

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 2ND SESSION

OFFICIAL REPORT

Thursday 15th February 2018

The Assembly met at the Assembly Chamber at 2.30 pm

[The Speaker (Hon. Ndegwa Wahome) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

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

Speaker: Hon. Members, there being quorum we can proceed to transacting the business for the sitting.

First order.

COMMUNICATION FROM THE CHAIR

VISIT BY MIHUTI PRIMARY SCHOOL

Hon. Members, I have a communication to make regarding a delegation that has paid the Assembly a visit. I wish to notify you that today the 15th day of February 2018, we have the honour of welcoming Board Members, teachers and pupils of Mihuti Primary School in Kaimbaga Ward, Ol'kalou Sub County of our County Nyandarua. We have two board members and two teachers who are leading the delegation namely;

1. Esther Mwihia - Board Member;
2. Susan Wanjiku - Board Member;
3. Githii Francis - Teacher; and
4. Mary Muchangi - Teacher

There are a total of sixty six (66) pupils led by;

1. Irene Wanjiku; and
2. Daniel Kariuki

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As an assembly, we have a standing tradition of warmly welcoming our visitor's, more so pupils as we deliberate on important matters touching on the County. I therefore ask you Hon. Members to join me in applauding the board members, teachers and pupils of Mihuti Primary School as previously mentioned.

(Applause)

Finally, I wish to thank the Member of the County Assembly (MCA) for Kaimbaga ward, Hon. Gabriel Gathure Wambui, for facilitating the attendance of the delegation to our Assembly sitting on this Thursday, the 15th day of February, 2018.

Next order.

PAPER LAID

THE STATUS OF IMPLEMENTATION OF ASSEMBLY RESOLUTIONS FROM 2013 TO 2017

Yes Hon. Isaac Kung'u.

Hon. Isaac Kung'u: Mr Speaker, because of the business that we had earlier today, my committee did not have ample time to sit and compile a report. In view of this, I seek leave and request to table the report next week.

Speaker: Well, that request for leave is meritorious. Surely, the committee could not have managed to come up with the report due to the *kamukunji* that took a good part of the morning. The leave is granted and so the committee can table the report on Tuesday 20th February 2018 at 2.30 pm.

Next order.

MOTION

AMENDMENTS TO THE STANDING ORDERS AND REVIEW OF NOMINATION OF MEMBERS FOR SELECT COMMITTEES

Hon. Zachary Njeru: Mr Speaker, I beg to move the following motion:

That this House does adopt the Report of the House Business Committee on the Amendments to the Standing Orders and Review of Nomination of Members for Select Committees as a report of this House and the recommendations therein as resolutions of this House.

Mr Speaker, this is the sixth report on the amendments to the Standing Orders and review of nomination of Members...

(Hon. Wambugu King'ori rises on a point of order)

Speaker: What is it the Member for North Kinangop, Hon. Wambugu King'ori?

Hon. Wambugu King'ori: Mr Speaker, I remember during the recent special sitting, Hon. Zachary Njeru moved a procedural motion in respect of the motion at hand and the Speaker deferred the putting of the question. Is it in order that the substantive motion is in the order paper?

Speaker: Member for North Kinangop I appreciate your concern. You remember the procedural motion was moved to request the House to allow moving the substantive motion without adhering to the requirement of giving one-day notice. Now that motion has been overtaken by events because the report at hand has been in the House for more than one month. We wanted a situation where the substantive motion could be moved the same day. That never happened; but the report has been in the House for about a month and the motion on the same can be appropriately moved. Proceed the Member for Nyakio.

Hon. Zachary Njeru: Thank you Mr Speaker. On behalf of the House Business Committee and pursuant to the requirements of Standing Order 155 (5) (h), it is my pleasant duty to present this report on the amendment to the Standing Orders for approval by the House.

House Business Committee's Mandate

The House Business Committee is established pursuant to standing order 155 with obligations to, *inter alia*, propose amendments to the Standing Orders for approval by the County Assembly.

Committee Membership

The Committee, as constituted pursuant to the provisions of the Standing Orders, comprises of the following Members:

- | | | | |
|-------|------------------------------|---|------------------|
| i. | Hon. James Ndegwa Wahome | - | Chairperson |
| ii. | Hon. Zachary Mwangi Njeru | - | Vice Chairperson |
| iii. | Hon. Hussein Ndung'u Kassana | - | Member |
| iv. | Hon. Esther Wanjiku Muhoho | - | Member |
| v. | Hon. Paul Ngeche Wambaire | - | Member |
| vi. | Hon. Jane Nyambura Waweru | - | Member |
| vii. | Hon. David Mwangi Maitai | - | Member |
| viii. | Hon. Peter Gathungu Kamau | - | Member |
| ix. | Hon. Kenneth Mukira Mahianyu | - | Member |
| x. | Hon. Catherine Wairimu Njane | - | Member |
| xi. | Hon. Simon Mbogo Mburu | - | Member |

Secretariat

In compiling this report, the following constituted the Committee's secretariat who offered vital procedural and logistical support:

- | | | | |
|------|--------------------------|---|-------------------------|
| i. | Stephen Muriithi Wairimu | - | DLLPRCS |
| ii. | Kennedy Mwaniki | - | Principal Legal Counsel |
| iii. | Joel Karanja Gicheha | - | Committee Clerk |
| iv. | Samuel Irungu Kigotho | - | Research Officer |

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ACKNOWLEDGMENT

Mr Speaker, Sir, the Committee acknowledges the immense contributions and support accorded by the Members of the Assembly. Additionally, on behalf of the Committee, I wish to extend our sincere appreciation to the Office of the Speaker and the Office of the Clerk for the support given to ensure that the Committee delivers on its mandate. I also wish to sincerely thank the Members of the Committee and the Secretariat for the commitment during the deliberations and compilation of this report. Finally, Mr. Speaker Sir, it is now my distinguished duty and pleasure, on behalf of the Committee, to present this report to the House for consideration and adoption.

OVERVIEW

Standing Order 235 of Nyandarua County Assembly provides that:

The House Business Committee may at any time propose amendments to these standing orders.

In exercise of the said power, in December 2017, the House Business Committee embarked on an exercise to scrutinize the Standing Orders as adopted by the County Assembly on the 21st of February 2017 during the Fourth Session of the First Assembly, for possible amendments.

The Committee was guided by lessons learnt over the first Assembly and from best international parliamentary practices especially from the Commonwealth countries. In reviewing the Standing Orders, the Committee relied heavily from the provisions of;

- The Constitution of Kenya, 2010,
- The County Government Act No. 17 of, 2012,
- Public Finance Management Act No. 18 of, 2012,
- National Assembly Standing Orders,
- The County Assemblies Powers and Privileges Act No. 6 of, 2017,
- County Assemblies Service Act No. 24 of, 2017.

(Hon. James Gachomba rises on a point of order)

Speaker: What is it the Member for Njabini Kiburu?

Hon. James Gachomba: Mr Speaker, Hon. Hussain Kassana is not properly dressed.

(Laughter)

Speaker: I do not require to say anything about that. The said Member should do the needful. Proceed, Vice Chair of the House Business Committee.

(Hon. Hussein Kassana exits the Chamber)

Hon. Zachary Njeru: Thank you Mr Speaker. Some factors necessitated the amendments to the Standing orders.

Factors that Necessitated the Proposed Amendments in the Standing Orders

(a) Establishment of departments by H.E the Governor

Pursuant to section 30(2) of the County Government Act No. 17 of 2012 and vide a letter dated 14th September 2017 the Governor submitted to the assembly, a list of departments in his new administration.

The said section confers upon the governor the power to constitute the county executive committee portfolio structure to respond to the functions and competencies assigned to and transferred to each county.

