

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday, 6th April 2022

Assembly Building

The House met at 10: 55am

[The Deputy Speaker (Hon. Philip Wanjohi) in the Chair]

PRAYER

The Deputy Speaker (Hon. Samuel Tonui): Good Morning Honorable Members. Clerk Next Order.

PAPER

REPORT OF THE AUDITOR GENERAL ON COUNTY ASSEMBLY CAR LOAN AND MORTGAGE FUND
FOR THE YEAR ENDED 30TH JUNE 2017

The Deputy Speaker (Hon. Samuel Tonui): We have some Papers to be laid, the Report of the Committee on Health Services on the Nakuru County Maternal Newborn and Childcare Bill No. 10 of 2021. Honorable Njuguna? As we wait, we go to the next Report, which is the Report of the Auditor General on County Assembly Car Loan, and Mortgage Fund for the year ended 30th June 2017 to be laid by honorable Philip Wanjohi on behalf of the Majority Leader.

Hon. Philip Wanjohi: Thank you Honorable Deputy Speaker, on behalf of the Leader of Majority I Honorable Moses Ndung'u, I wish to table a Report of the Auditor General on the County Assembly of Nakuru Car Loan and Mortgage Fund for the Year Ended 30th June 2017. I beg to table.

(The Report was laid on the table)

The Deputy Speaker (Hon. Samuel Tonui): Thank you Honorable Wanjohi. The Paper stands committed to the Committee on Public Accounts and Investment (PAIC) led by the Chairperson of the Committee. The Vice Chairperson is around. You should come up with a Report within a period of 30 days.

The next Paper to be laid is the Report of the Auditor General on Naivasha Water and sanitation Services Company Limited for the year ended 30th June 2020 to be table by Honorable Philip Wanjohi on behalf of the Leader of Majority.

PAPER

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THE REPORT OF THE AUDITOR GENERAL ON NAIVASHA WATER AND SANITATION COMPANY
LIMITED FOR THE YEAR ENDED 30TH JUNE 2020

Hon. Philip Wanjohi: Thank you Honorable Deputy Speaker, on behalf of the Leader of Majority who is committed elsewhere, I wish to table a Report of the Auditor General on Naivasha Water and Sanitation Company Limited for the year ended 30th June 2020. I table.

(The report was laid on the table)

The Deputy Speaker (Hon. Samuel Tonui): Thank you honorable Wanjohi, the Report stands committed to the Committee on Public Account and Investment (PAIC). Honorable vice Chairperson honorable Samuel Mugi this Paper is committed to your Committee and you has to come up with a Report within a period of 30 days. Next order.

MOTION

BUDGET COMMITTEE REPORT ON BUDGET IMPLEMENTATION FOR THE FINANCIAL
YEAR ENDED 30TH JUNE 2021

(Resumption of Debate interrupted on 2.3.2022, Morning Session)

Hon. Joel Karuri: Honorable Deputy Speaker, thank you for according us a time to resume the debate on the Budget Implementation for the year ended 30TH June 2021. It should be noted that it was for the Financial Year 2020/2021. We moved the Motion to move the debate; we had given a notice and laid the Paper prior to that, and this shows that compliance in accordance to Standing Orders of this House was followed. It is good to refresh on the Paper, the Paper explains how the budget of a certain Financial Year was carried out and implemented.

Without taking the Members back to the Report, the issues that we raised was about the recommendations and there were some other recommendations that when the Committee looked into, that we have given other recommendations on the areas of where the Budget or Implementation of the Budget needs to be relooked into. We know as an Assembly should there be an issue that we feel had issues we know how the Committee or the Committee Systems works. As much as the Committee on Public Account and Investment usually waits for the Report from the Auditor General.

We have been asking ourselves as a House whether the Committee should...see, or is notified or happens to get across some information that there are issues surrounding the implementation of budget, whether the Committee on PAIC should just wait until the Report for the Auditor General is out.

So, Mr. Deputy Speaker, that is something that going forward, we may need to make very clear, because after the Committee on Budget gives its Report and recommendations, should there be other issues surrounding that need to be explained further, not forgetting that the implementation

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of budget lays that point or that portion lays squarely on the budget implementation, or rather the Budget and Appropriations Committee.

But should there be issues, enormous issues that seek to be addressed on the areas of whether there is misappropriation of funds, or whether there are reasons to believe that monies, or the budget was not implemented as it was, then the Committee on PAIC may need to have preliminary look on such matters, so that we do not wait for misappropriation or other things, even as we wait for the Report of the Auditor General.

Basically, that is our highlight, and Members, I want us to go back to page 32. And the key observations that the Committee made was that there was low absorption of Development Funds as indicated by the expenditure of Kshs 4.8 billion in the Financial Year 2021 from the annual development budget allocated, that was Kshs 10.1 billion development expenditure presented 14.3% of the annual development budget. That is important to note, that during the closure is out of the year for the day that ended on 30th June 2021 only 14.3% of the annual development budget was able to be absorbed and implemented into service delivery and development project.

