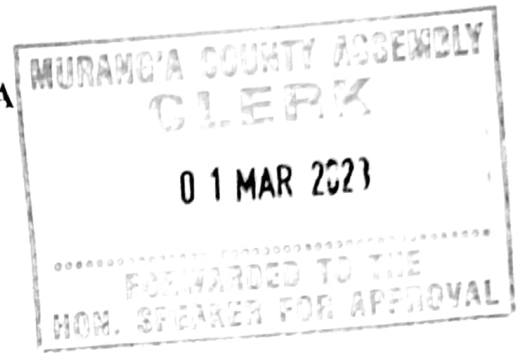


REPUBLIC OF KENYA



MURANG'A COUNTY ASSEMBLY

THIRD ASSEMBLY (SECOND SESSION)

THE SELECT COMMITTEE ON IMPLEMENTATION

COMMITTEE REPORT ON THE IMPLEMENTATION STATUS OF THE
OF THE BUDGETED PROGRAMMES UNDER THE DEPARTMENT OF WATER,
IRRIGATION, ENVIRONMENT AND NATURAL RESOURCES FOR THE FY 2022-
2023 AS AT DECEMBER 31, 2022

Clerk's Chambers,
Murang'a County Assembly Buildings,
MURANG'A.

MARCH 2023

CA HBQC

List in the OP
A handwritten signature in black ink.
1/3/2023

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1.0 PREFACE

Hon. Speaker, pursuant to Standing Order 201, the Committee on Implementation is mandated to:-

i) Scrutinize the resolutions of the Assembly (including adopted Committee reports), petitions and the undertakings given by the County Executive Committee and examine;

(a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented, and whether such implementation has taken place within the minimum time necessary;

(b) Whether or not legislation passed by the Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary;

ii) Propose to the Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select committee on implementation status without justifiable reasons.

The Committee on Implementation as currently constituted, comprises of the following Members:-


1. **Hon. Hilary Muigai Muchoki (MCA -Chairperson**
2. **Hon. Jane Mukami Kigotho (MCA) -Vice Chairperson**
3. Hon. Anthony Marubu Chege (MCA)
4. Hon. Gladys Wambui Waikau (MCA)
5. Hon. Grace Nduta Wairimu (MCA)
6. Hon. Peter Munga Njuguna (MCA)
7. Hon. John Kamwaga Mwangi (MCA)
8. Hon. Simon Mwaura wamwea (MCA)
9. Hon. Laban Chomba Njaramba (MCA)
10. Hon. Elizabeth Wambui (MCA)

1.1 Acknowledgement

The Committee is grateful to the Office of the Speaker, the Office of the Clerk of the County Assembly and the Committee secretariat for the support received as it discharged its mandate of establishing the implementation status of the budgeted programmes under the Department of Water, Irrigation, Environment and Natural resources for the FY 2022-2023 as at December 31, 2022.

Hon. Speaker,

It is therefore my pleasant duty and privilege, on behalf of the Select Committee on Implementation to table this Report and recommend it to the House for adoption.

Signed..........Date.....11/3/2023.....

Hon. Hillary Muchoki (MCA)

CHAIRPERSON, SELECT COMMITTEE ON IMPLEMENTATION

2.0 BACKGROUND

Hon.Speaker, It should be noted that Article 185 (3) of the Constitution of Kenya, 2010 provides that a County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs, the role of which is exercised in respect of the functions stipulated under Article 183 of the Constitution of Kenya, 2010.

Hon.Speaker, It's worth noting that Standing Order 195 stipulates that within sixty days of a resolution of the Assembly or adoption of a report of a select committee, the relevant County Executive Committee Member 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 Assembly performance and success.

