



The SENATE

For the Welfare of Society and the Just government of the People

Issue No. 002

Weekly

Big Win for Devolution

Senators and Governors, in landmark meeting, resolve to combine forces to ensure success of devolution

A six-point action plan meant to shore up the fortunes of the 47 counties and their governments marked the highlight of a strategic meeting between Senators and Governors, whose key objective was to consolidate the gains of Devolution as it enters its second decade.

The Senators and Governors used a two-day meeting held in Naivasha on June 16th and 17th, 2023 to evaluate and deliberate on Devolution, the transformation it has occasioned across the country and the challenges that continue to undermine its implementation, with a view to crafting practical response and solutions.

Dubbed the inaugural High-Level Meeting of the Senate and CoG, the meeting saw the leaders agree to forge a united front and combine forces in tackling matters related to Devolution, as guided by their respective mandates.

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Speaker of the Senate Rt Hon Amason Jeffah Kingi and Council of Governors Chairperson H.E. Anne Waiguru, join Senators and Governors in a group photo during the High-Level meeting on Devolution held on June 16 - 17, 2023 in Naivasha, Nakuru County.



Rt Hon. Amason Jeffah Kingi, Speaker of the Senate.



H.E. Anne Waiguru, Governor of Kirinyaga County.

The leaders, who engaged in robust, honest and frank discussions, concurred that it was only through synergy built through strategic partnership that they can retain Devolution on the winning trajectory.

The agreement constituted the joint communique signed by Senate Speaker Rt Hon Amason Jeffah Kingi and CoG Chairperson Anne Waiguru and read out at the end of the deliberations.

The ground-breaking meeting under the theme: *“Enhancing Collegiality Between the Senate and the Council of Governors: Opportunity for stock-taking ten (10) Years into Devolution”*, adopted the comprehensive resolutions with clear timelines to be implemented jointly by the Senate and CoG.

It saw the leaders commit to undertake interventions in the following six areas:

1. Strengthening relations and collegiality between the Senate and the Council of Governors:

Writers

- Otiato Andayi
- Njeri Manga
- Ibrahim Oruko
- Josphat Ngeno

- That the High-Level Meeting between the Senate and the Council of Governors be convened annually.
- That the Select Committees of the Senate and the Technical Committees of the Council of Governors establish working linkages to address thematic issues and collaborate in initiating, developing and reviewing legislation.
- That the Senate and the Council of Governors adopt a mutually respectful framework for the appearance of Governors before Senate Committees.
- That the Senate and the Council of Governors constitute a high-level liaison committee to drive the devolution agenda and address potential areas of friction in a timely and collegial manner.

2. Timely and adequate resourcing of the devolved units

- Senate and the CoG engage with the National Treasury to introduce a Devolution

- Bond that would enable the National Treasury to meet requests for Exchequer releases as they fall due.
- That the Senate and the CoG collaborate on development of legislation to separate the functions of the Ministry of Finance and those of the National Treasury, to have a Treasury that equitably serves the two levels of government without being a Ministry under one level.
- That the two levels of government expedite the unbundling and costing of devolved functions to enable the Counties to receive the necessary resources to execute their functions.
- The Senate to fast-track the development of laws that would support benefit sharing with Counties on revenue generated from natural resources as well as government parastatal institutions .
- The senate to fast – track the passage of additional conditional grants allocations bill to facilitate flow of conditional grants to counties.
- There is need for timelines for migration from the cash basis of accounting to accrual basis to enable preparation of consolidated financial statements.

3. Alignment of laws, policies, legislation and institutions with the devolved system of government

- That the Senate and the CoG working with other devolution stakeholders, to prioritise the alignment of laws, policies and institutions with the devolved system of government. This includes the areas of health, public finance management, agriculture, land and physical planning, trade and investment, tourism, urban development and natural resources management .
- That the Senate and the

- Council of Governors develop a framework for involvement of the county governments in policy formulation and legislation .
- That Parliament fast-tracks legislation to align the regional development authorities with the devolved system of government to remove duplication and overlaps in mandates with the county governments.
- That the Senate fast tracks legislation on equal representation of both levels of governments in boards of institutions implementing concurrent functions, such as Kenya Medical Supplies Agency (KEMSA).
- That Parliament amends section 3 of the State Corporations Act of 1986 which empowers the President to establish corporations and assign them functions, including devolved functions, without reference to Parliament and the County Governments.

4. Strengthening intergovernmental relations and institutions

- That the Senate fast-tracks legislation to anchor the Council of Governors Secretariat in law and to put in place a legal framework for the funding of its operations.

5. Enactment of a legislation to provide for pension for Governors

- The Senate to prepare a legislation that caters for pension for retiring Governors.

6. On the Africa Climate Summit to be hosted in Nairobi in September, 2023

- That the Senate and CoG will collaborate in organizing a side event to amplify the voices of sub-national governments in climate change resilience and adaptation.

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Senate and LSK agree on partnership to promote effective legislative work

The Senate and the Law Society of Kenya (LSK) have committed to work together to enhance quality of lawmaking in the country.

The two institutions acknowledged the huge responsibilities they carry, one as the legislature and the other as the umbrella body of all lawyers in the country that has a keen interest in the laws that come out of Parliament.

There is, therefore, great need for them to build a partnership that would enable each to tap into the pool of expertise domiciled in each one of them for overall effectiveness in the execution of their individual mandates.

This viewpoint emerged during deliberations between the Speaker of the Senate, Rt Hon Amason Jeffah Kingi, and the Law Society of Kenya during a courtesy call by the LSK leadership at the Senate, Parliament Buildings in Nairobi last week.

