



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



OFFICIAL REPORT

(The Hansard)

SPECIAL SITTING

Monday 18th April, 2016

The Assembly met at the Assembly Chamber at 9:00 A.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.

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

Speaker: There being no quorum, I invoke the provisions of the standing order 34 and direct that the division bell be rung for an initial ten minutes or until such time, within the ten minutes, that quorum will be achieved.

(The division bell rings for 10 minutes)

(Quorum is not attained as confirmed by the clerk- at -the table)

Speaker: I, again, wish to invoke the provisions of the standing order 35 (1) and direct that the division bell be rung for a further 5 minutes or until such time, within the 5 minutes, that the quorum will be achieved.

(Quorum is achieved after 3 minutes 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.

COMMUNICATION FROM THE CHAIR

SPECIAL SITTING

Speaker: I have two communications to make: one, is that by a letter dated 14th April, 2016, from the leader of majority, it was requested that this House does convene for a special sitting to deliberate on a matter with statutory timelines. On consideration of that request, I did approve it vide a letter dated 15th April and on that approval, a special notice was placed on the Kenya Gazette on the same date, Gazette notice number 28/91. This is the reason why we are convened here today. We are properly and legally convened for a special sitting.

We have been invited, as stakeholders to the devolution conference in Meru and we are expected to travel today and travel back on Saturday. The board has made the relevant arrangements to facilitate the members for travel and participation in the conference that will involve all the devolution stakeholders and even the national government. As you are aware, the council of governors had resolved to facilitate the members to travel for that conference but in our case, it was not possible because our executive has run out of funds for operations, a fact we have confirmed and that is why the board has stepped in. That is as far as the communication goes.

Next order.

PAPER LAID

REPORT ON THE SUITABILITY OF MR. MUNDIA GEOFFREY GITHAIGA FOR
APPOINTMENT AS MEMBER OF THE COUNTY EXECUTIVE COMMITTEE FOR ICT,
LEGAL AND INTERGOVERNMENTAL AFFAIRS

Speaker: Yes, member for North Kinangop and vice chairperson committee on House Business committee, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr. Speaker, I beg to table the report of the House Business Committee on 'The Suitability of Mr. Mundia Geoffrey Githaiga for Appointment as Member of the County Executive Committee for ICT, Legal and Intergovernmental Affairs.'

Speaker: Very well. The paper is duly laid and Members, we have constantly emphasized that in order to create a vibrant and easily accessible library, committee reports should be numbered and this is why we have set the precedent by numbering our report. This is the 7th report of the House Business Committee on appointments and any researcher or student who may want to read it can easily access it from its indexing. Next order

NOTICE OF MOTION

REPORT ON THE SUITABILITY OF MR. MUNDIA GEOFFREY GITHAIGA FOR
APPOINTMENT AS MEMBER OF THE COUNTY EXECUTIVE COMMITTEE FOR ICT,
LEGAL AND INTERGOVERNMENTAL AFFAIRS

Speaker: Yes member for North Kinangop and vice chairperson, committee on House Business committee, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr. Speaker, I beg to give notice of the following motion: That this House does adopt the report of the House Business Committee on The Suitability of Mr. Mundia Geoffrey Githaiga for Appointment as Member of the County Executive Committee for ICT, Legal and Intergovernmental Affairs as a report of this House and the recommendations therein as the resolutions of this House.

Speaker: Very well, the notice is duly given. Next order.

MOTIONS

PROCEDURAL MOTION

Speaker: Yes, member for North Kinangop and vice chairperson of the House Business committee, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr. Speaker, I beg to give notice of the following motion:

That with the leave of the Assembly and pursuant to article 46(5)(b) of the Standing Orders, requiring that notice of motion must be given at least a day before the motion is moved be exempted from the motion whose notice has been given today the 18th day of April 2016. That this House does adopt the report of the House Business Committee on The Suitability of Mr. Mundia Geoffrey Githaiga for Appointment as Member of the County Executive Committee for ICT, Legal and Intergovernmental Affairs as a report of this House and the recommendations therein as the resolutions of this House.

