



REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY-4TH SESSION
OFFICIAL REPORT



(The Hansard)

Special sitting

Friday 20th May, 2016

The Assembly met at the Assembly Chamber at 10:00 AM

The Speaker, Hon. Ndegwa Wahome, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: Having confirmed that there is no quorum, I direct that the division bell to be rung for an initial 10 minutes pursuant to standing order number 34, or, until such a time within the ten minutes that quorum will have been achieved.

(The division bell is rung for 6 minutes)

(Quorum is achieved as confirmed by the clerk-at-the-table)

Speaker: Quorum having been achieved, let us proceed with the business for this special sitting as earlier communicated during the sitting of 18th May 2016. First order.

COMMUNICATION FROM THE CHAIR

Speaker: Hon. Members, I think the reason that the Clerk-at-the-table is not sure whether we have a communication is because it is not written. I am aware that members have seen me consulting with the representative of County Assemblies Forum's (CAF) governing council, Hon. Nancy Ng'ang'a.

We were consulting about the infrastructure of travelling to Mombasa for the Legislative Conference which is supposed to kick off on Sunday and Monday for some groups. The entire membership will convene on Tuesday. We have agreed that since the confirmation is not clear, as of now, we are going to sit with the members of the C.A.F governing council, who are Hon.

Nancy Ng'ang'a and Hon. Kieru Wambui, and we will send out messages to all of you. There are three categories: PWDs, women members and the entire membership of the county assemblies. They are reporting for the conference at different times but the entire membership will meet for the conference on Tuesday.

We shall give you a structured communication as to when you are supposed to travel to and from Mombasa, Although we are aware that the conference will run up to Thursday the 27th day of May 2016, we have sat down and agreed with the chairman of the Committee on Budget and Appropriations and the Office of the Clerk that we shall not be able to come back and organize another sitting to take into consideration the budget of sectoral committees. Therefore, we will extend the stay of Mombasa for an extra two days so that when we come back we will have looked into the budget so that the committee on budget can proceed for public participation. All these communications will be made to you in the course of the day.

Next order.

PAPER LAID

REPORT BY THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE NYANDARUA COUNTY SECOND SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2015/2016

Speaker: Yes, Chairperson Budget and Appropriations Committee, Hon. James Kiiru Gachomba,

Hon. James Gachomba: Thank you Mr. Speaker, I beg to lay in this house, the Report by the Budget and Appropriations Committee on the Nyandarua County Second Supplementary Budget Estimates for the Financial Year 2015/2016. Thank you.

Speaker: Very well, the Report by the Budget and Appropriations Committee, on the Nyandarua County Second Supplementary Budget Estimates for the Financial Year 2015/2016 is duly tabled. Next order.

NOTICE OF MOTION

Speaker: Yes, Chairperson Budget and Appropriations Committee, Hon. James Kiiru Gachomba,

Hon. James Gachomba: Thank you Mr. Speaker. I beg to give notice of the following motion:

THAT this House does adopt the Report of the Budget and Appropriations Committee on the Nyandarua County Second Supplementary Budget Estimates for the Financial Year 2015/2016, tabled before the Assembly on 18th May, 2016, as a report of this house and the recommendations therein as resolutions of this House.

Thank you.

Speaker: Very well, the notice of motion is duly given and we will be coming back to the same for processing.

PROCEDURAL MOTION

Speaker: Yes, Chairperson Budget and Appropriations Committee, Hon. James Kiiru Gachomba,

Hon. James Gachomba: Thank you Mr. Speaker. I beg to move the following procedural motion:-

THAT with the leave of the Assembly, Article 46(5) (b) of the Standing orders requiring that a notice of motion be given at least one (1) day before the motion appears on the Order paper be exempted to the motion:-

THAT this House adopts the Report of the Budget and Appropriations Committee on the Nyandarua County Second Supplementary Budget Estimates for the Financial Year 2015/2016, tabled before the Assembly on 18th May, 20156 as a report of this house and the recommendations therein as resolutions of this House.

Mr. Speaker, this has been necessitated by the fact that the County Assembly has been unable to perform its functions due to scarcity of resources especially in the budget. Since there are emerging issues all over, the Assembly must continue to perform its functions and roles. Some members who are going out for report writing exercises are unable to get their daily allowances. In addition, it has been necessitated by the CAF meeting that is in Mombasa. Members of our County Assembly should attend the said forum so that they can do the work that is ahead of them. Therefore, this is the main reason that has prompted this special sitting so that the members can deliberate and agree on the same. I now call upon Hon. Patricia Wanjugu to second the motion.