The LSK team was led by the President, Mr Eric Theuri and

CEO Mwathi Kitonga. Senators present were Leader of Minority, Hon Steward Madzayo and Kisumu Senator Prof Tom Ojienda. Director of Legal Affairs at the Senate, Dr Johnson Okello, and Ms Bibi Fondo, Director, Office of the Speaker, were also in attendance.

In his remarks, Speaker Kingi said LSK stands out as a watchdog for Bill processing in the legislature to ensure they meet the rigours of law.

Working in partnership with the LSK would enrich the work of committees in the processing of legislation and other engagements that require the input of lawyers, he added.

"All we need to do is structure our engagements so that all committees are well informed regarding the stage at which they can bring LSK on board in the course of their work," Speaker Kingi reiterated.

On his part, Mr Theuri said the LSK held the Senate in great esteem, as the home of legislative work and



intended to complement its work by giving vital input regarding the Bills the House processes.

"We also seek your collaboration to assist us to build our capacity in Legislative drafting. We have a young department that needs to be capacity-built in this area," Mr Theuri added.

The Senate-LSK engagements would also involve discussions on how to cement the role of County Attorney uniformly across all the counties, it was resolved.

Others in the LSK team were Vice President, Ms Faith Odhiambo; Mr Tom Kopere – Council member; Ms Riziki Emukule – Coast Representative; Ms Njoki Mbushi – Nairobi Representative; and members Mr Christon Havi and Mwaura Kavata.



Photos: Senate Speaker Amason Jeffah Kingi in a meeting with the Law Society of Kenya delegation led by the President Eric Theuri last week at the Senate.

Speaker Kingi hosts Korean delegation and roots for Parliamentary Diplomacy and closer collaboration

Speaker of the Senate Rt Hon Amason Jeffah Kingi on Monday, June 19, 2023, hosted a delegation from the Republic of Korea, in an engagement that featured discussions on bilateral ties between the two countries and the need for partnership between their parliaments.

The Korean team was led by Hon. Ahn Gyu Back, Member of the 21st National Assembly of the Republic of Korea and President of the Korea Scout Parliamentary Association.

Hon Ahn is in the country for a number of diplomatic engagements and to attend the World Scout Parliamentary Union Africa Assembly 2023 set for Friday.

But even more critically, Hon Ahn is spearheading a relentless global campaign by Korea to win support for the country's bid to host the 2030 World Expo in Busan – Korea's second largest city.

During the meeting, Hon Ahn reiterated that Korea and Kenya have enjoyed warm bilateral ties that have seen the country become Kenya's key partner in the export-

import trade and investments.

This notwithstanding, the two countries have a responsibility to work together in taking their relationship a notch higher for the benefit of their economies.

Describing Kenya as an economic powerhouse in East African region, he said Korea banked on partnership with Kenya to enhance its reach and presence in the region and continent of Africa for mutual gain.

It is in this context that Korea was relying on Kenya to help it lobby for support of the Busan 2030 campaign. "Korea is seeking to host the 2030 World Expo in the City of Busan. We sincerely hope that you will market this for us, so that we can continue to work together," Hon Ahn said.

He also lauded Kenya for hosting this week's World Scout Parliamentary Union Africa Assembly 2023 in Nyeri County, saying it reflected Kenya's central role in the global scouts movement.

He commended Kenya for accepting to send a delegation of 200 participants to the World Scouts Jamboree to be held in Korea in



Speaker of the Senate Rt Hon Amason Jeffah Kingi presents a gift to Hon. Ahn Gyu Back, Member of the 21st National Assembly of the Republic of Korea and President of the Korea Scout Parliamentary Association.

September.

In his remarks, Speaker Kingi said Korea was not just a great friend of Kenya but also a key trade and economic partner. This reflects in the vibrant trade between the two countries that continues to see Kenya export commodities to Korea and vice versa.

There was need to enhance the relationship at the Executive and Parliamentary levels for maximum gain for the two countries. Speaker Kingi urged Hon Ahn to take up the matter of building the relationship between parliaments of the two countries, pointing out that this was critical in promoting Parliamentary Diplomacy.

Recruitment agency faces Senate probe following petition on botched foreign jobs, study opportunities

The Senate Standing Committee on Labour and Social Welfare is looking into a petition on alleged fraud by First Choice Recruitment and Consultancy Agency based in Uasin Gishu County.

The petitioners, led by Mr. Kimutai Kirui, claim that the agency obtained money from youth ostensibly to get them jobs and study placements abroad ahead of the 2022 World Cup. But it failed to fulfill its obligation, leaving the youth and their families wallowing in abject poverty after making the requisite payments.

The Committee has since invited Health Cabinet Secretary Susan Nakhumicha Wafula and the Inspector General of Police Japheth N. Koome, to a session with the Petitioners and the Management of the Agency to get insights into the petition.

Mr Koome informed the Committee that Eldomage Medical facility where the petitioners were subjected to medical examination is not registered by the Kenya Medical Practitioners and Dentist Board.

He further reported that the Interpol National Central Bureau in Nairobi is yet to respond to an inquiry for invoices and agreements to ascertain the existence of the purported job opportunities in Qatar. Similarly,



a report from Financial Reporting Centre to establish and inquire into bank details of the suspects within the country is still being awaited.

This matter is currently being investigated by the DCI since March 2023 and the Inspector General assured the Committee that those found culpable will face the full force of the law.

Ms Nakhumicha pledged to order investigations into the medical issues raised by the petitioners and respond to the Committee in two weeks' time.

