

**REPUBLIC OF KENYA**  
**NYANDARUA COUNTY ASSEMBLY**

2ND ASSEMBLY- 2ND SESSION

OFFICIAL REPORT

Tuesday, 7<sup>th</sup> August 2018

*The Assembly met at the Assembly Chamber at 2.30 P.M.*

*[Deputy Speaker, Hon. Zachary Mwangi Njeru in the Chair]*

PRAYER

QUORUM CALL

*(Clerk confirms that quorum is present)*

**Speaker:** Very well, quorum having been recognized, we now get to the business of the day.

First order.

**PAPER(S) LAID**

THE STATUS OF AGRICULTURE MECHANISATION SERVICES (AMS)  
STATION AND THE SOIL AND FEEDS TESTING LABORATORY IN NYAHURURU.

Yes, Member for Gathaara, Hon. Andrew Kariuki Kamau, Chairperson, Agriculture, Livestock Development and Fisheries Committee.

**Hon. Andrew Kariuki Kamau:** Thank you, Mr Speaker, Sir. I stand here to table the report of the committee on Agriculture, Livestock Development and Fisheries on the status of Agriculture Mechanisation Services (AMS) station and the Soil and Feeds Testing Laboratory in Nyahururu. Here I table, Mr Speaker.

**Speaker:** Very well. The report is duly tabled. The house business committee will make further arrangements to do the necessary.

Next Order.

*(Hon. Githinji Mburu rises on appoint of order)*

**Hon. Githinji Mburu:** We have two strangers in the house, Mr Speaker. One being Hon. John Kieru Wambui.

**Speaker:** Very well. In fact, you have used the right term and I think the strangers should do the needful.

*(Consultations)*

Member for Gatimu, you know the rule of the game. Just do the necessary.

Proceed, as the Member for Gatimu does the needful.

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### NOTICE(S) OF MOTION

1. ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK DEVELOPMENT AND FISHERIES COMMITTEE ON THE STATUS OF THE AGRICULTURE MECHANISATION SERVICES AND THE SOIL AND FEEDS TESTING LABORATORY IN NYAHURURU.

Very well. Yes, Member for Gathaara, Hon. Andrew Kariuki Kamau, Chairperson, Agriculture, Livestock Development and Fisheries.

**Hon. Andrew Kamau Kariuki:** Thank you, Mr Speaker. My name is however, Andrew Kamau Kariuki and not Andrew Kariuki Kamau.

**Speaker:** Point noted. In fact, that will be corrected.

Proceed, Hon. Andrew Kamau Kariuki.

**Hon Andrew Kamau Kariuki:** Thank you, Mr Speaker. I beg to give the notice of the following motion:

That this house adopts the report of the Committee on Agriculture, Livestock Development and Fisheries Committee on the status of the Agriculture Mechanisation Services and the Soil and Feeds testing laboratory in Nyahururu as a report of this House and the recommendation therein as a resolution of the House.

Thank you, Mr Speaker, Sir.

**Speaker:** Very well. The notice of motion is duly given and the House Business Committee will find when to process the same and include it in the order of the business.  
Next Order.

2. REPORT ON THE NUMBER, OPERATIONS, MEMBERSHIP, TERMS OF SERVICE AND CHALLENGES OF THE BOOARDS AND COMMITTEES OF THE COUNTY DEPARTMENTS.

*(Hon. Salome Gathoni Kamau rises on behalf of Hon. David Mwangi Maitai)*

Very well. Yes, Hon. David Mwangi Maitai, Chairperson Ad Hoc Committee. I can see the vice-chair, the county member for Magumo, Hon. Salome Gathoni Kamau.

**Hon. Salome Gathoni Kamau:** Thank You, Mr Speaker, Sir. On behalf of the chair of Ad Hoc Committee, Hon. David Mwangi Maitai, I would like to give notice of the following motion:

Aware that through a motion adopted by the house on the 15<sup>th</sup> day of March 2018, an Ad Hoc Committee on Boards and Committees in the County Departments were established with the specific mandate of determining the number of boards and committees in the county departments and report on their operations, membership, terms of services and challenges thereof.

Further aware that the committee was given specific timelines to undertake its mandate upon which it tabled a report in the house that was adopted on 12<sup>th</sup> July 2018.

Noting that the committee has the following matters which require further investigation:

- a) Identification of the numerous water service providers and water projects within the County, their management and scope of delivery;
- b) Consideration of the need and mechanism of establishment of a body/institution that will manage and control natural resources and advise on the measures of conservation and exploitation;
- c) Look and inquire into the operations of the Lands Control Boards within the county, taking into consideration the unique nature of land as a capital resource including initiating the process of petitioning the senate into having counties involved in land control; and
- d) Enquire on the effective management of Sports and Arts in the County by identifying the sports associations operational in the County and how they engage with the county government in sports development as well as the needs for a sports association/committee that will spearhead sports and arts development;

Now therefore, this house does resolve to extend an additional period of sixty days to enable the committee exhaustively conclude its mandate.

