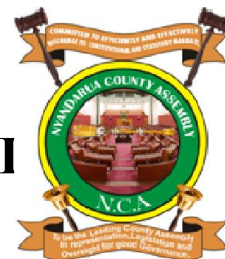




REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY



1ST ASSEMBLY-3RD SESSION

OFFICIAL REPORT

(The Hansard)

Tuesday, 20TH January 2015

The assembly met at the Assembly Chambers at 2: 30 P.M

The Speaker, Hon. Ndegwa Wahome in the chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

Speaker: Clerk, confirm that we have quorum.

The clerk-at-the-table confirms that there is quorum

Speaker: Let us proceed

COMMUNICATION FROM THE CHAIR

Speaker: Hon. Members, there are several communications from the chair. The first one is to welcome you back to the Assembly for the third session in the first part of the life of this Assembly and I wish you well in your deliberations and in whatever we are going to do for the benefit of our people and the general larger interest of the County of Nyandarua.

Secondly, I am just from a meeting between the Governors of Nyandarua and Nakuru Counties, and His Excellency Kinuthia Mbugua (the Governor of Nakuru) has sent with me the message of good will to the Assembly of Nyandarua indicating that as a County they are very ready and willing to work with Nyandarua.

In fact what had brought him to Nyandarua today is to create bilateral relations in areas that concern both Counties. He has actually come with a very big delegation of not less than five CEC members, Chief Officers of the same number, the management of the Rift Valley Water Services Board and another private organisation dealing with water which is a world organisation based in Nakuru called 'WITHIN'.

His Excellency the Governor of Nyandarua has a delegation of himself, the Deputy Governor, the CEC members, a number of them, members of the Assembly were there, the managing director of the Nyandarua Water Services Board, Ol'kalou Water Services Board and the MD (Managing Director) of TARDA and the entire board. We expect that the issues on water will be discussed. Further we shall be making arrangements in the near future since the Governor of Nakuru has indicated his willingness to address the Assembly of Nyandarua on the bilateral relations that we shall be entering into with this County.

The other communication is that by a letter dated 12th of January 2015 and which was received by the Office of the Clerk on the 14th of January 2015, H.E the Governor of Nyandarua Hon. Waithaka Mwangi communicated his nomination of one Mr. Frank Kanja Muchina for appointment for the post of the County Secretary.

The name of the said nominee has been forwarded for approval by the Assembly pursuant to section 44(2) (b) of the County Governments Act No. 17 of 2011 which provides that:-

The County Secretaries shall be nominated from persons competitively sourced under paragraph (a) By the Governor and, with the approval of the County Assembly, appointed by the Governor.

Honourable Members, the process of approving a candidate whose appointment is subject to Assembly's approval is regulated by the Public Appointments (Parliamentary Approval) Act, 2011. Upon receipt of notification for appointment, section 6 (4) of the Act requires the Clerk to

notify the public of the time and place for holding of approval hearing at least seven days prior to hearing. Section 8 of the said Act of Parliament provides the following:-

- 8 (1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which notification of nomination was given in accordance with section 5 (2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.

In light of the above, section 9 of the Act provides:-

9. If, after expiry of the period for consideration specified in section 8, [the Assembly] has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.

From the foregoing Honourable Members, and in compliance with the Public Appointments (Parliamentary Approval) Act particularly section 6 (4) thereof, and to ensure that the process of approving the candidate is undertaken within the required timeframe, we through the Standard Newspaper and the Star Newspaper of 16th of January 2015, the Clerk notified the public that the Assembly's relevant committee shall be holding its approval hearing on Thursday the 22nd of January of 2015 at the Assembly grounds, at 10:00 a.m.

Accordingly, I hereby directed the office of Clerk to ensure that this matter is placed in today's Order Paper so that the said Letter and other documents accompanying the same are tabled in the House for further deliberations. I have done a lengthy communication on this issue because we found that if we did not do any advertisement before we opened the Assembly we could have been caught by the timelines and the name would have been approved without considerations by this House. Therefore we had to advertise the same in order to beat the seven-day deadline, which is a requirement before the vetting, after which we can work on the report and deal with the issue within another seven days. That way we would be within the law and this Assembly will have the opportunity to look at that particular thing. Next order!

PAPERS LAID

A LETTER DATED 12TH JANUARY 2015 FROM H.E THE GOVERNOR TO THE CLERK OF THE COUNTY AND THE REPORT ON THE RECRUITMENT OF THE COUNTY SECRETARY FOR THE COUNTY GOVERNMENT OF NYANDARUA PRESENTED TO H.E THE GOVERNOR BY THE PANELLIST ON MONDAY 12TH JANUARY 2015

Speaker: Yes the Leader of Majority and the Member for Engineer, Hon. James Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you Mr. Speaker. I wish to lay with the Clerk on this day, 20 January 2015 a letter dated 12th. January 2015 from His Excellency the Governor to the Clerk and the report on the recruitment of the County Secretary for the County Government of Nyandarua presented to His Excellency the Governor by the panellists on Monday 12th. January 2015.

Speaker: Okay, the letter and the report on the recruitment are duly received now as a document of this Assembly and it is now under the custody of the Assembly. Hon Members, as I had indicated earlier, in an ideal situation and by my interpretation of the law, this particular exercise is supposed to be done by the Committee on Legal, Justice and Public Service but as I had directed last time, this process, from the recruitment of the previous County Secretaries, was started by the Committee on Appointments. Therefore I would refer the matter to the House Business Committee which should file a report on the same so that by Tuesday of the coming week we shall be able to have the report tabled in this House and debated on for either approval or rejection.

ADJOURNMENT

Speaker: Hon. Members, the business of today having been exhausted this house now adjourns to Wednesday 21st January 2015 at 9.00 a.m.

The House rose at 2.43pm.