There are notable changes in the submitted departments from those established in the previous administration. The Committee hence proposes an amendment to the Standing Orders to align the functioning of the sectoral Committees with the new administrative structure.

(b) Need to establish a Special Funds Accounts Committee

The Committee noted that there are established several funds under the Public Finance Management Act 2012 which had not been properly overseen in the First Assembly.

This necessitated the formation of a Special Funds Account Committee mandated to oversight the management, and accounts of special funds established in the County. This practice was borrowed from the National Assembly, which has created such a Committee that is headed by an independently elected member.

(c) The County Assemblies Powers and Privileges Act No. 6 of, 2017

The Senate enacted the County Assemblies Powers and Privileges Act, 2017 that gives effect to Article 196 (3) of the Constitution. The Act provides for the powers, privileges and immunities of county assemblies, their committees and those of their members.

Section 15 of the Act establishes a committee known as Powers and Privileges Committee for each County Assembly. According to the said section, the membership of the committee comprise of the Speaker who shall be the chairperson and such other members as shall be prescribed in the standing orders.

In order to align the current standing orders with the provision of the said Act, an amendment thereto is necessary.

(d) County Assemblies Service Act No. 24 of, 2017

The Senate enacted the County Assemblies Service Act No. 24 of 2017, which makes further provisions on the County Assembly Service Board and the County Assembly Service as established under County Governments Act No. 17 of 2012.

Section 10 of the County Assembly Service Act stipulates that;

(1) A person who is appointed as a member of the Board under section 12(3) (d) of the County Governments Act (No. 17 of 2012) may be removed from office on any of the following grounds —

- (a) violation of the Constitution;
- (b) inability to discharge duties for any reason;
- (c) bankruptcy; or
- (d) if convicted of any offence with a sentence of more than six months imprisonment.

(2) Any person may petition the county assembly for the removal of the member of the Board on the grounds specified under subsection (1).

(3) The procedure for the removal of a member of the Board under this section shall be as prescribed in the Standing Orders of the county assembly.

Further, section 18 of the Act provides for the appointment of the clerk to the Assembly by the Board with the approval of the Assembly while section 23 provides for the procedure for his/her removal from office with the approval of the Assembly. In view of the above, the Committee deemed it necessary to amend the Standing Orders to designate and provide on matters relating to;

- The relevant committee which may consider for approval by the Assembly, the appointment and removal of the Clerk to the Assembly, and
- The relevant committee, which may consider, for approval by the Assembly, the appointment and removal of the County Assembly Service Board members appointed under section 12(3) (d) of the County Government Act No. 17 of, 2012.

Borrowing from the past practice, the committee recommends that the House Business Committee does continue considering matters relating to the appointment and removal of the Clerk and members of the County Assembly Service Board.

(e) Provisions on how to consider petitions on removal of;

- County Public Service Board (under section 58 (5) of the County Government Act, 2012), and
- County Assembly Service Board members (Under section 10 (2) of the County Assembly Services Act, 2017)

The committee noted with great concern the lack of any provisions in the current Standing Orders on how to consider petitions relating to removal of members of the Boards under the stipulated sections. Borrowing from the National Assembly Standing Orders, the committee proposes amendments to insert necessary provisions on the removal of Board members.

(f) The need for general oversight

The Committee observed that there was need to establish a committee of all members whose mandate would be to oversee the Executive Committee Members on major policy or lack thereof, and on matters of general county importance in their respective departments.

On this, the Committee decided to lay an infrastructure on which the Committee would operate whereby a provision on questions was to be provided for. Further, to ensure that the committee does not encroach on the mandates of other sectoral committees, members decided to include provisions that would restrict the form and content of questions to be asked.

(g) Corrections of errors of Omission or Commission

In addition, the Committee considered any typographical or grammatical mistakes in the current Standing Orders.

PROPOSED AMENDMENTS TO THE NYANDARUA COUNTY ASSEMBLY STANDING ORDERS

a) Amend standing order 31 by inserting the following new paragraph;

(1A) whenever the House Business Committee schedules a sitting of the Committee on General Oversight pursuant to standing order 155 (5) (l) and the appointed time coincides with a sitting of the Assembly under paragraph (1), the House shall resume its sittings on the next normal sitting time or such other time as the speaker may direct.

b) Introduction of a new Standing Order 46 A on Questions;

Questions

46. A (1) A member may, pursuant to section 39 (2) (b) of the County Government Act 2012, submit a question on a matter to be addressed by a member of the County Executive Committee in the Committee on General Oversight established under standing order 153.

(2) The question submitted under paragraph (1) shall-

- a) be in writing;
- b) briefly set out the facts on which it is based; and
- c) be submitted to the Clerk at least seven days before the day the matter is to be addressed by the Committee on General Oversight.

(3) *The Speaker may decline to allow a question under this Standing Orders if the question-*

- i. is a speech or is limited to giving information or framed so as to suggest its own answer or convey a particular point of view;
- ii. contains extracts from newspapers or quotation from speeches;
- iii. Contains an argument, inference, opinion, imputation or ironical or offensive expression or epithet or seeks an expression or opinion.

- iv. repeat in substance any matter already addressed either as a formal request or in the course of a debate in the Committee on General Oversight or in the Assembly during the same session;
- v. Contains more than one subject in one question or is of excessive length.
- vi. Include the name of any person or any statement not strictly necessary to render the request intelligible or contains any allegation, which the member is not prepared to substantiate.
- vii. Makes or implies any allegation of a personal nature or which reflects upon the conduct of any person whose conduct can only be challenged upon a substantive motion or upon the conduct otherwise than in the person's official or public capacity.
- viii. Does not fall within the jurisdiction of County Government as contemplated under part II of the fourth schedule to the Constitution.
- ix. relates to a matter which is subjudice.
- x. relates to a matter whose answer is readily available in ordinary works of reference or official publication;
- xi. Relates to information which by operation of any written law, is secret.
- xii. Refers discourteously to any friendly country or county or to any Head of State or Government or County or the representative of any friendly Country or County.
- xiii. Refers to the proceeding of a select committee before that committee has made its report to the Assembly.

(4) On a day appointed for the sitting of the Committee, the County Executive Committee Member shall be heard first, in silence until the conclusion of his address.

(5) The Chairperson of the Committee shall invite members to react to the response presented by the County Executive Committee Member provided such reaction is related and relevant to the matter of the question.

(6) The Committee Executive Committee member shall, if necessary, have a right of reply to the reactions of the members.

(7) The Chairperson may allow further proceedings under paragraphs five (5) and six (6) until such time or on such reasonable directions as in his opinion in the circumstances, concludes the sitting of the committee.

a. Amend Standing Order 121 (2) to delete the words "*County Revenue Fund Bill*" and insert therefor the words "*County Finance Bill*"

b. Amendment of Standing Order 155

Approval of appointments of the Clerk and members of CASB under S.O 155

- Amend Standing Order 155 (5) (g) to insert the words “, Sections 12 (3) (d) and 13 (1) of the County Government Act;” after the words “(Members of County Executive Committee)”

Removal of the Clerk and CASB Members appointed under Sections 12 (3) (d) and 13 (1) of the County Government Act.

- Amend Standing Order 155 (5) by inserting the following new sub-clause;

- 155 (5) (g. g) Consider, for the approval of the Assembly, the removal from office of the Clerk and County Assembly Service Board Members appointed pursuant to Sections 12 (3) (d) and 13 (1) of the County Government Act, 2012.
- Amend standing order 155 (5) by deleting paragraph (l) and by inserting therefor the following words “schedule the sittings of the Committee on General Oversight upon approval of a question”
 - c. Amend standing order 192 by inserting the following new sub-clause under Members’ Welfare, Catering and Library services Committee
 - 192(2) (aa) inquiries relating to members’ gratuity and other allowances payable to the members.
 - d. Introduction of the Powers and Privileges Committee pursuant to the County Assemblies Powers and Privileges Act 2017.

