



REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY-4th SESSION
OFFICIAL REPORT



(The Hansard)

Wednesday 16th March, 2016

The Assembly met at the Assembly Chambers at 2:30 P.M

The Speaker, Hon. Ndegwa Wahome, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

Speaker: Clerk, confirm that there is quorum.

There is quorum as confirmed by the clerk-at-the-table.

First order.

COMMUNICATION FROM THE CHAIR

Hon. John Kinyanjui Gachari rises.

Speaker: What is it member for Shamata?

Hon. Kinyajui Gachari: Mr Speaker, I rise to prove that the document that was taken to the High Court by the clerk was wrong and fake. Hon. Kirumba, others members and I went to Nyahururu to collect the document that we had taken to show that I had signed, you and Kahinga signed it. I bring this document to show that it was signed and it is the document that is in high court.

Mr Speaker, if you got the wrong document, then this is a great crime in the office because it must have been written by someone else and not me. I want to present this document to you to show that I signed. I took it from the advocate and it is the one that is Nakuru High Court.

Mr. Speaker I beg to table it.

Speaker: It is ok. I have the document I got from you and I do not know what you would expect me to do. The document that I have here, since it was presented to me by the chief whip, I saw it yesterday when I asked for it from my secretary so as to write the communication. That is the time I realized that it was not signed. I decided, for fairness and administration of justice and recognition of article 59 of the Constitution, that we should do substantive justice and I should not dismiss this matter.

I asked the member for Shamata and the majority whip to go and put his house in order. His house is TNA. I intimated to him on this document that is on the table and it is unfortunate Hon. Members that even after I did this... actually I expected that the majority whip would be making ways to confirm this, I expect the TNA party to go and sit and come up with a proper documentation and present it to the Speaker.

The assembly operates as a court of law and once you file the wrong document, there are procedures that should follow to put the document in the right perspective. You either move an amendment or withdraw the document. The member for Gatimu asked a question;

“When you tell the majority whip to put his House in order, what do you expect him to do?”

He said that he knows that his House is TNA. I expected them to confirm from what I have that the document I have is not signed and were in the custody of my secretary. Since July 2014 I have never seen them, I asked for them only when I wanted to write the communication to come and communicate here.

I wanted to give the majority whip and his house time to go and look into their things, to go back to the drawing board and give me a proper document. The wrong document could not trigger any communication from the Speaker. When the majority Whip brought the document to me, his position becomes a *functus-officio* without any jurisdiction over that document because it is in the possession of the Speaker. The Speaker has no authority to communicate on a document that has no signature because it is not authentic and has no ownership. That is the simple truth and that was my advice the majority whip. Instead of going round with these things. They can be settled very easily. I was expecting them to say, “This is what you directed and this what we have done.”

What position are you putting the office of the Speaker? To communicate on a document that is not signed yet I have given directions on what should be done? The majority whip should be telling me that I did A, B, C and D.

Yes member for Murungaru.

Hon. Kariuki Muchiri: Thank you Mr Speaker for giving me this opportunity to say a thing about the document. I was aware that the document was signed by Hon. Gachari from the beginning. We have been having those documents with us. This morning when I was told that you communicated that that document was not signed, then the custodian of the document that you have must have changed that document. That is not an original document, it is a photocopy and we are bright enough to know that with a photocopy you put a white paper on it and make a copy that has no original signature.

If this is the highest office of this institution that that kind of corruption can happen, I do not know what will happen to the people of this county. If in your office someone can substitute a legal document that has been presented to a court of law with a fake one and present it to the Speaker, that is very wrong and unethical and serious action should be taken against the officer who did that.

I agree with you that you could not have made a ruling on a document that is not signed but the document you are holding is fake. We are expecting that as a house you will tell us the kind of action you are going to take against that kind of an officer who can give the Speaker a wrong document. The documents we have are signed. Now that the right document has been tabled, you can make a ruling regarding this matter. It has been on our necks and our shoulders for almost two years and the sooner the matter is brought to rest, the better for us. I am sure that you are aware that this morning no business was transacted because of this issue. If we continue dilly dallying, it will not be well for the proper management of this hon. Institution. Thank you Mr. Speaker.

Speaker: Very well, I am happy that you have recognized that a document that is not signed has no ownership and cannot trigger any movement from the Speaker. Secondly is that the document I have is not a photocopy. I have the original document printed and signed by the clerk. One thing I know about how my office works is that even those little infidelities of contravening the law or regulations or even the practice has not happened in my office.

What I was saying is that if the document was surrendered and the majority whip expected the Speaker to communicate from this unsigned document, the Speaker could not communicate not. That is the bottom line and we all agree that those are simple rules on documents.

