



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



(The Hansard)

Tuesday 1st March, 2016

The Assembly met at the Assembly Chambers at 2:30 P.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 direct that the bell be rung for ten minutes or until such time within the ten minutes that quorum will have been achieved.

The bell is rung for 5 minutes and quorum is achieved as confirmed by the clerk-at-the-table

Speaker: Quorum having being achieved we can proceed to transact the business for today.

First order.

PAPER LAID

THE NYANDARUA COUNTY FISCAL STRATEGY PAPER, DATED 26TH FEBRUARY, 2016

Speaker: Yes the Leader of Majority, Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Thank you Mr. Speaker. I wish to lay on the table of the clerks the Nyandarua County Fiscal Strategy Paper, dated 26th February, 2016.

Speaker: The paper is duly laid and it will be referred to the relevant sectoral committees. Hon. Members, you know the Fiscal Strategy Paper strictly informs the ceilings for the itemised budget. All the sectoral committees will therefore be required to scrutinise the Fiscal Strategy Paper very clearly within seven days and submit their reports on the same to the Budget and Appropriations Committee which will be expected to report on the Fiscal Strategy Paper within fourteen days effective today.

Hon. James Gachomba rises on a point of order

Any issue Hon. James Gachomba?

Hon. James Gachomba: Mr. Speaker, considering that the Fiscal Strategy Paper was brought to this House on Friday last week, we have ten days remaining to deal with it. With regard to this, the sectoral committees should start dealing with the Fiscal Strategy Paper from tomorrow and may be take three days so that the Budget and Appropriations Committee can have about seven days to consolidate reports by the sectoral committees and compile a final report on the same. In view of this, I think the House can adjourn from tomorrow and travel to Naivasha or any other appropriate venue to allow time for interrogating the Fiscal Strategy Paper. Thank you.

Speaker: Well, the House Business Committee shall direct on how the Fiscal Strategy Paper will be dealt with by the House. The direction of the House Business Committee will be communicated through text messages and official WhatsApp page.

Next order

PAPER LAID

THE NATIONAL AND COUNTY BUDGET IMPLEMENTATION REVIEW REPORTS FOR THE FINANCIAL YEAR 2015/2016 FIRST QUARTER FROM THE OFFICE OF THE CONTROLLER OF BUDGET

Speaker: Yes Hon. Mwangi Gichuki

Hon. Silvester Kagiri rises on a point of order

Speaker: Yes Hon. Silvester Kagiri

Hon Silvester Kagiri: Mr. Speaker, Hon. Mwangi Gichuki is not appropriately dressed yet he is a leader of this House.

Speaker: Hon. Mwangi Gichuki you will be required to move out of the House and dress appropriately as dictated by the code of conduct of this House.

Hon. Mwangi Gichuki exits the Chamber

Consultations

Speaker: Order members! Order!

Hon. Members, before Hon. Mwangi Gichuki comes back let us move on to order no. 6.

So order no. 6

Hon. Mwangi Gichuki re-enters the Chamber

Well, since Hon. Mwangi Gichuki has come back we can revisit order no. 5.

So proceed Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Mr. Speaker, I wish to lay on the table of the clerks The National and County Budget Implementation Review Reports for the Financial Year 2015/2016 First Quarter from the Office of the Controller of Budget. Thank you Mr. Speaker.

Speaker: The paper has been duly tabled. This is another very important paper.

Consultations

Order members! Order!

As the sectoral committees scrutinise the Fiscal Strategy Paper they should also scrutinise The National County Budget Implementation Review Report and present their reports to PIC/PAC, unless the chairman of PIC/PAC, Hon. Silvester Kagiri, has a different opinion.

Hon. Silvester Kagiri: Mr. Speaker, my committee should be given three months to come up with a final report on The National and County Budget Implementation Review Reports.

Speaker: Okay.

The Speaker consults with the clerk-at-the-table and Hon. James Gachomba

Loud consultations

Order members! Hon. Members you should consult in low tones.

Next order

PAPER LAID

THE NYANDARUA COUNTY GOVERNMENT MONTHLY RETURNS, DATED JANUARY,
2016

Speaker: Yes Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Mr. Speaker, I wish to table The Nyandarua County Government Monthly Returns, dated January, 2016.

