

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY

2ND ASSEMBLY- 1ST SESSION

OFFICIAL REPORT

Tuesday 12th September, 2017

The Assembly met at the Assembly Chamber at 2.30pm.

[The Clerk (Hon. Nderi Ndiani) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

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

Clerk: First Order.

ELECTION OF THE DEPUTY SPEAKER

Clerk: Hon. Members, allow me, once again, to congratulate you all on your ascension to the office of the Member of the County Assembly in accordance with article 74 of the Constitution. You will recall that during the first sitting of this Assembly held on 5th September 2017, the Hon. Speaker gave a directive pursuant to standing order number 15(1), which provides that:

As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.

Following this directive, the Clerk of the Assembly vide Gazette notice number 8843 of the 8th day of September 2017 declared a vacancy in the Office of the Deputy Speaker inviting persons interested in the position to submit their papers. Further, an internal memo dated 6th September 2017 was issued by the office of the Clerk inviting Members to collect and submit their nomination papers for the election to the office of the Deputy Speaker to be returned not later than Monday, the 11th day of September 2017 at 5.00 pm. I now wish to table the said Gazette notice and the internal memo.

(Gazette notice and the internal memo tabled)

Clerk: Hon. Members, Standing Order 15 (4) requires that the procedure for electing a Deputy Speaker be similar to that of the election of the Speaker. At the close of business on the 11th day of September 2017, two candidates were validly nominated. One of the candidate is Hon. Zachary Mwangi Njeru, the Hon. Member for Nyakio Ward and Hon. Edinald Wambugu King'ori, the Hon. Member for North Kinangop Ward. Hon. Members, pursuant to Standing Order 9;

A candidate may, by written notice and personally delivered to the Clerk, withdraw his or her name two hours before a ballot is started, and in the event of such withdrawal, the Clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

In this regard, I wish to communicate that my office has not received any withdrawal and it automatically follows that the election of the Deputy Speaker is between the two candidates.

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

Clerk: What is it Member for North Kinangop?

Hon. Wambugu King'ori: Thank you Chairman, I wish to seek clarification on the withdrawal from candidacy window as provided for in the Standing Order you have just read.

Clerk: Very well, a candidate can withdraw his or her name before a ballot so you can withdraw if you so wish.

Hon. Wambugu King'ori: Thank you Chairman, I wish to formally withdraw my candidacy and explain my reasons.

Clerk: Member for North Kinangop, in that case, we take cognisance of that fact although you have not done so in writing. Would you wish to put something in writing?

Hon. Wambugu King'ori: Thank you Chairman, I would wish that I communicate it on the floor of the House so that it is captured in the HANSARD.

Clerk: Okay. By the powers bestowed upon me as the Chair, that is Standing Order 1, I do accept the withdrawal of one Edinald Wambugu King'ori which follows that we are only left with one unopposed candidate. I therefore declare one Zachary Mwangi Njeru the duly elected Deputy Speaker of the county Assembly of Nyandarua.

Next order.

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

Clerk: What is it Member for North Kinangop?

Hon. Wambugu King'ori: Thank you Chairman, I wish to know if I am allowed to give reasons for my withdrawal.

Clerk: Member for North Kinangop, we decline your request because it has been overtaken by events.

Next order.

SWEARING IN OF THE DEPUTY SPEAKER

(Oath was administered to the Deputy Speaker, Hon. Zachary Mwangi Njeru)

(The clerk, Hon. Nderi Ndiani, leaves the chair)

(The Deputy Speaker, Hon. Zachary Mwangi, assumes the chair)

Hon. Zachary Mwangi: Hon. Members, good afternoon. I wish to first of thank the Almighty God for the far He has brought us. Secondly, I wish to thank my worthy contestant, Hon. Edinald Wambugu King'ori, and Hon. Catherine Wairimu and Hon. Wanjiku Muhoho who had earlier on indicated their interest. All I can say for now is that as your Deputy Speaker, I promise to safeguard the Sovereignty and independence of this House. I will be honest and fair. I plan to give my inaugural speech in our next sitting. This is all for now.

