

# REPUBLIC OF KENYA

## NYANDARUA COUNTY ASSEMBLY

### 2<sup>ND</sup> ASSEMBLY- 1<sup>ST</sup> SESSION

#### OFFICIAL REPORT

Tuesday 26<sup>th</sup> September 2017

*The Assembly met at the Assembly Chamber at 2.30 p.m.*

*[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:** Quorum having been recognized let us proceed with the business of this sitting.  
First order.

#### COMMUNICATION FROM THE CHAIR

##### REALIGNMENT OF COMMITTEES

Hon Members, I would wish to make a brief communication and the same relates to a letter dated the 14<sup>th</sup> day of September, 2017. H.E the Governor of Nyandarua Hon. Francis Thuita Kimemia communicated the structure of his administration for the purposes of establishing the County Executive Committee.

The list of the departments is as follows:

1. Department of Finance and Economic Development;
2. Department of Education, Gender Affairs and Culture;
3. Department of Health Services;
4. Department of Transport, Energy and Public Works;
5. Department of Public, Administration and ICT;
6. Department of Lands, Housing and Physical Planning;
7. Department of Agriculture, Livestock and Fisheries;
8. Department of Water, Environment, Tourism and Natural Resources;
9. Department of Industrialization, Trade and Co-operatives; and
10. Department of Youth, Sports and Art.

In light of the above, the Assembly has to align its Sectoral Committees in accordance with the said structure for purposes of effectively and in a structured manner exercising both its oversight and legislative mandates. Therefore, it is required that the House Business Committee does a report on the possible areas of amendment to our Standing Orders to align the same with the forwarded list of departments. It is further believed that H.E the Governor shall appropriately cause to be published in the Kenya Gazette, the departments as newly structured pursuant to Section 30 (L) of the County Government Act No.17 of 2012.

That is all as the communication goes.

Next order.

### PAPER(S) LAID

#### 1. THE ADDRESS OF THE GOVERNOR

The Member for Leshau Pondo and Leader of the Majority Party in the House, Hon. Peter Gathungu Kamau.

**Hon. Gathungu Kamau:** Mr Speaker, Sir, I beg to table the address of the Governor, which was delivered on 14<sup>th</sup> September 2017. I table.

**Speaker:** Very well, that particular document is duly tabled and I believe that the House Business Committee shall give the requisite directions on how the same shall be processed by the House.

Next order.

#### 2. NYANDARUA COUNTY ASSEMBLY LEGISLATIVE CALENDAR 2017

Yes the Member for Nyakio and the Vice Chairperson, House Business Committee, Hon. Zachary Mwangi Njeru.

**Hon. Zachary Njeru:** Mr Speaker Sir, I beg to table the report of the House Business Committee on the sessional legislative calendar 2017. I table.

**Speaker:** Very well, the sessional timetable of the House is duly tabled and the House Business Committee shall give the requisite directions on how the same shall be processed.

Next order.

### NOTICE(S) OF MOTION

#### 1. THANKS OF THE ASSEMBLY BE RECORDED FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF THE GOVERNOR

Yes the Member for Leshau Pondo and Leader of the Majority Party in the House, Hon. Peter Gathungu Kamau.

**Hon. Gathungu Kamau:** Thank you Mr Speaker Sir. I beg to give notice of the following motion:

THAT the thanks of the assembly be recorded for the exposition of public policy contained in the address of the Governor delivered on the 14<sup>th</sup> day of September 2017.

Thank you Mr Speaker.

**Speaker:** Very well, the notice of that motion is duly registered.  
Next order.

2. NYANDARUA COUNTY ASSEMBLY SESSIONAL LEGISLATIVE CALENDAR 2017

Yes the Member for Nyakio and the Vice Chairperson, House Business Committee, Hon. Zachary Mwangi Njeru.

**Hon. Zachary Njeru:** Mr Speaker, Sir, I beg to give notice of the following motion:

THAT pursuant to Standing Order No. 29 (1), the House does approve the Nyandarua County Assembly Sessional Legislative Calendar 2017.  
Thank you Mr Speaker Sir.

**Speaker:** Very well, that notice is also duly registered.

**MOTION(S)**

1. PROCEDURAL MOTION

Yes the Member for Nyakio and the Vice Chairperson, House Business Committee, Hon. Zachary Mwangi Njeru.

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

THAT with the leave of the House, the motion, “THAT pursuant to Standing Order No. 29 (1), the House does approve the Nyandarua County Assembly Sessional Legislative Calendar 2017” be exempted from the requirements of Standing Order No. 48 (5) (b) which requires that a notice of motion to be given at least one (1) day before a motion appears on the Order Paper.