Thank you, Mr Speaker Sir.

**Speaker:** Very well. The notice of motion is duly given and the house business committee will do the necessary to process the same and to consider it in the order of business in the coming days.

Next order.

**Speaker:** County member for Magumo, first of all resume your seat I have a communication to make pertaining the same. Due to the weight of this motion, it is advisable that it is moved when the mover himself is present. As you know, we had a *Kamukunji* where we were trying to get some inputs. During the *Kamukunji*, the mover requested the members to have the area action points. On the same, I wish to say that there was a communication in regard to this motion and from this order. Although our chair is not present today, it is good to notify the House that before this motion is brought into the House, there was a request from His Excellency to give an update to the members. I know He is planning for a meeting with the members. He has booked a date with the Head of the States and He just waiting for confirmation. So, it is not in order to have this motion before we hear the projected issues in relation to the same. Let us therefore, defer this motion until a clear communication is done and from there we can see what to do.

Next order.

## BILL(S)

### THE NYANDARUA COUNTY APPROPRIATION BILL 2018

Yes, Member for Njabini/Kiburu and the Chairperson, Budget and Appropriations committee.

**Hon. Kiiru Gachomba:** Thank you, Mr. Speaker. I wish to seek leave because the County Appropriations Bill 2018 for the first reading, has not yet been brought back to the assembly from the executive. They have informed us that they will be able to bring it on Thursday by 2.30 p.m.

Thank You, Mr. Speaker.

**Speaker:** Very well. The point is noted and the leave is granted. As you are aware, there can never be any business without the same being brought in the house. So, let us consider that request and the leave is granted.

Next Order.

### MOTION

#### RECRUITMENT OF HEALTH WORKERS IN NYANDARUA COUNTY

Yes, Member for Kipipiri, Hon. Paul Ngeche Wambaire.

**Hon. Paul Ngeche:** Thank you, Mr. Speaker Sir. There is a correction there as I am moving and not giving a notice. Therefore members, kindly correct. Mr. Speaker Sir, I beg to move the following motion:

Aware that the County Public Service Board recently conducted the recruitment of health workers in Nyandarua County.

Further aware that interviews were conducted and successful applicants contacted to collect their appointment letters.

Concerned that there is an outcry among some of the applicants citing irregularities and biasness against applicants who are residents of Nyandarua;

Further Concerned that an interrogation of the information provided by the County Public Service Board by the Committee on Public Administration and ICT did not address all concerns raised by the members;

Noting that this Assembly has an enormous responsibility to oversight the Executive in its activities and operations;

Now therefore, this House does resolve;

That the Committee on Public Administration and ICT does investigate and inquire on the recent recruitment exercise of the health workers and report to the House on whether there were any irregularities or illegalities were conducted.

Mr. Speaker, Sir, I draw your attention to the Acts relating to devolution, that is Volume 1(65)

*(Hon. Kamau Kariuki raises on appoint of order)*

**Hon. Kamau Kariuki:** Mr. Speaker, I think Hon. Paul Ngeche is giving notice and not moving the motion according to His sentiments.

**Speaker:** Member for Gathaara, in fact, the member corrected the statement before He proceeded for the purposes of the Hansard. He indicated that He is not giving a notice but moving a motion. Proceed, member for Kipipiri. A point of clarification, the notice for this motion was given on Wednesday last week. So, proceed.

Proceed.

**Hon. Paul Ngeche:** Mr. Speaker, let me draw your attention to Act 65 on matters to take into account during appointments which is under the devolution Acts:

In determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factor shall be merit, fair competition and representation of the diversity of the county.

Mr Speaker, at this juncture I redraw your attention to the distribution list and how these.....

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

**Speaker:** What is it member for Gatimu, Hon. John Kieru Wambui.

**Hon. Kieru Wambui:** Mr. Speaker, I would wish to share, I don't know whether to call it Solomonic wisdom, in regards to this matter. I don't know how this escaped my attention but if you look at the prayer the member is seeking is that, therefore does this House resolve that the Committee on Public Administration and ICT does investigate and inquire into the recent recruitment exercise of the health workers and report to the House on whether there were any irregularities and illegalities conducted.

Mr. Speaker, I don't know whether we shall allow the ICT and Public Administration Committee to contradict itself. This committee considered a certain statement and I wish to read its recommendation. In as much as we are requesting the same committee to look into it, Mr. Speaker hear what the committee previously said:

Mr. Speaker, the Committee recommends as follows:

The County Public Service Board should device ways of ensuring that the vacancies are widely publicised by informing all stakeholders especially at the local level.

