

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Thursday, 4th May 2017

The House met at: 2.42pm

(Temporary Speaker Hon. Catherine Mugo in the Chair)

PRAYERS

STATEMENTS

APPROVED ASSEMBLY BUSINESS, FOR THE PERIOD TUESDAY MAY 9 – 11,
2017

Hon. Peter Kihungi: Madam Speaker, let me be helped by Hon. Duncan.

Hon. Duncan Njuguna: Statement pursuant to Standing Order 46 (2) (a), on the approved business, that will come before the Assembly for the period Tuesday May 9 to 11, 2017.

The schedule is in our files, on Tuesday morning we have the paper laying by the Budget and Appropriations committee chairman, order number two will be a paper from the livestock and fisheries committee.

Order three will be paper laying by the chairperson delegated county legislation, order four will be a notice of motion from the chairperson education and child welfare research and e-government committee, then order five will be statements from the public works committee.

On Tuesday afternoon May 9, there is order one notice of motion chairperson, agriculture, livestock and fisheries committee, Order two, notice of motion chairperson delegated county legislation committee) on the same afternoon we have a motion by Hon Charles Kirigwi

On Wednesday, we will have paper laying by the chairperson youth social and culture committee, notice of motion by the chairperson youth culture committee, order 4 will be a motion from the chairperson education and child welfare committee

Thursday 11th, order number one will be paper laying by the chairperson agriculture livestock and fisheries committee, order two a notice of motion from the chair agriculture livestock and fisheries committee. order four will be statement from the chairperson house business committee and the last one is motion from the chairperson agriculture livestock and fisheries committee.

MOTION

SPECIAL AUDIT ON COUNTY PROJECTS

Hon. Duncan Njuguna: I beg to move the following motion;-

THAT, aware that Article 201(d) of the Constitution of Kenya 2010, provides for prudence and responsibility in the use of public funds, further aware that Article 73(2)(d) and (e) of the Constitution of Kenya 2010 provides for accountability of a State Officer to the public, for his decisions and actions, cognizant of the fact that Article 183 of the Constitution vests the County Executive Committee with the mandate to manage and coordinate the functions of the County administration and its departments, further cognizant to the fact that Section 30 (3) (f) of the County Governments Act,2012 confers the County Governor with accountability for the management and use of County resources while performing his functions, recognizing the fact that Article 10 (2) (c) of the Constitution binds all state organs, state officers, Public Officers to exercise good governance, integrity, transparency and accountability while implementing public policy decisions, mindful of the fact that Article 228(6) of the Constitution read together with Section 39(8) of the Public Finance Management Act, 2012 requires the Controller of Budget to render a report to the National and County

Governments as well as stakeholders and the public on the status of implementation of budgets, in the quest of advancing effective management of public resources,

This House RESOLVES; THAT, the County Executive Committee Members listed below furnish the County Assembly with details on the physical location of the tabulated projects, that received funds in the FY 2013/2014 to FY 2015/2016, in terms of the Ward and Sub-County, Bills of Quantities, local purchase orders, the actual cost of the project and the status to date, within 21 days.

a) County Executive Committee Member in-charge of Agriculture, Livestock and Irrigation, Madam Speaker, the project are well listed there

Item	Amount Requisitioned FY 2013/2014Kshs	Amount Requisitioned FY 2014/2015Kshs	Amount Requisitioned FY 2015/2016Kshs	Total as at June 30, 2016 Kshs
Fruit processing factory	9,000,000	10,000,000	-	19,000,000
Mango Processing factory	-	-	40,000,000	40,000,000
Agro-processing factory	8,000,000	-	30,000,000	38,000,000
Animal feeds plant	20,000,000	30,000,000	-	50,000,000
TOTAL				147,000,000

County Executive Committee Member in charge of Youth, Culture, Gender, Social Services, Co-operative & Special Programmes.