The Committee directed the IG to hasten the investigations to ensure petitioners get justice promptly.



Top: Members of the Senate Committee on Labour and Social Welfare (from left) Sen. Samson Cherarkey, Sen. Mohamed Faki, Sen. Crystal Asige, Sen. Alexander Mundigi, Sen. Miraj Abdulrahman and Sen. George Mbugua in a session with (Above photo) Health Cabinet Secretary Susan Nakhumicha Wafula (Centre) and the Inspector General of Police Japheth N. Koome (Right).

Senators take CA boss Chiloba to task over religious preachings still on air after Shakahola deaths

Mr Ezra Chiloba, the Director-General, Communications Authority, had a rough time trying to explain to Senators why religious content deemed to be misleading remained on air, in the wake of the Shakahola deaths.

While appearing before the Senate Ad hoc Committee investigating the proliferation of religious organisations and the circumstances leading to deaths of more than 300 people in Shakahola, Kilifi County, Mr. Chiloba argued that the Authority does not have the mandate when it comes to enforcement of the violations by broadcasters.

"Why have you not pulled down the content broadcasted by religious

organisations that seem to misguide Kenyans?" asked the Chairperson of the Committee, Sen. Danson Mungatana.

Mr. Chiloba told the committee that his authority is only responsible for facilitating the development of the information and communications sectors including broadcasting, cybersecurity, multimedia, telecommunications, electronic commerce, postal and courier services. However, Communications Authority does not regulate print media.

There is no licensing category for religious broadcasting stations, he added. Therefore, broadcast stations carrying out religious programming

as their main genre are licensed either as commercial or community broadcasters. The licenses issued by the authority under each category have uniform terms and conditions to be complied with, irrespective of whether the programming is religious or otherwise.

According to Mr Chiloba, some 109 broadcasters carried programming genre which is exclusively categorized as religious.

"CA monitors performance of broadcasters against standards outlined in the Programming Code. This is mainly done through sampling, inspections and complaint-based monitoring. The sampling framework caters for the different genres of programming." Said Ezra Chiloba.

Kisii Senator Richard Onyonka asked the Communications Authority, why the legal framework put in place ten years ago is not able stop toxic preaching?



Communication Authority of Kenya Director-General Ezra Chiloba responds to questions from members of the Ad Hoc committee on Monday June 19th, 2023.

The Director General explained to the committee that monitoring is limited by the geographical reach and capacity of the authority to log in. Currently, the authority logs to a total of 140 free to air channels and 124 FM radios located in Nairobi, Mombasa, Nakuru and Nyeri.

CPAC cranks up work rate to clear audited reports backlog

The County Public Accounts Committee (CPAC), one of the watchdog committees of the Senate, has been forced to increase the frequency of its meetings in a move aimed at ending the backlog of audited reports that go into three financial years.

The committee, chaired by Homa Bay Senator Moses Kajwang, will in the new plan hold eight meetings per week in what is considered an ambitious attempt to complete the consideration of the audited reports that go back three financial years.

According to the plan, the nine-member committee has split itself into two sub-committees which henceforth will be holding parallel sittings in the hope that it will eat into the huge backlog of audited reports for the 47 county governments.

CPAC is created under Standing Order 193 of Senate House rules which among other things mandates the committee to exercise oversight

over national revenue allocated to the county governments, examine the reports of the Auditor-General on the annual accounts of the county governments and where necessary examine special reports of the Auditor-General on county government funds.

The new plan was first implemented at the beginning of June 2023, at the time the committee started considering the audited reports

for both executives and county assemblies for the 2019/20 financial year.

The committee has only tackled a couple of the 2019/20 reports and a majority of counties are yet to appear to defend their financial accounts. The pending financial years are the 2020/21, 2021/22 and with this being the fourth and last quarter of the financial year, the audited reports for 2022/23 will be due for tabling as early the first quarter of the new financial year of 2023/24.

Each sub-committee will host four County Executives and four County Assemblies per week and it is hoped that the 2019/20 financial year will be dispensed with by the end of December 2023.

Since the new plan was inaugurated on June 5, 2023, Governors Mutula Kilonzo Junior (Makueni), Lati Lelelit (Samburu), James Orengo (Siaya), Benjamin Cheboi (Baringo), Joshua Irungu (Laikipia).



CPAC Chairman Moses Otieno Kajwang.

193

Senate Standing Order number which, among other things, mandates the committee to exercise oversight over national revenue allocated to the county governments,

This Week in History



"I do not need to belabour the point that cancer has become the biggest killer in this country. As a House, we must go after and pursue it. As my friends that have spoken ahead of me have said, we have the ability to make our medical service better for ourselves and also for the future generations."

Senator Samuel Poghisio
Tribute to the Late Senator for Migori County Ben Oluoch Okello
Tuesday, June 19th, 2018



"Having Senate meetings in different counties in the Republic is backed by the Constitution. Article One of the Constitution states clearly that all sovereign power belongs to the people of Kenya. When we take out sittings to the people, we will be affirming the power belongs to the people. When we go to the counties, we will now be giving them direct power because they will listen to us and we will listen to them."

Senator (Dr) Getrude Musuruve
Contributing to the Motion on having Sittings of the Senate outside Parliament Building, Nairobi
Wednesday, June 20th, 2018



"The allegations about contaminated sugar and excessive importation of sugar beyond the required quota to meet the shortfall in local production are extremely emotive issues that have far-reaching implications on the economy of Western Kenya, given the potential of resulting in closure of factories, loss of jobs, loss of business and injury to an already ailing sugar industry."