Powers and Privileges Committee

193 A. (1) there is established a committee known as Powers and Privileges Committee consisting of the Speaker, who shall be the chairperson of the Committee; and such other members who shall be not more than six.

(2) The Committee shall exercise powers pursuant to and in accordance with the provisions of the Powers and Privileges Act, 2017 or such other law as may be passed by parliament from time to time.

(3) The Committee shall be responsible for the enforcement of the Leadership and Integrity Code developed by the Assembly pursuant to Section 37 of the Leadership and Integrity Act.

(4) The quorum of the Committee shall be a third of its members including the chairperson.

- e. Establishment of Special Funds Accounts Committee

Special Funds Accounts Committee

193. B (1) There shall be a select committee known as the Special Funds Accounts Committee.

(2) The Committee shall be responsible for the examination of the accounts of—

- (a) Nyandarua County Executive Committee Members Car Loan and Mortgage Fund Scheme;
- (b) Nyandarua County Civil Servants Car Loan and Mortgage Fund Scheme,
- (c) Nyandarua County Emergency Fund;
- (d) Nyandarua County Assembly Members Car Loan and Mortgage Fund Scheme;
- (e) Nyandarua County Assembly Staff Car Loan and Mortgage Fund Scheme,
- (f) Nyandarua County Gratuity Fund;
- (g) Nyandarua County Pension Fund; and
- (h) such other funds established by law and as the Speaker may direct .

(3) The Committee shall consist of a chairperson who shall, so far as is practicable, be an Independent member, and not more than six other members.

(4) The Special Funds Accounts Committee constituted immediately following the general election shall, unless otherwise removed as provided for in the Standing Orders, serve for the term of that Assembly.

f. Establishment of the Committee on General Oversight

Committee on General Oversight

193. C (1) There is established a committee known as the Committee on General Oversight to be chaired by the Speaker or in his absence the Chairperson of Committees and in the absence of both, a member of the chairpersons' panel.

(2) The membership of the committee shall comprise all the members of the County Assembly.

(3) The committee may pursuant to section 39(2) (b) of the County Government Act, 2012, invite a member of the County Executive Committee to respond to the matter relating a question raised by members under Standing Order 46A provided that the same is within the province of the department.

(4) The committee may, in exercise of its powers under paragraph (3), invite to its meeting during it sitting -

(a) More than one member of the County Executive Committee

(b) The member who had raised the question being addressed by the committee.

(5) The County Executive Committee Member responsible for matters of finance shall appear before the Committee on General Oversight -

(a) on or not later than the 1st of September every year to submit to the assembly the county government's annual development plan and pronounce how it captures, relate and satisfy the requirements of section 126(1) of Public Finance Management Act;

(b) on or not later than the 30th of September every year to submit the committee the County Budget Review and Outlook Paper and pronounce the details thereof that are required by section 118 of the Public Finance Management Act;

(c) on or not later than the 28th of February of each year to submit the County Fiscal Strategy Paper and pronounce how it responds to the matters required by section 117 (2) (3) (4) and (5) of the Public Finance Management Act; and a statement setting out the debt management strategy pursuant to section 123 of the said Act;

(d) on or not later than 30th of April of each year to submit to the assembly, the budget estimates, its supporting documents and other Bills required to implement the budget, except the Finance Bill; and pronounce in its respect all matters contained under section 130(1) of the Public Finance Management Act;

(e) on or not later the 30th of June each year to pronounce revenue raising measures and submit to the assembly the County Finance Bill, setting out revenue raising measures for

the county government together with a policy statement expounding on those measures; and

(f) On any other time that may be necessary for the purpose of submitting and pronouncing a supplementary budget pursuant to section 135 of the Public Finance Management Act.

(6) When making a pronouncement on any matter under paragraph 5, the County Executive Committee member shall be heard in silence and the address shall not be followed by any comment or question.

(7) A document submitted to the committee under paragraph 5 shall, unless otherwise permitted by these standing orders or the law, be tabled or introduced in the assembly during the its next sitting whereupon it shall be processed in accordance with the relevant provisions of these standing orders.

(8) The quorum of the committee shall be the same as of the assembly in a sitting plenary.

(9) Whenever the committee decides to call a division on any matter, the decision of the simple majority shall be the decision of the committee.

g. Provisions on Petitions on removal of members of County Assembly Service Board and County Public Service Board.

Petitions for Removal of a member of a County Public Service Board and the County Assembly Service Board.

206 A. (1) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (e), (h),(i),(j),(l) and (m) of Standing Order 200 (Form of Petition), a petition to the House for removal of a member of a Commission under Article 251 of the Constitution –

(a) Shall indicate the grounds under Article 251(1) of the Constitution, which the member of the commission is in breach;

(b) May contain affidavits or other documents annexed to it;

(2) The paragraphs (1),(3), (4) and (5) of Standing Order 197 (Submission of a petition), Standing Order 199 (Notice of Intention to Present Petition), Standing Order 202 (Presentation of Petitions), and Standing Order 203 (Comments on petitions), shall apply to a petition to the House for removal of a member of a Board under, Section 10 of the County Assembly Services Act and Section 58 of the County Government Act which should be read together with Article 251 of the Constitution

(3) Every Petition presented or reported pursuant to this Standing Order shall stand committed to the relevant Committee.

(4) Upon receipt of a petition under paragraph (3), the relevant Committee shall investigate the matter and shall, within fourteen days, report to the House whether the petition discloses ground for removal under Section 10 (1) of the County Assembly Services Act and Article 251(a) of the Constitution.

(5) The House shall, within ten days of the tabling of the report of the committee under paragraph (4) resolve whether or not the petition discloses a ground for removal under Section 10 (1) of the County Assembly Services Act and Article 251(a) of the Constitution.

(6) Where the House resolves that a petition discloses a ground for removal, the Speaker shall, within seven days of the resolution, transmit the resolution and the petition to the Clerk of the County Assembly and the Governor as the case may be.

(7) Where the petition is on a removal of a member of the County Assembly Service Board, the removal shall be supported by a vote of not less than seventy five percent of all the members of the county assembly.

(8) Where the Assembly approves the removal of a Member of a County Assembly Service Board, the Clerk shall gazette that resolution within seven days and the removal shall take effect on the day of gazette.

h. An amendment to delete the First Schedule and insert therefor the following schedule;

	Sectoral Committee	Subject Area
1.	Legal Affairs, Labour and Intergovernmental Relations and Coordination	Consultation and co-operation between the national and county governments and amongst county governments; establishing mechanisms for the resolution of intergovernmental disputes pursuant to Articles 6 and 189 of the Constitution; trade union relations and labour; and all matters relating to justice and legal affairs.
2.	Agriculture, Livestock and Fisheries	All matters related to agriculture, including crop and animal husbandry, veterinary services (excluding regulation of the profession), livestock sale yards, county abattoirs, plant and animal disease control and fisheries, animal control and welfare, including licensing of dogs and facilities for the accommodation, care of animals;
3.	Health Services	All matters related to county health services, including medical services and in particular county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, refuse removal, refuse dumps and solid waste disposal, cemeteries, funeral parlours and crematoria and burial of animals.
4.	Transport, Energy and Public works	All matters related to county transport, including county roads, street lighting, traffic and parking, public road transport; county public works and services including storm water management systems in built-up areas; electricity and gas reticulation and energy regulation;
5.	Lands, Housing, Physical Planning	All matters related to county planning and development, including statistics, land survey and mapping, boundaries and fencing, housing and urban development;