Speaker: Well, that paper is duly tabled and it stands referred to PIC/PAC. Hon. Silvester Kagiri should tell the House when his committee, which I understand has a lot of work, will table its report on the same.

Hon. Silvester Kagiri: Mr. Speaker, since we will have to scrutinise the report on The County Government Monthly Returns together with The National and County Budget Implementation Reports from the Controller of Budget, my committee should be given three months to table the report on the same.

Speaker: Well, PIC/PAC should therefore table the report on The County Government Monthly Returns three months from today.

Next order

PAPER LAID

THE NYANDARUA COUNTY MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER,
2016

Speaker: Yes Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Mr. Speaker, I wish to table The Nyandarua County Medium Term Debt Management Strategy Paper, 2016.

Speaker: The paper is duly tabled and it will be dealt with by the Budget and Appropriations Committee. What is your input on the same chairman of Budget and Appropriations Committee, Hon. James Gachomba?

Hon. James Gachomba: As Budget and Appropriations Committee we have been struggling to get The Nyandarua County Medium Term Debt Management Strategy Paper, 2016. The document needs thorough scrutiny. Remember we have already approved the supplementary budget. Members have been talking of the pending bills. In view of this, there is no document that has been presented to the Budget and Appropriations Committee showing the money that has been spent. Mr. Speaker, your guidance is needed on how the Budget and Appropriations Committee should deal with this document.

Speaker: The chairperson of the Budget and Appropriations Committee has said that the Nyandarua County Medium Term Debt Management Strategy Paper, 2016 requires serious

scrutiny and the committee should be given time to do this. But remember by April this year this House will be expected to approve the budget estimates. So, before April this year the Budget and Appropriations Committee should table the report on The Nyandarua County Medium Term Debt Management Strategy Paper, 2016. That means the committee should deal with the document between now and 31st March of this year. The committee's report should include the recommendations to be considered by this House when approving the budget estimates.

Next order

MOTION

REPORT OF THE HOUSE BUSINESS COMMITTEE ON HARMONISATION OF COMMITTEES' MEMBERSHIP

Speaker: Any member of the House Business Committee

Hon. Mwangi Gichuki rises

Yes Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Thank you Mr. Speaker. I beg to move the following motion:

That this House does adopt the Report of the House Business Committee on Harmonisation of Committees' Membership as a report of this House and the recommendations therein as resolutions of this House.

Hon. Samuel Thuita rises on a point of order

Speaker: Yes Hon. Samuel Thuita

Hon. Samuel Thuita: Mr. Speaker, this House should be guided on whether what the members have been served with is a part of the report or just an ordinary paper.

Loud consultations

Speaker: Order members!

The point of order that has been raised by Hon. Samuel Thuita is very valid.

Nonetheless, standing order no. 2 defines a 'paper' as:

“Any printed or electronic material laid on the table of the Assembly or a committee of the Assembly pursuant to any law or these Standing Orders or any other material as the Speaker may determine.”

In view of this, the document with which the members have been served has been scrutinised by the House Business Committee, of which the Speaker is a member, and the committee has predetermined it as a paper to be laid on the floor of this Hon. House to support the report on the harmonisation of committees’ membership.

Hon. Kariuki Muchiri rises on a point of order

Yes Hon. Kariuki Muchiri

Hon. Kariuki Muchiri: Mr. Speaker, with regard to the communication that you have just given, this paper has not been properly tabled in this House. It was just supplied to the members. Ordinarily, it was supposed to be laid on the table of the clerks before being supplied to the members. Is it in order for the paper to just be circulated in the House without proper tabling yet it is supposed to lobby the members in order to pass the report by the House Business Committee on harmonisation of committees’ membership?

Speaker: Hon. Members, I have read the definition of a ‘paper’ as;

“Any printed or electronic material laid on the table of the Assembly or a committee of the Assembly pursuant to any law or these Standing Orders or any other material as the Speaker may determine.”

