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**REPUBLIC OF KENYA****NYANDARUA COUNTY ASSEMBLY****1<sup>ST</sup> ASSEMBLY- 4<sup>TH</sup> SESSION****OFFICIAL REPORT**Thursday 17<sup>th</sup> November, 2016*The Assembly met at the Assembly Chamber (Manunga Catholic Hall) at 2:30 P.M.**The Speaker, Hon. Ndegwa Wahome, in the Chair.***PRAYER****QUORUM CALL AT THE COMMENCEMENT OF THE SITTING***(The clerk-at-the-table confirms that there is quorum)***Speaker:** There being quorum let us proceed and transact the business for today.

First order.

**PAPER LAID**NYANDARUA COUNTY GOVERNMENT 1<sup>ST</sup> SUPPLEMENTARY BUDGET ESTIMATES FY  
2016/2017**Speaker:** Yes, Member for Murungaru and the Leader of Majority, Hon. Kariuki Muchiri.**Hon. Kariuki Muchiri:** Mr Speaker, I beg to table the Nyandarua County Government 1<sup>st</sup> Supplementary Budget Estimates FY 2016/2017.

Thank you Mr Speaker.

**Speaker:** The Nyandarua County Government 1<sup>st</sup> Supplementary Budget Estimates FY 2016/2017 is duly tabled. The House should get a report on the supplementary budget from the Committee on Budget and Appropriations on coming Tuesday — 22<sup>nd</sup> November, 2016 — in order for the motion on the same to be deliberated the same day. The Vice Chair of the Committee on Budget and Appropriations, Hon. David Ndirangu Ngigi, should confirm whether that is possible.**Hon. David Ndirangu (Mirangine):** Thank you Mr Speaker. We, the Committee on Budget and Appropriations, can go for report writing from today until the coming Monday, 21<sup>st</sup> November, 2016; so we can table the report on Tuesday, 22<sup>nd</sup> November, 2016.

**Speaker:** So, the committee clerk, Mr Peter Karanu, should process the request made by the Member for Mirangine on behalf of the Committee on Budget and Appropriations and ensure that the necessary authorities are granted so that the Committee can bring the said report on Tuesday, Tuesday, 22<sup>nd</sup> November, 2016, to this House. We can approve the supplementary budget after adopting the report on the same next week and ensure that the Appropriation law is ready for gazette on Friday, 25<sup>th</sup> November, 2016. This will allow implementation of the supplementary budget to kick off the week after. The Vice Chair of the Committee on Budget and Appropriations should communicate to the Clerk on the dates.

**Hon. David Ndirangu (Mirangine):** I will Mr Speaker.

**Speaker:** Very well. Next order.

### MOTION TO BE MOVED

#### EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF THE SENATOR

**Speaker:** Hon. Kariuki Muchiri was to move the motion on the Recording of the Thanks of the ASSEMBLY for the exposition of public policy contained in the Address of the Senator but I gave directions that the Senator's speech be transcribed and be handed over to the Leader of the Majority party for tabling on Tuesday, 22<sup>nd</sup> November, 2016 so that the House can discuss it.

Next order.

### MOTION

#### THE NYANDARUA COUNTY RATING BILL, 2015

*(Hon. Kariuki Muchiri rises on behalf of Hon. Githinji Mwaniki)*

**Speaker:** Hon. Kariuki Muchiri is a member of the Committee on Lands, Housing and Physical Planning and therefore will move the motion on behalf of the committee. So proceed Member for Murungaru and the Leader of Majority, Hon. Kariuki Muchiri.

**Hon. Kariuki Muchiri:** Thank you Mr Speaker. On behalf of my Chairperson, I beg to move the following motion:

That the Nyandarua County Rating Bill, 2015 be read a second time.

Mr Speaker, this is a Bill whose passing is overdue. It was tabled some time ago. The Committee has perused it with the professional help of a person versed well on matters of land rating, though this took a little longer.

Land rating is a very important component in the revenue collection sector; it sets the rates to be charged on parcels of land in the county. Valuation Roll should be developed to guide land rating.

Mr Speaker, allow me to start by reading the Background of the report.