Mr. Speaker, this report has a constitutional timeline. Additionally, this is a matter of county importance as that office has been.

I call Hon. Maguna to second.

Speaker: Who is that?

Hon. Wambugu King'ori: I apologize, Mr Speaker, I meant the member for Murungaru, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr. Speaker. As the vice-chairperson has indicated, this motion is bound by timelines and this is the only day we have to move it. I

therefore feel that it is prudent that we exempt it from the requirements of that Standing Order. I support the procedural motion.

Question on procedural motion proposed

Question on procedural motion put and agreed to

Speaker: Next order.

MOTIONS

REPORT ON THE SUITABILITY OF MR. MUNDIA GEOFFREY GITHAIGA FOR APPOINTMENT AS MEMBER OF THE COUNTY EXECUTIVE COMMITTEE FOR ICT, LEGAL AND INTERGOVERNMENTAL AFFAIRS

Speaker: Yes member for North Kinangop and vice chairperson, House Business committee, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr. Speaker, I beg to move the following motion:

That with the leave of the Assembly and pursuant to article 46 (5) (b) of the Standing Orders requiring that notice of motion must be given at least a day before the motion is moved, be exempted from the motion whose notice has been given today the 18th day of April 2016. That this House does adopt the report of the House Business Committee on The Suitability of Mr. Mundia Geoffrey Githaiga for Appointment as Member of the County Executive Committee for ICT, Legal and Intergovernmental Affairs as a report of this House and the recommendations therein as the resolutions of this House.

The House business committee executed its mandate as required by the law. The committee found its references from:

1. Notice of Appointment from H. E. the Governor dated 4th April 2016
2. Notification to the Public of approval hearing (vetting) for the nominee
3. Invitation letter to the nominee for the approval hearing
4. Minutes of the Committee's meetings
5. Curriculum Vitae, Personal Credentials, Academic Certificates and Other testimonials of the nominee.
6. Vetting Questionnaire Pursuant to the Public Appointments (Parliamentary Approval) Act Cap 136 Laws of Kenya.

NOMINATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER

Mr Speaker Sir,

Vide a letter dated 4th April 2016 (*Ref: NYA/CG/GVNR/CNTY.ASS/VOL.1*) and, Pursuant to Article 179 (2) (b) of the Constitution as read together with Section 30 (2) (d) of the County Governments Act, No. 17 of 2012, H.E. the Governor, forwarded to the Clerk of the County Assembly, the name of Mr Mundia, Geoffrey Githaiga for vetting and consideration for approval by the County Assembly for appointment as County Executive Committee Member for ICT, Legal and Intergovernmental Affairs.

The name and Curriculum Vitae of the nominee were referred to the House Business Committee for consideration for approval and reporting to the House within 14 days commencing 5th April 2016, that is, by 18th April 2016.

COMMITTEE'S MEETINGS

The Committee held sittings from 15th to 17th April 2016 during which the Members resolved to rely on the submissions of the nominee, as obtained during the approval hearing held on 14th April 2016, together with the documents submitted by H. E. the Governor.

On behalf of the Members of the House Business Committee and pursuant to the provisions of the Standing Orders and all other enabling laws, it is my duty and pleasure to present to the House, the Committee's Report on 'The Suitability of Mr. Mundia, Geoffrey Githaiga for Appointment as County Executive Committee Member for ICT, Legal and Intergovernmental Affairs' for debate and adoption by the House.

Allow me to take this opportunity to thank all Members of the Committee for their invaluable input and contributions during the deliberations.

1.1 DESCRIPTION OF THE ACTIVITIES

Mr Speaker Sir, the house needs to note that;

- i. H.E. the Governor, in accordance with the provisions of Section 5 of the Public Appointment (Parliamentary Approval) Act Cap 136 Laws of Kenya forwarded to the Clerk to the County Assembly, the name of Mr. Mundia, Geoffrey Githaiga vide a letter dated 4th April 2016, referenced NYA/CG/GVNR/CNTY.ASS/VOL 1 and received in the Office of the Clerk on 5th April 2016, for vetting and approval for appointment by the County Assembly as County Executive Committee Member pursuant to Section 30 (2) (d) of the County Government Act, No. 17 of 2012 as read together with Article 179 (2) (b) of the Constitution.

