

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Tuesday, 25th April 2023

The Assembly met at 2:36 p.m.

[The Temporary Speaker (Hon. Grace Nduta) in the Chair]

PRAYER

PAPER

REPORT ON BUSINESS GENERATED FOR THE PERIOD NOVEMBER 2022 TO MARCH 2023, GUIDE SCHEDULE AND BUDGET ALLOCATION FOR THE FOURTH QUARTER
FY 2022/2023.

Hon Charles Machigo: Thank you Madam Speaker, I beg to lay the following Paper today Tuesday, April 25, 2023; -

The Report of the Liaison Committee on business generated for the period November 2022 to March 2023, guide schedule for sitting outside and budget allocation for the 4th Quarter Financial Year (FY) 2022/2023. Thank you.

(Hon. Charles Machigo laid the Paper on the Table)

NOTICE OF MOTION

ADOPTION OF REPORT ON BUSINESS GENERATED FOR THE PERIOD NOVEMBER 2022 TO MARCH 2023, GUIDE SCHEDULE AND BUDGET ALLOCATION FOR THE
FOURTH QUARTER FY 2022/2023.

Hon Charles Machigo: Thank you Madam Speaker, I beg to give notice of the following Motion; -

That this Assembly adopts the Report of the Liaison Committee on business generated for the period November 2022 to March 2023, guide schedule for sitting outside and budget allocation for the fourth quarter FY 2022/2023, laid on the Table of the Assembly today, April 25, 2023.

MOTION

ADOPTION OF REPORT ON MURANG'A MUNICIPALITY CHARTER AMENDMENTS 2023, KENOL MUNICIPALITY CHARTER AND KANGARI MUNICIPALITY CHARTER.

Hon. Moses Muchiri: Thank you Hon. Speaker, my name is Moses Muchiri MCA Muguru Ward. Mr. Speaker sir, I beg to move the following Motion; -

That, this Assembly adopts the Report of the Committee on Delegated County Legislation on Murang'a -----

The Temporary Speaker (Hon. Grace Nduta): Honourable Member kindly check my gender.

Hon. Moses Muchiri: Thank you, I used the word Honourable Speaker, I think it is noted. I beg to move the following Motion; -

That, this Assembly adopts the Report of the Committee on Delegated County Legislation on Murang'a Municipality Charter Amendments 2023, Kenol Municipality Charter and Kangari Municipality Charter, laid on the Table of the Assembly on Tuesday, April 11, 2023. Thank you.

Hon. Speaker, pursuant to section 9 (4) of Urban and Areas Cities Act (UACA), Murang'a town is classified as special municipality; the Act prescribes that the minimum population for conferment of municipality is 250,000 and 10,000 for a town. The Act however in section 5 (2) provides for the grant of city status to areas having less population than the prescribed minimum in the case of special cities due to their cultural, economic or political importance.

Hon. Speaker, the boundaries of the municipality of Murang'a as now existing as those of Murang'a municipal council immediately before the enactment of Murang'a County Government or may subsequently be altered shall be the boundaries of the special municipality of Murang'a.

Section 9 (1) of the Urban Areas and Cities Act provides that the County Governor may, on the resolution of the County Assembly, confer the status of a municipality on a town that meets the criteria set out in sub-section (3), by grant of a charter in the prescribed form. The procedure set out under section (8) (1) to (4) shall apply with necessary modifications to the conferment of municipal status to a town, except that the conferment shall be done by the County Governor. Sub-section 3 stipulates that a town can only be eligible for conferment of a municipal status if it satisfies the following; -

- 1) Has a population of at least 250,000 residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the grant.
- 2) Has an integrated development plan.
- 3) Has demonstrable revenue collection or revenue collection potential.
- 4) Has demonstrable capacity to generate sufficient revenue to sustain its operations.
- 5) Has the capacity to effectively and efficiently deliver essential services to its residents.
- 6) Has institutionalized active participation by its residents in the management of its affairs.
- 7) Has sufficient space for expansion.
- 8) Has infrastructural facilities, including but not limited to street lighting, markets and fire stations.
- 9) Has the capacity for functional and effective waste disposal.