### Legal Background

Mr Speaker, Sir, Article 209 (3) (a) of the Constitution of Kenya, 2010 states that a County Government may impose property rates. Property rates are charged on rateable property as defined under Valuation for Rating Act, Act No. 18 of 1956 as follows:

“rateable property” includes land, except—

- (a) any land used or reserved for roads, streets (including private streets), car parks, squares, parks, gardens or other open or enclosed spaces vested in a local authority;
- (b) public land as defined and provided for in section 25;
- (c) community land as defined and provided for in section 26; and
- (d) any land used for any of the purposes specified in section 27 or under any rule made thereunder.

For efficient rating, Sections 102-115 of the County Government Act are explicit on the issue of county planning. Section 104 (2), for instance, provides for development of planning frameworks that shall integrate economic, physical, social, environmental and spatial planning. Further, Section 107 provides for the different types of county plans. These are:

1. County integrated development plan;
2. County Sectoral plans;
3. County Spatial plan; and
4. Cities and urban area plans

For effective rating, county spatial plans need to be developed to facilitate activities such as development of valuation roll and zoning.

I wish to stress the importance of spatial plans and I appeal to my fellow Hon. Members to always allocate enough money for implementation of spatial plans in the budgets. Public resources and amenities like dispensaries, schools, rivers hills, etc. should be incorporated in spatial plans. A spatial plan, for example, informs the Department of Health Services the proximity of two dispensaries and therefore guide the same on where to construct another such facility.

Let me forego reading the Overview of the Bill under chapter one and move on to the Committee’s observations and findings Mr Speaker.

### Committee’s Observations and Findings

1. Although the Bill bestows administration upon a department, it is critical that a section on rating within the department be established.
2. The Bill outlines six methods of rating under clause (8). Nonetheless the Nyandarua County Government has been applying only the flat rate method which has denied it a lot of revenue.
3. The Bill does not provide for a dispute resolution mechanism which will address the issues of under and over valuation of any property.

4. Clause 9 (1) of the Bill states that any site value rate shall not exceed four percent of unimproved land. The Committee felt that this rate is too high.
5. Clause 14 (2) of the Bill provides for 3% p.m. charges for any due rate that remains unpaid within the stipulated time. Three-percent-per-month (3% p.m.) charge translates to 36% p. a. which is too high for a penalty.
6. Clause 20 of the Bill enshrines the exemption from and remission of rates. It states that any property that will not be valued or is not in the valuation roll shall not remit any rates relating to that area. This creates a loophole that can be exploited to deny the County Government the much needed rates.
7. In addition, gazettement of land which has changed use needs to be done by the County Government so that use of those pieces of land that have been fragmented into plots is changed from agricultural to residential/commercial.
8. The Bill does not provide for a mechanism of appointing a valuer as set out under Section 7 of the Rating Act, Cap (267).
9. Valuation for Rating Law should precede the Rating Law in order to operationalize the latter.
10. Members of the Committee felt that development of Spatial Plan needs to be fast-tracked since it will be the panacea and the anchoring plan for digitization, valuation roll and rating.

Mr Speaker, chapter three of the report is on recommendation wherein amendments to the Bill are captured. Since the House shall move the amendments in the Committee of the Whole House, I do not need to go through the recommendations. So let me go to the Conclusion.

### Conclusion

The Nyandarua County Rating Bill, 2015 comes at a time when the County Government needs legislations that will bring overall land reforms and redeem sanity on matters relating to land administration. In view of the above, the Department of Lands, Housing and Physical Planning as a matter of urgency and County importance should fast-track drafting of Valuation for Rating Act which will be the anchoring law for County Rating Bill, develop County Spatial Plan which is long overdue and facilitate development of valuation roll. Without these overarching laws the Nyandarua County Rating Bill, 2015 will not perform its intended purpose effectively.

In a nutshell, the following needs to be legislated in the order of priority as listed:

- (i) County Spatial Plan; ii) County Valuation for Rating Act; and iii) County Rating Act.

The Valuation roll is very critical. I remember the defunct Nyandarua County Council had not sworn a Valuation Roll but the defunct Town Council of Nyandarua had.

Now I wish to call the Vice Chair of the Committee on Lands, Housing and Physical Planning, Hon. Patricia Wanjugu, to second the motion.

Thank you Mr Speaker.

**Speaker:** Yes County member from Ol'kalou, Hon. Patricia Wanjugu.

**Hon. Patricia Wanjugu:** Thank you Mr Speaker for giving me this chance to second the motion. Since the former Chairperson of the Committee on Lands, Housing and Physical Planning has elaborately discussed the report, mine is just to second the report. So I beg to second. Thank you Mr Speaker.