Hon.Speaker, upon expiry of the period stipulated under the Standing Orders, the Committee should write to the relevant County Executive Committee Member, who would be expected to respond within 14 days. If by the expiry of the 14-day period required for the County Executive Committee Member to respond, and he/she fail, a reminder letter is done by the Committee requiring submission of the implementation status within seven days, making reference to the first letter. If by the expiry of the 7-day period required for the County Executive Committee Member to respond, and he/she fail, a second reminder is done making reference to the first letter and the first reminder, where if the same is not acted upon the Committee may elect to summon the respective officer responsible.

Hon.Speaker, If the County Executive Committee Member responsible for the relevant department or Agency absolutely fails to act on the letters or invitations by the Committee, these amounts to substantial grounds sanctions against the said officer which may include;

- i. Absolutely failing to address/transact/ discuss any business pertaining to the docket held by that particular County Executive Committee Member.
- ii. Failing to approve the budget estimates of the department that the Officer in question holds, until the he/she honors the authority of the County Assembly and appears before the Committee with an absolute apology and explanation for undermining the Assembly.

Hon.Speaker,The Select Committee on Implementation does NOT follow up on actual implementation (100%) of resolutions, since implementation process is progressive, rather the committee should follow up on status/extent of implementation and report to the House.

Hon.Speaker, The Select Committee in meeting held Tuesday, January, 31, 2022 while discussing implementation Status of the County Budgets for the 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 programmes under the County Department. 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 programmes under the Department of Water, Irrigation, Environment and Natural Resources for the FY 2022/2023 as at December 31, 2022 using the format approved by the Committee.

Hon.Speaker, the Committee is aware that the Budget Implementation is the core mandate of the Select Committee on Budget & Appropriation. 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 appropriation Committee and the sectoral committees as part of their duties. However, the Select Committee on Implementation may follow up on quarterly reports from various CECM'S on Budget Implementation status.

Hon.Speaker, the response from the CECM was received by the office of the Clerk to the County Assembly on February 14, 2023. The Committee thereafter held discussions on the implementation status of the Departmental budget for FY 2022/2023 as at 31, December, 2022, where it held a workshop dated February 23-26, 2023 at Sunstar Hotel in Nairobi as well as meetings within the precincts of the Assembly which has culminated into this report.

3.0 OBJECTIVES OF THE STUDY

Hon.Speaker, the committee set out the following objectives:

1. To determine the implementation status of the programmes under the Department of Water, Irrigation, Environment and Natural Resources for the FY 2022/2023 as at December 31, 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.

4.0 METHODOLOGY

Hon.Speaker, the committee in its endeavor to furnish this House with a clear status of the implementation status of the said resolution prosecuted its mandate by:

- a) Consider recommendations/Comments by the respective Sectoral Committee;
- b) Scrutiny of the written submissions by the County Executive Committee Member in charge on the status of the adopted resolution.

3.0 STATUTORY REQUIREMENTS ON RESOLUTIONS

It is worth noting the following provisions on the Assembly resolutions:

1. Article 183 (3) of the constitution of Kenya ,2010 which provides as follows that: the county executive committee shall provide the county assembly with full and regular reports on matters relating to the County.
2. Article 185 (1) of the constitution of Kenya ,2010 which provides that: the legislative authority of a county is vested in, and exercised by, its county assembly. (2) A county assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.
3. Section 8 of the County Government Act ,2012 of the roles of the County the County Assembly;
4. Section 30(2) (j) of the County Government Act 2012 provides that the Governor shall “submit to the County Assembly an annual report on the implementation status of the county policies and plans”.
5. Standing Order 195.

4.0 SUBMISSION BY THE COUNTY EXECUTIVE COMMITTEE MEMBER

Programs implemented for the FY 2022/2023 under Development budget as at 31st December 2022

Name of the programme as it appears in the Budget	Budget allocated for each program	Projects/activities implemented	Expenditure incurred for each of the activities	Level of implementation of each of the activities as at December 31,2022	Challenges facing implementation of each activity & the proposed interventions
Boreholes drilling equipping and Solar power Installation	50 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.