Mr Speaker, Sir, before the House continues with any other business, we need to approve a calendar that will guide the House. I wish to call upon Hon. Mbogo to second the procedural motion.

**Speaker:** Yes the Member for Weru, Hon. Simon Mbogo Mburu.

*(Hon. Mbogo Mburu is not in the House)*

It seems that the Hon. Member is not in the House. So, the mover, please try your luck elsewhere.

**Hon. Zachary Njeru:** I call upon Hon. Wanjiku Muhoho to second.

**Speaker:** Yes, the County Member from Njabini/Kiburu, Hon. Wanjiku Muhoho.

**Hon. Wanjiku Muhoho:** I second.

*(Question proposed)*

**Speaker:** Yes, Member for Murungaru Hon. Kariuki Muchiri.

**Hon. Kariuki Muchiri:** Thank you Mr Speaker. I rise to support this motion regarding the calendar of this August House. It is the tradition for assemblies to have a calendar to guide the business of the House when it is in session. We cannot proceed with the business of the House without this calendar as provided for in the Standing Orders. The First Session of the Second Assembly Mr Speaker commences today the 26<sup>th</sup> day of September 2017 and it will run to Thursday, 26<sup>th</sup> October 2017.

Mr Speaker, of importance and what has really caught my attention is the short recess. This is because this House is seized of information that there shall be a repeat of the presidential elections and the Independent Electoral and Boundaries Commission has announced the 26<sup>th</sup> October 2017 as the day for that election. This recess is key to all of us because every member is aware of the situation in this country, which is that we held an election. The results were declared by IEBC (Independent Electoral and Boundaries Commission) but one Hon. Raila Amollo Odinga was not satisfied with the way the elections were conducted and he therefore went to the Supreme Court to file a petition regarding the elections. The Supreme Court ruling, which is known to everyone in this House, was nullification of the elections and ordered the IEBC to hold fresh presidential elections within 60 days as stipulated in the Constitution.

Mr Speaker, this being a Jubilee zone, these members will be very busy campaigning for their preferred candidate and that is the current president of this country H.E Uhuru Muigai Kenyatta. This is a very important short recess, which will have these members engaged in the campaigns for the president.

Mr Speaker, after this we shall have sittings up to December to transact other businesses. So that we can generate enough businesses for this House, I urge the chairpersons of various committees and the Hon. Members to look into areas of concern and raise motions and statements that will enable the committees to carry out their mandate.

Mr Speaker, in the last assembly while moving the adjournment motion as a leader of majority, we highlighted the projects that were not complete or were not properly done. I urge that the HANSARD Report be made available to the Hon. Members so that they can pick from there and see the areas that need to be revisited to see whether the Executive implemented those projects during campaigns. I am aware of limited time given to members to contribute to debates and I rest my case. I support the motion.

**Speaker:** Yes, the mover, you can respond by thanking the members for contributing to the motion and then beg to move.

**Hon. Gathungu Kamau:** Thank you Mr Speaker, I thank the member for Murungaru for supporting the motion and I beg to move.

*(Question put and agreed to)*

**Speaker:** The leave of the House is given so that we dispense with the requirement of article 48 (5) (b) of our Standing Orders which require that a motion is moved one day after giving notice. I am explaining that because of the new members as they continue learning.

Next order.

## 2. NYANDARUA COUNTY ASSEMBLY SESSIONAL LEGISLATIVE CALENDAR 2017

Yes member for Nyakio Hon. Zachary Njeru.

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

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THAT pursuant to Standing Orders No. 29 (1), this House does approve the Nyandarua County Assembly Sessional Legislative Calendar 2017.

Mr. Speaker Standing Order No. 29 (1) provides that:

The House Business Committee shall, with approval of the Assembly, determine the calendar of the Assembly.

Mr Speaker the House Business Committee as currently constituted consists of the following members:

1. Hon. James Wahome Ndegwa	Chairperson
2. Hon. Zachary Njeru	Vice Chairperson
3. Hon. Kassana Hussein Ndung'u	Member
4. Hon. Muhoho Esther Wanjiku	Member
5. Hon. Wambaire Paul Ngeche	Member
6. Hon. Waweru Nyambura Jane	Member
7. Hon. Maitai David Mwangi	Member
8. Hon. Kamau Peter Gathungu	Member
9. Hon. Mahianyu Kenneth Mukira	Member
10. Hon. Njane Catherine Wairimu	Member
11. Hon. Mburu Simon Mbogo	Member

#### Secretariat

1. Hon. Nderi Ndiani	Clerk to the County Assembly
2. Muriithi Wairimu	Deputy Clerk
3. Elizabeth Muthui	Senior Legal Counsel
4. Peter Gichini Karanu	Senior Clerk Assistant
5. Joel Karanja Gicheha	Senior Procedural Clerk Assistant
6. Stanley Kimeria	Chief Sergeant-At-Arms
7. Ann Njeri Wahome	Legal Intern

Mr Speaker, the mandate of the House Business committee is provided for in Standing Orders No. 155 (5)

The House Business Committee shall –

(a) Prepare and, if necessary, from time to time adjust the Assembly Calendar with the approval of the Assembly.