Senator Cleophas Malala
Responding to statement on importation of contraband or poisonous products in the country
Wednesday June 20th, 2018



"This is a situation where farmers are being victimized by shady deals from the banks and insurance firms. Therefore, we should look into this as a country and ensure that Kenyans are not being taken advantage of. I know that insurance companies make a lot of money from these shady deals of insuring people. However, when it is there turn to come to the aid of those farmers, in case of some natural catastrophe like floods or hail storms, they disappear."

Senator (Prof) Malachy Charles Ekal
Statement on the listing of Narok County Farmers by CRB
Thursday June 21st, 2018

Health Committee cracks the whip on KNH and Mama Lucy Hospital for patient deaths blamed on negligence

Investigations by a Senate committee have unmasked alarming cases of medical negligence and lapses in patient care at Kenyatta National Hospital and Mama Lucy Kibaki Hospital, resulting in fatalities.

These emerged during a probe at Mama Lucy Kibaki Hospital where two patients: Edward Onyango and Maureen Anyango lost their lives due to severe bleeding in circumstances attributed to negligence by medical staff.

Mr Onyango bled to death at the Accident and Emergency section as he waited to be attended to. Miss Anyango who needed postnatal care, too, lost her life due to unattended bleeding, in a severe indictment of the hospital.

The Committee arrived at similar findings in the probe on the much-publicized incident of Master Travis Maina, the boy who succumbed at KNH where he had been taken with a forked jembe lodged in his head.

Consequently, the Committee chaired by Uasin Gishu Senator Jackson Mandago, in line with its mandate to address issues concerning medical services, public health and sanitation, as devolved functions, made a raft of recommendations, among them punitive action after determining culpability.

On the two cases at Mama Lucy, the team recommended that the nurses on duty during the incidents be thoroughly investigated by Nurses Council of Kenya (NCK). The hospital, too, should be questioned by the relevant authorities, to hold it accountable and ensure immediate implementation of corrective measures to prevent such incidents from recurring.

"Holding them accountable is essential to ensuring patient safety and prevent similar incidents from occurring in the future," the team said.

The Senators also want Ministry of Health and Kenya Medical Practitioners, Pharmacists and Dentist Union to assess the overall healthcare delivered at Mama Lucy, while Nairobi City County Government must move fast to address critical issues such as infrastructure, health financing, and personnel at MLKH. By conducting this evaluation, they can identify any systematic issues and work towards improving the hospital's quality of care.

On Master Travis Maina case at KNH, the Committee established



there was an unacceptable delay of 12 hours before the patient was transferred to the operating theater. Such negligence in providing timely medical intervention endangered baby Travis's well-being.

The Committee now wants relevant health regulatory bodies to investigate KNH for culpability in wrongful death of the late baby Travis.

Kenyatta University Teaching, Research and Referral Hospital (KUTRRH), too, came under the radar of the committee, which wants its management investigated in response to concerns about

prioritization of monetary security over prompt treatment of emergency patients.

The Senate Health Committee emphasized that all recommendations stemming from the investigations to be implemented within three months. This urgency underscores the critical need for immediate reforms to rectify the systemic issues that have compromised patient care and safety.

The Committee advocated a patient-centered approach within the healthcare system, with priority given to prompt and appropriate care of individuals in need.

1. A witness breaks down while testifying before the Senate Health Committee during its investigations into cases of negligence in public hospitals.
2. Senate Health Committee chairman Jackson Mandago presides over a session.
3. Senate Health Committee members Sen. Raphael Chimera, Sen. Hamida Kibwana and Sen. Karungo Thang'wa during a session.
4. Senate Health Committee members on a visit to a hospital.

Equalization Fund (Administration) Bill gets fine-tuning as Governors and CRA give their input

The Senate Standing Committee on Finance and Budget chaired by Manderu Senator Ali Roba held a meeting with the Council of Governors and Commission on Revenue Allocation to deliberate on the Equalization Fund (Administration) Bill.

The Bill seeks to provide a framework on the Administration of the Equalization Fund.

CoG was represented by Kitui Governor Julius Malombe, Mutula Kilonzo Junior of Makeni, Nathif Jama Adam of Garissa, Fernandes Barasa of Kakamega and Mohamud Ali of Marsabit while the Commission on Revenue Allocation was represented by a delegation led by Chairperson Dr. Jane Kiringai.

In its submissions, CoG recommended an amendment to Section 6 (1) (f) to allow the Council to nominate three persons to the Advisory Board drawn from areas identified as marginalized by the Commission on Revenue Allocation.

“Given implementation will take place in marginalized areas identified within Counties, there is need for adequate representation on the devolved units, this would bolster the county government’s engagement in the administration of the Fund



Senate Standing Committee on Finance and Budget, chaired by Manderu Senator Ali Roba, during one of its engagements.

and its associated services,” added CoG.

The Council further seeks to have the Bill amended to remove the County Commissioner of an eligible County from heading the Technical Committee established in the County proposing that such mandate should be given to the Governor of an eligible County.

They also raised their concerns

on the inclusion of the Controller of Budget in the implementation, appealing to members to look into their concerns.

On its part the Commission on Revenue Allocation gave various proposals among them a recommendation to have the County Technical Committee open the special purpose accounts and make payments with signatories being the relevant CEC and the County

Commissioner.

Besides that, the commission proposed that the Sub County Technical Committee carry out procurement and issue certificates.

Other members of the committee in attendance were Vice Chairperson Sen. Tabitha Mutinda, Sen. Shakila Abdalla, Sen. Richard Onyonka, Sen. Dr. Boni Khalwale and Sen. Mohamed Faki.