	and Urban Development	
6.	Education, Gender Affairs, Culture and Social Services.	All matters related to early childhood education, pre-primary education, village polytechnics, and home craft centres; all matters relating to gender affairs, culture, children's welfare; heritage, public entertainment, public amenities, recreation centres and libraries.
7.	Industrialization, Trade and Co-operatives Development	All matters relating to markets, fair trading practices, trade development and regulation, weight and measures, industrial development and cooperative societies.
8.	Water, Environment, Tourism and Natural Resources	All matters relating to water and sanitation services, forestry, control of air pollution, noise pollution, other public nuisances, including implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation and forestry, local tourism and wildlife
9.	Youth affairs, Sports and the Arts	Youth coordination; county sports and sporting facilities; betting, casinos and lotteries centres; and the Arts
10.	Finance and Economic Planning	All matters relating to County plans and investments policies, County Public Debt, County revenue raising measures including the annual County Finance Act, consider finance and economic development, trade licenses (excluding regulation of professions), outdoor advertising and recommend to the county government possible and lawful sources of county revenue, deal with seizure, impoundment and auction policies.
11.	Public Administration and ICT	All matter relating to public service, human resource planning; enforcement of County Legislations; impoundment of animals, seizure of items and maintenance of pounds and yards; disaster management; community policing and all matters relating to access, use and skills in ICT and e-government

Following the above amendments the, Committee in consultation with the Party Whip proposed the following changes in committees membership;

a. Composition of the Powers and Privileges Committee

The Committee in consultation with the Assembly Parties resolved to include the house leadership and other members to the Powers and Privileges Committee as follows;

- i. Hon. James Wahome Ndegwa
- ii. Hon. Muhoho Esther Wanjiku
- iii. Hon. Njeru Zachary Mwangi

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- iv. Hon. Kamau Peter Gathungu
- v. Hon. Kassana Hussein Ndung'u
- vi. Hon. Wanjau Mary Njeri
- vii. Hon. Kariuki Geoffrey Ngaruiya

b. Composition of Special Funds Accounts Committee

The following members were proposed for appointment to the Special Funds Accounts Committee;

- i. Hon. Maitai David Mwangi
- ii. Hon. Wambui Gabriel Gathure
- iii. Hon. Njatha Samuel Kinyanjui
- iv. Hon. Kaiyani Samuel Rimui
- v. Hon. Kassana Hussein Ndung'u
- vi. Hon. Methu Wangari Lucy
- vii. Hon. Mwangi Esther Nyambura

c. Removal and Appointment of Members to various Committees

- i. It was resolved that Hon. Samuel Kinyanjui Njatha be removed from Committee on Implementation and that Hon. Edinald Wambugu King'ori be appointed to Committee on Implementation.
- ii. Hon. Lucy Wangari Methu be removed from Members' Welfare, Catering and Library Services Committee and Hon. Jane Nyambura Waweru be appointed to the said Committee.
- iii. Hon. Edinald Wambugu King'ori be removed from Justice, Legal Affairs and Public Service and replaced with Hon. Paul Ngeche Wambaire.

It was also resolved that Committees Naming be changed as follows;

- i. Committee on Public Administration and ICT to assume the functions previously performed by the Justice, Legal Affairs and Public Service Committee.
- ii. Committee on Legal Affairs, Labour and Intergovernmental Relations and Coordination to assume functions previously performed by the Committee on Intergovernmental Relations and Coordination, Information, Communication Technology (ICT) and e-Government as provided for in the amended first schedule of the Standing Orders.

RECOMMENDATIONS

Mr. Speaker, Sir, following the successful review of the Standing Orders, the House Business Committee made the following recommendations;

1. That, pursuant to Standing Order 235, the House does approve the amendment of the Standing Orders as proposed in this Report.

2. That, pursuant to Standing Order 156, the following Members be appointed as members to;
 - a. Powers and Privileges Committee
 - i. Hon. James Wahome Ndegwa
 - ii. Hon. Muhoho Esther Wanjiku
 - iii. Hon. Njeru Zachary Mwangi
 - iv. Hon. Kamau Peter Gathungu
 - v. Hon. Kassana Hussein Ndung'u
 - vi. Hon. Wanjau Mary Njeri
 - vii. Hon. Kariuki Geoffrey Ngaruiya
 - b. Special Funds Accounts Committee
 - i. Hon. Maitai David Mwangi
 - ii. Hon. Wambui Gabriel Gathure
 - iii. Hon. Njatha Samuel Kinyanjui
 - iv. Hon. Kaiyani Samuel Rimui
 - v. Hon. Kassana Hussein Ndung'u
 - vi. Hon. Methu Wangari Lucy
 - vii. Hon. Mwangi Esther Nyambura
- A. That, Members of the Committees previously known as Justice, Legal Affairs and Public Services; and Intergovernmental Relations and Coordination, Information, Communication Technology (ICT) and e-Government, transit to Public Administration and ICT; and Legal Affairs, Labour and Intergovernmental Relations and Coordination Committees respectively.
- B. That, pursuant to Standing Order 158 (3) the following changes be effected to the composition of the Committees as currently constituted;
- C. Hon. Samuel Kinyanjui Njatha be removed from Committee on Implementation and in his place Hon. Edinald Wambugu King'ori be nominated thereto.
- D. Hon. Lucy Wangari Methu be removed from Members' Welfare, Catering and Library Services Committee and in her place Hon. Jane Nyambura Waweru be nominated thereto.
- E. Hon. Edinald Wambugu King'ori be removed from Public Administration and ICT Committee (previously known as Justice, Legal Affairs and Public Service) and in his place Hon. Paul Ngeche Wambaire be nominated thereto.
- F. That, the amendment to the Standing Orders as approved does take effect immediately.

Mr Speaker, the House Business Committee further came up with an addendum to the report. This was done to ensure balance and equity in the membership of select committees. The following are the contents of the addendum:

1. Amend under page 13 to delete: "(3) The Committee shall consist of a chairperson who shall, so far as is practicable, be an Independent member, and not more than six

other members,” and in its place insert therefor the words “(3) The Committee shall consist of a chairperson who shall, so far as is practicable, be an Independent member, and not more than eight other members.”

2. Amend under page 20 to delete recommendation (ii) and insert therefor the following;

“That, pursuant to Standing Order 156, the following Members be appointed as members to;

c. Powers and Privileges Committee

- i. Hon. James Wahome Ndegwa
- ii. Hon. Muhoho Esther Wanjiku
- iii. Hon. Njeru Zachary Mwangi
- iv. Hon. Kamau Peter Gathungu
- v. Hon. Kassana Hussein Ndung’u
- vi. Hon. Wanjau Mary Njeri
- vii. Hon. Kariuki Geoffrey Ngaruiya

d. Special Funds Accounts Committee

- i. Hon. Maitai David Mwangi
- ii. Hon. Wambui Gabriel Gathure
- iii. Hon. Njatha Samuel Kinyanjui
- iv. Hon. Kassana Hussein Ndungu
- v. Hon. Methu Wangari Lucy
- vi. Hon. Samuel Kaiyani Rimui
- vii. Hon. Mwangi Esther Nyambura
- viii. Hon. Kenneth Mukira Mahianyu
- ix. Hon. Joseph Kariuki Waithera

1. Amend at page 21 to delete recommendation (iv) and insert therefor the following;

“That, pursuant to Standing Order 158 (3) the following changes be effected to the composition of the Committees as currently constituted;

- i. Hon. Samuel Kinyanjui Njatha be removed from Committee on Implementation and in his place Hon. Edinald Wambugu King’ori be nominated thereto.
- ii. Hon. Lucy Wangari Methu be removed from Members’ Welfare, Catering and Library Services Committee and in her place Hon. Jane Nyambura Waweru be nominated thereto.
- iii. Hon. Edinald Wambugu King’ori be removed from Lands, Housing and Physical Planning Committee and in his place Hon. Samuel Kinyanjui Njatha be nominated thereto.
- iv. Hon. Kassana Hussein Ndung’u be removed from Committee on Delegated County Legislation and Hon. Paul Ngeche Wambaire be nominated thereto.