The other issue is that another document has been introduced on the floor of the House and it has the signature of the majority whip. I have tried to be as impartial as possible on this issue but we are not doing these things for ourselves. We are doing them depending on the soundness of the law and for the future and posterity and that the procedure followed in doing these things cannot be questioned.

I do not know what the member would expect because concerning the document that has been tabled here by the majority whip, is that the way he is supposed to communicate to the Speaker according to standing order 18 and 19? It is not. I advised properly if this is TNA what would be very difficult for you to meet about two hours and decide how you want to go about your business and communicate to the Speaker properly. The Speaker has given directions to the effect that you put your House in order. To put your house in order, you sit as TNA, you are one family you solve the case and make a decision and then you appropriately communicate to the Speaker. Yes member for Kipipiri, Hon Michael Njoroge Kirumba.

Hon. Michael Kirumba: Thank you Mr Speaker. We actually hear you. We see where you are coming from. After the communication yesterday we had a session this morning and what we thought was in the best interests of this House. We decided to go and retrieve the document. Mr. Speaker you can see that the minutes are TNA/MIN/1. We should use what the majority whip has tabled instead of reverting the wheel. I have seen another copy that has the high court stamp and it has no signature. That one is putting us in jigsaw. Now that the chief whip has tabled something that has his signature, the only thing that we would debate about is on who compiled the minutes.

I think Karanu compiled and did that on behalf of the membership. Having put his House in order in that way, indeed we did not sit and expect you to make a communication without anything to help you, we expect that you give that one Solomon's approach so that we sort out this matter once and for all, for the good of every one. You now have a document that is proper and the chief whip has appended his signature. Please give it a shot for the good of this House and posterity. You have been saying this. Our term is almost ending and as the

leader of the majority said on a light note that he is reading for the last time. We are not going to die. We might come back and this is likely to replay. The office of the chief whip has gone all the way to bring that copy. I would want to hear how you are going to resolve this matter for the interest of this county.

Speaker: Very well member for Kipipiri.

Hon. Kinyajui Gachari rises

Order member for Shamata! Member for Kipipiri I get you clearly. Actually the only original document in these proceedings by the TNA is the document that I had reported to this House. I had to talk to the judges of appeal and tell them that I had a personal matter to attend to so that I can come here. The other day it was said that I was in Nairobi to extend the stay order.

Laughter

I have been able to go to the court file in the high court and I have seen that the minutes are signed and they are actually a photocopy. The only original document is what I have. It is what was given to me by the by clerk and Leah the secretary. This is the document that is not signed. Member for Kipipiri, concerning the document that I have just been given here in the plenary, this is justice, a sword that cuts both ways.

There are those that would want it to be read now and this matter be solved. There are those interested to know what happened if a document is not signed. Is it sneaked into the assembly and the Speaker takes action on it? The standing orders 18 and 19 are very clear. That is why I told the majority whip go back to his House, TNA, put it in order and communicate to the Speaker and the Speaker will take action. Let us hear the member for Engineer.

Hon. Mwangi Gichuki: Thank you Mr Speaker, I am an interested party in this matter and I have a document that pertains this matter. I was served by my lawyer the motion that was initially given to the court. It is the notice of motion that filed the case that we are working on now. There are annexures therein among them, the minutes of the said TNA meeting. The copy I have has the stamps of the high court of Kenya received on 9th July 2014. That document does not have the signature of the chief whip. This is the document that was filed in the case that we are dealing with.

Speaker: I had not done the ruling as I had indicated earlier because I was expecting to get a communication from the majority whip before I formally do my communication.

Hon. Kinyajui Gachari rises

Order member for Shamata! I never received it and I did not get a word from him. Whether it was signed after it was filed I do not know. I am talking about things that I have seen. When I was writing the communication is when I saw that the document was not signed. My communication is halfway done on my desk on the pronouncement of the leader of majority. There is nothing much that I would have done. Member for Engineer says that the document he has is not signed and it has the stamps of the court.

You mentioned corruption in the office of the Speaker but you only mention it here but you never say it anywhere else where you will be required to prove it. Probably my secretary even today does not know that the document she gave does not have the signature unless she heard it when I told the majority whip that it is not signed. She was innocent and she kept the document since 2014. Until yesterday, I believe that she did not know that the document was not signed.

Members, you should appreciate that I knew that the document had been signed by Kahinga, a clerk assistant. If I was supposed to sign a document and you come and sign anywhere in the document, normally it will be disregarded because my signature is there. If the signature of the person that is supposed to sign is not there, *hata msign kumi*, they will not have any meaning. That is the law. Member for Engineer you wanted to table a document. The member for Shamata has tabled his and I have the one that I was given, it never went through the office of the clerk... yes member for Central.