Local Content Bill is re-introduced in the Senate

The Senate Committee on Energy held a meeting to consider the pre-publication scrutiny on the Local Content Bill, 2023. (Committee Paper No. 38) and review the progress on the inquiry into the high cost of electricity in Kenya.

The committee heard that the Senate Committee on Energy is established under standing order 228 (3) of the Senate Standing Orders and is mandated to consider all matters related to fossil fuels exploration, development, production, maintenance and regulation of energy.

Section 2 of the Petroleum Act, 2019 defines local content as the added value brought to the Kenyan economy from petroleum related activities through systematic development of national capacity, capabilities and investment in developing and procuring locally available work force, services and supplies, for the sharing of the accruing benefits.

The current legal framework for the local content lies in the Petroleum Act, 2019. Section 9 of the Act provides that the National Government shall ensure that the petroleum operations and infrastructure development are

carried out for the benefit of the people of Kenya.

Part VI of the Petroleum Act, 2019 further sets out the local content requirements of the persons carrying out petroleum operations.

In comparison, the Local Content Bill, 2023 aims to create a comprehensive legal framework that will fully enhance local content in Kenya. This Bill proposes to achieve this through among other things; the maximization of value-addition, facilitation of a competitive, capable and sustainable labour force within the extractive industry, and enhancing local ownership and use of local assets and services in the extractive industry.

The Local Content Bill was initially read a first time in the 12th Parliament on 10th May, 2018. The Bill was passed by the Senate on 24th July, 2019 and forwarded to the National Assembly.

The Bill was not processed on time in the 12th Parliament before its adjournment Sine-die

The Bill is now being re-introduced by the Senate Energy Committee.



Members of the Senate Committee on Energy during a session.



Senator Wamatinga Wahome, Chairperson of the Senate Committee on Energy.



1. Senator Hezema Lemaletian and Senator Mohamed Chute are all ears during a Senate Committee meeting.
2. Hon. Moses Kajwang (4th right), chair of the Senate Climate Action Desk and Hon. Senators pose with Ms. Anja Berretta (third right), Konrad Adenauer Stiftung's Head of Regional Programme Energy Security and Climate Change in Sub-Saharan Africa after a meeting at the Senate on Wednesday June 21, 2023.
3. Deputy Speaker Hon. Kathuri Murungi addresses the High-Level Joint Meeting between the Senate and CoG in Naivasha.
4. Sergeants-at-arms escort East African Community, Arid and Semi Arid and Regional Development CS Rebecca Miano to the Senate Chambers.
5. Senate Speaker Rt Hon. Amason Jeffah Kingi and Senate staff celebrate Senate Minority Leader Hon. Stewart Madzayo's birthday on June 19th, 2023.
6. Members of the Nairobi Rotary Club follow proceedings from the Speaker's Gallery in the Senate Chambers on Wednesday, June 21, 2023.
7. Nairobi Senator Edwin Sifuna join pupils from Good Testimony International School in Embakasi East Constituency Nairobi when the delegation visited the Senate, at Parliament Buildings, Nairobi recently.
8. Students from Our Lady of Lourdes Girls, Nyeri County during a recent visit to the Senate.

Murang'a water companies under scrutiny as calls for compliance and reform mount



Members of the Senate Committee for County Public Investments and Special Funds (from right) Sen. Prof Tom Ojienda, Sen. Miraj Abdullahi Abdulrahman, Sen William Kisang, Sen. Ledama Olekina during the session with Murang'a Governor Irungu Kangata. Murang'a Senator Joe Nyutu, (left) appeared as a friend of the Committee.

Governor of Murang'a County, Dr Irungu Kangata, appeared before the Senate Committee for County Public Investments and Special Funds, to clarify issues raised in the Auditor General's Report, regarding financial health of several water and sanitation companies in Murang'a County, spanning the fiscal years 2018 to 2021.

The firms concerned are Murang'a Water and Sanitation Company Limited; Murang'a South Water and Sanitation Limited, Gatanga Community Water Scheme, and Kahuti Water and Sanitation Company Limited, were subjected to financial scrutiny.

Earlier this month, Governor Kangata communicated to the Committee through a series of letters, expressing that he could not vouch for the management responses on the Auditor General's Reports pertaining to the water companies. These letters emphasized that the companies had not conformed to the standards set out by the Water Services Regulatory Board (WASREB) regarding water provision in Kenya. According to these guidelines, county governments are expected to own and hold shares in Water Service Providers, a condition that is also embedded in the Water Act of 2016. However, the Governor provided reassurance that the Gatanga Community Water Scheme

had successfully adhered to these regulations.

In response to this state of affairs, the Committee chaired by Vihiga Senator Godfrey Osotsi, has directed Governor Kangata to assume responsibility of all water companies in the county, as water services are a devolved function.

The Governor has been tasked with ensuring compliance with the WASREB advisory within a month. The end goal is to transfer full ownership of these companies to the County Government of Murang'a, in accordance with the law.

The Governor should also reconstitute the Boards of Directors for all water companies in the county. To scrutinise this further, the Ethics and Anti-Corruption Commission (EACC) has been requested to examine the ownership status and operational activities of all water companies in Murang'a County. The Committee expects to receive a detailed report from the EACC in the upcoming month.

Senators present were Vice Chair Prof. Tom Ojienda, William Kisang, Tabitha Mutinda, Eddy Oketch, Ledama Ole Kina, Karungo Thangwa, and Miraj Abdullahi Abdulrahman. Also in attendance was Murang'a Senator Joe Nyutu present as a friend of the committee.