Speaker: Yes, County Member from Karau, Hon. Patricia Wanjugu.

Hon. Patricia Wanjugu: Thank you Mr. Speaker for giving me this opportunity to second the procedural motion. I second.

(Question proposed)

Speaker: Yes Member for Kaimbaga, Hon. Samuel Kimani Njiraini.

Hon. Kimani Njiraini: Thank you Mr. Speaker. I wish to thank the committee on Budget and Appropriations for burning the midnight oil when coming up with this report. We all understand that the facilitation of committees is very important. The committees should operate without budgetary hitches. I therefore thank the Committee and the Office of the Clerk for this report.

Speaker: Yes, the mover.

Hon. James Gachomba: Thank you Mr. Speaker, I thank the member for his contribution. I wish to say that the agenda of the County Assembly goes on and its objectives are achieved. Therefore, I beg to move.

(Question put and agreed to)

Speaker: Next order.

MOTION

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE NYANDARUA COUNTY SECOND SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2015/2016.

Speaker: Yes, Chairperson Budget and Appropriations Committee, Hon. James Gachomba,

Hon. James Gachomba: Thank you Mr. Speaker. I beg to move the following motion:- THAT this House adopts the Report of the Budget and Appropriations Committee on the Nyandarua County Second Supplementary Budget Estimates for the Financial Year 2015/2016, tabled before the Assembly on 18th May, 2015 as a report of this house and the recommendations therein as resolutions of this House.

I will go directly to the introduction of the report.

1.1 Fiscal responsibility principles

Mr. Speaker, pursuant to Section 129 (3) of the Public Finance Management Act No. 18 of 2012, the County Assembly Clerk is required to prepare and submit to the County Assembly the budget estimates for the County Assembly and send a copy to the County Executive Committee member for Finance.

Further, Section 135 (1) of the Public Finance Management Act No. 18 of 2012 stipulates that in certain circumstances, a county government may spend money that has not been appropriated if-

- i. the amount appropriated for any purpose under the County Appropriation Act is insufficient or;
- ii. a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act or;
- iii. Money has been withdrawn from the county government Emergency Fund.

In this case and pursuant to Section 135 (2) of the Public Finance Management Act No. 18 of 2012, the County government is mandated to submit to the County Assembly a supplementary budget in support of the additional expenditure for the approval of the authority to spend. Consequently, pursuant to Section 135 (4), (6) and (7), the County Executive Committee Member for Finance-

- i. prepares and presents his or her comments on the budget estimates presented by the County Assembly clerk;
- ii. as soon as is practicable after the budget estimates and other documents have been submitted to the County Assembly publishes and publicizes them; and,
- iii. Upon approval by the County Assembly, prepares and submits a County Appropriation Bill for the approved estimates to the County Assembly.

1.2 Preparation and submission of the County 2nd Supplementary Budget Estimates for the financial year 2015/2016

Mr. Speaker, notably, the County government has two arms; the County Executive and the County Assembly. In this context, the County Executive arm did not supplement its budget estimates.

The County Assembly is the Legislative Arm of the County government which is an independent entity and therefore guided by these fiscal responsibility principles, on the 12th day of May, 2016 the County Assembly Clerk being the Accounting Officer prepared and submitted the 2nd Supplementary Budget Estimates for the financial year 2015/2016 to the County Assembly and the same was duly laid before the House on Wednesday the 18th March, 2016 in a

special sitting for further scrutiny, consideration and approval. The tabled 2nd Supplementary Budget Estimates for the financial year 2015/2016 is for the County Assembly.

1.3 Scrutiny of the County 2nd Supplementary Budget for the financial year 2015/2016 for the County Assembly.

Mr. Speaker, pursuant to the provision of the County Assembly Standing Orders, Article 210, the supplementary budget estimates, upon being laid before the Assembly, it was committed to the Budget and Appropriations Committee to deliberate upon according to its respective mandate and make recommendations to the House for adoption.

In its scrutiny the Committee considered the updated vote book with in depth and comparative analysis of the total requisitions, total commitments and total expenditures.

1.4 Compilation of the Committee's report on the County 2nd Supplementary Budget Estimates for the financial year 2015/2016

Mr. Speaker, The Budget and Appropriations Committee, sought leave from 18th to 20th of May 2016 and travelled to, Naivasha (Masada hotel) where it held its sittings in scrutiny and review of the supplementary budget estimates for the financial year 2015/2016.