Boreholes Rehabilitation and installation of Solar power system	15 Million estimate done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition
Water storage program- purchase of Plastic mold water tanks (5000 ltrs)	15 Million estimate done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Rehabilitation of Methi Swan Dam at Kabati	5 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Supply and delivery of GI pipes 100 MM class 'B' double flanged complete with bolts,nuts washers and rubber gaskets dia,PN12.5	2 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan,

complete with rubber ring at Iharu Irrigation Scheme					advertisement and requisition.
Supply and delivery of GI pipes 100 MM class 'B' double flanged complete with bolts,nuts washers and rubber gasket. -Upvc pipes 280 mm dia.PN 12.5 complete with rubber ring at Thathawa Irrigation scheme	3.5 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury.This resulted to delay in development of Procurement plan, advertisement and requisition.
Procurement of Waste Management vehicles and containers	60.0 million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury.This resulted to delay in development of Procurement plan, advertisement and requisition.

Tree Planting	1.65 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Procurement of personal protective equipment	2.1 Million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Procurement and installation of Energy saving jikos	1.1 million estimates done	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Beatification of Market centres	0.55 Million estimates	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan,

Construction of refuse chambers in Market centres	1.1 million	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	advertisement and requisition. Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.
Rehabilitation of riparian areas and quarries	1.10 Million	Draft work plan/Budget completed but not yet approved	0	Preparation for requisition and advertising in progress awaiting budget approval	Delay in uploading of Supplementary Budget in the System and approval of the Budget by the National Treasury. This resulted to delay in development of Procurement plan, advertisement and requisition.

5.0 COMMITTEE FINDINGS

The Committee found out the following: -

1. Zero absorption of Sector development funds during the reporting period.
2. There were no Policies developed by the Department under the abovementioned programs during the reporting period
3. There were no Laws enacted by the Department under the abovementioned program during the reporting period.
4. The report by the County Executive Committee Member 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 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 Financial year.

6.0 COMMITTEE RECOMMENDATIONS










The committee drew the following recommendations: -

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. **THAT**, the Chief officer/Accounting officer in charge Water, Irrigation, Environment and Natural Resource department to prepare half year budget implementation review report for FY 2022/2023, Pursuant to Article 228(6) of the Constitution and Section 166 of the Public Finance Management (PFM) Act, 2012, which require the accounting officers to prepare reports for each quarter of the financial year in respect of the entity and submit it to the County treasury for onward forwarding to the County Assembly.
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. This will consequently reduce the sited number of rolled over projects.
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.
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 of Finance, IT and Economic Planning, so that issues surrounding non implementation of adopted Assembly resolutions are fully addressed;

6.0 CONCLUSION

Hon.Speaker, the Committee therefore believes that the County Executive Committee Member in charge of Water, Irrigation, Environment and Natural Resource should ensure that the recommendations in this report are implemented in entirety. Additionally, the Sectoral Committees should also remain proactive in discharge of their mandate particularly that of oversight so as to ensure that the programmes that fall within the province of their corresponding County departments are carried out in a manner that resonates with the purpose for which they were approved even as the Committee on Implementation addresses itself on the same, since they have the primary mandate of day to day to oversight their respective departments as provided for under Standing Order 204(5) .

**THE SELECT COMMITTEE ON IMPLEMENTATION REPORT ADOPTION
SCHEDULE**

NO.	NAME	SIGN
1.	Hon. Hilary Muigai Muchoki (MCA -Chairperson	
2.	Hon. Jane Mukami Kigotho (MCA) -Vice Chairperson	
3.	Hon. Anthony Marubu Chege (MCA)	
4.	Hon. Gladys Wambui Waikau (MCA)	
5.	Hon. Grace Nduta Wairimu (MCA)	
6.	Hon. Peter Munga Njuguna (MCA)	
7.	Hon. John Kamwaga Mwangi (MCA)	
8.	Hon. Simon Mwaura wamwea (MCA)	
9.	Hon. Laban Chomba Njaramba (MCA)	
10.	Hon. Elizabeth Wambui (MCA)	