Murang'a Governor Irungu Kangata during the session with Senators..

The Senate Special Committee kicks off proceedings on impeachment of Siaya County Deputy Governor Oduol

The Senate Special Committee investigating the proposed removal from office by impeachment of Siaya Deputy Governor William Oduol has started its sittings.

On Wednesday the Committee of 11 Senators will conduct a conference of parties. The conference will entail introduction of Members of the Special Committee, introduction of Members representing the County Assembly of Siaya and the Counsel then introduction of the Deputy Governor and the Counsel representing him before the committee proceeds to hearing of the evidence by the County Assembly.

The Deputy Governor will appear before the Special Committee on Thursday 22 to give his evidence on the allegations laid against him.

On Thursday last week the Senate Majority Leader Sen. Aaron Cheruiyot, tabled a list of 11 Senators nominated to investigate allegations labelled against the Siaya County Deputy Governor William Oduol, a list that was passed by the Lawmakers.

The County Assembly of Siaya on 8th June 2023 approved a motion to remove from office by impeachment of the Siaya County Deputy Government William Oduol.



H.E. James Orengo, Governor, Siaya County

The speaker of the County Assembly of Siaya conveyed to the Senate Speaker a resolution of the County Assembly removing from office by impeachment of the Deputy Governor in a letter dated June 9, 2023 and further forwarded to him documents in evidence of the proceedings of the Assembly.

The special committee comprises



Siaya Deputy Governor William Oduol.

Sen. William Kisang of Elgeyo Marakwet County, Sen. Abass Mohamed of Wajir County, Sen. Mwenda Gataya Mo Fire of Tharaka Nithi County, Sen. Tabitha Mutinda, Sen. Raphael Chimera Mwinzagu, Sen. Miraj Abdullahi Abdulrahman, and Nyamira County Senator Erick Okong'o Omogeni, SC.

Other members are Sen. Catherine Mumma, Sen. Daniel Maanzo of

Makueni County, Sen. Betty Batuli Montet and Kisii County Senator Richard Onyonka.

Senate Speaker the Rt Hon. Amason Jeffah Kingi EGH directed the Special Committee pursuant to Standing Order 80 (2) (b), to report to the Senate, within 10 days of its appointment on whether particulars of the allegations against the Deputy Governor have been substantiated.

Procedural Guidelines for Removal Proceedings of a Deputy Governor

Upon the Senate receiving notice of a resolution from the Speaker of a County Assembly supporting the removal of a Governor or Deputy Governor, pursuant to Article 181 of the Constitution, the Speaker of the Senate convenes a meeting of the Senate within seven days to hear the charges against the Governor or Deputy Governor.

The Senate may then, by resolution, appoint a special committee comprising eleven of its members to investigate the matter. Still, if the Motion establishing a Special Committee is defeated, the Senate investigates the case in plenary.

Within twenty-four hours of its establishment, the Special Committee elects a Chairperson and Vice-Chairperson. During this time, a date is also set for the hearing of evidence in the investigation through an indicative programme of events.

Upon setting this date, the Committee must invite the Deputy Governor to attend the proceedings, with or without representation. Furthermore, the County Assembly must be notified of the investigation's commencement date, and they should designate up to three members to represent the Assembly in the inquiry.

These invitations can be delivered personally or made public through a notice in a national newspaper. If the Deputy Governor decides to appear before the Committee, they must respond to the charges within three days of receiving the invitation. This response should include a statement on the allegations, how they plan to appear before the Special Committee, the names and addresses of any potential witnesses, and any additional evidence they intend to rely on.

Once the evidence hearing starts, it continues uninterrupted until

the matter has been thoroughly investigated.

At the beginning of the hearing, the Clerk reads out the allegations, after which the Committee will allow an opening statement from the County Assembly and the Deputy Governor. Following these statements, the Assembly's witnesses will present their evidence, which should not introduce any new evidence not included in the initial allegations. After the Assembly's evidence is given, the Deputy Governor's witnesses will then present their evidence.

Each witness is subjected to cross-examination, and re-examinations may occur for clarification. The Committee members can also question witnesses.

The only people allowed to provide evidence before the Committee are the Deputy Governor, people called as witnesses by the County Assembly or the Deputy Governor, and individuals invited or summoned

by the Committee.

Once all evidence has been presented, the Committee will allow a closing statement from both parties. The hearing concludes after these statements, and the Committee will prepare its report.

The Committee then tables this report in the Senate within ten days, indicating whether they find the allegations against the Deputy Governor substantiated.

The evidence hearing is held in public, but Committee deliberates in private. The Quorum for the Special Committee proceedings is seven members.

These guidelines fall within the legislative parameters defined by Article 181 of the Constitution, Section 33 of the County Governments Act, No. 17 of 2012, and Standing Order 80 of the Senate.

Wakimbizi Walitaka Seneti Kushinikiza Walipwe Fidha Kutokana na ghasia za Baada ya Uchaguzi Wa 2007/8

Wakimbizi wa ndani kwa ndani kutoka kaunti ya Nyandarua wamewasilisha ombi kwenye Bunge la Seneti kuhusu kucheleweshwa kwa fidha na umiliki wa vipande vya ardhi vilivyounuliwa kwa ajili yao kati ya mwaka 2010 na 2013.

Wakimbizi hao wa ndani kwa ndani ambao ni miongoni mwa waathiriwa wa ghasia za baada ya uchaguzi za mwaka 2007 na 2008 wanasema licha ya shughuli ya ukaguzi kufanywa na kubaini kuwa wao ni waathiriwa halisi, hawajawahi lipwa fidha hata baada ya Bunge kutenga fedha za kuwafidia kwenye Makadirio ya Bajeti.