On this the Committee findings are as follows; -

- 1) There is no evidence from the documents provided that the County Government requested the relevant Cabinet Secretary to appoint the ad hoc committee to carry out the delineation of boundaries of Murang'a municipality as proposed in the amendments brought to the County Assembly.
- 2) The discussion on conferment of municipality status to Kenol and Kangari came to the Assembly after the 2019 amendments. However, there is no evidence from the documentation provided that the County Government requested the relevant Cabinet Secretary to appoint the ad hoc committee to carry out the delineation of boundaries of the proposed Kenol and Kangari Municipalities.
- 3) All the criteria stated under section 9(3) of the Urban Areas and Cities Act for conferment of municipal status to a town has not been justified for the proposed Kenol and Kangari municipalities.
- 4) The Gazetted Charters has provisions which contradict with what is provided for in the Urban Areas and Cities Act 2011 and 2019.
- 5) That there was no adequate public participation as no documents were provided to show that public participation was undertaken. There is also some admission in the document

dated February 27, 2023 on Kenol and Kangari Municipalities that public participation carried out was not very adequate.

The Committee came up with the following recommendations; -

- 1) That the County Government writes to the relevant Cabinet Secretary to appoint the ad hoc committee for purposes of:
 - a) Delineation of boundaries with regards to the proposed amendments to the Murang'a Municipality.
 - b) Delineation of boundaries with regards to proposed Kenol Municipality.
 - c) Delineation of boundaries with regards to the proposed Kangari Municipality.
- 2) That a report be prepared to justify whether the proposed Kenol and Kangari municipalities have met all the criteria provided under Section 9 (3) of the Urban Areas and Cities Act, 2011 and 2019.
- 3) That the gazetted charters for Kenol and Kangari be revoked and new ones be published which are in line with provisions of the Urban Areas and Cities Act after the ad hoc committee has done its work.
- 4) And lastly that sufficient public participation be carried out on the proposed expansion of Murang'a municipality boundaries and conferment of municipality status to Kenol and Kangari which involves delineation of boundaries.

With that Hon. Speaker I call upon the vice- chair Delegated Committee Hon. Mark Gicheru to second. Thank you.

Hon. Mark Wainaina: Thank you Madam Speaker. I stand here today to support this Motion on the Report of the Murang'a Municipality amendment 2023, Kenol and Kangari municipality charters.

Madam Speaker my point of why I support this Motion is because, one there was an admission that proper public participation was not done. As we are all aware that public participation is a legislative process. It enables the public and the community to get involved in issues that affects them whether positively or negatively. This as an admission on the Report that the public participation was not well done.

The other thing is that it ensures that the citizens are heard and actively involved in decision making. And again, it is one of the national principle values of devolution as provided in the Article 14 (c) of the Constitution of Kenya. With that it ensures that the public are able to hold

the government accountable socially and it also promotes the decision making and inclusivity. When we looked at this Report on the Kangari municipality, Kenol and Murang'a municipality delineation of the boundaries, we realised that if this is not properly done, we might end up in Court through a petition provided by any member of the public or even a Member of this House. Secondly, we will have violated the Constitution which is the supreme law.

What we need to ask ourselves is whether the three municipalities as proposed, are they eligible for conferment of municipalities that is Kangari and Kenol, yes, but were the process that was followed right? I don't think it was right.

I urge these Members of this Hon. House that we adopt this Report and that the Committee that was involved in proposing the delineation of Murang'a municipality boundaries and the creation of Kenol and Kangari municipalities they go back to the drawing board so that we can have a clean process where everybody is able to participate including Members of this House. I stand to support this Motion.

(Question proposed)

The Temporary Speaker (Hon. Grace Nduta): Members, the Floor is open for debate. Hon. Wanyoike.