Of importance is also to note about the highway Bill, which accounted for 45.2% of the total expenditure in the Financial Year 2021. That is constraining the funding of other programs. There comes a time where we need to look at ourselves and tell ourselves the truth. The residents of this County do not and cannot expect that they are going to be employed in other Counties. And there is a historical injustice if we want to call it that way that happened after Devolution Nakuru County was the Headquarters of Rift Valley. It is good to note that at the onset of the Devolution all those workforces and those personnel who used to work in the Headquarters in the devolved functions, if a person had come from Turkana County, they were not deployed to Turkana County, and they were not transferred. If a person came from Kajiado in South Rift, they were not transferred to Kajiado and so you find that in Nakuru County, we bear the burden of the larger previous Rift Valley. If you want more evidence, you can look at the Department of Health and the Chairman for Health is here. The 39.8% of the total budget that goes to Health, much of that money goes to the PGH.

And Mr. Deputy Speaker, it is good to say that we take pride in that facility, the PGH. But it is good to note that PGH is not funded by Baringo County, it is not funded by Nyandarua County, It is not funded by Elgeyo and the surrounding Kericho and Bomet Counties and all those other Counties. Much of the money that goes to health goes to funding programs, whether payments, whether medicine of PGH that is a classic example of the considerations that were made at the onset of devolution regarding the workforce and personnel.

It is good to look at other Departments like Agriculture. If someone was employed and had come from, say from other Counties, they were not transferred, they were not taken to their Counties. And so they were left here, if you want to look at the PSM, these Counties got 11 Sub-Counties and all these Sub-Counties. They had Municipalities and Town Councils and all those people at

the onset of devolution, they were taken to the payroll of Nakuru County. You cannot compare Nakuru County to Nyandarua County or Samburu or other Counties or even Tana River or Lamu, you would want to look at what they receive from the National Government, per capita per person. A person in Lamu County ends up getting much money if you compare to a person in Nakuru County.

These are the historical injustices in terms of economic and the planning that Nakuru County is facing. So, whenever we talk about the high wage bill, the question begs the high wage bill is not necessitated by the creation of the devolved function, name it Nakuru County these are inherited structures. And so whenever we want to employ people and you want to employ the nurses, if you want to employ healthcare providers, if you want to in other cadres, if you want to employ ECD teachers, if you want to employ Agricultural Service Providers, we are told that we cannot continue employing because the ceiling for recurrent and personnel has been reached. So these are conversations that as a County we must have going forward and evidence is there that Nakuru as much as we are told we received so much; it is also important to say that this is a vast County. We inherited so much in terms of personnel and so this inheritance is really inhibiting our economic planning in terms of whether we can employ more people. The result is that we have educated youth who cannot be employed because we have a bloated wage bill. We have youth who would want to do things but they cannot do because the economic and monetary space is squeezed. It is good to belabour that point.

The other observation that the Committee found was the high expenditure on non-critical recurrent expenditure. It is good to say that Governments, including the County Government of Nakuru, there is so much appetite on the area of recurrent. If you want to compare recurrent and absorption of recurrent vis a vis development, recurrent would always lead because that is where use of goods and services, things to do with allowances lies. As a Committee, these are our recommendations;

1. That the County should implement the following in order to improve the budget execution;
 - i. The County should identify and address issues causing delays in the implementation of development projects.
 - ii. The County Public Service needs to establish an optimal staffing structure to ensure expenditure on personnel emoluments complies with the regulation of 25(1) a of the PFM Act. That governs the County Governments
 - iii. The County fastrack the forensic audit of the County debts and pending Bills.
 - iv. The County should address own source of revenue performance so as to ensure a balanced budget.

Those are the recommendations to the Report and we do not want to go back to the implementation phases because the issues that were raised is why the Report was referred back to the Committee for recommendations. I want to beg that the Members support this Report so we adopt it. This is one of the critical Reports that must be there in the budget process. Right now, we know that the Treasury went around seeking opinions and observations of the public in the matter of public

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participation. They were able to get feedback and they were able to get projects from wananchi. Those projects now need to come into this House as budget estimates. There is no way that we can look at the detailed budget estimates without looking and adopting this Paper about how the budget for 2020/2021 was carried out. I beg that the Members consider adopting this Report from the onset and proper planning of the budget process. Thank you.

The Deputy Speaker (Hon. Samuel Tonui): Thank you Hon. Karuri. That was a continuation of a Debate which was debated last time and today you have just taken us through a lot of the awareness on the same, especially when we talk of the wage Bill which has been a problem to this County but we understand that we inherited from the previous Provincial Headquarters and there was no way we could send the workers who are with us to their respective Counties. Thank you for enlightening us. That one has to be dealt with. The CRA should also consider when we talk of Counties per capita; that is money per person.