(The Deputy Speaker, Hon. Zachary Mwangi, leaves the chair, takes a seat on the left side of the Speaker)

(The Speaker, Hon. Ndegwa Wahome, assumes the chair)

Speaker: Next order.

(Hon. Kariuki Muchiri rises on a point of order)

Speaker: What is it Member for Murungaru, Hon. Kariuki Muchiri?

Hon. Kariuki Muchiri: Thank you Mr Speaker. Is it in order for the Deputy Speaker to sit on the left-hand side of the Chair?

Speaker: Let the Deputy Speaker move to his rightful sitting position and as he crosses the floor, let him bow to the Chair.

Speaker: I wish to congratulate the Member for Nyakio, Hon. Zachary Mwangi Njeru for being unanimously elected as the Deputy Speaker of the Nyandarua County Assembly. I wish to assure you of my total support as you execute your mandate. I will intervene whenever you need my intervention to ensure that your journey to becoming a good Speaker is smooth. This is quite an onerous engagement in that you will be required to ensure that there is order in the House and that the business of the House is transacted in a manner that is universally acceptable to our people.

You should also be assured that you will be accorded all the time and space to ensure that you exercise your duties. You will be running most of the business in the House so that you are properly acclimatized. I wish you the best for the next five years. To your worthy competitors, the Member from Njabini Kiburu Hon. Wanjiku Muhoho and the Member for Charagita, Hon. Catherine Wairimu who through their magnanimity withdrew before the elections and agreed to support whoever would win. I also wish to thank the Member for North-Kinangop, Hon. Edinald Wambugu King'ori who at the last moments has seen it best to withdraw his candidacy and we applaud you for that.

Politics is a competition and I believe this was fair play and that we shall be able to move on together after this. Hon. Members, the communication I would like to make as the Chairman of the County Assembly Service Board, is that on eighth (8th), you elected two Members to the County Assembly Service Board. The first Member to the Board and by implication of the law the Chairman of the Board was elected in the person of James Ndegwa Wahome on the 5th of September, 2017 and as of now we require to swear in the three officers and I would ask the clerk to swear in the chairman and the chairman will, in turn, swear in the Members of the Board.

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

Speaker: What is it Member for Kanjuiri Ridge, Hon. Suleiman Kihika?

Hon. Suleiman Kihika: Thank you Mr Speaker, I am privy to the fact that one of the Members that is about to sworn in was proposed to be the Chairman of the PIC/PAC and I am wondering how that is going to work out as the PIC/PAC is mandated to play oversight on both the executive and the Assembly. Is it possible for the Member to play oversight over the same board he sits in?

Speaker: That is a good question Member for Kanjuiri. I believe that those Members that were with us last term and those that have been able to look at the HANSARD know that the County Assembly Service Board is only accountable to the Budget and Appropriations Committee as we were advised by the former M.P for Maragwa and the Chairman of the Budget Committee Hon. Elias Mbau. This, therefore, is not going to be an issue. We can proceed with the rest of the business.

(Hon. Sambigi Mukuria rises on a point of information)

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

Hon. Sambigi Mukuriah: Thank you Mr Speaker. On the same, I think it would be premature to insinuate that the said Member will be the chairperson because the elections have not been held yet.

Speaker: Okay, I think that is valuable information even to myself. Let us proceed.

(Hon. Kariuki Muchiri rises on a point of order)

Speaker: What is it Member for Murungaru, Hon. Kariuki Muchiri?

Hon. Kariuki Muchiri: Thank you Mr Speaker. Before I raise my point of order, I think it is important for the new Members to note that once the Chair has ruled on a point of order, the issue is not revisited. My point of order is in reference to the Hon. Member for Rurii who does not seem to notice that he is seated on a designated seat and has, consequently, displaced the deputy leader of majority. Is it in order?