Hon. Wanyoike Alex: Thank you Madam Speaker for giving me this opportunity to make my contribution.

I stand to support the Motion of the Report on Murang'a municipality amendments 2023, Kenol and Kangari Municipality Charter. The reason for this is simply that when we have an Act from the National Assembly, it is also part of the law, and when the law has been made, it already means that, that law should be followed as it is. Going through this Report, on the amendment of the Murang'a Municipality and the Kenol Kangari Charter, you realize that the Urban Areas and Cities Act 2011, which was later amended 2019, some of the things or requirements that are needed to meet the criteria for the Municipality and the Charter for Kenol and Kangari, what 2019 prescribes is not realized and it is not seen, it was not there in 2011. And now that Murang'a Municipality was there before 2019, but this is the time that we want to make it alive now. It means, therefore, we must revisit the Act 2019, to align what the law requires for Murang'a Municipality to become a municipality in the real sense and in accordance to the law. Much as we

continue with Kangari and Kenol Charters, they also must meet the criteria which has been outlined clearly in the Act 2019.

One very important thing that I must note here, is the creation of the ad hoc committee by the Cabinet Secretary (CS), through the report, it is clear that the ad hoc committee was not there and therefore, any other step that we would make as the County Government of Murang'a and as the Committee of Delegated Legislation, to try to make any move in terms of creating this municipality and the charters. We might also be referred back having gone too far. And therefore, I believe this is the right time to stop it at this level so that we go back early, align all what is expected so that when we come up with the municipalities and the charters of the both designated Charters, we shall be doing it in the right way and in accordance to the law. I therefore, stand to support this Motion. Thank you.

The Temporary Speaker (Hon. Grace Nduta): Hon. Munyua.

Hon. John Munyua: Thank you Madam Speaker, I stand to support the Motion and I congratulate the Committee headed by one Hon. Muchiri for the good work done. Of course, we cannot be standing here to support illegalities and it is good as a House, we make things to be in order.

So, I am pleased to support and say that things must not be done in a hurry. Let us always do things as per the law. I understand those two areas do not have a population of 250,000 people. How it comes to the point of saying they can be municipalities; we understand they do not even have sewage system. Water supply is an issue. Garbage is an issue. There are things that we must address before we reach that and I remembered some time back, when we met Madam Beatrice who is in charge of Murang'a Municipality, and I asked a question, "How do you make your money, your revenue?" They do not have. We need to make laws to ensure they have got their own ways of making money. When we keep increasing these municipalities, we are not being fair.

I support the Motion and let us always do things in the right way. The issue of public participation is enshrined in our Constitution and must always be followed. So, I support the Motion and I again say congratulations to the Committee. Thank you.

The Temporary Speaker (Hon. Grace Nduta): Hon. Landlord.

Hon. Charles Machigo: Thank you Madam Speaker for giving me an opportunity to participate to this Motion, and congratulate the Committee for the good work that they have done, and the recommendations that they have given to the County Executive Committee Member

(CECM) in charge of this urban development. It is important to see that if we enjoin both municipalities for Kangari and Kenol they will be able to access the Kenya Urban Support Program like any other municipality in this country. It is good they make sure that they follow the law when coming up with these municipalities. As an Assembly we should take care not to pass things that are an illegality. I support and congratulate the Committee. Thank you.

The Temporary Speaker (Hon. Grace Nduta): Honourable from Gatanga ward.

Hon. John Ngugi: Thank you Madam Speaker, I want to support this Motion. Firstly, I want to high rate out the Chairperson of Delegated Committee and his Members for coming up with this great Report that indicts the people that came up with the idea of forming the Kenol and Kangari municipalities. I remember I had a discussion with one Honourable Wanyoike who comes from Mugumo-ini ward, whose ward was part of the proposed Kenol municipality. By the time that idea had been fathomed and being implemented, the Honourable Member for Mugumo-ini did not even know a part of his ward was to be apportioned to the municipality.

