

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 5TH SESSION

OFFICIAL REPORT

Tuesday 21st February, 2017

The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2:30 P.M

[The Deputy Speaker (Hon. Wambugu King'ori) in the Chair]

PRAYER

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: By invoking the provisions of Standing Order No. 34 (2), I direct that the division bell be rung for an initial ten minutes or until such a time within those ten minutes that the quorum will have been achieved.

(Quorum bell is rung for six minutes and quorum is achieved as confirmed by the clerk-at-the-table)

First order.

COMMUNICATION FROM THE CHAIR

Hon. Members, I have two communications to make but I will make one at this point and another one as we proceed because it entails the substantive motion on the approval of the Standing Orders. I will deliver it when we get to that order.

APPROVAL HEARINGS (VETTING) OF APPOINTED C.E.C MEMBERS

Hon. Members, this is to notify you that the Acting Clerk has, by a letter dated 20th February 2017, forwarded a letter to the Office of the Speaker from the Governor, H.E. Waithaka Mwangi, submitting two names for the nomination of County Executive Committee Members where Mr. Amon Kimani Kinyanjui has been nominated for the post of CEC Member for Water, Environment & Natural Resources and Mrs. Loise Nyambura Kabachia for the post of CEC Member for Cooperative, Trade and Enterprise Development.

The said communication also contained all the relevant information relating to the nomination including their resume leading to their eventual nomination.

The same are hereby forwarded for committal to the House Business Committee for vetting pursuant to Section 152 (g) of the Standing Orders and thereafter for approval or otherwise of the nominees by the Assembly as provided for under Article 179 (2)(b) of the Constitution.

This nomination having been reported to my office yesterday Monday the 20th day of February, 2017, it then informs that the Assembly must conclusively complete this process by the 13th day of March, 2017 before Midnight as provided for under Section 11 (1) of the County Public Appointment (Approval) Act of 2016. The House Business Committee thus has twenty days to vet the nominees and table a report in this House which should be considered on or before the 13th day of March 2017.

Hon. Members, it therefore follows that the House Business Committee shall conduct approval hearings (vetting) as provided under Article 152 (g) of our Standing Orders and that necessary notifications should be made to the public and the nominees as provided under the Nyandarua County Public Appointment (Approval) Act of 2016.

I therefore direct so and wish the committee the wisdom and resource to effectively and expediently reach conclusions on the matter guided by total fidelity to the law and taking into account the larger interest of the County and its people.
Next order.

NOTICE OF MOTION

Yes, Leader of Majority Party and Member for Murungaru, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr. Speaker. On behalf of Hon. Kamau Ngotho, I wish to give notice of the following motion:-

Aware that the Part II of the Fourth Schedule to the Constitution of Kenya 2010 provides for refuse removal, refuse dumps and solid waste disposal as part of the devolved functions;

Further aware that the Nyandarua County Government has established the department of Health Services whose mandate include among other things to deal with management of refuse removal and disposal;

Concerned that Ol'Kalou Town has witnessed piling of refuse along the roads and pathways leading to environmental pollution and blockage of water ways and trenches; Further concerned that funds set aside for the Karau Garbage Collection amounting to Kenya Shilling one million (Ksh.1, 000,000) in the 1st Supplementary budget 2016/2017 has not been utilized in Karau Ward;

Noting that so many youths and women are jobless and desperately looking for meaningful earning to fend for their families and who would be directly involved in this noble course of garbage collection;

Now therefore I urge that this House does resolve:

1. That the Executive Committee Member for Health Services does actualize the implementation of the Karau Garbage Collection vote head in the 1st Supplementary budget 2016/2017;
2. That in the implementation of the budget, the County Executive Committee Member for Health Services does consider utilization of the youths and women in collection of garbage in Karau Ward; and
3. That the Department of Health does formulate a garbage collection and management policy that shall sustainably ensure clean urban centres in Nyandarua County.

Thank you Mr. Speaker Sir, I beg to give notice.

Speaker: Very well, the notice of motion is duly given and therefore the House Business Committee will give directions as to when the motion will be processed.

Next order.

MOTION

ADOPTION OF THE REPORT OF THE HOUSE BUSINESS COMMITTEE ON THE REVIEW OF NYANDARUA COUNTY ASSEMBLY STANDING ORDERS

Speaker: I had stated earlier on, that I will make a communication when the time comes for this substantive motion.

COMMUNICATION FROM THE CHAIR

PUTTING OF THE DEFERRED QUESTION

Hon. Members, this House was on 15th February 2017 at 2.30 p.m. seized with the motion "THAT the report of the House Business Committee on the review of Standing Orders be approved pursuant to Article 231 (5) of the Nyandarua County Assembly Standing Order". The mover of the motion sought the leave of the House under Standing Order 52 (3) to defer the putting of the question on the motion which was agreed upon and the Speaker directed that the question be put on Tuesday 21st February 2017 at 2.30 p.m. The reason for the deferment was to allow members make proposals for amendment of the Standing Orders.

The motion is guided by Article 231 (6) of the Standing Orders that requires that the procedures on Bills reported from the Committee of the Whole Assembly be applied while approving the report of the House Business Committee.

The provisions on the Procedure on Bills reported are as follows;

129. (1) When a Bill has been reported from a Committee of the whole Assembly, the Assembly shall consider the Bill as reported upon a Motion "That the Assembly do agree with the Committee in the said report".

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill.

(3) A Member who desires to delete or amend any provision contained in a Bill, or to introduce a new provision in the Bill under paragraph (2) may propose any amendment to add, at the end of a Motion under paragraph (1), the words "subject to the re-committal of the Bill (in respect of some specified part or of some proposed new clause or new schedule) to a Committee of the whole Assembly", and if that Motion is agreed to with such an amendment, the Bill shall stand so re-committed and the Assembly shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matters so re-committed.

Hon. Members, the above provisions with necessary modifications to the Standing Orders, state that any proposal of amendment shall be contained in the motion stating that the report on the review of the Standing Orders be recommitted to the House Business Committee.

It is worth noting that Article 129 of the Standing Orders does not apply to the procedure of the Committee of the Whole Assembly but on the procedure of reporting. The Committee of the Whole Assembly thus with necessary modification apply to the House Business Committee.

The Office of the Clerk did not receive any proposals to amend the standing orders from the Members and thus the motion will continue as it is with the putting of the question.

(Question on the adoption of the report of the House Business Committee on the review of Nyandarua County Assembly Standing Orders put and agreed to)

Next order.

ADJOURNMENT

The business for today having been exhausted Hon. Members, this House will adjourn to tomorrow, Wednesday, the 22nd day of February, 2017 at 9.00 a.m.

(The House rose at 2.50 p.m.)