Item	Amount Requisitioned FY 2013/2014Kshs	Amount Requisitioned FY 2014/2015Kshs	Amount Requisitioned FY 2015/2016Kshs	Total as at June 30, 2016 Kshs
Amusement park	-	-	9,000,000	9,000,000
Music recording studio	-	-	3,050,000	3,050,000

The County Executive Committee Member in-charge of Trade, Commerce, Industry, and Investment to explain the following;

Item	Amount Requisitioned 2013/2014 Kshs	Amount Requisitioned FY 2014/2015 Kshs	Amount Requisitioned FY 2015/2016 Kshs	Total as at June 30, 2016 Kshs
Industrial park Development	-	57,000,000	-	57,000,000
Animal orphanage	-	6,800,000	-	6,800,000

Madam Speaker, the totals are 63, 800, 000

The County Executive Committee Member in-charge of Lands, Housing and Physical Planning need to explain the following,

Item	Amount Requisitioned FY 2013/2014 Kshs	Amount Requisitioned FY 2014/2015 Kshs	Amount Requisitioned FY 2015/2016 Kshs	Total as at June 30, 2016 Kshs
GIS Lab	4,000,000	4,000,000	7,000,000	15,000,000

Madam Speaker, the Totals for that department is 15, 0000

The other resolution is that, the Auditor General undertakes a Special Audit on the above mentioned projects, to establish their existence, actual expenditure and current status. Thank you madam Speaker.

The reason I came up with this motion is because we have repeatedly adopted budgets in this Assembly from financial year 2013/2015 and 2015/2016. We have also passed budgets for certain projects here yet we do not have these projects on the ground.

When we talk about food processing which is not visible yet money was dispensed you either conclude that money was misused or diverted to other uses other than erecting of that particular factory. The same for mango factory.

The main reason as to why I came up with this motion is for the County Executive Committee (CEC) member in charge of the various ministries in the county government to come up with the locations of where the projects were done and the part utilized by the same.

The budget of 2016/2017 also had some of these projects and they were allocated money. During the County Fiscal Strategy Paper (CFSP) deliberations we noted that even at that stage some of these projects will be in the budget of 2017/2018; for example the GIS lab which has never been constructed, you find that money was allocated yet nothing was done.

That is why I am urging the House to resolve so that the Assembly can get the information from the executive as to how funds were utilized. There is no ulterior motive behind this, it is only that being an oversight arm of the government we are supposed to know about the projects, so that we can know how far they have gone. Whether the factories and animal farm are operating, how much we are getting from the amusement park ,the music recording studio, the industrial Park and the animal orphanage .

That is the main reason especially on the GIS laboratory, in Murang'a county since we do not have one. If you want to get a map from this we go to Nairobi. We are supposed to have one since the World Bank has decided to help the counties which are under the metropolitan; Murang'a being one.

The GIS is of importance when it comes to planning. That is why I urge members to support this motion so that we can get full information. I therefore call hon. David Muhoro to second the motion.

Temporary Speaker (Hon. Catherine Mugo): Thank you

Hon. David Muhoro: Thank you Madam Speaker, I stand to support the motion. We may not be relevant for the next six months but we shall not relent.

What the proposer has presented to this House is the scheme this government has used to take money from coffers of public pretending that they are giving them projects, they have been listed; the amusement park, music recording studio in Gatanga, mango factory in Makuyu among others but if you go on the ground there is nothing that is done. This money is not in the County Treasury, it has been used elsewhere where we did not budget or even plan for. My only word is that you might run but you cannot hide.

We might not be able to push things further than we have done today but after some few years to come, this will haunt this government.

I am optimistic that even if the people will not be able to follow and hunt this government, God has control of working on these thieves, if I may call them so because this is open stealing.

God will punish everybody who has used this money pretending that he is there for Murang'a people while he was putting his money in his pocket. We have seen them confusing the public and they have agreed that the government is doing the best. I second and say that we give ourselves time and we shall get result of this rubbish.

Temporary Speaker (Hon. Catherine Mugo): Hon. David Muhoro can you withdraw from your last statement.