The compiled report includes a schedule of the ceilings per recurrent expenditure items as reallocated.

In this regard, upon consideration and approval of the County 2nd Supplementary Budget Estimates (County Assembly) for the financial year 2015/2016 by the Assembly, the same will give effect to the County Supplementary Appropriation Bill 2016 to be submitted by the County Treasury.

Mr. Speaker, on the observations and recommendations, the Budget and Appropriations Committee considered the issues raised and observed that pursuant to Section 135 (1) of the Public Finance Management Act No. 18 of 2012, the County 2nd Supplementary Budget Estimates for the financial year 2015/2016 satisfies the circumstances underlying when the County government may spend money that has not been appropriated, that is-

- i. The amount appropriated for any purpose under the County Appropriation Act is insufficient; and
- ii. A need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act.

The Committee did a comparative analysis of the total requisitions, total commitments and total expenditures as indicated in the vote book analysis from the Integrated Financial Management Information Systems database for the period.

Mr. Speaker, arising from the above, the Committee recommends:-

1. THAT, Annex I on the recurrent and development expenditure ceilings per item as reallocated be adopted as the base for expenditure for the County Assembly for the financial year ending 30th June 2016, and
2. THAT, Annex I be the base for the preparation of the County Supplementary Appropriation Bill 2016 that will give effect to the Act of the Nyandarua County Assembly to authorize the issue of a sum of money out of the County Revenue Fund and its application towards the service of the year ending on the 30th June, 2016 and to appropriate that sum and a sum voted on account by the County Assembly for certain public services and related purposes.

In conclusion Mr. Speaker, the Committee therefore urges the House to adopt the report of the Budget and Appropriations Committee on the County 2nd Supplementary Budget Estimates (County Assembly) for the financial year 2015/2016 as a report of the House and the specific recommendations therein as the resolutions of the House.

Mr. Speaker, as I had stated earlier, this House was called from recess to come and deliberate on this issue of the supplementary budget. This is because as an Assembly, we are facing a financial crisis that has impeded the members from executing their mandate accordingly. Therefore, we felt that there was the need to reallocate some amounts from various vote heads so that we can solve this problem. Also, the supplementary budget is very important for the members to attend the legislative conference in Mombasa in addition to doing other duties. I wish to call upon the vice chair of this committee to come and second the motion.

Speaker: Yes, the Vice Chairperson, Committee on Budget and Appropriations and Member for Mirangine, Hon. David Ndirangu.

Hon. David Ndirangu (Mirangine): Thank you Mr. Speaker, I wish to second this motion that has been moved by the Chairperson, Committee on Budget and Appropriations. We are grateful that the committee was able to address the issues that it was mandated to by the House. This was necessitated by the financial hiccups that face this Assembly. We therefore had to go and write up this report to alleviate the financial constraints. Other than that, I don't think I

have much to say since the chairperson has already mentioned the reason why we are here. Therefore, I second.

(Question proposed)

Speaker: Yes, Member for Gathanji, Hon. Samuel Thuita.

Hon. Samuel Thuita: Thank you Mr. Speaker, I rise to support the motion as moved by the Chairperson, Committee on Budget and Appropriations. It is important for this House to adopt this report and the supplementary budget. The law allows for such a move in cases where there is a need to reallocate funds. Apparently, there is the need to adopt this report so that some functions of the County Assembly are not paralyzed. I wish to thank the committee and you should agree with me that the committee was given this mandate on Wednesday, 18th May, 2016 and they were supposed to table this report by today. The committee sacrificed their time. I wish to also show gratitude to the committee clerk and the technical team. This is because the committee did this work overnight and by this morning, the report was tabled.

Mr. Speaker, there are some issues that arose when we were in the committee. This is the county assembly's supplementary budget and we are all aware that the Executive was to bring theirs. It was not tabled in this house and I can say that it is because they were reluctant. Everyone in various departments knew that they needed a supplementary budget. Now that this is the second, we are going to have a third one in the week to come. The one publishing this will question the integrity of this government, which is publishing two supplementary appropriations bills in a span of one week.

This house and its committees may be working but one arm of the government is failing us. Mr. Speaker, communicate to the executive that some of the things that are painting this government badly are coming from the executive arm of government. I support.

Speaker: County member from Githioro, Hon. Dorcas Nyambura Kihara.