*(Question proposed)*

*(The Nyandarua County Rating Bill, 2015 is read a second time)*

**Speaker:** Next order.

## COMMITTEE OF THE WHOLE HOUSE

*Order for the Committee read*

*The Speaker, Hon. Ndegwa Wahome, leaves the Chair*

*The Mace is lowered*

### IN THE COMMITTEE

*(The Chairperson, Hon. Rahab Wanjihia, takes the chair)*

**Chairperson:** Hon. Members, we are now in the Committee of the Whole Assembly to discuss the Nyandarua County Rating Bill, 2015.

First I wish the Committee of the Whole House to allow that Clauses without amendments be adopted globally.

*(Question on adopting Clauses without amendments globally proposed)*

*(Question on adopting Clauses without amendments globally put and agreed to)*

Clauses without Amendments

Clause 3,4,5,7,8,10,11,12,13,15,17,18,19,24 and 25

*(Question on clauses 3,4,5,7,8,10,11,12,13,15,17,18,19,24 and 25 proposed)*

*(Question on clauses 3,4,5,7,8,10,11,12,13,15,17,18,19,24 and 25 put and agreed to)*

**Chairperson:** Let us now move over to Clauses with amendments

Clauses with Amendments

## Clause 6

*(Question on clause 6 proposed)*

**Chairperson:** Yes, mover.

**Hon. Kariuki Muchiri:** Thank you Madam Speaker, I propose that sub clause 6(4) of the Bill be amended by inserting the words “ ‘relating to’ immediately after the words ”matters” and a further amendment to insert the words “with the approval of the Assembly” after the word “finance”

- I further propose that sub clause 6(5) of the Bill be amended by deleting the words “rateable owners” immediately before the word “shall’ and instead inserting thereof the words “Members of the public”

I call upon Hon. Kagiri to second.

**Hon. Silvester Kagiri:** Thank you madam chair, I second.

*(Question on amendment of clause 6 proposed)*

*(Question on amendment of clause 6 put and agreed to)*

*(Question on clause 6 as amended put and agreed to)*

## Clause 9

*(Question on clause 9 proposed)*

**Chairperson:** Yes, Mover.

**Hon. Kariuki Muchiri:** I propose that sub-clause 9(i) of the Bill be amended by deleting the word “four” between the words “exceed” and “per centum” and inserting thereof the word “one”.

I further propose that sub clause 9 (ii) of the Bill be amended by deleting the word “four” between the words “than” and “per centum” and inserting thereof the word “one” I call upon Hon. Suleiman Kihika to second

**Hon. Suleiman Kihika:** I second.

*(Question on amendment of clause 9 proposed)*

*(Question on amendment of clause 9 put and agreed to)*

*(Question on clause 9 as amended put and agreed to)*

## Clause 14

*(Question on clause 14 proposed)*

**Chairperson:** Motion Mover.

**Hon. Patricia Wamuyu:** I propose that clause 14 (2) be amended by deleting the word “three” between the words “rate of” and “per centum” and instead inserting thereof the words “one and a half”. I call upon Hon. Kieru Wambui to second.

**Hon. Kieru Wambui:** Thank you madam chair, I second.

*(Question on amendment of clause 14 proposed)*

*(Question on amendment of clause 14 put and agreed to)*

*(Question on clause 14 as amended put and agreed to)*

## Clause 16

*(Question on clause 16 proposed)*

**Chairperson:** Motion mover.

**Hon. Patricia Wamuyu:** I propose that clause 16 of the bill be amended by deleting the word “County Executive Committee” between the words “approval by” and “on the waiver” and inserting thereof the words “County Assembly”. I call Hon. Suleiman to second

**Hon. Suleiman Kihika:** I second.

*(Question on amendment of clause 16 proposed)*

*(Question on amendment of clause 16 put and agreed to)*

*(Question on clause 16 as amended put and agreed to)*

## Clause 20

*(Question on clause 20 proposed)*

**Chairperson:** Mover

**Hon. Patricia Wamuyu:** I propose that clause 20 of the bill be amended by inserting the words “would, under the Valuation for Rating Act or any rules made thereunder, be land respect of which” between the words “which” and “no valuation” and further by deleting the words “under this Act” after the words “been made”. I call upon Hon. Njiraini to second.