I want you to take note of the phrase *“or any other material as the Speaker may determine.”* I have said that the Speaker is a member of the House Business Committee which has scrutinised the paper in question to support the committees’ membership harmonisation report that was tabled in this Hon. House.

Proceed Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Mr. Speaker...

Loud consultations

Speaker: Order members! Hon. Members, you are allowed to lobby for or against the report in question; but you should allow the mover to move the motion. Proceed Hon Mwangi Gichuki.

Hon. Mwangi Gichuki: Mr. Speaker, a serious reader will always make foot notes on a document and this should be done in case of this paper by members for reference purposes. Remember this paper summarises the whole committees' membership harmonisation report. With regard to this, members should allow me time to go through the paper for them to understand what it entails.

Now, since members know the composition of the House Business Committee, I will not go through the item on the committee's composition. Hon. Members are also aware of the terms of reference that the House Business Committee used to compile the said report.

I will highlight the legal background of the report. The report was informed by the following laws: The Constitution, 2010, the County Government Act No. 17 of 2012 and the Amended Nyandarua County Assembly Standing Orders.

Part XXII of the Amended Standing Orders provides for the establishment of the committees, their powers and in some cases, prescribes their membership. It also provides for other legal and procedural matters on establishment of committees. To this end, the Standing Orders in its various articles relevant to this provides the following:

- a) The House Business Committee.

The House Business Committee shall be a select committee. (I beg the indulgence of members not to read the sections of the laws that provide for the establishment of the House Business Committee since they have been directly quoted and the members know them).

- b) Nomination of members of select committees.

Unless otherwise provided by any written law or the Standing Orders, the House Business Committee should nominate members of select committees. Consideration of Whips is also adhered to.

- c) Criteria for nomination

Standing Order no. 154 provides for the criteria for nomination of members into select committees.

- d) Composition of select committees

Standing order no. 157 provides for the composition of the select committees.

- e) Chairing of select committees and quorum

We shall discuss how important quorum is in a committee meeting. As provided for by primary law, quorum is critical in committee meetings especially with regard to committees' decision making.

f) Sittings of select committees

Sittings of select committees is not something new to members and therefore I do not need to belabour on this.

g) Adjournment for lack of quorum

This has been a key issue and it has been keenly addressed in this report.

h) Frequency of meetings

How many times a select committees should meet is also another key area that has been considered by this report. Remember there has been circular to this effect.

i) Public Accounts and Investments Committee

j) Budget and Appropriations Committee

k) Finance and Economic Planning Committee

This is a new committee that has been established though its membership has not yet been adopted. This report looks into the membership of this committee.

l) Committee on Implementation

m) Committee on Delegated County Legislations

n) Members' Welfare, Catering and Library committee

This is also a new committee that is recognised by the Standing Orders. In adopting this report membership of this committee should be considered. It should be composed of seven members including the chair and vice chair.

o) Liaison Committee

p) Appointment to Sectoral Committees

The report includes various schedules on specific subject areas to be dealt with by the sectoral committees. This is something that we have earlier discussed.

The committee on Intergovernmental Relations and Coordination, Information Communication Technology and e-Government should consult and coordinate between national and county governments. It is also the role of this committee to coordinate inter-

relational functions of committees of this House and those of other Assemblies, for example, Murang'a County Assembly.

Committee on Justice, Legal Affairs and Public Service should deal with matters relating to justice, legal affairs and county public service.

Committee on Agriculture, Livestock and Fisheries should handle all matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries.

Committee on Health Services should deal with issues related to the health sector including ambulance services, promotion of primary health care, cemeteries, funeral parlours and crematoria.

Hon. Nancy Ng'ang'a rises on a point of order

Speaker: Yes Hon. Nancy Ng'ang'a

Hon. Nancy Ng'ang'a: Mr. Speaker, basing on what I have read, I understand that membership of committees is a party matter; and the Whips must convene kamukunjis with the party members to come up with lists of committee members. In view of this, we would want to know when the Whips sat with party members to re-constitute committees. Thank you Mr. Speaker.

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

Loud consultations

Speaker: Order members! Order!