Hon. Dorcas Kihara: Thank you Mr. Speaker. I rise to support this report. I thank the committee for the effort it has put. They have prepare this report within the shortest time possible. The constitution has a very good spirit of separation of power. It say that there shall be a County Assembly and the County Executive.

The County Assembly is an independent arm of the government. We should not be delayed every time by the County Executive. That is why we have to operate separately. No wonder we have our own IFMIS. This will do away with the blame game. The County Assembly

is carrying out its mandate but the executive is not. This is a proof. It is not that the county executive does not need money but it is moving at a very low pace. I therefore comment the budget and appropriations committee and the board for that. I support.

Speaker: County member from Kipipiri, Hon. Nancy Ng'ang'a

Hon. Nancy Ng'ang'a: Thank you Mr. Speaker, it would be okay to say member for Kipipiri because you may not know about tomorrow. I support the motion on the report by the Committee on Budget and Appropriations and I congratulate them for the work they have done within such a short time.

It would not have been good if the budget was not done because we would have missed out on the CAF meeting. I also thank you because Nyandarua County Assembly is one of the ten county assemblies that paid the subscription fee of Kshs 3 million. As a member of the governing council, I thank you for that. CAF has done so much. The organization may not be very popular but it has fought so many battles concerning the welfare of the members. There is a case in court about the term of MCAs and there was the mention of the same today. I am happy that now we are going to Mombasa and we shall get a chance to hear what CAF has done. It is through CAF that the 7 % regulation was removed. The Kshs 100 million that had been deducted from our budget was returned and note that there is at least Kshs 560 million. You also spoke for us and we were added Kshs 9 million. You really work hard for this County Assembly to see to it that we are comfortable. Thank you Mr. Speaker

Speaker: Yes county member from Leshau Pondo Hon. Margaret Wamuyu Wambugu

Hon. Margaret Wamuyu: Thank you Mr. Speaker. Yangu yatakuwa machache sana. Nashukuru Kamati ya Budget na haswa mwenye kiti ambaye amenihimiza kusema jambo. This good, handsome and strong chairperson...

(Laughter)

Speaker: Order members! This is why the member for Njabini/ Kiburu is elected by his people from time to time.

(Excessive Laughter)

Hon. Margaret Wamuyu: He is digital. Mnajua vizuri kuwa tulikuwa hapa Jumatano na kamati ikapewa kazi hiyo na tukaenda kuifanya jana. Alitusukuma sana tukafanya kazi hii mpaka usiku. Sasa siku ya Jumapili tutandoka ili tuhudhurie mkutano wa CAF. Tunajua kuwa katika CAF tuna wawakilishi wawili tu, Mheshimiwa Nancy na Mheshimiwa Kieru. Mkifika huko

naomba mshiriki katika mkutano huo ili tutoke na kitu. Mnakumbuka tuliahidiwa milioni mbili. Ni lazima tuulize hayo mambo yamefika wapi. Sisi tutaondoka hivi punde. Ng'ombe hulishwa malishoni kwa saa kumi na moja lakini saa ya mwisho, ya kumi na moja, wao huelekeza kichwa nyumbani. Hata ukiwalazimisha wale hawawezi kwa sababu saa zimeisha. Vichwa vyetu vimeelekezwa nyumbani sasa. Kitakachokuwa mfukoni ndicho tutaondoka nacho. I now call the mover, my chairperson.

(Laughter)

Speaker: Yes, member for Njabini/Kiburu

Hon. James Gachomba: Thank you Mr. Speaker, I commend the Hon. Members who have contributed to this motion. It is now the duty of the office of the Clerk to ensure that the members are facilitated to go to Mombasa and attend to other duties since the house seems to have supported the motion.

(Question put and agreed to)

Speaker: The report has been adopted now it is the Committee of Supply

COMMITTEE OF SUPPLY

(Order for the committee read)

(The Speaker, Hon. Ndegwa Wahome, leaves the chair)

IN THE COMMITTEE

(The temporary chairperson, Hon. Joyce Ng'ang'a, takes the chair)

NYANDARUA COUNTY SECOND SUPPLEMENTARY BUDGET

(Question on issuing of Kshs. 580,568,213 from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 proposed)

Amendments

Chair: Let us now move to amendments.

Hon. James Gachomba: Thank you Madam Chair. I beg to move the following amendment:

That item 220499 (Foreign Travel be amended by decreasing the proposed amount of Ksh.12, 800,000 by Ksh.2, 148,161 thus allocating the Item Ksh. 10,651,838.