Hon. Peter Maina: Thank you Mr Speaker, I just wanted to comment on the two documents that have been tabled and the one you have. We have three documents that are different. I can foresee a debate on how to deal with this issue. I feel that we need to make a decision once and for all. Those working in your office gave you the document and Hon. Mwangi Gichuki has others that are not signed and Hon. Gachari has a signed one. Do we have incompetent people in these offices? We are also blaming the office of the clerk. Yesterday we saw irregularities where the committee on lands requested for a technical person...

Speaker: Order member for Central! I have said that these document never go through the office of the clerk. The majority whip brought it to my office. The law states that it comes directly to the office of the Speaker. That is what happened and we are going to lose track if we go to other issues. Let us deal with the issue at hand.

Hon. Peter Maina: Thank you Mr Speaker but this was just an example to show how these offices are not cooperating. Probably in your office that document was kept believing that it is safe and maybe someone was cleverer than the speaker. As you make your ruling, remember what you said yesterday that Nyandarua is bigger than anyone of us. Make a decision that will save this House.

Speaker: Member for Gathaara.

Hon. Daniel Kibebo: Thank you Mr Speaker sir, we are discussing a matter that is important to this House and the community. Let it be discussed so that we can get guidelines to solve this matter because if you will not give us the guidelines this might affect our people on the ground. We are now debating on differences in the document while we should be thinking about the work that should be done at the grassroots.

I got a document in my pigeon hole that we are being invited by TNA, I also heard that the president is coming tomorrow. How can we have such issues in the assembly while the president is coming to visit our county tomorrow? We did not transact business in the morning. I'm so worried. Even if we fight over this issue we shall live, whether we have a new person or not. If we have enmity in this House, what will the people say? Let God have you?

Loud laughter

Let me make it clear.

Laughter

Speaker: Order! I get what he is saying. He is saying let God guide me.

Hon. Daniel Kibebo: Yes, I was saying that God guides him so that he comes up with a sustainable solution and we move fast. Thank you Mr. Speaker.

Speaker: Member for Gatimu.

Hon. Kieru Wambui: Thank you Mr Speaker, these are legal issues and this is a House of rules and procedures. That is what we say. We cannot hide our faces from the public and therefore we need to take the correct position on the floor of this House. We need to show the public our face whether it is beautiful or ugly.

Mr Speaker, I would like to ask a question I had asked during the morning session since the deputy speaker said that he was not properly positioned to communicate or give directions about the matter. However, he said he was able to adjudicate the motion for your impeachment.

Laughter

If therefore he could adjudicate a motion of your impeachment, I wonder why he could not give directions and deal with the matter that arose in the morning conclusively. Mr Speaker, I have some issues to highlight. I wish to air opinion on the document that the Leader of Majority has produced. Apparently, it was received in the Court and stamped. I would like the hon. Members to understand that the High Court did not dismiss James Mwangi Gichuki and Peter Githinji Ngumba as the Leader of Majority and Leader of Minority respectively.

The court did not go to the extent of authenticating the minutes since its first mandate was to rule on whether it had the jurisdiction to deliberate on the matter. The Court found out that it did not have jurisdiction and therefore it did not remove either of the two leaders. It just threw out their submissions and the case. Therefore, the Court did not authenticate the minutes.

We are back to where it all started and as it stands, Hon. Gichuki and Hon. Githinji are the Leaders of Majority and Minority. It is therefore upon the Speaker to communicate the position that was taken by TNA and DP then, so that the matter is communicated legally.

Mr Speaker, I want us to understand this issue clearly. The Speaker says that he is now writing a communication because his office received the Court Order ordering or throwing out the case. Thus, the Speaker should communicate the leadership of this Assembly to the Hon. Members. Another twist emerges when the Speaker realizes that the document he is holding is not authentic and is not legally binding for the reason that it is not signed by the Majority Whip. Therefore, the Speaker has an invalid document and he cannot give the communication.

As Hon. Members, we should move with speed to correct the anomaly. Correcting the anomaly does not mean to hand in a signed document because the Standing Orders provide for the procedures on how to fill the positions of Leaders of Majority and Minority. Let us not

console ourselves and overlook the facts that are in black and white in the Standing Orders. Both the Majority and Minority Whips should sit with their respective members and communicate to the Speaker who will make a communication thereafter to the House. We should not continue hiding our heads in the sand yet we have the plain truth.

We should therefore get out of the slumber land, as Hon. Gachomba would say, understand the correct position and wake up to the reality. We can stay here all day long but fail to come up with a solution if we choose to ignore the truth.

Mr Speaker, you should also help us understand how the document that you have, which allegedly is not signed, gets back to the Majority Whip for him to sign. What does the law provide for in such a circumstance? If it is possible, he can even sign it right now as we watch. Thank you Mr. Speaker.