Hon. Mwangi Gichuki rises on a point of information

Hon. Nancy Ng'ang'a do you require the information from Hon. Mwangi Gichuki?

Hon. Nancy Ng'ang'a: No, I do not require any information Mr. Speaker.

Speaker: We are all aware that when it comes to party issues we deal with both Majority and Minority Whips. The Whips of this Hon. House are members of the House Business Committee. If the Whips never held kamukunjis to propose the membership of various committees, that is a party issue and not a House issue. Today, Hon. Members we are dealing with a report of the House Business Committee on the harmonisation of committees' membership.

Proceed Hon. Mwangi Gichuki

Hon. Silvester rises on a point of order

Yes Hon Silvester Kagiri

Hon. Silvester Kagiri: Mr. Speaker, it is true that we are dealing with the report of the House Business Committee; but the report should have been informed by the reports of the relevant parties through their Whips. I should be guided on this though we should follow the example of the National Assembly where the Whips communicate to the Speaker in case parties ‘poach’ members from other parties or when the parties themselves want to lobby for party members support on anything. We have not heard of a case where the House Business Committee constitutes the membership of committees.

Mr Speaker, we hope you are going to make a very good ruling on this. Thank you.

Hon. Mwangi Gichuki rises on a point of information

Speaker: Hon. Silvester Kagiri, do you require the information from Hon. Mwangi Gichuki?

Hon. Silvester Kagiri: No, no, no.

Speaker: Hon. Members, I know you remember when Hon. Khalwale was removed from the chairmanship of Public Accounts and Investments Committee of The Senate. The Committee chose Senator Mong’are of Homabay as the chairman. The party Whip had to write to the Speaker requesting him to denounce the name of Senator Mong’are as the chair of that committee. That was a party issue. In view of this, even if TNA and DP members are not satisfied with the matter at hand, it should be understood that the report in question is a report of the House Business Committee of which Whips of both the parties are members. If the members are not contented with the matter at hand, definitely the matter needs to be discussed at Kamukunji level. However, in reference to this, I would request all the members to read part (c) of the terms of reference of the paper at hand which states:

‘On the adoption of the report, the operation of the proposed re-aligned Sectoral Committees be suspended until the House Business Committee harmonises their membership in line with the new structure, not later than (30) days of adoption of the report.’

So, the House Business Committee came up with this report from the resolutions of this House. The issue of nominating party members to various committees needs to be dealt with at Kamukunji level. Proceed Hon. Member.

Hon. Rebecca Nyangati rises on a point of order

Speaker: Hon. Rebecca Nyangati, I don't think Hon. Mwangi Gichuki is out of order.

Loud consultations

Order Members! Order! Proceed Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Thank you Mr. Speaker. I want to make some clarification. There is a resolution that was made in this Assembly on 30th day of July 2015...

Several members rise on points of order

Mr. Speaker, unless...

Loud consultations

Speaker: Order Hon. Mwangi Gichuki!

Louder consultations

Hon. Mwangi Gichuki has not even aired his sentiments. Allow him to proceed so that you can point out how he is out of order.

Hon. Kimani Gachuhi, I understand you are rising on a point of order and actually, it is important that you cite on which Standing Order you are rising. Proceed Hon. Kimani Gachuhi.

Hon. Kimani Gachuhi: Thank you. Is Member for Engineer in order in his attempts to respond to a point of order that you had already responded to and given directions?

Loud consultations

Speaker: Order! Hon. Members! The mover is on the floor and he can be adventurous as he wishes without being interrupted unless he is out of order. I had responded to the issues that had been raised earlier on.

Proceed Hon. Mwangi Gichuki.

Hon. Mwangi Gichuki: The deliberations of this committee were anchored in the law since they emanated from the resolutions of this House. Any resolution and decision made by this House is never and will never be in vain.

Loud consultations

Please protect me Mr. Speaker.

Speaker: Order members! Order!

Hon. Samuel Thuita rises on a point of order

You are all aware of the way you are supposed to raise a point of order. Let me make that clarification. Since Hon. Samuel Thuita you are on a point of order, you need to point out the exact point of order you are rising on.