Hon. David Muhoro: I do withdraw. It is only that I am pained with list of millions amounting to around Kshs. 200,000 000 plus million---

Temporary Speaker (Hon. Catherine Mugo): What I meant is that you are at liberty to use whatever word you want to use, but it is unbecoming to use that word you have used in your last statement.

Hon. David Muhoro: I do withdraw, I second.

(Question proposed)

Temporary Speaker (Hon. Catherine Ngugi): The motion is open for debate. Hon. Erick.

QUORUM

Hon. Erick Kimani: Madam Speaker there is no quorum in the House. We may not be able to continue with the motion.

Temporary Speaker (Hon. Catherine Ngugi): I ask the bell be rang for ten minutes, to see if we can obtain quorum.

*(Quorum Bell rang for ten minutes)
(Several members walked out of the Chamber)
(Hon. Duncan rose on a point of order)*

Hon. Duncan Njuguna: You are not supposed to move out when the bell is being rang.

Temporary Speaker (Hon. Catherine Ngugi): Thank you hon. Duncan.

*(Quorum Bell continued ringing)
(Several members walked in)
(Quorum Attained)*

Temporary Speaker (Hon. Catherine Ngugi): The motion is open for debate.

Hon. David Muhoro: Thank you Madam Speaker, I hereby support the motion that this Assembly needs to be furnished with this information because it's this Assembly that passed the budget and it is not once or twice we have been saying that after passing the budget then it's the work of the executive to make sure the money has been put into use.

Tangible projects that have been passed in the budget, money requisited then implementation should be done.

The way the mover is asking about the fruit processing factory Madam Speaker, maybe the committee of trade has the answer and we would like to know from the members and all the

others which he is requesting because if the money is being requisited and yet the member who has requested this motion has not seen after requesting to be taken to the scene.

The mover and the Assembly have the right to know what exactly transpired and if those processing plants were not done because the money was requisited, where was the money diverted to?

Madam Speaker, I would like to support the motion and say it is mandatory it's brought even before the timeline; the mover of the motion has given of 21 days because we have only two and a half months in the Assembly. It is good that after two years and I will be asked by somebody that you passed the budget and money was used. Can you show me the factory? If the factory will not be there I will be ashamed of what has been happening when I was an MCA and providing oversight for the people I represent.

All this that is being requested about the animal orphanage, I would like to know where it is, the industrial park, GIS lab belonging to the land committee. This is a story that has been given for the last three years, so it is not there.

Madam Speaker, I know you are a member of the land committee and you know the CEC has been saying they are in the process of purchasing, we really need to know, where is it being done, when is the materials being bought, where is it located and who is in charge of this lab?

Thank you, I support this motion.

Hon. Kago Njoroge:(no recording).....where it is located and who is in charge of this lab. I support the motion. Thank you Madam Speaker.

Temporary Speaker (Hon. Catherine Mugo): Thank you. Hon. Muchemi.

Hon. Anderson Muchemi: Thank you Madam Speaker, I rise to support and add that we still have time; we have almost two more months. They should furnish us with good answers if they will not have completed these factories by the end of June of this year. For now, however, I support and note that we still have time as we await the factory to be completed. Thank you Madam Speaker.

Temporary Speaker (Hon. Catherine Mugo): Thank you. The mover to respond---

(Hon. Jesse Mburu rose)

Sorry, I had not seen you. The floor is yours, go on.

Hon. Jesse Mburu: Thank you Madam Speaker, I was waiting for my name to be called by the Chair. I stand to support this Motion.

As members of the Assembly, we are also largely to blame because of the mess which is in this county. We pass the budget every time and these questions arise.

The committees also ask the County Executive Committee (CEC) members about this. We have become a toothless dogs because we do not take any steps or measures to rectify this or even think of sending the CECs home.

Another problem we have is that whenever we come to make such a decision, there is someone who defends the CECs; that someone is none other than the Governor. This is the reason why the CECs cheat the Assembly and go scot-free.

Madam Speaker, it is good that the mover of this motion has recommended that the Auditor General carries out an audit on these projects so that we know how this money was spent.