Speaker: I had given prior communication and I don't think that it would be fair if I denied the Leader of Majority to table his document since I have already allowed two documents from the Majority Whip to be tabled in the House. Therefore, the Leader of Majority can table his document because this is justice and like a sword, it cuts both sides. Proceed Leader of Majority.

Hon. Mwangi Gichuki: Thank you Mr Speaker. I beg to table the document and as I do so, I would request that the document tabled by the Majority Whip be the official document that was submitted in the Court during the proceedings of the case. This is because the copy that I have and it was admitted to the court has a stamp of the court on everything and not just the minutes. Therefore, the other document that the Chief Whip purports to give you must bear the stamp of the court. The document he has presented to you only bears the stamp of his lawyer indicating that he intends to use that document as evidence...

Speaker: Just a minute, Leader of Majority. Are you saying that there is no signature of the Majority Whip yet it has a stamp of the High Court? Is that the right position? I want to confirm that because the copy I have been given by the Majority Whip does not have any stamp of the High Court.

Hon. Mwangi Gichuki: I would like to say that documents that have more than one page have only one stamp implying that the stamp is certifying the entire document as received.

Speaker: I am therefore allowing that document to be tabled because I cannot rely on one side without hearing the other side. And I think the court order was marked as 'document 1' of the County Assembly of Nyandarua that is 'NCA1'. The document by the Majority

whip should be 'NCA2' while the document tabled by the Majority Leader should be 'NCA3'. Proceed.

Hon. Mwangi Gichuki: Further, I seek your direction on the matter relating to court ruling and particularly, in reference to the contributions of the Member for Gatimu. This issue came up quite sometimes back and the reason that prompted us to go to the court has never been adjudicated in any way. We have not exhausted means and mechanisms to resolve the issue as outlined in the decision that was made on 2nd July.

The ruling on the matter, though recognized as a dispute, was that the High Court does not have jurisdiction to determine it and therefore, we ought to exhaust all other mechanisms including the party and political parties' tribunals. This implies that we ought to go back and understand the initial point of contention. It is about an illegal meeting that was held to have the Leader of Majority removed. This is what necessitated the dispute. Has the dispute been resolved? Absolutely no! The ruling of the judge and the court at large is that you communicate...

Hon. Samuel Thuita rises on a point of order.

Speaker: What is it Member for Gathanji?

Hon. Samuel Thuita: Thank you Mr Speaker. Is the Leader of Majority in order to say that a meeting, and an 'illegal meeting' in that case, was held whereas it was held in this Assembly? How illegal was that? I suppose it is wrong for the member for Engineer to insinuate that the meeting was illegal.

Speaker: I agree with you Member for Gathanji. Majority Leader, you have the right to challenge the legality of the meeting but you cannot determine whether it was illegal or not. You cannot declare by yourself that the meeting was illegal yet you attended. Then, it would imply that you attended an illegal meeting. Proceed.

Hon. Mwangi Gichuki: I think there are many angles as to what is legal and what it is not. For me, I did not intend to imply that the meeting was illegal. My submission to you Mr. Speaker is that, you are supposed to determine whether a meeting that was held and whose legality has been challenged, and there are grounds for doing so, can be used to come to a conclusive decision about deliberations that were made. I think we would be overlooking the cardinal and primary basis of this matter. In other words, the purported removal of the Majority Leader...

Hon. Kinyanjui Gachari rises

Speaker: What is it Majority Whip, Hon. Kinyanjui Gachari?

Hon. Kinyanjui Gachari: My point is that the Majority Leader was proposed but not seconded. In what he now refers to an illegality, he proceeded to the court to get the stay order in order for him to take the matter for deliberations in other courts whereby he did not go. This is a party issue and since I am the Chief Whip, I can attest that we elected him and we are the people who can remove him. Thank you Mr. Speaker.

Speaker: Member for Engineer you should just finish up. The issue are well cut out and I intend to make some comments about the issue. I am happy that Member Gatimu has clearly interpreted the law even better than I could. This is because some of this issues could have been resolved if we looked at the provisions of the law without bringing on board any other issues. According to me, these issues could have been resolved long time ago. If I may take you back to the previous incidence, we had a stay order that was expiring on Friday and you people brought a motion that you wanted to sit on Saturday because there was a stay order expiring on Friday.

In essence, what you did is to give the person an upper hand and the grounds to go to the court and say, ‘these people want to destroy your stay order intentionally’. Some of these things should have been resolved if you abided by the law. I can only rule on the legality of some of the issues you bring here. So let us follow the law and it is a short process. The matter ought to be in the House in the rightful manner.

I said that the document brought to me to make a communication on was invalid in law. Even in court, the document cannot be allowed. Let us go and come with proper documents. You are the people who created that document in any case and not me. Proceed Majority Leader.