- ii. On Friday, 8th April 2016, an advertisement was placed in the print media inviting the public to submit memoranda by way of affidavit, or appearance before the House Business Committee during the approval hearing, on the suitability, or otherwise, of the nominee in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act Cap 136 Laws of Kenya. The submissions were to be received by 13th April 2016 at 9.00 A.M.
- iii. By 13th April 2016 at 9.00 A.M no sworn affidavit contesting the suitability of the nominees had been received by the Clerk to the County Assembly.
- iv. On the 14th day of April 2016, the House Business Committee conducted the approval hearing of the nominee. The Committee requested the submission of certificates of clearance from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Credit Reference Bureau (CRB) and Criminal Investigation Department (CID) for reports about the nominee on: -
 - Matters touching on integrity;
 - Tax compliance; and
 - Loan repayments.

Mr Speaker, the House Business Committee considered the suitability of the nominee against the following criteria, amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act (Cap 136) Laws of Kenya.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant field
- (vi) Tax compliance
- (vii) Integrity
- (viii) 859+-*Overall suitability for the position.

Mr Speaker, during its sittings aforementioned, the Committee conducted a face to face interview with the nominee. The interview, together with the documents produced, formed the basis of the Committee's observations and recommendations as hereinafter appearing.

Mr Speaker, the Committee made the following observations and recommendations:

2.1 OBSERVATIONS

- a) The Committee indicated that it was aware that the office of the County Executive Committee Member for ICT, Legal and Intergovernmental Affairs has been vacant for quite a long time. The Members applauded H. E. the Governor for taking the step towards filling the vacancy by nominating Mr. Mundia, which they felt was long overdue. They appreciated that filling the position would herald the articulation of the department's agenda towards positive development of the County.
- b) That Mr. Mundia, Geoffrey Githaiga satisfies the provisions of Section 35(3) of the County Government Act No. 17 of 2012 in that:
 - i. Mr. Mundia, Geoffrey Githaiga holds the requisite qualifications and experience in the policy framework pertaining to the position for which he has been nominated, having demonstrated enviable commitment in his various employment posts. This is evidenced by progressive growth in his career as an administrator.
 - ii. The Committee acknowledged that the department has multiple functions, i.e. ICT, Legal and Intergovernmental Affairs and, in appreciating this fact, it felt that it is not tenable to have a sole candidate with five years of experience in all the requisite fields. The members therefore, were unanimous that the nominee's competencies in administration, intergovernmental relations and communication would suffice.
 - iii. From the nominee's submissions, the Committee deduced that he is a transformative leader evinced by his contribution towards the education and welfare of the less fortunate in the society.
 - iv. The nominee satisfies the requirements of Chapter Six of the Constitution of Kenya having been cleared by the Ethics and Anti-Corruption Commission (EACC). The nominee did not, however, produce a certificate of good conduct although, he did produce a receipt as prove of having made an application for the same.

Through his submissions to the Committee, he avowed as having had no criminal record that would render him unfit for the position and undertook to submit the certificate as soon as he received it.

The Committee, in appreciation of the nominee's sentiments, noted that the advert placed in the dailies had inadvertently not called for the submission of the said certificate and the same was only asked for in the letter inviting the nominee for the interview dated 11th April 2016. The Committee acknowledged that the process of attaining the said certificate takes time and therefore resolved that the receipt provided by the nominee as prove of initiating the process would be adequate.

- v. Mr. Mundia, Geoffrey Githaiga is a Kenyan citizen and has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
- vi. The Committee observed that the 'legal' function under the department of ICT, Legal and Intergovernmental Affairs was grossly misplaced. Since the legal function is an integral part of every other department, the members felt that it belonged, squarely, with the Office of the County Attorney. The Committee urged for the fast-tracking of the establishment of the said Office so that only complementary functions are placed under the same department.