Speaker: Very well. It is not in order and I would wish to request the Member for Rurii, Hon. John Mburu Githinji, to retrace his steps and find his rightful sitting position.

Hon. John Githinji: Thank you Mr Speaker for protecting me.

Speaker: Member for Karau (Deputy Leader of Majority) take your rightful position. Next order

ADMINISTRATION OF OATH

(Oath was administered to the following Members of the CASB)

1. Hon. Ndegwa Wahome (Chairperson)
2. Hon. Kariuki Muchiri (Member)
3. Hon. Kieru Wambui (Member)

Speaker: Hon. Members, I can now report that the County Assembly Service Board as pertains to its constitution from the Membership of the House is properly constituted. However, it

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is not fully constituted as it requires representation from members of the public and in the shortest time possible, you shall see advertisements inviting a woman and a man to come and join this board so that it is a complete board of five (5) plus the clerk who is the secretary of the Board.

Next order.

COMMUNICATION FROM THE CHAIR

LEADERSHIP OF THE HOUSE

Hon. Members, I will make the communication despite the fact that it is not well structured. Some of the matters in the communication are supposed to be communicated by the Leader of the Majority Party on the composition of the House Business Committee through tabling the list of its members. I believe that the list has been reviewed to include the vice chair of the committee who is the Deputy Speaker of the Assembly.

Hon. Members, I wish to inform this House that on Monday the 11th day of September, 2017 my office and that of the Clerk received a list of the Hon. Members elected to the various leadership positions as envisaged in our Standing Orders. Further, my office and that of the Clerk were furnished with the minutes of the meetings during which the leaders were elected. For purposes of record, accountability and transparency, allow me to read their names as presented;

- | | | |
|---------------------------------|---|--------------------------------------|
| 1. Hon. Hussein Kassana Ndung'u | - | Chief Whip |
| 2. Hon. Lucy Wangari Methu | - | Deputy Chief whip |
| 3. Hon. Peter Gathungu Kamau | - | Leader of the Majority Party |
| 4. Hon. Kenneth Mukira Mahianyu | - | Deputy Leader of the Majority Party |
| 5. Hon. John Kieru Wambui | - | County Assembly Service Board Member |
| 6. Hon. Kariuki Muchiri | - | County Assembly Service Board Member |

To add to that, we now have the Deputy Speaker of the Nyandarua County Assembly, Hon. Zachary Mwangi Njeru.

Hon. Members, allow me to congratulate and appreciate the aforementioned Hon. Members for having been elected to leadership positions. It should be noted that my office will work closely with the Assembly party leaders for the benefit of this House and posterity.

Hon. Members, at this juncture, I would like to make a few observations and clarifications on the Assembly. Our Standing Orders provides for the office of the Leader of the Minority Party and the Minority Whip under Standing Orders No. 19 and 22 respectively. However, the Second Nyandarua County Assembly has no Minority Party as the Assembly membership is composed of only Jubilee Party Members and three (3) Independent Members. The same case applies to the membership of the County Assembly Service Board. I want to assure this House that in line with the principles of equity and fairness, the interests of the independent Members shall be observed and protected. It is my sincere hope that with the leadership in place, we shall work together for the benefit of the people of Nyandarua to ensure that everybody feels accommodated in the proceedings of this House. To the leaders, I wish you well as you discharge your mandate. That is all as far as the communication from the Chair is concerned.

PAPER LAID

MEMBERS OF THE HOUSE BUSINESS COMMITTEE

Yes Hon. Peter Kamau Gathungu. I think the clerkship should reorganize this name; it should read Hon. Peter Kamau Gathungu and not Hon. Peter Gathungu Kamau, unless otherwise advised.

Hon. Peter Gathungu Kamau: Mr Speaker, I am Hon. Peter Gathungu Kamau.