2. That the above amendments (2 and 3) be effected at page 18 and 19 accordingly.

Mr Speaker, having read the addendum, I table it with the Clerk for it to be part of the main report. I beg to move and call the Leader of Majority, Hon. Gathungu Kamau, to second the motion.

Speaker: The Member for Leshau Pondo, Hon. Gathungu Kamau.

Hon. Gathungu Kamau: Thank you Mr Speaker. I rise to second the motion on the report on the amendments to the Standing Orders and review of nomination of Members of select committees.

In fact, the report at hand is long overdue. Every Member of this House should now be enjoying the privilege. Hon. Members should feel that they are fairly treated in this House. The last time the report came to the House, there arose misunderstandings because Members had not perused it. That notwithstanding, I urge the House to adopt the motion in order for us to do what is expected of us.

Speaker: Very well Hon. Members, as I propose the question, you will note that I will make some assertions into the motion now that Standing Order number one (1) allows me to ensure that the motion is properly put.

(Question proposed with changes)

Speaker: Yes the Member for Kaimbaga, Hon. Gabriel Gathure Wambui.

Hon. Gathure Wambui: Thank you Mr Speaker. I would like to take this opportunity, if you allow me, to welcome Mihuti Primary school fraternity from Kaimbaga ward. I would like to congratulate the teachers for doing a good job. We had marks increment. I appreciate that they are here and I thank the Assembly for giving them this opportunity to see how the Assembly works. I believe there is another Gathure sited up there who will be representing the people of Kaimbaga in the near future. I stand to support this motion...

(Laughter)

Well Mr Speaker, I know I am one of the people who led and was against the Procedural motion that had been tabled to pass this substantive motion. This motion was so believed to benefit none other but Honourable Gathure, Gitau, Edinald King'ori and any other member who does not benefit from responsibility allowance. We were not opposing because we thought we were giving up our responsibility for the benefit of others. As we agreed today to go for a *Kamkunji* to help us iron out issues that were burning by then, which were inclusion of the CASB membership, there term and removal and the membership of the County Public Service Board.

I would like to support this motion because it creates the Special Funds Accounts Committee and the Privilege Committee, and General oversight Mr Speaker. My greatest concern is on the Special Fund Committee.

In as much as it is practicable, the chairperson's position should go to an independent member. This gives me the privilege of being the Chairperson of that committee, I mean this should be a negotiation between me and Honourable Maitai and Hon. Paul Ngeche. It would have been prudent if he was added into that committee. The independent members in this assembly feel that this is their baby. We feel this is something that we totally own. I have been made to know that

Hon. Paul Ngeche does not belong here because his knowledge and Superior skills are needed in the Delegated committee where he is...

(Laughter)

I believe they are going to work hand in hand with Hon. John Mburu (WA Maria) in that committee. I would also like to appreciate the House Business Committee for including Hon. Joseph Kariuki. As we are all aware, this member was complaining of not being in any of the selected committees. He was truly feeling discriminated.

Mr Speaker, I had other issues which included the appointment of the members of the County Public Service Board. My concern was the issues that spring up when a petition is brought to this Assembly, the key indicators or guidelines for removing a member of CASB or a Member of the County Service Board were not all included in this report but only four. I have a feeling as the member for Kaimbaga that we should have included two more, well listed in the Constitution, which are bankruptcy and incompetence. What we have here is Imprisonment for not more than six months, failure of discharging duties for any reason, violation of the constitution and bankruptcy. All the same, I would like to appreciate that with your help Mr Speaker, I was able to know where these guidelines were borrowed from. It was from the County Service act section 10 (1). I went and looked at the County Government Act section 51 (a) which was referring us to the constitution in article 251 (1) that included incompetence and gross misconduct. We agreed that incompetence and gross misconduct can be captured in part B which talks of inability to discharge duty for any reason... I think this is all the same and I therefore withdraw my statements to make an amendment as earlier said.

All the same, I had an issue with part seven of this report. Page fifteen; Petition for removal of a member of County Public Service Board and here where the specific statute reads, 'Where a Petition is on removal of a member of the County Assembly Service Board, the removal shall be supported by a vote of not less than seventy five percent of the members of the County Assembly. This threshold of seventy five percent is still very high. I have a feeling that if these members can agree, we should reduce this percentage to fifty percent or just a simple majority. I agree with your opinion and your knowledge of law. I also recognise that this is borrowed from the National Assembly and the County Public Service Board. I respect that, but I also know that this August House can do as it wishes. If it is well with all members, I can propose this amendment on fifty percent right now. What do you say Mr Speaker?

Speaker: Member for Kaimbaga I think you never followed up the issue, we had agreed that if you strongly felt that that is what you want, the clerks would even have assisted, because notice of Amendment should be in writing and given one hour before the sitting so that the Speaker can give leave. What transpired here during the *Kamkunji* and from the explanations given was, this are very entrenched traditions. I do not think that I would want to go that direction Member for Kaimbaga. Please proceed.

Hon. Gathure Wambui: Thank you Mr Speaker. Having ruled on that, despite all the privileges given to this house, I shall no longer spearhead this agenda. I ask the other members to support this motion. I also want to thank the mover for bringing this motion. I would also request my fellow independent colleague, member for Ndaragwa Central, that, if the Holy Spirit descends upon him...

(Laughter)

That if descended upon by the Holy Spirit, he should leave the Chairmanship of this Special Committee to me. I request that he withdraws his interests to...

(Hon. Kieru Wambui rises on a point of order)

Speaker: What is it member for Gatimu, Honourable Kieru Wambui.

Hon. Kieru Wambui: Mr Speaker, the member is openly campaigning and the motion has not even been taken. I think that he is completely out of order and he should wait for a forum for that.

Speaker: Actually honourable members, we said that we encourage robust, vibrant and adventures debates and I think the member for Kaimbaga is taking that line, so proceed member for Kaimbaga.

Hon. Gathure Wambui: Thank you Mr Speaker, there is no any other way sir and I thank you for your kindness.

(Laughter)

I would like to end here and urge all to support this motion. Maybe appeal to *Mweshimiwa* Maitai that when he stands up to support, he will add an addendum and declare his support for me as the chair.

Speaker: Okay, you have made that plea in front of your electorates. Yes, member for Wanjohi honourable Isaac Kung'u.

Hon. Isaac Kung'u: Thank you Mr Speaker, I stand to support the motion and congratulate the House Business Committee for the job well done. It is good to see that what we called Committee for General Oversight was included. One of the challenges we have experienced after taking office is the gap that was left after enacting the 2010 constitution. We were left with no powers of questioning the executive. The chairs of different committees are the only ones questioned and they are not able to answer substantively for the CECs. It is in this committee that some of the issues on oversight will be discussed. It is here that we will be able to get all the answers to our questions in this house, I initially had fears that this committee would come and overrun the implementation committee that I chair, but they have different roles that will work for the benefit of this House. The house business committee has clearly stated its mandates.

The budget timelines have also been well written. They are there in the finance act and we will now have them in the standing orders. All issues to do with budget are very important especially on timelines. Everybody knows what is happening now if we get late in passing the budget because of the electioneering period. However, when this timelines are entrenched in the standing orders, we will now have the powers to summon the CEC here and question them when something goes wrong.

(Hon. Suleiman Kihika rises on a point of order)

Speaker: If you need that information, Hon. Kung'u Hon Suleiman can Proceed.

Hon. Suleiman Kihika: For purposes of the Hansard, the Honourable member has talked of the 2018/19 budget, but we are currently implementing the 2017/18 budget. Therefore, it is important that he corrects?