Walifichua kuwa juhudi zao kutaka suala hilo lishughulikiwe na Bunge la Kaunti ya Nyandarua, Bunge la Kaunti ya Laikipia, Tume ya Kitaifa ya Ardhi, Wizara ya Usalama wa Kitaifa, Idara ya Serikali ya Usalama wa ndani na Usimamizi wa Kitaifa na Kamati ya Kitaifa ya Mashauriano na Uratibu hazijafua dafu kwa vyovyote vile.

Walalamishi hao sasa wanalitaka Bunge la Seneti kuingilia kati kwa lengo la kuweka mikakati kabambe kuipa uwezo Kamati ya

Kitaifa ya Mashauriano na Uratibu kutekeleza wajibu wayo wa kimsingi kufungamana na sheria ya mwaka 2012 ya Kuwakinga, Kuwalinda na Kuwasaidia Wakimbizi wa ndani kwa ndani na jamii athiriwa.

Kadhalika walalamishi hao wanalitaka Bunge la Seneti kushinikiza utoaji wa fedha zilizokusudiwa kuwafidia wakimbizi wa ndani kwa ndani waliokaguliwa.

Kwingineko wenyeji wa Siany, Kata Ndogo ya Misambi, Kaunti ya Nyamira wameliomba Bunge la Seneti kuingilia kati kuzuia uharibifu wa sehemu chemichemi ya Siany.

Kupitia ombi walilowasilisha kwenye Bunge la Seneti, wenyeji hao walilitaka Bunge la Seneti kutumia mamlaka yalo kusitisha uharibifu wa chemichemi na kuhakikisha mfumo wa ikolojia unatunzwa na kulindwa kwa vizazi vijavyo.

Wanalitaka pia Bunge la Seneti kuulinda ardhi hiyo ya chemichemi dhidi ya kugawanywa kwenye vipande na Tume ya Kitaifa ya Ardhi na serikali ya Kaunti ya Nyamira.



Aidha, wenyeji hao wanalitaka Bunge la Seneti kuiagiza Mamlaka ya Kudhibiti Mazingira nchini Kenya (NEMA) kushirikiana na jamii kuirejesha ardhi hiyo ya chemichemi kwenye hali yake ya mbeleni kupitia kwa shughuli bora za kimazingira.

Ombi hilo liliwasilishwa kwenye Kamati ya Kudumu ya Ardhi, Mazingira na Maliasili katika Bunge

la Seneti kulingana na sehemu ya 238 (1) ya Kanuni za Bunge la Seneti.

Kamati hiyo inahitajika katika muda usiozidi siku 60 tangu kusomwa kwa ombi hilo kutoa majibu kwa walalamishi kupitia kwa ripoti itakayoelekezwa kwa walalamishi na kuwasilishwa kwenye Bunge la Seneti.

Kamati Ya Fedha Na Bajeti Kwenye Seneti Yajadili Mapendekezo Ya Wadau Kuhusu Mswada Wa Usimamizi Wa Hazina Ya Usawazishaji Wa Mwaka 2023

Kamati ya Fedha na Bajeti katika Bunge la Seneti inajadili mapendekezo ya washikadau kuhusu mswada wa Usimamizi wa Hazina ya Usawazishaji wa mwaka 2023.

Siku ya Alhamisi, kamati hiyo inayoongozwa na Seneta wa Manderu Ali Roba ilijadili miongoni mwa mengine mapendekezo yaliyowasilishwa mbele yake na Baraza la Magavana.

Magavana kupitia kwa Baraza lao waliambia kamati hiyo kwamba pana sehemu kadhaa kwenye mswada huo ambazo zinapaswa kufanyiwa marekebisho kurahisisha matumizi ya fedha kutoka kwenye hazina hiyo.

Walipendekeza marekebisho yafanywe kwenye sehemu ya 6 (1) (f) ili kuliruhusu Baraza la Magavana kuwateua watu watatu kwenye Halmashauri ya Ushauri wakisisitiza kuwa watatu hao watateuliwa kutoka kwenye sehemu zilizoainishwa na

Tume ya Ugavi wa Mapato kuwa zilizotengwa.

Walisesema inasikitisha kuwa uwakilishi wa serikali za Kaunti kwenye Halmashauri hiyo ni finyu licha ya huduma zitakazoangaziwa na Hazina hiyo kuhusiana pakubwa na wajibu wa serikali za Kaunti kufungamana na mpangilio wa nne wa Katiba ya Kenya.

Magavana aidha waliitaka Kamati hiyo kuufanyia marekebisho mswada huo na kuondoa hitaji la kujumuishwa kwa Kamishina wa Kaunti kwenye kamati ya kiufundi itakayobuniwa kwenye kaunti husika wakikariri kuwa nafasi hiyo inapaswa kutengewa Gavana wa Kaunti husika.

Baraza la Magavana liliwakilishwa na Magavana Julius Malombe wa Kaunti ya Kitui, Mutula Kilonzo Junior wa Makueni, Nathif Jama Adam wa Garissa, Fernandes Barasa wa Kakamega na Mohamud Ali wa Marsabit huku ujumbe wa Tume ya

Ugavi wa Mapato ukiongozwa na Mwenyekiti wa Tume hiyo Dakta Jane Kiringai.

Kadhalika Maseneta wanachama wa Kamati hiyo wakiwemo Naibu Mwenyekiti, Seneta Tabitha Mutinda, Maseneta Shakila Abdala, Dakta Boni Khalwale, Eddy Oketch, Richard Onyonka na Mohamed Faki walijadili mapendekezo kutoka kwa Tume ya Ugavi wa Mapato, Afisi ya Msimamizi wa Bajeti miongoni mwa wadau wengine.