It is unfortunate that we shall go home knowing that this money has been routed and we have done nothing about it. I therefore stand to support this motion so that we see whether the Assembly can have some teeth to bite within the last three months. Thank you Madam Speaker.

Temporary Speaker (Hon. Catherine Mugo): Hon. Erick.

Hon. Erick Kimani: Thank you very much Madam Speaker, this motion is very valid and important because the public finances must be accounted for and the results must be seen on the ground. I, however, would wish that the mover first of all requests for statements from the relevant committees and the CECs. After that, we can then request the Auditor General to carry out an audit on the projects. Number three, the mover can then move a motion---

Temporary Speaker (Hon. Catherine Mugo): Are you on a point of information? Are you opposing or supporting the motion?

Hon. Erick Kimani: Madam Speaker, the motion is very valid but I was outlining some points on what the mover should have done before moving the motion.

The third point is that the mover of the motion should have brought the report from all those relevant departments or the CECs citing whether the projects were done and the money that was allocated.

The mover would then request that we impeach the CEC in charge after having the report with the tangible evidence. If we go by this motion, we will try to get the end results without the report and the evidence. We will pass the motion without that evidence. Thank you Madam Speaker.

.....(*Hon. Samuel Wandia spoke off the microphone*).....

Temporary Speaker (Hon. Catherine Mugo): For now, I oppose it but note that it is very valid.

(Hon. Samuel Wandia was ruled to be out of order for speaking off record)

Hon. Erick Kimani: Yes, he is very much out of order.

Temporary Speaker (Hon. Catherine Mugo): Yes Hon. Dishon?

Hon. Samuel Wandia: Thank you Madam Speaker, this motion has come at the right time. We only read fruit processing factory, mango processing factory, and the committee on Trade tried to visit these places and I do not know if these projects are in existence.

I should think that the mover of this motion has the right to ask for accountability. Even if a member of public was to get in touch with our budget, he or she can petition this Assembly to get a report on what has been done on these projects which are within the public eye.

I therefore fully support this motion and say that the Auditor General should come in and audit these projects. We actually passed the budget to spend public money on these projects and it is their right to know where this money went. Thank you Madam Speaker.

Temporary Speaker (Hon. Catherine Mugo): Hon. Bernard

Hon. Bernard Kariuki: Thank you Hon. Speaker, this motion has come at the very right time but I have a few issues with it. The substantive issues that have been raised by the hon. mover may require a lot of input by the Public Accounts committee because if money has been requisitioned and there is no project, then that is criminal responsibility on the side of the respective CEC.

I therefore urge the mover to probably consider withholding this motion so that the Public Accounts committee can do a comprehensive report on the issues that have been raised and we invite the Auditor General to do a special audit and have a substantive report so that we can know where the CEC has gone wrong and where he or she can be exonerated.

Hon. Duncan Njuguna: On a point of order Madam Speaker---

Temporary Speaker (Hon. Catherine Mugo): Yes Hon. Duncan?

Hon. Duncan Njuguna: Madam Speaker, is it in order for the hon. member for Kihumbu-ini ward- Hon. Moses- to come in the House while not properly dressed for the sitting?

Temporary Speaker (Hon. Catherine Mugo): Hon. member for Kihumbu-ini, you are out of order.

(Hon. Gachui Mungai walked out of the Chamber)

Hon. Bernard Kariuki: Thank you Hon. Speaker, I was saying that the figures that the hon. mover has given us in the motion can only be substantiated by a committee report so that the committee report can recommend that a certain commission or omission by the CEC has been done.

Therefore, I would urge the mover to consider referring this matter to the Public Accounts committee so that when we invite the Auditor General, we are inviting him through a report because this a very weighty matter and you know motions, when we pass them they are supposed to be implemented by the Executive by way of a report we are going to recommend to the Auditor General that you are going to do this and this.