Speaker: I think member for Kanjuri Range you are giving wrong information. He is saying that we will ensure that the timelines required for making the 2018/19 budget will be observed and if they are not observed, this house will be able to summon the CEC for finance and find out. He is well informed. Continue member for Wanjohi.

Hon. Isaac Kung'u: Thank you Mr Speaker, I hope the member is well guided. I am happy that all of us have responsibilities. It is good that we started the Special fund Committee, some of this reports are so big, we are currently working on the car and mortgage committee and therefore having a special committee dealing with this is a good thing. I support this motion.

Speaker: Member for Githioro, Hon. Sambigi Mukuriah.

Hon. Sambigi Mukuriah: Thank you Mr Speaker, I obviously stand to support this motion. I am on record having been one of the people who supported this motion when it was first brought here. I am a happy man today, to see the disciples, proponents and opposers of this motion bite a humble pie and support the same. I know that our decisions at any stage in life are influenced by different factors. Our differences are accepted and I agree, I therefore want to welcome you on board my friends, lets us push forward.

Speaker: Yes, member for Githabai Hon. Rimui Kaiyani.

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker. I rise to support this motion. The mood of the House is that this motion is well supported. I want to support the Majority Leader for bringing it. It is said information is power and he equipped us with the information that we so much needed. When it was first introduced in this house, the motion failed. This is an indicator that, in future, motions that are brought before the House without the involvement of the Hon. Members will face the same fate. I wish my friend, the Hon. Member for Githioro was still here because I would have liked him to hear this: That some of these failures are as a result of one thing, lack of information. This was a precursor to the operations of this house. If a motion is ever brought to this House without the relevant information, I will be the first one to kill it. I will stand here and say 'I oppose it'. However, I wish to thank the Speaker for taking the cue and giving the members an opportunity to indulge, understand and get the proper information regarding this motion. I wish to echo the words so passionately uttered by the Member for Kaimbaga with a clarion call that members elect him chairman of the committee. In democracy, competition is allowed and I would expect that the two of them will try convince us why we should elect one over the other. Let them convince the members in the proper forum. The three Members elected on an independent ticket sit together in the House and if two of them sit in this Committee and leave one of them, he will feel orphaned. I feel for the Member for Kipipiri, Hon. Ngeche...

(Loud consultations)

Hon. (Eng.) Rimui Kaiyani: Mr Speaker, I need your protection.

Speaker: Member for Njabini Kiburu.

Hon. (Eng.) Rimui Kaiyani: Thank you for your protection Mr Speaker, Sir. Sometimes these loud consultations are too distracting. I am glad that the Member for Kaimbaga is back in the House and he talked passionately about having the Member for Kipipiri be a member of this Committee. To this end, I volunteer to give up my membership in that committee so that the three independently elected members can sit together in one committee. Together, I believe the Members will give us their valuable expertise in driving the agenda of auditing the special accounts. In that regard, I want it to go the Hansard...

Speaker: Allow me to intervene before we take the wrong information into the Hansard. The procedure for resigning from a committee is provided for in the standing orders and it clearly stipulates how such intention should be relayed. The only way you can step down from a Committee at this point is by moving an amendment, which I am not very keen on at this stage. I can say without fear of contradiction that the reason the Member for Kipipiri is not a member of this committee is so that he could be a member of another committee that would benefit him more and he was duly consulted. Otherwise, he could have remained in this committee but it would not have been to his benefit. As the Member for Kaimbaga indicated, the Member for Kipipiri was taken to a Committee he could serve better and he could be recognized better. The Member for Kipipiri is recognized as a Member of this House and is treated as equally and equitably as every other member of this House. I do not know why the Member for Githabai would want to disadvantage himself yet we ensured that all members are almost in the same number of committees. You can rest assured that wherever Hon. Paul Ngeche is, he is very comfortable.

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker Sir. I wanted the three to be together but I am well guided. Going by my previous submissions on this floor, I think I am one of the greatest proponents of equity and the fact that I am in this Committee makes me a member of five committees because I am also in the Liaison Committee. This may be seen to be unfair to Members who are not in as many committees and I wish to state here that I am willing to give up my membership to any Member here who is not in as many committees. This, I believe, will hammer in the point that there is no reason or justification for anyone to be in so many committees. The SRC regulations require that Members attend a maximum of 16 committees, when you have more than what you need and some members do not have as many, I think it is not fair, I think it is selfish and does not serve any purpose. I do not want to go on record as the Member with the most committees. With those remarks, I support and I hope the information is well received.

Speaker: Member for Gatimu, Hon. John Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker. I rise to support this motion. Last time, we did not have the substantive motion on the report. Only the procedural motion but today we are discussing the substantive motion. I am happy with the way the Committee has organized the report and the addendum. The report is quite elaborate and since this is a political environment, these dynamics are allowed and they are good for were it not for them, we wouldn't be here.

I am comfortable with what the Committee has noted like on page 6, they have indicated the factors that necessitated the amendments, one being the establishment of the departments by the Governor. You will realize that our Standing Orders are still aligned with the structure that was proposed by the first Governor, His Excellency Waithaka Mwangi but the new government has drifted a little with respect to the structure of the departments and their naming. It is paramount then, that the House Business Committee amends the standing orders to reflect the changes in the government departments.

I know there is a list that came from the office of the Governor establishing 10 departments and another list that established 15 offices of chief officers. I am still not sure what happened, and Mr Speaker, I wish to be guided by you, on the issue surrounding the office of Intergovernmental Relations. When you look at this report, you will realize that we have 11 departments as per the proposed Standing orders, yet the Governor has 10 departments. The reason behind this is that there is a proposal by the House Business Committee to have the office of Legal Affairs, Labour, and Intergovernmental Relations and Coordination, a department that the executive does not have. It is the high time the Governor fast-tracks and puts in place the office of the county Attorney.

It is unfortunate that although we passed the law instituting the establishment of the office of the County Attorney, the former Governor did not establish it. Further, the current Governor neither constituted nor allocated to the Chief Officers the intergovernmental relations mandate. Mr Speaker you realize that we have an Intergovernmental Relations Act with a fundamental aspect of relationships between National and County governments and County governments and other County governments, county governments-National governments outside Kenya. This is something the Governor ought to consider. We expect that the Governor will get our resolutions today, because we have amended our Standing Orders to reflect his government's structure. Although the Governor is only allowed to have 10 departments, we instituted the office of the County Attorney to be part of the departments but only as an ex-officio. This means that the departments will remain 10 and I wonder if the Governor will relegate the Intergovernmental Relations mandate to the appointed County Attorney. This committee will also be expected to deal with labour.

In the former regime, education, social, culture and gender matters were under one department. However, labour has been placed with Intergovernmental Relations. I do not know where and how that will be aligned in the executive's departments. I want to believe, and the House Business Committee can confirm that the way the word Agriculture appears is the way it was forwarded to this house. It is the same case for the department of Public Works and Transport and all the other departments that the Governor forwarded to this house.

If the Governor left out Labour and the House Business Committee decided to include it in the department of Legal Affairs and Intergovernmental Relations, will the director of Labour remain under the Department of Education, Gender and Social Services? Because that is where they are now or will they be forced to transfer to the department of Legal Affairs and Intergovernmental Relations? That is a question for another day. These departments must be properly aligned so that we do not have instances where the Committee for Legal Affairs invites the CEC Member for Education because Labour has now been put under education because of the former region. The department of Industrialization is okay and so are those of Water, Environment, Tourism and Natural Resources, Youth Affairs, Sports and Arts, Finance and Economic Planning and, finally, Public Administration and I.C.T. As for me, I am comfortable with the report and I can only wait to hear the sentiments of the other Members especially Hon. Maitai because the Speaker said it is adventurous and if he has cooled down and allowed the leader of the Independents caucus to speak on their behalf, he will still tell us. I do not know if the leader of the independents caucus is the one to be the chair or will remain at the helm of the caucus' leadership and leave the chair to someone else.

