by Honourable Members, starting with the majority leader that our mandate shall be executed in accordance with the law and it is good to state that we are still preparing Reports from other sectoral Committees or departments on all the resolutions passed in this House. After preparing the Reports we shall bring it to the House for adoption.

As Honourable Member for Ithanga has stated, he has really wanted the Committee to follow up on the day to day implementation of all the House resolutions, but I would also urge the sectoral Committee members to make sure as our recommendation number one is for the sectoral Committees to initiate follow up on the respective departmental budget absorption rates because the Chairperson to a certain department is the most senior in making follow up on the budget absorptions because that is the oversight role of the respective Committee. I will also request we as the Committee continue making follow up and reporting to this Assembly on the implementation status of the departmental budgets, for the Committees also to support and to work tirelessly to make sure that all those Reports we get from the departments are true and may be able to guide us where we might go wrong.

Hon. Speaker, I thank you once again and I urge that the Motion be adopted so that we can continue making follow ups. And actually, for the last quarter we will bring the Report as reported from the executive. Thank you Hon. Speaker.

(Question put and agreed to)

[SUPPLEMENTARY ORDER PAPER]

STATEMENTS

STATE OF MARAGUA LEVEL FOUR HOSPITAL AND HEALTH CENTRES IN THE
COUNTY

Hon. John Munyua: I am honoured to make this Statement regarding the state of our health facilities, that I am requesting for a Statement from the Chair Health Services Committee one MCA for Nginda.

Pursuant to Standing Order 46 (2) (c), I hereby request for a Statement from the Chairperson Health Services Committee on the following;

- 1) Is the Chairperson aware that Maragua level four hospital is in a deplorable state in terms of service delivery?
- 2) Is he also aware that on March 16, 2023 due to unexplained circumstances, a lady by the name Caroline Wanjiru Murigi lost her life at the facility during child delivery?
- 3) Is he further aware that no action has been taken and no person has been held accountable since the incidence occurred?
- 4) Is the chairperson alive to the fact that dispensaries and health centres in the County have no medicine?
- 5) What action is the chairperson undertaking to ensure that the above matters are addressed?

Mr. Speaker, I urge my able Chair here to go and make an inquiry with his Committee to know the truth of the matter in the ground, make site visits, talk to these doctors and nurses in these facilities and we get to know the truth of the matter, how the unfortunate incident happened.

As I followed, I was told that there was a problem involving a medicine that was used during the operation. So, I would urge the Committee to get the facts and know the truth of the matter and if there was anything that somebody who slept on the job, he or she should be brought to book.

I would like to get a response from the Chair and our Honourable Speaker, through your guidance you order the way forward. Thank you.

The Temporary Speaker (Hon. Anthony Marubu): Thank you Honourable Kamau, you are not supposed to discuss, you just wanting a response for a Statement. So, Honourable Chair Health Committee, can you respond to that Statement.

Hon. John Mwangi: Thank you Honourable Speaker, I kindly urge you give me 21 days for me to come up with clear response about this Statement.

The Temporary Speaker (Hon. Antony Marubu): I hereby approve your request to respond to this Assembly within 21 days that you have mentioned. Thank you.

ADJOURNMENT

The Temporary Speaker (Hon. Antony Marubu): This House now stands adjourned until tomorrow, Wednesday, April 12 2023 at 2:30 p.m.

The Assembly rose at 3:29 p.m.