Hon. Samuel Thuita: Thank you Mr. Speaker. I rise on a point of order to point out that any Member can rise on a point order in the course of the debate in the House. This is well captured in Nyandarua County Assembly Standing Orders...

Speaker: Please cite the Standing Order.

Hon. Samuel Thuita: I wanted to say that in Commonwealth countries, parliamentary practices dictate that any member can rise on a point of order at any given time during the debate or the proceedings of the House. I wanted to raise that point of order because it is the practice in all Commonwealth countries.

Loud consultations

Speaker: Order! Proceed Hon. Samuel Thuita

Hon. Kimani Njiraini rises on a point of order

Hon. Thuita is on a point of order. Proceed!

Hon. Samuel Thuita: My view is that the House Business Committee is entrusted with the leadership of this House. But going by the mood of this House, it is apparent that the members were never consulted in coming up with this report. Therefore, I think you should read the mood of the House and give an appropriate guidance. If the motion needs to be withdrawn, let it be withdrawn. Thank you.

Speaker: Actually, Hon. Samuel Thuita knows how to go about the procedure. He rose on a point of order and I hope that it was captured. Hon. Members, this report has been brought to this House on several occasions. Up to now, it has never been moved for members to vote. The House Business Committee found it prudent to bring the motion on the floor of the House for the members to make the final verdict by voting. Therefore, Hon. Members allow the mover to move the motion and if the members decide to adopt it, well and good. If they reject it, it is okay. Please proceed Hon. Mwangi Gichuki.

Hon. Mwangi Gichuki: Mr. Speaker....

Loud consultations

Speaker: Order members! Proceed Hon. Mwangi Gichuki

Hon. Mwangi Gichuki: Please let us be orderly for the sake of recording and so that I can elaborate on the composition of the report. As I put it, before I make my comments on the position of this report, I would like to point out two issues. First, this report was occasioned by a very specific reason. That, there are members of this Assembly who unequally enjoy

privileges and rights as compared to the rest of the members. Let us sit as a team and as friends and come up with the final report. Let us allow our friends, colleagues and workmates to enjoy the same privileges in a fairer manner. It is not right that a Member of this County Assembly earns four or five times more than another member who also sits in this House. This report was meant to ensure that the resources are distributed fairly and justifiably. Secondly, it would go on record that it is the same people who you refer to as friends, who rejected a document that should have made you better off. I want to finish by saying that I wish to withdraw this report.

Applause

This is until such a point that we will be able to sit and agree as friends devoid of selfishness. When we remove the ‘me-I-and-myself’ attitude, we shall come up with a way forward. It is my wish that this report be withdrawn and hope that selfishness and little interferences by Hon. Samuel Thuita will reduce...

Hon. Samuel Thuita rises on a point of order

Speaker: What is it member for Gathanji, Hon. Samuel Thuita?

Hon. Samuel Thuita: I would like the Leader of Majority to withdraw his assertion since he implied that my contributions on the floor of the House amount to ‘little interferences’.

Speaker: Actually, Hon. Mwangi Gichuki you need to withdraw that assertion because no contribution and debate in this House amount to any form of interference. Contributions and debates in this House are to be respected because they are honourable.

Hon. Mwangi Gichuki: I withdraw Mr. Speaker.

Speaker: Very well, allow me now to give members of the House Business Committee time to deliberate on the withdrawal of the motion by the mover.

Loud consultations

Order Members! Order!

Hon Kinyanjui Gachari rises on a point of order

What is it Hon. Kinyanjui Gachari?

Hon. Kinyanjui Gachari: As the Majority Whip, I request that we have another forum such as the Kamukunji so that we do not withdraw the report entirely. By doing so, there will be members of the Welfare and Catering Committee and Finance and Economic Planning Committee. Therefore, there should be a leeway to provide for a Kamukunji for the members to come to a consensus on the matter. Thank you.

Speaker: Very well. That motion having been withdrawn let us go to the next order.

ADJOURNMENT

Speaker: Having exhausted the business as appearing in today's order paper, this House stands adjourned until tomorrow, Wednesday the 2nd day of March 2016 at 9:00 a.m.

The House rose at 3.39 p.m.