2.2 SUMMARY OF COMMITTEE'S FINDINGS

Mr Speaker, the Committee felt that the nominee's attributes, coupled with his demonstration of a clear understanding of how the position to which he has been nominated relates with the overall national aspirations and goals, qualify Mr Mundia, Geoffrey Githaiga for position of County Executive Committee Member for Communication, ICT, Legal and Intergovernmental Affairs.

2.3 RECOMMENDATIONS

After the consideration of the nominee's suitability and guided by the earlier submissions and findings of the Committee, the Committee makes the following recommendation:-

- i. That having considered the suitability, capacity and integrity of Mr. Mundia, Geoffrey Githaiga and pursuant to Article 179 (2) (b) of the Constitution as read together with Section 30 (2) (d) of the County Governments Act, No. 17 of 2012 and Section 8 (2) of the Public Appointments (Parliamentary Approval) Act Cap

136 Laws of Kenya, the County Assembly does approve the nomination of Mr. Mundia, Geoffrey Githaiga for appointment to office as the County Executive Committee Member for ICT, Legal and Intergovernmental Affairs.

- ii. That H. E. the Governor does fast-track the establishment of the Office of the County Attorney and align the function of legal services to the said office for the benefit of all departments and to reflect
- iii. Mr. Speaker Sir,

In conclusion and pursuant to the provisions of Article 152 of the Standing Orders (unpublished) the House Business Committee recommends that:

This House does adopt the Report of the House Business Committee on the Suitability of Mr. Mundia, Geoffrey Githaiga for Appointment as County Executive Committee Member for ICT, Legal and Intergovernmental Affairs.

We, the people of Kinangop, thank the Governor for giving this position to someone from Kinangop. I would also like to urge the Governor to consider one of us who resigned for the position of county attorney. Mr. Speaker, I will not dwell any more in the report because it speaks for itself.

I call Hon. Kariuki Muchiri to second.

Speaker: Yes Member for Murungaru and the leader of Majority, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker for according me the chance to support this motion. I appreciate the work that has been done by the House Business committee. This is a very important office but unfortunately, it has existed without a substantive CEC. I thank the Governor not just for filling this position but for also ensuring regional balance. I will not go deep into the report but I will point at one key area that caught my attention regarding the recommendations made but before I get there, I wish to move a procedural motion to amend the last word on the second recommendation to read jurisdiction. Allow me to read:

That H. E. the Governor does fast-track the establishment of the Office of the County Attorney and align the function of legal services to the said office for the benefit of all departments and to reflect the functions of the national government and the existing precedent within most commonwealth practices.

I wish to move that we delete the word practices and insert jurisdictions' I call Hon. Dorcas to second.

Speaker: Yes county member from Githioro.

Hon. Dorcas Kihara: I second Mr Speaker.

Question on amendment proposed

Question on amendment put and agreed to

Hon. Kariuki Muchiri: As I was saying, it is very important for the Governor to fast track the establishment of the office of the county attorney so that we can relieve the legal function from this department. As the report indicates, the nominee, Mr Mundia is not well versed with legal matters. The other issue is about intergovernmental affairs. During the president's last visit here, he promised Nyandarua a lot and we would like an office bearer who will be able to push these things for us.

This is for us all and I think we should join hands with the Executive and make this a reality. The national government is willing to help us and we are lucky we have a CS from our county and she could be our link. We don't want the president of this country to come and promise us goodies and we fail to follow up. With your shrewd leadership, I know that this is tenable and achievable if we can make a follow up. With those remarks, I wish to second this I wish to second this motion. Thank you

Question proposed

Speaker: Yes, Member for Ndaragwa Central, Hon. Peter Mwangi.

Hon. Peter Mwangi: Thank you Mr Speaker. I rise to support the report on suitability of Mr Mundia Geoffrey Githaiga for appointment as CECM for ICT, Legal and Intergovernmental Affairs. Mr Speaker, I would like to congratulate the House Business Committee for the work well done having gone through many nominees for appointment and settling on one. I wish to highlight one point that makes me feel that the aforementioned person is fit for the job. He is a gentleman of this County who hails from Kinangop Constituency, a major qualification that we need to consider when discussing the suitability of the said person.