By way of a motion we are only going to communicate this motion to the County Secretary of which we are not sure whether what we have raised here can be done. But when we do a substantive report through the relevant committees that document becomes a public document and it can be implemented by anybody and it has the powers that a High court has. That is my view and because the hon. member is moving this motion in very good faith, he should not do this for the sake of it so that this motion is not going to be shelved in the County Executive .

(Duncan Njuguna rose on a point of order)

Hon. Duncan Njuguna: Is it in order for the hon. member to say that I am moving motions here in this House for the sake of it? What does he really mean by that?

Hon. Bernard Kariuki: Hon. Speaker, I was saying that the hon. member is doing this with utmost faith and he wants the best for the people of Murang'a. but thinking ahead out of experience, when we pass resolutions here they are communicated to the Executive via the County Secretary and that's the procedure and it's not going to change today or tomorrow unless we do a Bill so when we pass this motion here it is very good. Like the hon. member from Kihumbu-ini said it is going to be put somewhere at the County Executive offices but it is not going to be implemented. If we do a comprehensive report-----

Temporary Speaker Hon. Catherine Mugo: Hon. Bernard with a lot of respect for you, I would want you to either support the motion or reject it, the reason being we are also at liberty as a House sometimes to come up with motions and reports. There is nothing that bars anyone else coming up with reports as a committee. Kindly respond to the issues in the House.

Hon. Bernard Kariuki: Thank you Hon. Speaker, I stand guided. The issues I have with this motion is its implementability. If you look at the figures that have been given here they can only be relied upon by a report of a committee because anybody can go to the budget and extract figures and therefore we do not know whether there is any amusement part there or a music studio. We can only rely with what we have here so Hon. Speaker I will oppose this good motion because of its implementability. Thank you Hon. Speaker.

Temporary Speaker Hon. Catherine Mugo: Yes Hon. Mary and congratulations on winning the Jubilee ticket.

Hon. Mary Waithira: Thank you Hon. Speaker. I rise to support this motion because I read the plea of the mover of the motion; he is really asking that this House resolves that the

County Executive Member listed furnish this Assembly with the allocation and the report pertaining to the areas of concern.

I don't think that this motion is saying that this and that has been done but what he is asking is that this Assembly be finished with materials required; information, location and bills of quantities.

I tend to think that the moment we adopt this motion, within the next 60 days, the concerned CECs are going to furnish this House with the required information and I think that is the only time that the said can be directed to the committee on Public Accounts so that if they defer with what we shall be informed then we can raise recommendations onto the report.

But I think for the way it is and the way I understand and as for the plea that's being requested by the mover of the motion, I do support the motion so that immediately the information is given to the Assembly, then the relevant committee can take up the matter and may be we shall look at the accountability of the said projects, their existence or their non-existence so that we can recommend and know the way forward. So as for the plea I support the motion.

Hon. Charles Kirigwi: I support the motion, however I request your good office for your guidance on the same that because the resolutions that the mover wants to make-----the consequences are higher, I request may be you defer putting the question to a later date that you may guide so that we can establish for sure because these are three or four years back, we can establish for sure.

Like I am seeing 90% or 70% of what is required is rotating around my committee ,we can establish for sure that there were no budgetary allocations or the issues addressed were not affected by budgetary reallocation. Like I remember the year 2016/2017 my committee's budget was slashed to zero.

It is a good motion and I support it but I request for your guidance on the same, whether you can-----

QUORUM

(Hon. Erick Kimani rose on a point of order)

Hon. Erick Kimani: I do not feel that it is in order to debate such an important motion where there is not enough quorum.

Temporary Speaker Hon. Catherine Mugo: We can have the bell rang for 10 minutes..

(Quorum Bell rang for 10 minutes)

Temporary Speaker Hon. Catherine Mugo: Extend by 15 minutes.

(Quorum Bell rung for another 15 minutes)

ADJOURNMENT

Temporary Speaker Hon. Catherine Mugo: There is no need of putting the question because we lack quorum. Therefore, this Assembly is adjourned forthwith to our next sitting on Tuesday next week.

The House rose at 3:38 p.m.