Hon. Mwangi Gichuki: Without belabouring this point, I would want my colleagues to know that there is no day I would allow a situation where the residents of Nyandarua are made to believe that the Leader of Majority is being removed without being given grounds for such an action. I am challenging the grounds for his removal...

Excessive consultations

Speaker: Order Members! Order! Let us not a new argument.

Hon. Mwangi Gichuki: Mr Speaker, I want to make myself crystal clear that there is a dispute regarding the removal of the Leader of Majority. We have gone to Court, which has said it has no jurisdiction over the matter. It has advised that the party or the tribunal should arbitrate the dispute. This is my request. I would wish for a sitting where I am able to defend my position...

Hon. Kieru Wambui rises on a point of order

Hon. Kieru Wambui: Thank you Mr Speaker. As you all know, the Majority Leader is a good friend of mine. However, the Assembly or the Speaker will not give the opportunity to defend your position because it is the party's mandate to do that. It is therefore the Chief Whip and to the House that should grant you such an opportunity. Actually, the TNA party is the one that can give the leader of Majority a platform to express himself.

Speaker: Member for Gatimu, are you saying that the Leader of Majority is out of order for trying to express himself here yet it is not the appropriate platform?

Hon. Kieru Wambui: Yes, Mr Speaker.

Speaker: Very well, I think Member for Engineer you have concluded your submissions. Yes, Member for Rurii, Hon. Wahome Kamoche.

Hon. Wahome Kamoche: Thank you Mr Speaker. I have only one issue regarding what is in this House. This Assembly sat and decided to remove both the Leader of Majority and the Leader of Minority. In addition, the same House sat and decided to elect the Leader of Majority and the Leader of Minority. I also think that you would aspire to lead a House where you have the goodwill of the Members.

Mr Speaker, the two leaders immediately went to court to challenge their removal and the case was filed under Judicial Review Case 21 of 2014 in Nakuru High Court. The leaders were the applicants while Nyandarua County Assembly was the respondent. Other interested parties (seven Hon. Members) were also enjoined in the case. A stay order was given to the applicants.

Mr Speaker, according to my understanding of the legal proceedings, there was a matter in court and it has been determined. Section 6 of the Arbitration Act articulates that the Court had the discretion to settle this matter amicably using its tribunal unless it was an impracticable situation. I would like to refer you to a Case depicting Hon...

Speaker: Order Hon. Kamoche! You are taking the same route I stopped the Leader of Majority from taking. I cannot decide on those issues you want to raise. My question is, what was the Speaker supposed to do? And, did he do what was required of him? I was supposed to communicate to this House because the Court had already made its decision. Nevertheless, the document upon which the Speaker was supposed to make communication on was found to be invalid *ab-initio*. What is the next route to follow? We should all go back to these basics.

Hon. Wahome Kamoche: Mr Speaker, I am not relying on the document and its authenticity or lack of it. I am relying on the court order that was issued and signed. It has declined to issue a stay order as sought by the applicants. Again, the removal from their seats

primarily prompted them to rush to the court. Now that the court has made a determination and therefore the matter is not pending in any other court, I was of the opinion that the court order should be followed. If I were the Majority Leader, I would go ahead and apologise because I was in the House when the elections took place and he was defeated fairly.

When he was elected, he defeated some Hon. Members most notably, Hon. Kirumba and Hon. Kagwe. This implies that the Members of this House have no personal differences but differences in opinion. We don't want to go the Nyeri County Assembly way whereby the members there removed their Leader of Majority and within a very short time span, they re-elected him back to the position. This was after realizing he was the right person for the job. I humbly request therefore that you rely on what the court order says. We should not rely on the documents that the Majority Whip and leader of Majority have produced because this is a legal matter.

Speaker: Member for Rurii let me guide you a little bit. The High Court did not remove the Leaders of Majority and Minority from their positions. The order simply says that the leaders cannot challenge the matter at the High Court before they exhausted political parties' dispute resolutions mechanisms and also explored the parties' tribunal. It never decided on whether the meeting that purports to remove the leaders was conducted in a proper manner. If it did so, it would be a very easy communication for me to make.

It said that it has no jurisdiction. What happened next? After the court order was delivered to my office on 14th March 2016, I went ahead and started writing the communication only to realize that the document I would rely on had a major anomaly. I therefore came to the House and advised the TNA members that the document brought to my office by the Majority Whip was null and void. What were you supposed to do as TNA members? You have not been told that you cannot hold other meetings or other elections. This is the bottom line and very straightforward a matter.

Speaker: Yes County Member from Ndaragwa Central, Hon. Margaret Wamuyu.