Their conclusion was:

That the specialised category lacked or had minimal application from the residents from Nyandarua. The majority of the applicants from Nyandarua applied for vacancies in the categories of Registered Community Nurse, Clinical Officers and Clerical Officers. That the recruitment did not meet the requirement of Act 65(1)(e) of the County Government Act which requires that at least 30% of the employees at entry level are not from the dominant ethnic community as only six persons from minorities applied.

If you hear what they said at that time verses the prayer of the member is making now, I don't know whether the committee can write to override an opinion of the statement they responded. I don't know how we are going to respond to that, Mr. Speaker, but I think there is a problem somewhere and this prayer is not enough.

**Speaker:** Very well. In fact, this is a great concern pertaining the same because it seems there is a conflict from the same committee. At this level, I would like to say that, we are moving the motion today and the notice of motion was given. Through my discretion however, I would urge the office of the clerk to sit once again with the mover such that the same can be precise and concise pertaining to the matter. Then, the House Business Committee should reconsider the same motion in the upcoming businesses.

Very well. As I mentioned earlier, since there seems to be some sort of impartiality from the committee from the statement that was mentioned here and the matter at hand, we will defer the matter until Thursday and we shall reconsider whether the same committee will be tasked or if need be we can form a special committee to investigate on the matter so that we can comprehensively scrutinise the issue at hand.

Therefore, member for Kipipiri, the mover, let us defer the motion until further notice as we try to see the way forward.

Next order.

*(Hon. Engineer Rimui Kaiyani rises on a point of order)*

**Hon. (Eng.) Rimui Kaiyani:** I really don't know whether it was a point of order but I was seeking your eye so that I can comment on the same issue before you depart from it.

**Speaker:** You know there is no way a speaker can out of order. Its either you want a point of clarification or a point of information. I will however, still grant you a minute although I have ruled on that issue. If the information you have is important to this house, then you can have a minute.

**Hon (Eng.) Rimui Kaiyani:** Thank you, Mr. Speaker Sir. I am well guided. My point is that as this committee reconsiders that issue, can it be broadened further to include the

recruitment of the COs that was done by the board but never became? This will help us when we are looking into the issues that were raised by the members of the public regarding the same.

As we also consider who looks into this report, I have a strong feeling that the committee on Implementation could do us a good job as they will be looking into the issue of recruitment that's already done and therefore be able to bring a comprehensive report regarding those two issues. This will in turn reflect well on the part of the County Assembly. This is just a concern that the work that was done in the recruitment of health workers needs to be broadened further to also look into conduct and performance of the board in as far as the recruitment process is concerned. Thank you, Mr. Speaker, Sir.

**Speaker:** Very well, member for Githabai for that concern. In fact our standing order 185(5) explains clearly that any sectorial committee or the mandated sectorial committee is responsible for the investigation, inquiry and reporting on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments. Therefore, as the issues of the COs cross-cuts across the Public service board, it will be incorporated in the same. Clerk, you can note that and ensure that the same is incorporated when the motion is brought back

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

**Speaker:** What is it member for Gatimu. Who is out of order?

**Hon. Kieru Wambui:** On the same standing order that you have mentioned.

*(Consultations)*

**Speaker:** Yes, Let me here that standing order, member for Gatimu.

**Hon Kieru Wambui:** Mr. Speaker, I do not want to be seen as contradicting my learned friend, senior, Eng. Kaiyani, but the principal and the concept of the motion raised by the member for Kipipiri is precise and concise. The issues raised by the member for Githabai are different from the contents of the motion by the member for Kipipiri. It is His decision whether or not He would want the same issue included in His motion and if not, Mr. Speaker, then the member for Githabai can support the motion with an amendment. However, as it stands, you cannot gag the member for Kipipiri to incorporate an issue which is not in principal a matter in His motion.

Thank you.

**Speaker:** Very well, member for Gatimu. In fact, we are not pegging the member for Kipipiri from the motion and the raised concern. Nonetheless, the committee is at liberty to investigate and incorporate the other raised concern. That is the position. Member for Njabini/Kiburu, is it appoint of order or a point of information? A minute please.

**Hon. James Gachomba:** Mr. Speaker I think for the sake of this statement, or rather motion, actually, Hon. Kieru has just elaborated the specifics of what *Mheshimiwa* from Kipipiri has explained. Although the standing orders allow for investigation and inquiry, they cannot inquire what they have not been requested. Therefore, member for Kipipiri is aware of what we are sticking to.

*(Hon. Paul Ngeche rises on a point of order)*

**Speaker:** The debate is rested because I have given clear directions that we are not begging member for Kipipiri to incorporate the issue of COs. As this is a cross-cutting issue pertaining the CPSB, whether the said committee will continue or there will be a special committee, it is up to the committee to decide if the said issue will be raised or to leave it at that level.

Next order.

### ADJOURNMENT

Very well, Honourable Members. The business of this afternoon session having been exhausted, this house now adjourns up to tomorrow, the 8<sup>th</sup> day of August 2018 at 9.00 A.M.

*(House rose at 4:00 p.m.)*