

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Tuesday 29th November 2022

Assembly Building

The House met at 2:50pm

[The Speaker (Hon. Joel Karuri) in the Chair].

PRAYER

COMMUNICATION FROM THE CHAIR

RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON COUNTY WARDS

EQUITABLE DEVELOPMENT FUND

The Speaker (Hon. Joel Karuri): The County Assemblies Forum (CAF) is the coordinating body of the 47 County Assemblies in Kenya. The primary mandate of CAF is to promote networking and synergy amongst the 47 Assemblies, coordinate Intergovernmental Relations and enhance good practice in Legislative Development.

Reference is made to the Executive Committee meeting held on 25th November 2022 in Mombasa County, where it was resolved that CAF petitions the National Assembly for the County Wards Equitable Development Fund to be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by Hon. Stephen Mule, MP and Hon. Gichimu Githinji, MP, alongside other proposed funds namely; the National Government Constituency Development Fund (NG-CDF), National Government Affirmative Action Fund (NGAAF), Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with the rules of Parliament.

In this regard, the Forum requests each County Assembly to move a Motion to pass the Petition (*herein annexed*) as it is (without amendments) for uniformity purposes, as a show of solidarity and return a copy of the signed Petition and a copy of the Hansard Report back to the Forum by **3rd December 2022** for submission to Parliament.

Thank you for your continued support and cooperation.

Signed by the Secretary General, CAF, Hon. Chege Mwaura.

NOTICE OF MOTION

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THIS COUNTY ASSEMBLY RESOLVES TO PETITION THE NATIONAL ASSEMBLY INDIVIDUALLY OR COLLECTIVELY AS COUNTY ASSEMBLIES FORUM (CAF) ON COUNTY EQUITABLE DEVELOPMENT FUND

The Speaker (Hon. Joel Karuri): There is a Notice of Motion from the Member of the County Assembly Forum Hon Peter Mwamba Kajwang.

Hon. Peter Kajwang: Thank you Mr. Speaker sir. I beg to give Notice of the following Motion –

THAT, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) vide the **annexed draft petition** for the National Assembly to intervene and ensure:

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1. THAT, the County Wards Equitable Development Fund be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Hon. Stephen Mule, MP and the Hon. Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.
2. THAT, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
 - (i) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
 - (ii) That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
 - (iii) That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

The Speaker (Hon Joel Karuri): Thank you. Hon. Kajwang before you proceed to take your seat, as the Chairperson of CAF in our Assembly maybe you may need two minutes to give a little bit of what the Motion or the Petition seeks to achieve.

Hon Peter Kajwang: Mr. Speaker I want to recognise the presence of Madam Catherine who is also my partner. As we are all aware that CAF is the Body that is agitating for the welfare of all

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the Assemblies nationally and that Members are elected or appointed to represent their various Assemblies in this great Forum. I want to say that I am honored for having been appointed to represent the interests of Nakuru County Assembly in this great Forum.

One of the things that this Forum is working on is the one that has now come before the floor of the House which is about Ward Development Fund. Members we are not coming from a point of zero as Nakuru County had the Ward Development Fund enacted in our County. Members of CAF thought that we need to approach it wholesomely in the entire Country so as it stands right now, the money that is brought to the Counties as you know 30% is meant for Development and 70% is meant for Recurrent Expenditures.

Of the 30% that is meant for development as it stands in our law today in Nakuru County 45% is always directly to the Wards for development in the Ward, then 55% is left for the Governor to develop his own pilot projects. Now we are saying that we want a lot to be entrenched so that we get this percentage to the expected funds that every County is expecting to receive from the National Government so we are not talking about the audited funds, but we are talking about what we expect as Nakuru, a certain percentage of that money should go to the Wards. That is how it is and I think we have had a lot of conversations in regards to this issue and we have gotten to a point where we feel that we need to work together with all other County Assemblies so that we can present our Petitions to the National Assembly in regards to our demands.

Another thing that CAF is working on closely is to make County Assemblies have financial autonomy. You know that Honorable Members right now if we need to get cash that runs this Assembly, our projects and our programs we make requisitions through the Department of Finance and through the CO of Finance. We felt that this is not being fair to the Assemblies and as replicated from the National Parliament, they have autonomy of funds. Funds are dispatched directly from the Controller of Budget to the National Assembly. They do not need to go through other Departments. I can inform that this conversation is at a very advanced stage and very soon our prayers are going to be answered. Another thing that we are expecting from CAF that has formed part of the agendas is also the issue of pension. Pension is given to other legislations be it Parliament, Senate but it has never come to the County Assemblies so we are pursuing that we get allocations for pensions. Members Can I get an applause for that.

(Applause)

We are also following up on the issue of Car Grant that is a reimbursement. We realised that we got a circular that this money is meant to be taxed whereas in other Legislative Arms this money is not taxed so the question was what changes when it comes to the County Assemblies? The Executive membership of CAF has already informed the relevant bodies like the KRA, the CRA and this talk is already gaining momentum and we are very sure that our argument will hold the day.

We are also looking at the salaries. It is regrettable that our salaries were revised to our disadvantage which for us we thought that it is not legal for them to revise someone's salary to their disadvantage. We said that this needs to be reinstated and that salaries be pegged on certain parameters. In Parliament and also in the Senate their salaries are pegged as a percentage of the President's salary. The Members of Parliament earn 40% of the President salary why can we not also earn 40% of the Governor's salary. These are the conversations that we are making right now in CAF and I believe that it will see the light of the day.

We are pursuing relevant Authorities so that we bring back the issue of Plenary Allowances and I think we are getting very positive response from the people who are involved. The elephant in the House which we are working on seriously is to entrench this body called CAF into the Constitution. Right now we are operating like a welfare but if we can place it in the Constitution it is going to work the same way as Parliamentary Service Commission. That means we are going to have a bigger voice and a better negotiation ability in all matters that we are following for the welfare of the Members. I have just moved a Notice of Motion and I ask this Assembly to kindly and humbly support it all the way until it gets to a Motion so that we join all our brothers and sisters from elsewhere in the County to push for this noble welfare issues. Thankyou.

The Speaker (Hon Joel Karuri): Thank you Hon. Kajwang. Next order.

ADJOURNMENT

The House stands adjourned until tomorrow at 09:30 am

(The House rose at 3:25pm)