About the movement of Members, I believe it was consensual and all these things will happen in good spirit and in good blood. The intergovernmental relations and labour issues, however, should be followed up so that we know where they in the current Government's structure because they neither appear as mandate of the 10 C.E.Cs nor those of the 15 Chief Officers. The Governor must address this. Thank you Mr Speaker.

Speaker: Member for Central, Hon. David Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker. I am glad that I caught your eye. I rise to support this substantive motion. You remember that last time, although it was a procedural motion, it did not sail through, and it was quite in order...

Speaker: For record purposes, it is important we note that no motion failed. There was never a vote and therefore the motion remained suspended but due to fruition of time, no such motion exists. Proceed.

Hon. Mwangi Maitai: Thank you Mr Speaker for your guidance, we are still learning. I will first off disclose that I, David Maitai, do endorse one Hon. Gathure Wambui to be our chairperson. We, the Members elected on an Independent ticket, are not greedy and we want to show the way.

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: What is it Member for Githioro, Hon. Simon Sambigi Mukuriah?

Hon. Sambigi Mukuriah: Mr Speaker, is it in order for the Member to say that the Members elected on an independent ticket are not greedy thereby insinuating that those of us elected on a Jubilee party ticket are greedy?

Speaker: I think the Member for Central that was not parliamentary because when you say the independent members are not greedy, the aspersion you have cast is that the Jubilee Members are greedy. This is unparliamentarily as you should not cast aspersions on the character of your colleagues.

Hon. Mwangi Maitai: Thank you Mr Speaker, I did not mean to insinuate that the opposite was true. It was in order that we were given time to go through the report and we have been able to do a lot of consultations. We have learnt that the report is in order and that is why we are supporting it. You are all aware that we are not very fond of books and that is why as we were going through this report Members did not complain of being denied information. Some of the contents of the report are not clear and we were relying on the mover to present the report.

I am in support of inclusion of Kenn; it will ensure checks and balances in the activities of the committee. That is what we should advocate for. It is also appropriate for the Members who are...

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it the Member for Leshau Pondo Hon. Peter Gathungu Kamau?

Hon. Gathungu Kamau: Is it in order for the member for Central ward Hon. Mwangi Maitai to address the member as Ken?

Speaker: It is important that in our learning experiences we put these things in the right perspective. The right way is to address the member as Hon. Kenn Mukira. In parliamentary practice, we were taught that if we refer to him as the Hon. Member for Karau, it is more desirable. Member for Central proceed.

Hon. Mwangi Maitai: Thank you Mr Speaker, we are still learning. I correct that, Hon. Kenn. I also appreciate inclusion of Hon. Joseph in this committee because we are going to share and learn a lot. Thank you and I urge Hon. Members to support this motion.

Speaker: County member from Kiriita ward, Hon. Milkah Wanjiru Ndirangu.

Hon. Wanjiru Ndirangu: Thank you Mr Speaker. This is the fourth time I am rising but I thank God that you have given me the chance. Last time I rose to oppose a motion that I was not sure about. Now I am well informed and that is why I stand here to support the motion. I have read, perused and it has been explained to me. I now understand the content of the motion and for sure, it is for the benefit of these members Mr Speaker.

The many things that were explained to us during the *Kamukunji* and I got to understand the essence of this motion. I however want to point out some things. As much as we want to talk

of the privileges, I have not heard anyone talk of the kind of work that we will do after giving the members these positions. I would urge this House that even as we enjoy the privileges, we should consider the kind of work that we shall do so that the work commensurate with the privileges we get. We should not only talk of the privileges but also deliver.

I do not have an issue with the members who are here but I can say that Hon. Gathure was so motivated. His debate was a note higher.

(Laughter)

I have seen in the Special Funds Committee that four out of the eight members are from one constituency. I do not know whether Hon. Gathure had done some campaigns because if there was voting he would have won because four are from his constituency. I support.

(Hon. Gathure Wambui rises on a point of information)

Speaker: The member has finished so you cannot give any information. Member for Kipipiri, Hon. Paul Ngeche.

Hon. Paul Ngeche: Thank you Mr Speaker, I rise to support the motion. Having seen that the fellow members, elected on an independent ticket were not enjoying any responsibility, I should be the last person to oppose this motion. They have my blessing and they have my blessing in that Special Fund Committee even without my name being there. It is also good to be able to help elsewhere and in this place, the committee on Delegated county Legislation, with my able chairperson Hon. John Mburu Githinji. I am happy because I will be able to give my input and resources to the committee. I support the motion.

Speaker: Member for North Kinangop, Hon. Edinald Wambugu King'ori.

(A member speaks from the background)

Hon. Wambugu King'ori: Thank you Mr Speaker, please protect me from Hon. Kieru, he is using unparliamentary language.

Speaker: Order Members!

Hon. Wambugu King'ori: Mr Speaker I support the motion and it is good that you have corrected the sentiment of a few members concerning the motion that was not voted on. The idea of coming up with the committee on General Oversight is very noble and for the prosperity of this county. I have noted that it had been decided that after it is approved, the CECM for Finance will be reporting to this House on the budget cycle. The policies in the budget cycle such as the Annual Development Plan and the County Budget Review and Outlook Paper are very important so that members can note all the development projects that the executive is doing. Once tabled and discussed here, the members will be able oversight the executive.

It is worth noting that such a committee was introduced in the National Assembly in the last regime. They used to call it committee of the Whole House. They however misused it because they were always summoning the Cabinet Secretaries to the National Assembly. The President himself intervened and requested the Speaker Hon. Justin Muturi not to allow this to continue. Mr

Speaker, I expect that you shall be able to control it since you have initiated this in this House so that we can allow the executive to proceed with the matters of implementation.

Mr Speaker I have also noted something about the petition. It has now become clear on the removal of a member of the County Assembly Service Board and County Public Service Board. I support it. This shows that it is hard to remove either the members of County Assembly Service Board or the County Public Service Board. Now that it is not easy to remove them, let them be equal to the task. This is borrowed from the best practice. In the previous regime there was an attempt to remove the County Public Service Board but they were protected by the law. Are they equal to the task? Are they working for *Wanjiku*? If they fail to do that and their names come here, we are going to remove them. If they work as expected, no one will have problems with them.

Currently we have problems with the chief officers. We are not going to hide our heads in the sand. The adverts were made and recruitments were done? What is happening? We would want to hear from the board and the executive. It seems like we are at a standstill. We need to examine the two boards. We are not forgetting that there was an attempt to remove the two members of the County Assembly Service Board. I was one of those who initiated that move. I now understand that they are equal to the task and they are going to work hard. Hon. Kariuki Muchiri and Hon. Kieru Wambui will work. We have no malice. They are my friends and at least every one here is a friend to them. We shall have no problem with them as long as they work.

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: Member for Githioro, how is the Member for North Kinangop out of order?

Hon. Sambigi Mukuriah: Mr Speaker I do not see any relationship between friendship and the positions that we hold. Probably I should be guided on whether it is in order for the member for North Kinangop to say that the only consideration that makes him not to pursue the removal of the said members of the board is on friendship basis.

Speaker: Member for Githioro, if I understood the member for North Kinangop well, he is saying that any move that he would have initiated against them is not because of malice or ill will against them. Actually, they are his friends but he thought that they were not discharging their duties properly at that particular time. He is saying that now they are working very well. Proceed member for North Kinangop.