Mr Speaker, I don't want to focus my discussion on regional balancing but rather, I recognize that he is a 'Nyandaruan' and therefore, one of us. The ICT and Legal department

has stayed for quite long without a substantive CECM after Mr Kimani quit the job. Considering that the department desperately requires to have a CECM in charge, it is important that we approve the nominee. I congratulate the Governor for the nomination.

Going by the academic qualifications, the nominee is up to the task. This nomination is very important especially at a time when the County Assembly is in the process bring into the House the County Attorney Bill. It is only that we were waiting for long recess so that we can go for public participation and later on table the bill so that the office can be entrenched in the law. As Hon. Kariuki Muchiri pointed out, the recent visit by President Kenyatta challenged us a lot. He stated that we only need to ‘knock his door’ which in most instances we have failed to.

I think that the nominee, once he is appointed will act as a bridge between the County Government and the National Government. If we have someone who will link us with the National Government, we can get all goodies that the president has promised. Mr Speaker, if we get somebody to link us with all the president promised us, we shall be a mile ahead of where we are. So, I categorically state that Mr Mundia is equal to the task. Moreover, as the chairperson of Justice, Legal Affairs and Public Service, I feel that the Legal Department needed a person to advice on the many litigations that Nyandarua County faces.

In conclusion, I wish to say that this gentleman is fit for the job. As a County Assembly, we would also wish to ask the Governor to establish the Office of the County Attorney within the shortest time possible. With those remarks, I support the report.

Speaker: Yes County Member from Githioro, Hon. Dorcas Kihara.

Hon. Dorcas Kihara: Thank you, Mr Speaker. I rise to support the report on ‘The suitability of Mr Mundia Geoffrey Githaiga for appointment as a member of the County Executive Committee for ICT, Legal and Inter-governmental Affairs.’ We all know that ICT has been established for use in many counties for such things as collection of revenue and also in the health facilities. In this case, having a CEC Member who will be able to administrate, will relieve the burden from the Chief Officer who performed these duties in addition to his constitutional mandate.

This will help in automating all our services to our people. For instance, we are raising both the Engineer and J. M Hospitals to level four hospitals where we need not require our people to carry papers from one department to another. This will help in tracking

the patients' records for ease in follow ups. The CEC Member will be able to administrate all these issues and also make follow ups on the implementation of issues on ICT. On matters Inter-governmental, the CEC Member will be able to take advantage of the position interact and in interacting with the Cabinet Secretary for Youth, madam Cecily who will be of use to this County in linking us with other Cabinet Secretaries. This will help to raise this county from being marginalised to the best county in this country, come next year. The CEC for Inter-governmental is the person who will be able to follow up all that was promised by His Excellency the President with the help of the leadership of the county. They will make sure that all the relevant departments of the National Government which need to effect the programmes which were promised to this County by His Excellency the President will be put in place.

Excessive consultations

Mr Speaker, protect me from Members.

Speaker: Order Members. Member for Engineer, wherever you are going, let it be orderly. Continue Member from Githioro.

Hon. Dorcas Kihara: Thank you Mr Speaker. I was saying that what His Excellency the President, during his last week's visit promised, falls in various departments in the National Government and the CEC for Inter-governmental relations is the man to interact with the various Cabinet Secretaries through our very own Cecily, the CS for Youth and Sports. If all the promises from the President are delivered, then all these Members of the County Assembly will come back to this Hon. House.

This is because many people did not know, previously, that this is a marginalised County. Mr Speaker, there is much work that the County Government of Nyandarua has done but as a result of its special and unique problems, people might not have realised what has been done. I therefore believe that Mr Mundia will assist this county through interacting with the National Government and also making sure that we are going to raise revenue by automating the same to reduce loss of money.

The bible says, "Knock and it shall be opened, pray and it shall be given to you." So out of the promises made by the President of this Country to this County, it is Mr Mundia who will go knocking until the door is opened for us. He will go pray, until we are given. With those remarks I support the report. Thank you.