Speaker: Oh! So I have been misrepresenting you in several fora. Well noted. Proceed.

Hon. Peter Gathungu Kamau: Thank you Mr Speaker. I rise to table the list of Members nominated for the membership of the House Business Committee. Thank you.

Speaker: The Leader of Majority, you can proceed to read the names.

Hon. Peter Gathungu Kamau: The list of the House Business Committee nominated pursuant to Article 155 of the Nyandarua County Assembly Standing Orders:

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

Thank you Mr Speaker, Sir.

Speaker: Well taken.

Next order.

NOTICE OF MOTION

MEMBERS OF THE HOUSE BUSINESS COMMITTEE

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

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

That this House does approve the list of Members nominated to the House Business Committee.

Thank you Mr Speaker.

Speaker: Very well; the notice of the motion is duly given.

Next order.

MOTIONS

1. PROCEDURAL MOTION

Speaker: Yes the Member for Leshau Pondo and Leader of Majority, Hon. Peter Gathungu Kamau.

Hon. Peter Gathungu Kamau: Thank you Mr Speaker. I beg to move the following motion;

That with the leave of the House, the motion “that this House does approve the list of Members nominated to the House Business Committee” be exempted from Article 48 (5) (b) of the Standing Orders which requires that a notice of motion be given at least one day before the motion appears on the order paper.

Hon. Members, as you know, the Standing Order No. 155 (2) requires that the House Business Committee be constituted within the first seven days of the House sittings. That time lapses today and therefore we need to dispense with the matter, which is urgent, today.

I call Hon. Kieru Wambui to second. Thank you.

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

Hon. Kieru Wambui: Thank you Mr Speaker. As I second I wish that the said motion be exempted from Article 48 (5) (b) of the Standing Orders which requires that a notice of motion be considered following a one day’s notice. I second that the matter, which has legal and constitutional timelines, be executed pursuant to the said standing orders. To avoid a future quagmire, I urge my fellow Members to support this motion which will lead to a substantive motion. I second. Thank you.

(Question proposed)

(Question put and agreed to)

Speaker: That is the first motion in the House and it has sailed through; so the future is very bright. The leave is granted.

Next order

2. MEMBERS OF THE HOUSE BUSINESS COMMITTEE

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

Hon. Peter Gathungu Kamau: Thank you Mr Speaker. I beg to move the following motion;

That this House does approve the list of Members nominated to the House Business Committee.

I call Hon. Kieru Wambui to second. Thank you.

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

Hon. Kieru Wambui: I wish to second that this House does approve the list of Members nominated to the House Business Committee. I appreciate the efforts of the leadership of this House following the swearing in. You realize we are the first assembly to constitute the House Business Committee. I also appreciate the efforts of the majority party and independents. I am happy to go through the list since it proves that we have started on the right footing. I remember during

constitution of this committee, there arose issues related regional balancing and the one-third gender rule. Going through the list, I am happy that the latter has been observed. The Deputy Speaker, the Chief Whip and Hon. Wanjiku Muhuhu represent the interests of Kinangop Sub-County. Hon. Mbogo and Hon. Wairimu Njane represent the interests of OlJoro-Orok Sub-County. Inclusion of Hon. Wairimu Njane fulfils the gender requirement. Hon. Ngeche from Kipipiri represents the interests of the Independents in the committee. Incorporation of Hon. Jane Nyambura Waweru from Kipipiri accomplishes not only the gender requirement but also the need for regional representation. The Leader of Majority, Hon. Peter Gathungu, and the independent candidate, Hon. Maitai, represent Ndaragwa Sub-County. The deputy Leader of Majority and you, Mr Speaker, represent Ol'kalou Sub-County. I have no issue with the list; it meets the gender-rule and regional balancing threshold. With that, I see a bright future of this House.

I do second. Thank you.