Mr Speaker, other than monitoring and overseeing the implementation of the Assembly Business and programmes, it acts as the rules and procedure committee, selection and appointment, committee and power and privileges committee.

The following were the factors considered by the House Business Committee when preparing the calendar that except for the sessional commencing immediately after the general

election the regular session of the General Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December. Mr Speaker Sir further Standing Order 29 (1) stipulates that:

The House Business Committee shall, with approval of the Assembly, determine the calendar of the Assembly.

(2) The calendar of the Assembly once approved shall be published in the Gazette and Assembly website.

This calendar shall go up to the last first Thursday of December 2017 and that will be the 7<sup>th</sup> day of December 2017. However, the House may, by resolution alter the calendar or adjournment date. The calendar is further required to be approved and gazette as provided above.

Further Mr Speaker, the House needs to approve the various statutory documents during this session. These are; the Nyandarua County Finance Bill 2017/2018, the Nyandarua County Annual Development Plan 2018/2019, the Nyandarua County Budget Review and Outlook Paper, the County Integrated Development Plan (CIDP) 2017-2022 and Nyandarua County Supplementary Budget Estimates.

The County Fiscal Strategy Paper shall be considered after it is tabled on 28<sup>th</sup> February 2018 in the next session. As a tradition, the Second Annual County Assembly Prayer Breakfast shall be held in December 2017. The House Business Committee is also aware that there is need for induction and trainings for the members.

Mr Speaker, the House Business Committee recommended, upon consideration of the various factors affecting the programs of the Assembly, the following calendar and now therefore recommends that the House to approve it pursuant to article 29(1) of the Nyandarua County Standing Orders. The calendar is as tabulated:

PERIOD	DAYS
<b>FIRST SESSION : FIRST PART</b>	<b>TUESDAY 26<sup>TH</sup> SEPTEMBER 2017 – MONDAY 12<sup>TH</sup> FEBRUARY 2018</b>
<b>A: Sitting Days</b> Tuesday, 26 <sup>th</sup> September – Thursday, 26 <sup>th</sup> October 2017	Tuesdays (afternoon 2.30p.m.), Wednesdays (morning 9.00a.m. and afternoon 2.30p.m) and Thursdays (afternoon 2.30p.m)
<b>B: Short Recess</b> Friday, 27 <sup>th</sup> October – Monday, 6 <sup>th</sup> November, 2017	
<b>C: Sitting Days</b> Tuesday, 7 <sup>th</sup> November – Thursday, 7 <sup>th</sup> December, 2017	Tuesdays (afternoon 2.30p.m.), Wednesdays (morning 9.00a.m. and afternoon 2.30p.m) and Thursdays (afternoon 2.30p.m)
<b>D: Long Recess</b> Friday, 8 <sup>th</sup> December 2017– Monday, 12 <sup>th</sup> February, 2018	

I now urge this House to adopt this calendar for the smooth running of this Assembly and call Hon. Paul Ngeche to second.

**Speaker:** Yes, Member for Kipipiri, Hon. Paul Ngeche.

*(Hon. Paul Ngeche bows in secondment)*

*(Question proposed)*

**Speaker:** Yes, Member for Wanjohi, Hon. Isaac Kung'u.

**Hon. Isaac Kung'u:** Thank you Mr Speaker, I rise to support this motion with an amendment but, first, I wish to thank the House Business Committee for coming up with this calendar. Now, looking at the calendar, as the Member for Murungaru has pointed out, you realize that we shall be sitting on the 26<sup>th</sup> of October 2017, the same date that has been recommended for the Presidential elections. Further, I believe that Members will, at least a few days to the election, be very busy mobilizing their electorate to take part in the elections. In this regard, I wish to propose that the House adjourns for a short recess between the 20<sup>th</sup> and 30<sup>th</sup> day of October 2017 so that the Hon. Members can have ample time to campaign for the President, in addition to mobilizing the people to come out in large numbers and vote. The House can then resume on the 1<sup>st</sup> of November 2017 and transact its business up to the 7<sup>th</sup> of December before proceeding for the long recess as stipulated in the calendar. That, Mr Speaker, is my very humble request. Thank you and I call Hon...