Hon. Wambugu King'ori: Thank you Mr Speaker for protecting me from Hon. Sambigi. He is always on my neck. I like the way this report is, especially the harmonization of committees. At least I now have something together with the independent members. It does not matter whether I will be an ordinary member, a vice chairperson or a chairperson, what matters most is whether I am equal to the task. If I were to be given the position of the vice chairperson or chairperson, would I be equal to the task? At the end of the day, what matters is service delivery to the common *mwananchi*. We have three roles that we are always reminded by the constitution, that is oversight, legislation and representation. I expect that we are going to work.

I thank you Mr Speaker as the chairperson of the House Business Committee. You have tried to balance and ensure that every member has something in terms of responsibility. We tried this during the last term and it was too hectic. I appreciate that on behalf of the members.

I am very comfortable with the new committees. I believe that I will work as per the given responsibilities. I will go to the committee on implementation and I hope the members of the said committee will welcome me. They can give a responsibility that they find fit with me. I hope the chairperson of the said committee Hon. Isaac Kung'u has heard me. I support the report and I call upon the mover to respond.

Speaker: The mover and the member for Nyakio Hon. Zachary Njeru

Hon. Zachary Njeru: Thank you Mr Speaker sir...

(Hon. Geoffrey Kariuki rises)

Speaker: Unfortunately County Member from Rurii, when the mover was called, no one rose. I always allow members to contribute. Unless you have something that is burning and that you would want included here. Already the mover was responding and no one rose to catch my attention. What you can do if there is something that is so burning, the member for Nyakio can donate some minutes to you.

That is a lesson that you have allowed me to pass to the members. That is when the mover is responding, even if the Speaker has refused more contributions to be made, the person responding normally has five minutes and he or she can donate one minute to one or two members. With your generosity, member for Nyakio, you can do the necessary.

Hon. Zachary Njeru: Yes. He can have one minute.

Speaker: Proceed Hon. Geoffrey Kariuki.

Hon. Geoffrey Kariuki: Thank you very much *Bwana* Speaker. Although I am behind the schedule, I also stand to support this motion and I don't want to take much time. The member for 'Ndunyu Njeru' *Bwana* King'ori mentioned matters pertaining to the service board and chief officers.

(Hon. Gathungu Kamau rises on a point of order)

Speaker: What is it the majority leader?

Hon. Gathungu Kamau: Mr Speaker I don't believe that we have a ward by the name 'Ndunyu Njeru' in the existing 25 wards in Nyandarua. I think it is North Kinangop.

Speaker: Okay. The member is accordingly informed.

Hon. Geoffrey Kariuki: Thank you for that correction. Let me go direct to what I want to say. We cannot bury our heads under the sand. We should all agree that there is a problem as far as the county government and the public service board are concerned.

If you look at the way the Assembly is positioned, we are at the middle. There is the executive, the Assembly and the public. We are supposed to play our role in the middle level. The service board members are our brothers and sisters and we need one another. I think it will be very wise under your leadership Mr Speaker, that we have a committee that can try and find out how this problem can be solved. This will help us have a mutual relationship with the board and the executive which will make us very happy. In return, this county will archive its mandate.

If we allow this situation to continue as it is, we will be wasting more time and we will be doing our Nyandarua a lot of injustice. It will be good if there is a method in place to make sure that the service board is working properly and at the same time helping the County Government

in archiving its goals without anyone blaming another. It is nobody's wish that the three arms keep on fighting because we all belong to Nyandarua.

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: Yes, what is it member for Githioro, Hon. Sambigi Mukuriah?

Hon. Sambigi Mukuriah: Mr Speaker, I think we have digressed and we are discussing a body that was not supposed to be discussed in today's debate. I do not see anywhere where the public service board was supposed to be our subject of discussion. In any case I also hear the Hon. Member alluding to some in fighting between the board and the executive. Maybe there is some information that we need to be given because some of us are not aware of it. Thank you Mr Speaker.

Speaker: Very well. I did not want to stop you, Hon. Member. Actually I allow members to even be adventurous and whether there is disagreement between the board, the executive and the Assembly, it is not an issue before the Assembly. I normally constrain myself from using provisions of the standing orders to stop anybody from contributing. I think the point has been made and your time is over but you can summarize.

Hon. Geoffrey Kariuki: Am happy to hear that and because am not in defence of anything, I think the important thing is that the message is heard and my point is home whether you close your eyes or ears. Thank you.

(Hon. Sambigi Mukuriah rises on a point of order)

Speaker: Unfortunately he is...

(Hon. Geoffrey Kariuki speaks without the Speaker's authority)

Order! Order! Order! At the end of the day, we are just giving guidelines and I think we are deteriorating and closing the red line over and over again. This is a house of order. County member from Rurii, I even allowed you to digress, and then you act as if you are issuing ultimatums to Hon. Members here. I think that's an issue we know about it is not relevant here.

In the *Kamukunji* I explained and said how far we have gone about that issue. Everybody knows about it. It is not the first time it is being brought to us. As a house, we must proceed in an orderly manner. That is what parliaments are all about. You can reach your destination but procedures must be followed because that is why we have the laws and the standing orders.

When we had the *Kamukunji*, I think it is important to mention this because it might appear in the Hansard as if all the other members are not concerned about that issue except one, if I don't say this. During the *Kamukunji*, and I would have as well informed the members on the way forward to deal with this issue. The reason why members never addressed this issue is because I explained to them that even H.E. the Governor himself cannot deal with it. This is because there is a pending ruling case in the courts. This Assembly cannot even look at that issue. It is a sub-judice. We would be punished by the court because of trying to address a matter that is already before it. The Governor explained that he is waiting for the ruling of the court. We said that we were okay with it and he was correct in his interpretation of the law. What else are we supposed to do as a house? It is being implied that this house is not taking that matter seriously. So this House is very much aware of what is happening and when it is called upon to take up its role at

the right time, it will do that. This House as I have said is very competent, it knows its work and it will continue discharging those duties for the benefit of the people of this County. Proceed member for Nyakio.

Hon. Zachary Njeru: Thank you Mr Speaker. First of all I would like to commend the work of the house business, our secretariat and our research officers, more so to the Deputy Clerk for carrying out some research on certain rulings. Equally, I commend the Hon. Members for this healthy debate.

As I said while we were in Nakuru, it is healthy to agree and disagree and I quoted some words from a French Philosopher known as Leonard Escartis that, “through disagreeing and opposing, it makes us advance for new knowledge, do further research and be informed,” and this what parliament is all about. So am glad we had this debate and no member has opposed this motion.

Without much ado. I think that the equity we have been talking about will be realized upon approval of this motion. Thank you Mr Speaker Sir, and I beg to move this motion.

(Question put and agreed to)

Speaker: Hon. Members, I would like to thank you for the vibrancy you have shown in this matter. The Standing Orders is your bible. It will be guiding you in whatever you do and I commend the seriousness you accorded the report at hand the first time it was brought in the House. You have even shown more seriousness in the same this second time. It is appreciated that you know it will be committing you to many things. I can assure you that the Standing Orders will be amended accordingly, the staff will be directed to work around the clock to ensure that every Member has a copy within the next 14 days. I shall also communicate to H.E. the Governor because it also affects the Executive in terms of the departments he created. The CEC Members should be aligned to the committees they are responsible to owing to the amendments that we have passed.

Although the membership of the committees is not in the report, I would request that the Clerk be instructed to direct the committee clerks, even if it is through a phone call, to draft minutes incorporating the new members as indicated in the amendments. That is, as chairs, vice chairs or otherwise in order for us to effect their necessary benefits as per the relevant circulars. We know what we want concerning the leadership of the committees.

Next order.

ADJOURNMENT

Hon. Members, the business for today having been exhausted effectively, this House shall adjourn to Tuesday, the 20th day of February, 2018 at 2. 30 pm.

(The House rose at 4.24 pm)