Hon. Margaret Wamuyu: Asante sana Bwana Spika. Nitatumia lugha ambayo tuliitumia asubuhi ndio tuelewane vilivyo. Kuna shida katika bunge letu. Bwana Spika, shida itokeapo ni lazima tuitatue kama viongozi. Hakuna atakayetoka inje kutatua shida zetu. Mheshimiwa Gichuki ni mmoja wetu na kwa hivyo nashangaa sana kusikia kuna stakabadhi ambazo zimeletwa leo na kiranja wa bunge ambazo zina sahihi and kiongozi wa walio wengi ambazo zina sahihi. Shida iko wapi?

Hon. Mwangi Gichuki rises on a point of order

Speaker: What is it Member for Engineer and Leader of Majority?

Hon. Mwangi Gichuki: Naomba kumrekebisha. Mimi sikusema karatasi zina sahihi bali nilisema hazina.

Speaker: The person who said that the documents had a signature is Hon. Gachari but Hon. Mwangi Gichuki said that his had no signature.

Hon. Margaret Wamuyu: That is what I meant. Mhesimiwa Spika, Hapa tuna wasichana wawili wajawazito na ambao wanapigania bwana mmoja.

Applause

Jameni, viongozi amkeni mwangalie tunaelekea wapi na isitoshe twaenda kwa siasa. Hatuwezikaa hapa tukizungushana. Najua unafahamu vile kesi huendelehwa Mheshimiwa Spika. Haya ni mambo ya kisiasa na kama mnavyojua siasa huishi kuwa siasa. Naomba tukumbuke kuwa hata Mhesimiwa Gichuki akitoka kwenye kiti chake hatutakuwa na bunge letu yeye akiwa inje. Kwa hivyo lazima tukumbuke kuna kesho na pia heshima tuipe kipao mbele. Hii ni kwa sababu mhesimiwa Gichuki alipochaguliwa kama kiongozi wa wengi bungeni, sisi kama wabunge walioteuliwa hatukuwepo na kwa hivyo alichaguliwa na hawa wabunge.

Sasa Bw. Spika, kwa sababu najua unaona mbali, maoni yangu ni kuwa jambo hili lilienda kotini kwa sababu watu hawakuelewana. Baadaye Bw. Gichuki na wengineo wakapewa agizo la mahakama na ambalo lililetwa hapa na kwa hekima ukasema hawa watu wana agizo linayoonyesha wanaweza endelea kumiliki vyeo vyao. Sisi kama viongozi tulikubali. Naheshimu bunge letu nikiilinganisha bunge zingine zinavyoendesha mijadala yao na hasa mijadala kama hii. Hawa wetu ni wavumilivu sana.

Mhesimiwa Spika, sasa tumefika hapa mbele yako na wasichana wawili.

Applause

Ni kweli. Mvulana wako amewapachika mimba wasichana hawa wawili. Kwa hivyo ni jukumu lako kujua kama utawaua wasichana hawa wawili ama mvulana wako. Na ujue, yeyote utakayeu hasara na shida zote ni kwako.

Hoja yangu ya mwisho Bw. Speaker...

Hon. Peter Kairu rises on a point of order.

Speaker: What is it Member for Githabai, Hon. Peter Kairu?

Hon. Peter Kairu: Mr Speaker sir, I raise to get a confirmation whether you have two wives there.

Excessive consultation

Speaker: Order Hon. Members. You know, debating without this kind of break and in this kind of a situation, it will be getting to ourselves. Actually, Hon. Margaret is using an analogy and that is acceptable.

Applause

Hon. Margaret Wamuyu: Sasa Mhesimiwa spika, tumefika kilele cha mambo na hapa kuna vita kwa sababu tunamnyang'anya Mhesimiwa Gichuki 'titi' na lazima akatalie. Kwa hivyo acha tuseme kinaga ubaga kwa sababu tupo katika uga wa siasa. Nitakacho kuomba Mhesimiwa Spika, kuna kesho na hata kama tutaiaga dunia, hatuwezi aga dunia sote siku moja. Hayo tu ndiyo nitakayosema.

Speaker: Okay, very well, Mhesimiwa Margaret but actually... kwa sababu tunaingia kwa lugha ya kiswahili, pia mimi naweza sema machache kuhusiana na hayo. Ningetaka kusema kuwa nimekusikia Mhesimiwa Margaret. Lakini ningetaka kusema kuwa jibu la haya maneno ni rahisi sana. Jibu liko kwenye chama cha TNA, haliko na Spika. Lakini mkitaka Spika aandike kurasa tano, because I am writing down your concerns, I will go and write down my directions and they will come to a simple conclusion kwamba yale mambo yalifanyika nilipata karatasi na nilikuwa nataka kuja kufanya matangazo fulani kwnye bunge, lakini nikapata karatasi nilizokuwa nazo na ambazo zilisemekana zilikuwa kwa chama cha TNA, haziwezitumika na kwa hivyo nikaamua kutofanya lolote kuhusu hizo karatasi.