(Question proposed)

Speaker: Yes, Member for Njabini-Kiburu, Hon. James Gachomba

Hon. James Gachomba: Thank you Mr Speaker. I am in support of the list that has been tabled by the Leader of the Majority Party. It meets the gender-rule threshold and regional balancing has been achieved. It is now the onus of the House Business Committee that the business of this House is conducted in the right manner and that no relevant business is skipped. The committee is the engine of this House since it drives the legislative agenda of the House. The committee should also always ensure that documents related to businesses of the House are placed on the Members desks to avoid unnecessary quarrels. Thank you Mr Speaker.

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

Hon. Kariuki Muchiri: Thank you Mr Speaker. I am in support of the list of Members nominated for the membership of the House Business Committee. This is a busy committee and constituting it sets the ball rolling as far as the businesses of this House for the next five years are concerned. Except you Mr Speaker, all the other nominees are new Members of the Assembly. This means we, Members, are all equal to the tasks assigned to us. We are confident that the committee will successfully drive the legislative agenda of the House in the next five year. I congratulate the Members on the list and wish them success in executing their duties. Thank you Mr Speaker.

Speaker: Yes, Member for North Kinangop.

Hon Wambugu King'ori: Thank you Mr Speaker. I rise to support the motion. The House Business Committee is a standing committee with a lot of work. Among other roles, the committee is mandated to vet CECM nominees and ensure proper adherence to House rules and procedures. I am sure the committee will take us far.

I was a member of this committee in the first assembly during which there were divisions in committees but this second assembly has a clear agenda for our county. This House should espouse unity for its good but for the prosperity of the county.

The committee should always thoroughly scrutinize business before they are brought on the floor of the House for approval and adoption. I support, thank you.

Speaker: Yes, motion mover. You just need to thank the Members for contributing and then we move to the next level.

Hon. Peter Gathungu Kamau: Thank you Mr Speaker. I thank the Members who have contributed to the motion. As Hon. Kieru Wambui has said, the list satisfies the gender and regional balancing requirements. The list proves that we have started on a positive note.

I urge ourselves to conduct our businesses constructively. I have information that we are the first assembly to pass a motion. We should lead as other assemblies follow; we should be the leaders.

(Question put and agreed to)

Speaker: That is the list of the Members nominated for the membership of the House Business Committee. Further Hon. Members, you should liaise with the Office of the Speaker to record the names with which you would want to be identified with when the Chair's eye catches you. I have seen some Members getting shocked for having pronounced parts of their names that they are usually not identified with. So you can quietly consult with me to state the names you would want me to identify you with in the House.

(Hon. Kariuki Muchiri rises on a point of order)

What is it Member for Murungaru?

Hon. Kariuki Muchiri: Mr Speaker, new Members of this House keep on making mistakes and we, the re-elected members, have to keep on correcting them through you. When you were addressing the House a Member, none other than the Majority Leader, rose to his feet, which is against the rules of the House. Mr Speaker, advise them accordingly.

Speaker: The Majority Leader is unreservedly forgiven for the transgression. Parliamentary tradition demands that when the Speaker rises on his feet, everyone in the House should fall and freeze for the business of the House to proceed appropriately. I know the Majority Leader never intended to transgress. However, as I said in the first assembly, this is a learning process. We just need to be positive and cherish open-mindedness. Every day is a learning process. Consequently, we should be highlighting actions that are against House procedures, parliamentary traditions, precedents, or practices. This will make us better legislators.

Next order.

ADJOURNMENT

Hon. Members, before we adjourn, I would wish to communicate that I will be coming back in the next five minutes to convene an interactive *kamukunji* on some emerging issues and after that, the House Business Committee will meet to streamline some issues on the report on committees' membership. It will be a ten-minutes meeting and I do not expect the *kamukunji* to take more than twenty minutes.

Now, having exhausted the business for today this House adjourns to Wednesday, the 13th day of September, 2017, at 9.00 am.

(The House rose at 3.30 pm)