There was no viability studies done that would ensure that we have a municipality that can stand on its own feet. Right now, as we speak, if we went into details of how Murang'a Municipality operates, we would see that it does not fit the metal of a municipality, the reason being that the fixed costs of running Murang'a Municipality are higher than its variable cost. I do not know at what point they come to break even, I do not even know at what time that we can consider Murang'a Municipality as a viable municipality. Going forward, may be the recommendations that have been issued by this Committee should be followed to the letter because we cannot create municipalities haphazardly just for us to tap a fund. It is more than tapping a fund, it is about a municipality being able to fund its own operations.

Right now, as we speak, and I encourage this Committee because my Committee have looked into the books of this municipality, from where I sit and as a trained accountant, I can tell if we were to do a thorough probe, Murang'a Municipality by itself, does not meet the criteria of a municipality. I applaud this Committee for the good work that it has done and it is high time that those who fathomed these municipalities go back to the drawing board and should also encompass the current municipality that we sit in to see what we can do to make it viable. Thank you.

The Temporary Speaker (Hon. Grace Nduta): Honourable Chairperson, you can respond.

Hon. Moses Muchiri: Thank you Madam Speaker, thank you Hon. Members for contributing to this Report. I would like to take us back to when Governor made his speech in the County Assembly mainly in his agenda touching on municipality. He highlighted Murang'a, Kenol as well as Kangari municipality which are upcoming municipalities. We support him as a Committee so that he can deliver to his people.

As we know when it comes to municipality, it comes with infrastructural development as well as service delivery to all the residents within the municipality. This being a House of rules and regulations we cannot stand and watch illegalities and irregularities. That is why we are recommending in the Report that a committee be formed so that it can try to eliminate all the illegalities and irregularities that were involved when coming up with Kangari and Kenol Municipalities, as well as delineation of the boundaries of the Murang'a Municipality. It is good to note that County Executive Committee Member (CECM) Lands and Housing has gone ahead to come up with ad hoc committee on her side.

I call upon the Members to adopt and support this Report so that the Cabinet Secretary involved can also be able to form the ad hoc committee on her side so that it can start its work, where the Murang'a municipality boundaries may be amended their boundaries to include the surrounding wards. It is also trying to extend the boundaries of wards surrounding the Murang'a municipality. We know in some of the developments as well as some of service delivery to the residents which will be touched in this municipality will improve.

For Kangari and Kenol, we know Kenol is one of the biggest growing towns in Murang'a County. We know, if the charter of Kangari and Kenol is formed within the Urban and Cities Act of 2019, as Members we will be the first to support so that it can become a municipality so that it can get the funding from the County Government as well as from the World Bank. Other investors would have a lot of interest in investing there. With that, I call upon all the Honourable Members to support the Report. Thank you.

(Question put and agreed to)

[SUPPLEMENTARY ORDER PAPER]

PAPERS

MURANG'A COUNTY GOVERNMENT SECOND SUPPLEMENTARY BUDGET

Hon. Charles Machigo: Thank you Madam Speaker, I beg to lay the following Paper; -
That, the Murang'a County Government (Executive and County Assembly) second supplementary budget, be laid on the Table of the Assembly today Tuesday, April 25, 2023.
Thank you.

(Hon. Charles Machigo laid the Paper on the Table)

REVISED COUNTY FISCAL STRATEGY PAPER.

Hon. Charles Machigo: Thank you Madam Speaker, I beg to lay the following Paper;-
That, the Revised County Fiscal Strategy Paper (CFSP) 2023, be laid on the Table of the Assembly today Tuesday, April 25, 2023.
Thank you.

(Hon. Charles Machigo laid the Paper on the Table)

ADJOURNMENT

The Temporary Speaker (Hon. Grace Nduta): Honourable Members, this House now stands adjourned until tomorrow Wednesday, April 26, 2023 at 2:30 p.m.

The Assembly rose at 3:13 p.m.