(Question put that the House adapts the Report of the Committee on Budget and Appropriations on the budget implementation for the year ending 30th June, 2021 tabled in this House on Wednesday 2nd March, 2022 during the morning plenary).

(Question put and agreed to).

PAPER

HEALTH COMMITTEE REPORT ON NAKURU MATERNITY, NEWBORN CHILD CARE

BILL NO. 10 OF 2021

Hon. Njuguna Mwaura: Thank you Mr. Deputy Speaker sir. I rise to table the Report of the Committee on Health Services on the Nakuru Maternity New Born and Child Care Bill No. 10 of 2021. I beg to lay.

(The Bill was laid on the table)

The Deputy Speaker (Hon. Samuel Tonui): Thank you.

MOTION

THE NAKURU COUNTY MATERNAL NEWBORN AND CHILD CARE BILL NO. 10 OF 2021

The Deputy Speaker (Hon. Samuel Tonui): Before I propose a question, Chairperson Health Committee Hon. Njuguna.

Hon. Njuguna Mwaura: Thank you Mr. Deputy Speaker, I arise to move a Motion;

THAT the Nakuru County Maternal, Newborn and Childcare Bill No.10 of 2021 be now read for a Second Time.

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This Bill is one that we felt need to be there in this County so that children but allow me to start from the mother because giving birth in Nakuru, it has been a punishment to women in this County. We find that sometimes when the women go to the hospitals, they are subjected to traumatic conditions and situations. Therefore we felt that if we come up with a law that will bridge the non-existent of laws that regulate maternity services in our Country, it will be prudent. That said, you realize that some of our mothers going to our facilities are beaten and some of them are called names while others are subjected to some conditions that are not good and therefore at the end, they become traumatized and some of them end up committing suicide or killing their kids. Therefore we felt that as an Assembly which is a legislation body of this County, it was good for us to come up with a Bill that will address such kind of a situation and condition.

Therefore in this Bill we have identified referral mechanisms, for instance if a mother finds herself in labour pains, she just needs to call and then an ambulance picks them. The conditions and even the time that this mother should stay in the facilities, it has been outlined in the Bill. For instance we know that the mothers go through prolonged labour pains and others are subjected to caesarian deliveries. There are conditions and times that they are supposed to be in the facilities; in this Bill it has been outlined. The newborns sometimes their mothers could not be having enough monies to provide food supplements and in this Bill there is welfare issues that has been outlined and thus this Bill is one of the best that will take care of the newborn and also childcare issues such as immunization and also provision of food supplements.

Also on the issue of the youth such as teenage pregnancy because some of them have no access to counselling from grownups. In this Bill we have youth friendly centers in all our facilities. Each facility ought to have a youth friendly center where we are going to have psychologists and professionals counselling our youth so that we can minimize issues of drug abuse, the issue of teenage pregnancy among other vices that can be very detrimental to the welfare of our youth. You realize the rate of suicide cases is very high particularly in the Sub-County where I come from which is Molo. The rate of suicide is alarming and reason being we do not have structures to address the challenges facing these youth. With the provision of youth friendly centers, we believe that psychiatrists will be employed by our County to advise our youth. You also realize our facilities including the Assembly, I do not know whether they have considered that. Our Members and also the staff, we do not have lactation parlor and you find that children are left at home where they are subjected to challenges and in the future, the issue bring some psychological issues to the children.

Therefore we felt that it was prudent for lactation parlors to be provided in each facility, social amenities that we have including this Assembly so that our mothers can store their breast milk as they nurse their children. This children will feel entitled to normal growth like children being taken care of or nursed by their mothers throughout. Therefore I beg to move that this Bill be read for a Second Time. I request Hon. Palang'a to second.

Hon. Peter Palang'a: Thank you Mr. Deputy Speaker, I think as it has been highlighted by the able Chair, we appreciate his effort and that of the entire Committee for the work they have done

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especially within this term. They have come with a number of Bills which are very crucial to the operations of the Department. I wish to stand and support that this is a timely Bill that we really require to address such issues. I believe Members have gone through; I looked at different articles and really addresses a number of concerns that are prevalent within our County. Therefore in the adoption of this particular Bill, I have noted it will go a long way in addressing a lot of challenges that are facing the Department the Youth and the mothers at large. Thank you Mr. Deputy Speaker

The Deputy Speaker (Hon. Samuel Tonui): Thank you, I think you remember this is the third time that this Bill has been brought to this House and being deferred to pave way for its amendments. I think now you can agree that it has been properly amended and it is working well and most of the Members are in agreement. I now want to propose question

(Question proposed that the Nakuru County Maternal, Newborn and Childcare Bill No. 10 of 2021 be now read a Second Time).

Now the Motion is open for debate. Welcome... Everybody is satisfied. I will now put question

(Question put and agreed to)

(The Nakuru County Maternal Newborn and Childcare Bill No. 10 of 2021 was accordingly read a Second Time).

ADJOURNMENT

This House stands adjourned until 2.30 in the afternoon today.

(The House rose at 11.25am)