

Wednesday 20th May
by Sen. Wamatangi

PETITION PRESENTED TO THE SENATE PURSUANT TO ARTICLE 119 OF
THE CONSTITUTION OF KENYA AND PART XXIV OF THE
SENATE STANDING ORDERS

PARLIAMENT
OF KENYA
LIBRARY

BY

SEN. PAUL KIMANI WAMATANGI
SENATOR, KIAMBU COUNTY

(ON BEHALF OF MEMBERS OF THE KIAMBU COUNTY ASSEMBLY)

CONCERNING THE PASSAGE OF THE KIAMBU COUNTY SUPPLEMENTARY
APPROPRIATION BILL, 2015 (BILL NO.3 OF 2015) WITH RESPECT TO FUNDS
ALLOCATED FOR PURCHASE OF VEHICLES BY THE KIAMBU COUNTY
GOVERNMENT

Rt. Hon. Speaker
You may approve and present.
20/05/15

May, 2015

We, the undersigned,

Citizens of the Republic of Kenya, members of the Kiambu County Assembly, and residents of Kiambu County -

DRAW the attention of the Senate to the following:

1. **THAT**, on 31st March, 2015, the County Government of Kiambu submitted to the County Assembly the Kiambu County Supplementary Appropriation Bill, 2015 (Bill No.3 of 2015). Among the items listed in the said Bill, and which the Assembly was requested to approve, was an amount of Kshs.221 million for purchase of seventy-two (72) vehicles to be utilized by a single department of the County Government.
2. **THAT**, the County Assembly considered the Bill and facilitated public participation during which Kiambu County residents submitted their views key among which was the reduction of the number of vehicles to be purchased following which the Budget Committee of the Assembly recommended the reduction of the vehicles from seventy-two to fifteen. Consequently, the Bill was passed in amended form and forwarded to the Governor for assent.
3. **THAT**, the Governor declined to assent to the said Bill as amended and passed by the County Assembly and returned the same to the Assembly with a Memorandum indicating that the number of vehicles proposed to be purchased had been reduced from the earlier proposed seventy-two vehicles to forty-two vehicles. However, the money allocated for vehicles remained unchanged at Kshs.221 million.
4. **THAT**, when the Bill was returned to the County Assembly, it was committed to the Budget Committee which, in its report to the Assembly, recommended rejection of the Governor's Memorandum and for passage of the Bill in the same form as earlier passed by the Assembly.
5. **THAT**, when the matter came before the Assembly on Tuesday, 12th May, 2015, the report of the Budget Committee which should have been debated and adopted, in accordance with Section 21 (3) of the County Governments Act on the procedure for consideration of a money Bills was not debated because the Governor instigated a commotion at the Assembly.

6. **THAT**, subsequently, a Special Sitting of the Assembly was convened on Monday, 18th May, 2015 with the only agenda being consideration of the said Supplementary Appropriations Bill. However, in breach of the said Section 21 (3) of the County Governments Act and of the County Assembly Standing Orders, it was ruled that the Bill be committed to Committee of the Whole House, wherefore those opposed to the amendments proposed by the Governor *vide* his Memorandum, were required to raise two thirds of all members of the County Assembly to reject the amendments.
7. **THAT**, consequently it was ruled that those opposed to the Governor's Memorandum did not comprise more than two thirds of all MCAs, and that the Supplementary Appropriations Bill be therefore passed in the form proposed by the Governor, that is to reallocate development funds towards purchase of forty-two vehicles for one department of the County Government at the overly inflated cost of Kshs.221 million.
8. **THAT**, the residents of the county, as evidenced by the contributions made to the Budget Committee during consideration of the said Supplementary Appropriations Bill, are wholly opposed to the said reallocation of development funds to purchase the said vehicles for the County Government.
9. **THAT**, the views of the county residents informed the recommendations of the Budget Committee both at the first instance and on recommital of the Bill.
10. **THAT**, there is presently a lot of tension in the County as well as in the County Assembly due to the Governor's move to force through the Assembly this illegal and unpopular scheme.
11. **THAT**, more fundamentally, the implication of the action by the Governor of Kiambu County is that Section 24 of the County Governments Act is open to abuse by governors who can easily abrogate the law-making role from the respective county assemblies on the simple basis that once they return a Bill to a county assembly then the burden is shifted to those opposed to the governor's proposals to raise a two-thirds majority to reject the Bill.
12. **THAT**, we have made the best efforts to have this matter addressed at the level of the county assembly without success. Further, we believe that the Senate is the appropriate body to deal with the matters raised herein, including in considering possible amendments to the County Governments Act.

13. **THAT**, none of the issues raised in this Petition is pending in any court of Law, constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate-

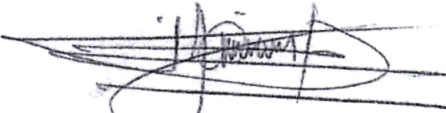
- Urgently investigates** the matters raised in this petition and comes up with appropriate recommendations to protect public funds at the county level, including enacting appropriate legislation to insulate the budget making and appropriation process at the county level from abuse by governors; and
- Pronounces itself** on what kind of expenditure may be incurred through Supplementary Appropriations Bills at the county level, particularly where the proposed expenditures have not been disclosed.

Dated this 20th day of MAY 2015.

Signed

	Name	ID/No	Ward	Contact	Signature
1	JOSEPH MURUGANU	12943946	Limuru Central	0721488854	[Signature]
2	LAURENCE MURUGANU	8485899	Tingang'9	0722533830	[Signature]
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Counter signed by Senator Paul Kimani Wamatangi, Senator for Kiambu County.


Sen. Paul Kimani Wamatangi,
Senator for Kiambu County