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

Hon. James Gachomba: Thank you Mr Speaker. I rise to support the appointment of the suitability of Mr Mundia Geoffrey Githaiga to head the ICT Legal and Inter-governmental department. I start by commending the House Business Committee for its commendable job. Actually the report is clear: that Mundia is suitable for this job. This office fell vacant long time ago and consequently, the department of ICT, Legal and Inter-governmental relations has suffered a lot in terms of project implementation and other duties that are supposed to be within the department.

I believe this is the department that has the agenda of this County because I believe its major area of action is development. This is because it is a department that heads the areas that carry the large portion in terms of development. Its areas extends to the youth of this County and also to the coordination between our Counties. I believe Mr Mundia is competent in the tasks that set for him. I have known him as a transformative leader as it is evidenced in his positions in the Ministry of Education. He has also been a trainer in the Kenya Educational Management Institute and also a part-time lecturer at Kikuyu Campus among others.

The functions of this ICT, Legal and Inter-governmental Department are many and it is a very crucial department since it links our county with other counties including Nyeri, Murang'a and Kiambu which are the neighbours. There are resources that our county handles and shares with other counties; these include the road C67 that connects Naivasha and Murang'a. Nyandarua has done part of this road but the part that lies in Murang'a has not been done.

In order to enhance development in our county, the incoming CECM should ensure coordination between us and the other counties. From the documents he presented to the vetting committee, Mr Mundia has over five-years of experience. There has not been any report showing that Mr Mundia was at any time dismissed from office due to breach of Article 75 of the Constitution. He has also been cleared by EACC, which is a requirement for public and state officers.

I believe Mr Mundia will ensure automation of services offered by our county government departments. We have allocated the Department of ICT, Legal and Inter-governmental a lot of money in order for it to procure the automation equipment.

I commend our Governor for realising that Kinangop has been neglected for long in terms of Executive appointments, the people of Kinangop should give the Governor a clap for nominating a CECM from their sub county.

I know the incoming CECM; he is from my area. He is currently pursuing a PhD degree – ‘permanent head damage’ ...

Laughter

So the gentleman will articulate even complex issues pertaining to the department in question. With those remarks, I beg to support. Thank you Mr Speaker.

Speaker: Yes member for Shamata and the Majority Whip, Hon. Kinyanjui Gachari.

Hon. Kinyanjui Gachari: Thank you Mr Speaker. I rise to support the motion on the appointment of the CECM for the ICT, Legal and Inter-governmental docket. I do not commend the nominee because he comes from Kinangop but because he is able to perform the functions of the Department in question. Previously, we appointed CEC that they will work because they are from Nyandarua and we have learnt a lesson from that and therefore we shall be appointing people to work not because of where they come from but their capability. Mr Githaiga is qualified. He holds a PHD and a Master’s degree. He has been a principal of a high school. We expect much from him especially in ICT which is very important.

Most of the time when we are appointing people to work for this county, we get very good candidates but when they are appointed, they disappoint us despite the fact that they are qualified. I commend the Governor for this and we hope that he is going to perform. Many questions are being raised by the society concerning departments such as water. The members of the county assembly are not being informed about how they work and this is time they have to give us information on what they are doing. After vetting, they should perform regardless of the part of Nyandarua they come from. We are going to approve Githaiga but we shall be watching him to see whether he is performing. We do not want to be disappointed. We are going to support him. Thank you Mr Speaker.

Speaker: Yes county member from Kipipiri, Hon. Nancy Wambui Ng’ang’a.

Hon. Nancy Ng’ang’a: Thank you Mr Speaker, I rise to support the report by the House Business Committee and I congratulate the committee for coming up with such a good report,

for the approval of one of us and actually, he is capable of taking Nyandarua far. Concerning the Intergovernmental Docket, we commend the governor for thinking about it because in this county things have not been okay.

His Excellency the president, during his visit said that they realized very late that Nyandarua is a marginalised county. If we initially had such a docket, we would not be where we are. There could have been interaction between the National Government and This County Government and the county could be far in terms of development. Everyone in the country has been thinking that central Kenya has benefited a lot yet we are a marginalized county within central Kenya.

This gentleman has done education psychology and he can be able to relate very well with people. I am sure that he will help us to relate with other counties as well and we shall get change. Most people do not know Nyandarua. I was once asked by a person whether Nyandarua is in Turkana after I told him that I come from Nyandarua.