Allow me to shift the language. I think members we addressed these issues and we know the route. We know what we are supposed to do, we know what orders we are supposed to invoke and we know what we are supposed to deliver to the Speaker. Otherwise, these other issues will take our time and expose us and yet we will not get any answers. I would want that, if anybody would have a solution that can help the Speaker, within the procedure and the Standing Orders which you know, then I will appreciate it. I would want someone to tell me if he or she would have done it differently if he or she was the speaker. Member for Mirangine.

Hon. David Ndirangu (Mirangine): Thank you Mr. Speaker, because we may dwell on this issue for so long, it is my request that you give us time, about 30 minutes, we go out

as a TNA team and the other team and then come with our deliberation. That is all Mr. Speaker.

Speaker: Member for Njabini/Kiburu, Hon. James Gachomba.

Hon. James Gachomba: Thank you, Mr. Speaker, I believe we are dealing with a very crucial issue of our Assembly and I believe we have a future. I also believe that you have directed, because you have two letters that are even not hitting the point. You have directed the Majority Whip to put his House in order.

We should sit down as the TNA Members and come up with a solution. Otherwise, when we shout at each other as we are doing, then we are heading nowhere. I agree with your word that we sit down with our party leader to know the way forward. Thank you, Mr. Speaker.

Speaker: Yes Member for Geta, Hon. John Githinji Mwaniki.

Hon. Githinji Mwaniki: Thank you, Mr Speaker. You had earlier indicated that we should put our House in order. Therefore I wish to move a motion of adjournment so that we can go and discuss this issue and solve it for the better of this County. I call upon Hon. Kirumba to second.

Speaker: What is it that you have stated member for Geta?

Hon. Githinji Mwaniki: Mr Speaker, I rise to move a motion of adjournment so that we can go and discuss this issue for about 30 minutes then come back able to solve this issue once and for all. I call upon Hon. Kirumba to second.

Speaker: What Standing Order are you invoking?

Hon. Githinji Mwaniki: Standing Order No.33 (1) on County Matters.

Excessive consultations

Speaker: How much time do you request for?

Hon. Githinji Mwaniki: Half an hour.

Speaker: Proceed Member for Kipipiri.

Hon. Michael Kirumba: Mr Speaker, I wish second that motion of adjournment in line with Standing Order 33 (1). Members need to put their House in Order. Putting the

House in Order means just doing what they are supposed to do and then give you something that will not leave your hands tied. Mr. Speaker, Standing Order 33 (1) clearly provides for scenarios like these one so that you have time to completely digest and try to evaluate what has really transpired this afternoon for the betterment of the future of this House. I second that motion of Adjournment.

Question proposed.

Question put and agreed to

Speaker: Maybe for Housekeeping purposes, I think the Order that was under deliberation was Communication from the Chair... I think I will be able to deal with the matters administratively. So the House will adjourn and resume at quarter past four.

The house rose at 3: 45 P.M

RESUMPTION OF INTERRUPTED BUSINESS

The House resumes at 4: 15 P.M

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

Speaker: Hon. Members, we were not through with the agenda on communications and I think what was remaining was the part touching on the Democratic Party (DP). I do not think it is fair to make the communication when the Member for Karau is not present yet this matter touches on him directly. He is away with the ICT committee and there are other issues that have emerged.

You remember the case of Hon. Murathe, the former MP for Gatanga, and S. K Macharia and even though they had struck a deal in before a lawyer, Murathe denied the signature and the Speaker then, Hon. Ole Kaparo, said that there was not much he could have done once a member had denied his own signature. Similarly, I wish not to give this communication now but I will do it and attach the intervention of Democratic Party when the member for Karau is present. Next order.

MOTION TO BE MOVED

APPROVAL OF THE VIREMENT OF THE NYANDARUA COUNTY SUPPLEMENTARY
BUDGET FINANCIAL YEAR 2015/2016

Speaker: Yes member for Engineer and the leader of the Majority Party Hon. James Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you Mr Speaker. I would like to seek leave that we move this motion when the member for Karau who has the bulk of the details regarding this motion is present in the House.

Speaker: Very well, I would like to direct the office of the clerk that this motion be regarded as a priority motion the moment the member for Karau is back because I know it affects some vital operations. Next order.

PROCEDURAL MOTION

Speaker: Members, we have exhausted the business on the order paper but I am not sure whether it has been communicated officially that the president will be visiting Oljoro-Orok Sub County tomorrow and that he will have a meeting with the leaders from Nyandarua.

We have not been notified of the exact time of the meeting because such meetings are usually convened at a very short notice for security purposes but I want the members to consider that before we adjourn. If we do not adjourn today until Tuesday and then we are unable to convene tomorrow having gone to meet the President, we shall have a challenge convening again. I therefore would like to invite the members to give their views on this issue. Yes member for Gatimu.

