



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY  
1<sup>ST</sup> ASSEMBLY-4<sup>th</sup> SESSION  
OFFICIAL REPORT



(The Hansard)

Wednesday 16<sup>th</sup> March, 2016

*The Assembly met at the Assembly Chambers at 9:00 A.M*

*The Deputy Speaker, Hon. Wambugu King'ori, in the Chair*

Prayer

**QUORUM CALL AT THE COMMENCEMENT OF THE SITTING**

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

**Speaker:** There being no quorum, I invoke the provisions of the standing order 35 (1) and direct that the division bell be rang for an initial ten minutes or until such time, within the ten minutes, that the quorum will be achieved.

*The division bell rings for two minutes and quorum is attained as confirmed by the clerk-at-the table.*

**Speaker:** Quorum having been achieved, the bell may be disengaged and we can proceed with the business of today. First order.

**Hon. Kinyanjui Gachari:** There is an issue concerning the leaders of majority and minority. As we speak, there is a vacuum in this House and we cannot continue like this. The two house leaders went to the courts and a very comprehensive ruling was given by the judge in favour of the newly elected members. Currently, we do not even have a County Assembly Service Board. I therefore, request the Speaker to give us directions and sound guidance. Thank you Mr Speaker.

**Speaker:** Member for Shamata, I believe the Speaker yesterday gave clear directions regarding this matter to the effect that he will make a comprehensive communication today in the afternoon. Yes member for Gatimu.

**Hon. Kieru Wambui:** Thank you Mr Speaker, I would like you to advise this House, as the Speaker now, whether this House is legally constituted. Whether or not the communication will come in the afternoon, can the speaker tell us now, if this House's current structures are legal. Let us stop hiding our heads in the sand. Please advise us.

**Speaker:** Member for Gatimu, the Speaker made it clear that any issue pertaining the leaders of majority and minority will be addressed in his communication in the afternoon. Yes member for Ndaragwa Central.

**Hon. Mwangi Maina:** Mr Speaker, I believe, as the member for Gatimu has stated, we are hiding our heads in the sand. We have a sitting speaker right now and whether or not the presiding officer yesterday made a ruling, the current speaker has the discretion to give a resolution. Do we have a speaker or not?

**Speaker:** Member for Rurii, please resume your seat. Members you are raising this issue whereas the leaders of majority and minority are not in the House today and they were also not present yesterday. The office of the speaker is one and the ruling given yesterday still stands. Proceed member for Rurii.

**Hon. Wahome Kamoche:** Thank you Mr Speaker. I only rise to shed light on the right procedures, legally. We cannot sit here and wait for these people to go bring us another court order. The courts have struck out the stay order that they were enjoying. The next step now would be to have the majority whip move a motion of adjournment and have his members conduct an election.

He should then table the names of the elected members here and all you should do Mr Speaker, is to put the question on their adoption. We have precedence set by the county assembly of Nyeri. I do not understand why we should wait for another communication. These members sat and decided to oust these members and even elected others. Are we to disregard the wishes of these Hon. Members? I say, let us adjourn this House procedurally and bring the Speaker the new names. The office of the speaker is not vacant, we cannot wait anymore, and we have waited for far too long for justice to be done.

*Speaker consults with the clerk-at-the-table*

**Speaker:** Proceed member for Rurii.

**Hon. Wahome Kamoche:** Thank you Mr Speaker, I was waiting for you to finish consulting, you know I have great respect for your office. We are talking about a Court order in which I was heavily involved because I am one of those who were sued.

Mr Speaker, give us a chance to move a motion so that we can give you the people that will be holding the offices, regardless of the communication we are waiting for. It should find us having done our part. Please give us a chance. Only for the good of this House.

**Speaker:** Yes, Member for Kaimbaga, Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Asante Bwana Spika. Nina huzuni kubwa kwa sababu tuliondoa viongozi wa wengi na wa wachache katika bunge hili na kabla mambo hayo hajakamilika, matukio yalijikokota mpaka tukapata karatasi fulani katika bunge hii. Ilikuwa ‘court order’ iliyosimamisha mambo hayo tuliyokuwa tumeyafanya.