Majadiliano zaidi kuuhusu mswada huo yanatarajiwa kuendelea wiki hii kabla ya kamati kuandaa ripoti rasmi.

Mswada wa Usimamizi wa Hazina ya Usawazishaji wa mwaka 2023 unanuia kuweka mfumo wa kisheria utakaofanisha matumizi ya Fedha za Hazina ya Usawazishaji.

Kwingineko Kamati ya Usalama wa Kitaifa, Ulinzi na Mashauri ya Kigeni katika Bunge la Seneti itazuru Kaunti

ya Elgeyo Marakwet kukagua hali ya usalama inayotajwa kuzorota katika baadhi ya sehemu za Kaunti hiyo.

Kamati hiyo inayoongozwa na Seneta wa Baringo William Cheptumo imeratibu kuzuru kaunti hiyo kufuatia makubaliano ya Maseneta wanachama wayo kwenye mkutano wiki iliyopita.

Wakati uo huo, Kamati hiyo imeratibu mikutano wiki hii na Tume ya Kitaifa ya Huduma za Polisi na Inspekta Mkuu wa Polisi hususan baada ya tofauti za kimajukumu kuibuka kati ya afisi hizo mbili.

Maseneta wanachama wa Kamati hiyo Karen Nyamu ambaye ni Naibu Mwenyekiti, Profesa Tom Ojienda SC, Julius Murgor, Fatuma Dullo, Seki Lenku, Abdul Haji, George Mbugua na Joseph Githuku walikubaliana kwa kauli moja kukutana na vitengo hivyo viwili kuangazia utata unaovikumba kwa sasa.

Marya Adjibodou: An infallible embodiment of the spirit of service

Her demise on June 6th, 2023 stunned the Senate family and Parliament of Kenya at large.

Ten days later on Friday, June 16th, 2023, family, workmates, relatives and friends would assemble, in pain and grief, in Funyula Constituency, Busia County to bid farewell to Marya Elizabeth Nakhulo Adjibodou, a soul that has been plucked from their midst so prematurely.

Earlier on Wednesday, June 14th, at the Consolata Shrine in Westlands, Nairobi, during a requiem mass for Marya, mourners condoled with her parents former Vice President Arthur Moody Awori, mother Rose Awori, her husband Dr Michel Adjibodou, her loving children and the entire family, as they celebrated the life and times of Marya.

Such is the devastation Marya's sudden departure occasioned among all who knew her and had the opportunity to revel in the joy and brightness she radiated wherever she was, including the 18 working years she spent in parliamentary service.

In Funyula and at the Consolata Shrine, mourners eulogised Marya, recounting their moments with her till the inevitable trumpet call summoned her home in the evening of June 6th.

On that day, Marya had been on duty and even escorted the Speaker of the Senate Rt Hon Amason Jeffah Kingi, from his office to the Chamber and took her position at the Clerk's table for the afternoon proceedings.

Giving his eulogy at the requiem mass, Speaker Kingi mourned the loss of a professional officer who was highly dependable and supportive of not just the staff but also Senators and himself during proceedings in the Chamber.

Speaker Kingi lightened the mood with his observation that though thoroughly articulate and proficient in English, Marya had just a passing grasp of Swahili, and would only beam her trademark beautiful smile as she struggled to craft a response whenever he spoke to her in Swahili.

National Assembly Speaker Rt Hon (Dr) Moses Wetangula, who is also the Chairperson of the Parliamentary Service Commission, delivered his condolence messages, read at the requiem mass by Ugenya MP David Ochieng and at the burial by Hon. Rachel Ameso.

"Beyond her professional excellence, Marya was compassionate and cared



about her colleagues. She had a vibrant spirit, an infectious sense of humor and an ability to brighten even the gloomiest of days. Her warm smile and genuine laughter will forever echo in our hearts," said Speaker Wetangula in his condolence message at the burial.

Senators, past and present, paid glowing tribute to Marya, whom they interacted with closely in the Plenary almost daily.

Mr. Jeremiah Nyegenye, the Clerk of the Senate, praised Marya as a diligent and visionary worker who, as the Head of the Journals and Records Department in her Directorate, was instrumental in digitization of information.

"Marya would engage with everyone and speak to everyone like they were the best of friends. Marya made everyone matter, Marya believed everyone mattered. These qualities made her approachable and put everyone at ease. It is inconceivable to us that she is no more."

The recollections of her father, Hon Awori, will certainly linger in the minds of many, for the untold loss her demise has occasioned the family and him personally. He

proudly extolled the virtues of love, reconciliation, consistency, magnanimity that Marya lived by. And after he left the corridors of power and retired to his quiet rural home in Funyula, it is Marya who kept him in touch with the high and mighty in past and present governments, the former VP recalled.

To many who knew her, Marya may have flown yonder, never to return. But her beautiful smile, charisma and free-spirited mien lingers deep in their hearts and minds. Sing and dance with the angels Marya Elizabeth.

1. Requiem mass procession at Consolata Shrine in Nairobi on June 14, 2023.

2. Clerk of the Senate Jeremiah Nyegenye pays his tribute during the burial service in Funyula on June 16, 2023.

3. Former Vice President Moody Awori, his wife Rose Awori during the burial service.

4. Marya's husband Michel Adjibodou and their children.

5. Senators, led by Majority Whip Boni Khalwale, give their tributes in Funyula.