**Hon. Kimani Njiraini:** I second.

*(Question on amendment of clause 20 proposed)*

*(Question on amendment of clause 20 put and agreed to)*

*(Question on clause 20 as amended put and agreed to)*

## Clause 21

*(Question on clause 21 proposed)*

**Chairperson:** Motion mover.

**Hon. Patricia Wamuyu:** I propose that sub-clause 21 (2) be amended by deleting the word ‘this Act’ immediately after the words “in accordance with” and instead inserting thereof the words “the Valuation for Rating Act and any Rules or Regulations made thereunder.” I call upon Hon. Teresia to second.

**Hon. Teresia Njoki:** Thank you madam chair, I second.

*(Question on amendment of clause 21 proposed)*

*(Question on amendment of clause 21 put and agreed to)*

*(Question on clause 21 as amended put and agreed to)*

## Clause 22

*(Question on clause 22 proposed)*

**Chairperson:** Mover

**Hon. Patricia Wamuyu:** I propose that clause 22(1) of the bill be amended by inserting the word “notice” between the words “demand” and “for”.

I further propose that clause 22(3) of the bill be amended by inserting the word “notice” between the words “demand” and “or”.

I further propose that clause 22(5) of the bill be amended by inserting the word “notice” between the words “demand” and “under”.

I call upon Hon. Njiraini to second.

**Hon. Kimani Njiraini:** I second.

*(Question on amendment of clause 22 proposed)*

*(Question on amendment of clause 22 put and agreed to)*

*(Question on clause 22 as amended put and agreed to)*

### Clause 23

*(Question on clause 23 proposed)*

**Chairperson:** Mover

**Hon. Patricia Wamuyu:** I propose that sub-clause 23(1) be amended by inserting the word “notice” between the words “demand” and “is sent”. I call upon Hon. Nancy to second

Hon. Nancy Ng’ang’a: Thank you madam chair I second.

*(Question on amendment of clause 23 proposed)*

*(Question on amendment of clause 23 put and agreed to)*

*(Question on clause 23 as amended put and agreed to)*

## INTERPRETATION

### 1. Clause 2

*(Question on clause 2 proposed)*

*(Question on clause 2 put and agreed to)*

### TITLE

*(Question on the title proposed)*

*(Question on the title put and agreed to)*

### Clause 1

*(Question on Clause 1 put and agreed to)*

**Chairperson:** Yes, mover.

**Hon. Kariuki Muchiri:** Thank you Mr. Chair. Hon. Chairperson, Hon. Chairperson, I beg to move that the Nyandarua County Rating Bill, 2015 as amended be reported to the House.

*(Question proposed)*

*(Question put and agreed to)*

*The House resumes*

*The Speaker, Hon. Ndegwa Wahome takes the chair*

*The mace is raised*

## REPORTING AND THIRD READING

**Hon. Rahab Wanjehia:** Mr Speaker I now wish to report that the committee of the whole house has considered the Nyandarua county rating bill 2015 and approves the same to amendment.

**Speaker:** So the chairman of the committee of the whole house you have duly reported that we propose the bill and as appropriate with amendment.

Motion mover.

**Hon Kariuki Muchiri:** Thank you Mr. Speaker, I now beg that the house do agree with the committee of the whole house report

*(Question put and agreed to)*

**Speaker:** Yes, the mover.

**Hon Kariuki Muchiri:** Thank you Mr. Speaker, I now wish to move that the bill on Nyandarua County Rating Bill, 2015 be now read a third time.

*(Question proposed)*

*(Question put and agreed to)*

**Speaker:** Very well, members and the house the Nyandarua County Rating bill 2015 is now another law of our great county. I believe we do not have to over emphasize on this one, mover of the motion was very categorical, and if this document is implemented in full, in the next three years we'll be able to hit a million in terms of our revenue collection on matters related to land, it is therefore a very important bill. I hope the office of the clerk will do what is necessary to ensure that the same becomes law at the soonest time possible.

Next order

## ADJOURNMENT

Honourable members, the house having exhausted the business for today, the house now adjourns to Tuesday the 22<sup>nd</sup> of November 2016 at 2:30 p. m.

*(House rose at 3:20 p.m.)*