**Speaker:** It is okay, Member for Wanjohi, I think your proposal is well supported. That is a good observation and just for my intervention, what the Member for Wanjohi is proposing requires us to move an amendment to the report, which should in turn be seconded to make it a motion with its own life. Alternatively, we could adopt the calendar as is. When we have National Holidays, assembly sittings obviously stop and, I believe the elections day will be declared and gazetted as a national holiday. Should the House resolve to start its recess on the 20<sup>th</sup> October and resume on 1<sup>st</sup> November, all we are required to do is move a motion on the Thursday of 19<sup>th</sup> that the House sits on a day other than the next sitting day. This way, Member for Wanjohi, unless you would like to insist on moving the amendment, you will still have achieved your objectives.

**Hon. Isaac Kung'u:** Thank you Mr Speaker, I stand guided and I accept.

**Speaker:** Very well. Hon. Members, allow me to observe that had the Member for Kipipiri chosen to speak during the secondment rather than simply bowing, as he did, he would have forfeited his right to speak on this motion. Thankfully, he still has a chance to give his contribution. Yes, Member for Kipipiri, Hon. Paul Ngeche, please proceed.

**Hon. Paul Ngeche:** Thank you, Mr Speaker, Sir. I rise to support this motion. I am glad that we have been granted a short recess, which will accord us ample time to celebrate the victory of my preferred candidate, President Uhuru Muigai Kenyatta. This will also allow me time to send my congratulatory message to the president. With the leave of the House, I would propose that we adjourn a day before the elections so that we can also take part in the elections and vote back His Excellency Uhuru Kenyatta. Thank you Mr Speaker, I rest my case.

**Speaker:** Very well. The member for Njabini/Kiburu, Hon James Kiiru Gachomba.

**Hon. James Gachomba:** Thank you Mr Speaker, I wish to support the motion and to also congratulate the House Business Committee for coming up with a calendar that actually will guide this house in terms of its progress. This calendar is important because there is nowhere in this

world that you can move forward without proper planning or having a guiding tool that will help you make progress.

I would also like to say that I was concerned because on that date, 26<sup>th</sup> October 2017, it is a day that Hon. President will be elected as the leader of this republic. Therefore, the calendar has given the way forward on the issue. Therefore, I wish to support this calendar and I believe the period that will be set aside for the recess is quite okay. It will help us to go to the people and mobilize support for our president so that he can go back to the office for a second term.

This is a good chance to face off with the ODM party followers who are still in the streets trying to destabilize this country. We will be able to face them when we are out there on our recess and show them the way forward in terms of development agenda of this country. Also, it is important that we come back on 7<sup>th</sup> November to 7<sup>th</sup> December 2017 because there will be some crucial work which is supposed to be done by this honourable House. We have been saying that we have the Finance Bill 2017/2018, which needs to be implemented by this honourable House.

We have the Annual Development Plan that actually guides this assembly in terms of development agenda for the coming year. We also have the CBROP, which is the county budget review and outlook paper, which gives us the way forward in terms of our implementation programmes. The CIDP, which is the County Integrated Development Plan plans for the future of this county, that is 2017-2022. We also have the supplementary budget through which we will be able to make our own budgets and make sure that the Executive and the Assembly have their own budgets to guide this county in the near future. To that end, the calendar is quite in order and actually, I support it Mr Speaker, Thank you.

**Speaker:** Member for Njabini Kiburu, you know what to do when the house is that way.

**Hon. James Gachomba:** Okay, Mr Speaker I wish to call the mover to respond, Mr Speaker.

**Speaker:** The Vice Chairperson of the House Business Committee and the member for Nyakio, Hon. Zachary Mwangi Njeru, the motion mover.

**Hon. Zachary Njeru:** Thank you Mr Speaker. I take this opportunity to congratulate the House Business Committee for the tireless job they have done especially dealing with issues pertaining to the times that we must be here and at the same time the days we have to attend to other issues.

Secondly, I wish to congratulate all those who have contributed to this legislative calendar, I would urge all the members to keep the spirit high, and by so doing, we are heading to the right direction. With those few remarks Mr Speaker, I beg to move.

*(Question put and agreed to)*

**Speaker:** As a rider to the resolution, it is noteworthy that this calendar is not cast on stone. It is subject to the convenience of the members and the larger interest of the county and the country. Therefore, this calendar can always be adjusted or amended. For now, we will be directing the office of the clerk to ensure that the calendar is duly gazetted and published in one of the daily newspapers.

Next order.

## ADJOURNMENT

Very well Hon. Members, the business for the session having been exhausted, we shall adjourn to tomorrow, that is, Wednesday the 27<sup>th</sup> day of September 2017 at 9.00 a.m.

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*(The House rose at 3.08 p.m.)*