I wish to call Hon. Joshua Muriithi to second.

Chairperson: Yes Hon. Joshua Muriithi.

Hon. Joshua Muriithi: Thank you Madam Chair. I beg to second.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

Chairperson: The next amendment Hon. James Gachomba.

Hon. James Gachomba: I beg to move the following amendment:

That item 2210303 (Travelling and Subsistence allowances) be amended by increasing the proposed amount of Kshs. 72,569,704 by Kshs. 2,148,161 thus allocating the Item Kshs. 74,717,865.

I call upon Hon. Patricia Wanjugu to second.

Hon. Patricia Wanjugu: Thank you Madam Chair. I beg to second the amendment

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on issuing of Ksh.580, 568,213 from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 proposed)

(Question on issuing of Ksh.580, 568,213 from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 put and agreed to)

Chairperson: Next order.

Development Expenditure

(Question on issuing of Kshs. 115,300,000 from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 in respect of Development Vote of the County Assembly proposed)

(Question on issuing of Kshs. 115,300,000 from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 in respect of Development Vote of the County Assembly put and agreed to_

(The Speaker, Hon. James Wahome Ndegwa, resumes the Speaker's Chair and the Mace is raised)

Speaker: Very well. Next order.

MOTION

REPORT OF THE COMMITTEE OF SUPPLY

Speaker: Yes, the Chairperson of the Committee of Supply and the County Member from Magumu, Hon. Joyce Ng'ang'a.

Hon. Joyce Ng'ang'a: Thank you Mr. Speaker. I beg to move that the House agrees with the Report of Committee of Supply to the effect that:

1. That the sum of Kshs 580,568,213 be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 in respect of Recurrent Vote of the County Assembly and in terms of the items with approved amendments to the proposed County Assembly Program Based Budget for revised Estimates Second Supplementary Budget for the FY 2015/2016 tabled before this House on 18th May 2016.
2. That the sum of Kshs 115,300,000 be issued from the County Revenue Fund to meet the expenditure during the year ending 30th June, 2016 in respect of Development Vote of the County Assembly and in terms of the items contained in the proposed County Assembly Program Based Budget for revised Estimates Second Supplementary Budget for the FY 2015/2016 tabled before this House on 18th May 2016.

Mr. Speaker, I beg to move.

(Question on agreeing with the Report of Committee of Supply put and agreed to)

Speaker: Hon. Members, what has been adopted now becomes the second supplementary budget of the County Government of Nyandarua.

I would not belabour in thanking the Committee on Budget and Appropriations again for performing the duties that have made this House continue operating. The committee has been

doing so within so restricted and constricted timelines. We continue to appreciate the committee for that. The committee had only one day to bring into this House the report whose motion has already been adopted, yet it brought a very comprehensive report whose implementation will allow us to have a smooth and seamless closure of the financial year 2015/2016.

Immediately after this, the Office of the Clerk is expected to do the Second Supplementary Appropriation law which must be gazetted by next week. In view of this, the first business that this House will perform on resuming on 31st May, 2016 is to pass that law to enable expending the finances as provided in the 2nd Supplementary Budget.

Although further communication will be made, for purposes of preparedness with regard to attending the joint Devolution Conference for the forty seven County Assemblies and The Senate, the Hon. Members with disability will have a pre-summit conference on Sunday, 22nd May, 2016. So they will be expected to travel tomorrow. The female MCAs will also have a pre-summit conference on Monday, 23rd May, 2016. So they will be expected to travel on Sunday. The main conference, which will now include the seemingly endangered species,

(Laughter)

Will start on Tuesday, 24th May, 2016. So the male MCAs will be expected to travel on Monday, 23rd May, 2016. As I indicated, all the Hon. Members of this House, after the conference on 27th May, 2016, shall remain in Mombasa, and I hope the Office of the Clerk has been able to book Mombasa Beach Hotel, to enable us look into the Budget Estimates. This will allow the Committee on Budget and Appropriations to engage in public participation on the same immediately we come back.

I wish you, Hon. Members, a safe journey to Mombasa. The said conference itself is very critical because it will help us set the agenda for 2017. It will also help us set the roadmap on where we want to go and on how we wish to be remembered as County Assemblies.

With that, the House stands adjourned to the next date of sitting as per our calendar, which is Tuesday, the 31st day of May, 2016, at 2.30 p.m.

(The House rose at 11.06p.m.)