Hon. Kieru Wambui: Thank you Mr Speaker. I have information from His Excellency the Governor, whom I met early this morning, and he confirmed to me that there is a schedule for the presidential visit tomorrow. The president intends to commission the construction of the Dundori- Oljoro-Orok road before meeting and greeting the people at Tumaini, Ol'kalou, Kasuku and Oljoro-Orok.

He will finally meet the Nyandarua leaders at the Nyandarua Institute in my ward. I wish to confirm your concerns. I would then, if you allow me Mr. Speaker, move a motion under Standing Order 30 (3)(b), that this House adjourns to another day other than the next sitting day.

It would not auger very well with the president if we continued with the business of the House as usual yet he will be in our county. Further, remember the meeting at the Nyandarua Institute is for us, the leaders of Nyandarua, the 41 members of this assembly, the

governor and his cabinet and the county commissioner and it is not good to embarrass our president. I call the leader of majority to second.

Speaker: Yes member for Engineer and the majority leader, Hon. James Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you Mr Speaker. I second the adjournment to Tuesday the 22nd day of March, 2016 at 2.30 p.m. in order to host the head of State. This is a unique opportunity to present the needs of our people to the President. Thank you Mr. Speaker, I second.

Question proposed

Speaker: Yes County Member from Magumu, Hon. Joyce Nga'ng'a.

Hon. Joyce Ng'ang'a: Thank you Mr Speaker, I only want to request the House management to make formal communication on where and when we shall be meeting the president. Thank you, I support the motion of adjournment.

Speaker: Yes member for Rurii, Hon. Wahome Kamoche.

Hon. Wahome Kamoche: Mine is a humble request to have these communications made well in advance and the arrangements made in time. I remember last time we went to Sagana Lodge we did not even know where to sit. Let the county commissioner, as the head of security be furnished with the relevant information on the vehicle the Hon. Members will be travelling in. let the office of the Speaker give the members badges that will help identify them as Hon. Members.

Speaker: Yes county member from Weru.

Hon. David Ndirangu (Nominated): I don't know why the member of majority is looking at me so badly yet he is my friend and namesake. Let him not worry much about what will happen tomorrow, he just might be re-elected as the leader of the majority party.

On the president's itinerary, we are not even sure when he will stop where. As it is, we are only relying on hearsay from the member for Gatimu that the president will make several stopovers. We need to be prepared on what to tell the president, remember last time we met His Excellency, it was all over the social media that we had nothing to say to him which was very embarrassing. Thank you Mr. Speaker, I support.

Speaker: Yes county member from Githioro, Hon. Dorcas Kihara.

Hon. Dorcas Kihara: Thank you Mr Speaker, I rise to support the adjournment motion as I also express my concern that we do not have a comprehensive programme for tomorrow. We also need to organize who should speak on our behalf so that the entire function is not taken over by the MPS.

I would urge, therefore that once the programme is circulated to us, we convene an early meeting so that we can organize our thoughts. Thank you Mr. Speaker, I support and call the mover to respond.

Speaker: Yes mover, Hon. Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker, the members have raised a very valid point. Members of Parliament have a tendency to always taking over meetings yet they have been in Nairobi with the President the whole time. Going by what the Governor told me, if the president will only meet 59 leaders, then the Assembly will get a chance to speak maybe through you, the head of legislature.

I don't know what the Governor and his people have prepared to tell the President. We need to make the 10 or 20 minutes that we will meet the president meaningful and, Mr. Speaker, I am still a young man and, who knows, I might just become the president one day so I would wish that you will allow the member for Gatimu to welcome the president to his ward.

Question put and agreed to.

Speaker: I believe that we will have a chance to present some of these issues to the president and we mainly need to show him the urgency with which we need to move to the new chambers but the quotations given to us on the interior design cannot be catered for in our budget. If only he can make a directive for us to be allocated that money, then he will have helped us a great deal.

We also agreed that we must recognize the presence of the area MCA to welcome the president and as an architect, the member for Gatimu can also highlight a few issues. The itinerary will be sent to you before you sleep.

Lastly, there is an issue that was raised by the member for Gatimu, and I am sorry to take you back, where he insinuated that the deputy speaker was unable to make decisions in

the morning. The deputy speaker assumes the role of the speaker when I am not around but the reason he did what he did, and I applaud him for that, is because in law the deputy speaker cannot divert from the position of the speaker but the speaker can divert from the decision made by the deputy speaker. The deputy speaker is very competent and I applaud him for the position he took in the morning. I want that to go to the HANSARD.

ADJOURNMENT

Speaker: This House stands adjourned until Tuesday the 22nd day of March 2016 at 2.30 p.m.

The house rose at 4: 45 P.M