Wachache kati yetu walichaguliwa na kuenda kortini kwa niaba ya wabunge hawa, nikiwa mmoja wao. Tulikuwa tumechagua kiongozi mwingine wa wengi na wa wachache katika bunge hili. Koti ikawapa waliokuwepo mbeleni nafasi ya kukaa ambayo iliondolewa jana. Kwa nini bunge hii haiheshimiwi? Ni lazima iheshimiwe. Tunakuheshimu kwa sababu ni sisi tuliokuchagua. Wale ni sisi tuliowachagua pia. Tuliwaondoa mamlakani na tukawachagua wengine kama tulivyopenda. Waheshimiwa hawa wana vidonda nyoyoni zao na sioni tukiendelea tukiwa na hawa wenye roho mbaya na nia mbaya. Waondoke.

**Speaker:** Yes member for Mirangine, Hon. Ndirangu.

**Hon. David Ndirangu (Mirangine):** Asante sana Bwana Spika. Ninawakilisha watu wa eneo la Mirangine. Naona kuna jambo hapa kwa sababu jana, baada ya Spika kujieleza na kusema kuwa ataenda kotini leo, imekuwaje kuwa kiongozi wa wengi na wa wachache hawapo bungeni leo? Hatutatendewa hili tena. Kama tuliwakataa, tuliwakataa. Sisi ndio tuliwachagua. Bunge hili lisichukuliwe kama mali ya mtu binafsi. This is not anyone’s property Mr Speaker. Kama hatutasikizwa basi biashara katika bunge hii hazitaendelea.

**Speaker:** Yes Member for Kipipiri, Hon. Michael Kirumba.

**Hon. Michael Kirumba:** Thank you very much Mr Speaker, I appreciate that you have been put in a very awkward situation. Yesterday, the chief whip made the communication and read through the court order. There were issues on when it was served. I

rose on a point of order and made that clarification. The earlier communication was that the order was served on Monday while indeed it was served on Wednesday.

I want to cite the Constitution Article 1 (1, 2) because we need to get to the bottom of this matter.

(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.

(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.

The voice speaking now is the voice of Nyandarua County. We are representing the people. Notwithstanding anything else that must be taken to account. We are supposed to be constructing our roads now but, incidentally, some of the wards have completed that work.

You can imagine the pressure that the Hon. Members representing the bordering wards have, including your ward, Mr Speaker. If you find a mother and a father eating food before their children are well fed, then that house has a problem. The young ones must be fed, at least that is what we expect but this has not been the case here Mr Speaker.

We set aside about Kshs. 25 million for the connectivity of our roads. One ward has already constructed over 6 roads worth more than Kshs. 3 million. This is not witch-hunting because I personally ascertained that yesterday. What is the percentage of Kshs. 3 million on Kshs. 25 million? Can I sit here and assume that it is business as usual? It will not happen. If the Hon. Members did abide by the earlier Court orders, and never raised issues, I am wondering why this order which was written on 10<sup>th</sup> and served on 11<sup>th</sup> is not being honoured.

We are waiting for a communication and the applicants of the court order are not even in the House. Who knows what they are doing now? We cannot sit here and pretend it is business as usual. We will, most certainly, be ambushed with another court order. If it were to happen, we would appear not to be thinking. I would hate it if anyone would consider that Members of this House do not think. We would not have been nominated and elected if we do not think.

Mr Speaker, this Court Order that is now in the custody of this House should be honoured. It was presented here procedurally. If they claim that the minutes of the elections

that were done were not been signed, why was such an omission not identified then? I think the issue is not that the said minutes were not signed.

Mr Speaker, I would beg that you react based on what you are hearing now. You may direct us to continue with business yet the House is not properly constituted. The order in question was read in this House yesterday and so business for yesterday's sitting was transacted waiting for the promised communication. But transacting any other business in a subsequent sitting would be completely out of order and in fact, this could be challenged. Considering that there is a court order, why should we continue transacting the usual business knowing well that this can be challenged? Why should we wait to be served with another court order? So, Mr Speaker, I beseech you to employ a 'Solomonic' approach to this mess. Thank you.

*Excessive consultations*

**Speaker:** Order Hon. Members! Order! I have heard what you have all said. It is good that Hon. Michael Kirumba has cited the court order that was read yesterday. I was not in the House yesterday. The Speaker himself, who should act as the presiding officer, was in the Chair when Hon. Kinyanjui Gachari rose to present the matter touching on both the Leader of Majority and the Leader of Minority. He gave directions in this House which had quorum. He directed that he would give communication today in the afternoon sitting, at 2:30 pm.

*Excessive consultations*

Order members! Order members!

We cannot proceed with the business for this sitting and therefore I adjourn this House until the next sitting, today at 2:30 p.m.

*The House rose at 9:32 am.*