Technology keeps on changing. We used phones that we could only listen to whoever is talking to us but today we can see the person we are talking to on phone. It is necessary for any person who is working for the government to be computer literate. I am happy that the office of the County Attorney is going to be established. It has taken long to refill that position since Mr Kimani left and I think we should have raised issue with this. I support the report.

Speaker: Yes member for engineer Hon. James Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you Mr Speaker, I rise to support the report. I do not want to dwell on the qualifications of Mr Githaiga because they have been discussed. I know Mr Githaiga and one outstanding of his values is humility. He has been committed to his education despite many challenges. He did his first degree at Kenyatta University and the way he used the “boom” exhibited responsibility.

Approval of Mr Githaiga will be showing the youth that one can make it even with many challenges. Those who come from Kinangop can be able to tell the kind of transformation that this man has made in the secondary schools especially when he was made the Quality Assurance Standards Officer. My wife happens to be interested in the running of secondary schools and she told me that whenever he went to any school, one would feel the authority he exhibited there. He followed up whatever he said and made sure it was done. Nyandarua's

problem is how the leaders are comfortable. Once they get to office they relax and regard everything else as normal.

I have seen that it is not a matter of how much you are educated when getting this position but the wisdom that you have been given by God. The positions of the CECMs are mainly administrative and not really the professional qualification on the said department. One does not have to be an engineer so that he can say that he will be the minister for roads or a lawyer to be the CECM, legal department. Experience has shown us that it is all about leadership. It would have been hard to get a person with professional qualifications in the departments in the said docket but leadership is key.

The challenge is on His Excellency the governor, has he set up structures in the department that this person will be the CECM in charge of? What has taken this government so long to appoint a County Attorney? These are the loopholes that we need to fill to avoid unnecessary criticism. I was listening to Inooro radio this morning and the kind of information that was being given is pure lies, that the leaders are not proactive. However when you look at it, you wonder why it has taken so long to have a county attorney.

We know very well that there are serious decisions that need to be taken by the governor and he requires advice from the county attorney. That is why we shall keep on talking about Tahal and other messed up projects. I am saying that even if we have the CECM for legal, without the necessary and qualified personnel to help him, this job is going to be too hard for him. We might end up judging him wrongly for things that were out of his control. As we support this, the office of the Speaker should take cognisance of the fact that the debate revolved around the governor being compelled to put his House in order and ensure the establishment of the office of the county attorney. Thank you and I support.

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

Hon. Wahome Kamoche: Thank you Mr Speaker. It is good for a person to express his views. Some of the things that I wanted to say have been said by Hon. Mwangi Gichuki. I was rising to oppose this report because section 35 (3) (d) of the county government act was not observed. So much has affected this assembly. We debated about a certain chief officer in this house whom we had filed complaints against, that he is not qualified. We then found that we are the same people that had approved the same person. We approved Eda Wangaru to be in the County Public Service Board and then she was not approved to take the ministry claiming that she has no legible documents.

Legal department is a very serious one even in the national government and we need someone with legal background or we get a County Attorney. The legal committee has been told by people that we want to settle things outside the court. In ICT, this person is qualified but in the event that we fail to get a County Attorney to sit and advise the governor and the cabinet, then we shall be failures...they will ask us what we were doing.

Speaker: Member for Rurii, are you a member of the Committee on Justice Legal Affairs and Public Service?

Hon. Wahome Kamoche: Yes.

Speaker: You have been sitting on the County Attorney Bill for the last four months. Please proceed with the debate.

Laughter

Hon. Dorcas Kihara rises on a point of information.

Speaker: Do you require any information from the county member from Githioro

Hon. Wahome Kamoche: Yes.

Speaker: County member from Githioro proceed.

Hon. Dorcas Kihara: It had been said earlier when he was not in the House that the committee on legal is preparing to go for a public participation on the County Attorney Bill during the long recess.

Speaker: Very well, members the reason why I interjected the member for Rurii is that the member is throwing aspersions on this House that we have not done what we are supposed to do when it is the committee that has failed us. The bill on the county attorney was committed to the committee before we went for the long recess in December last year and they were supposed to report back to this house within 21 days so that we could go to the second reading and enact that bill. By now we would be having a county attorney. Coming to lament here when you have the powers to do what you are lamenting about is not fair to the House. Member for Rurii proceed.

Hon. Wahome Kamoche: Mr Speaker, I am the chairperson of the Committee on Delegated County Legislation and if a regulation is brought to my committee I take immediate action and bring a report to this House. There is a chairperson to the said committee and I have

no capacity to that effect. I said that the government has failed if we can stay for that long without a County Attorney and that is why we are experiencing problems. The law must be adhered to. The law requires that the person should have education and experience that is relevant to the docket that he or she is holding. They will accuse us of failure.

When we were passing the Alcoholic Drink Control Regulations, we were sitting at Manunga and we got a different Alcoholic Drinks Control Act 2014. The regulations were rejected and the members were blamed for that. We are carrying the blame on behalf of someone who is sleeping on his job.

Mr Speaker, remind them that we are working together, both the legislature and the executive. The governor should remember that he is on an elective post just as Hon. Kamoche. What he does affects us and what I do in the ward will affect him as well. We are going to have so many court cases. I want to give an example of the former Nairobi City Council. It had series of lawsuits such that the president was told that it could not overcome the lawsuits. The president asked for advice and he was told to appoint a commission to deal with the issue and send the councillors home. We might end up having the same problem and we be sent home. The government business must move on. We must ensure that whatever is done is done within the law. There must be a county attorney. I support the report.

Speaker: Yes member for Githabai Hon. Peter Kairu.

Hon. Peter Kairu: Thank you Mr Speaker, I rise to support the report. I hope this person will be dedicated to his work. Most of the CECMs in this county are letting us down especially the CECM for water. We supported her yet after the vetting she disappointed us. They are putting up signposts made of timber and they say that they are worth Kshs. 30,000. The CECM is not aware. A committed CECM should be aware.

I commend the governor for filling this post. Though the person that has been appointed is qualified I thought that the position needs and person that has done law. If the county happens to have legal issues he cannot handle it. They will have to hire someone to deal with it. Mr Speaker in the legal department of this assembly you appointed people that have a legal background.

I want to repeat that a competent CECM needs to know what is happening in his or her docket. The reason for mentioning the wooden signpost is because I happened to get one in my ward and it is a shame. We cannot have people spending public resources like this Mr Speaker.

Even an old man that has never been to a mathematics class can tell that the signpost is not worth that amount. I support the report and call upon the mover to respond.

Speaker: Yes the mover, the vice chairperson of the House Business Committee and the member for North Kinangop Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker, I appreciate the members for the deliberations they have made on this motion. I hope that this House shall adopt this motion as compiled by the House Business Committee. Thank you Mr Speaker.

Question put and agreed to.

Speaker: The motion is taken and this House thus has duly approved for appointment Mr Mundia Geoffrey Githaiga as the County Executive Committee Member for ICT, Legal and Intergovernmental Affairs. I congratulate the House Business Committee for the thoroughness with which they handled the issue and ensuring that the report was wholesome. I direct the office of the Clerk to confirm the titles of the dockets with the executive.

They have to understand the naming of their dockets. If they do not understand the naming of their dockets, it sends a grave message to the county residents. We were told that this person was appointed for the post of Communication, ICT, Legal and Intergovernmental Affairs, there is a serious problem because communication is already in ICT. Someone makes an innocent person to suffer in the process. When forwarding the resolutions the office of the clerk and my office shall notify them that we are least impressed and we are losing hope if even the titles of our departments are not known.

ADJOURNMENT

Speaker: Hon. Members, I think that we are through with the business of the day because it was a special business and that is why I am not calling for the next order. The request by the leader of majority is that immediately we adjourn, we can convene for about five minutes so that we are able to give you some briefings on the expected travel to Meru for the Third Devolution Conference. The House is adjourned as earlier resolved by the House to Tuesday 26th April 2016 at 2.30 PM.

The House rises at 10.53 P.M