

**REPUBLIC OF KENYA****NYANDARUA COUNTY ASSEMBLY****1<sup>ST</sup> ASSEMBLY- 5<sup>TH</sup> SESSION****OFFICIAL REPORT**

Thursday 22<sup>nd</sup> September, 2016

*The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2.30 p.m.*

*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 quorum*

**Speaker:** First order.

**COMMUNICATION FROM THE CHAIR**

Hon. Members, we have two order papers: the main order paper and the supplementary order paper. After deliberations, the House Business Committee agreed to slot in as part of today's sitting's business a motion to be moved by Hon. Kariuki Muchiri, the Leader of Majority.

Next order.

**PAPER LAID**

NYANDARUA COUNTY ATTORNEY BILL, 2015

*(Hon. Miriam Wahura rises on behalf of Hon. Hon. Peter Maina)*

**Speaker:** Yes, Hon. Miriam Wahura.

**Hon. Miriam Wahura:** Thank you Mr. Speaker. I beg to table the Report of the Committee on Justice, Legal Affairs and Public Service on Nyandarua County Attorney Bill, 2015. Thank you Mr. Speaker.

**Speaker:** Thank you Hon. Miriam Wahura. The report of the Committee on Justice, Legal Affairs and Public Service on Nyandarua County Attorney Bill, 2015 is duly tabled.

Next

### NOTICE OF MOTION

#### STATUS OF GETA CO-OPERATIVES SOCIETY

*Hon. Tiziana Mwangi rises on behalf of Hon. Daniel Kibebo.*

**Speaker:** Hon. Tiziana Mwangi.

**Hon. Tiziana Mwangi:** Thank you Mr. Speaker. On behalf of my Chairperson, Hon. Daniel Kibebo, I beg to give notice of the following motion:

That this House does adopt the Report of the Committee on Industrialisation, Trade, Co-operatives and Enterprise Development in Response to a Statement Sought by Hon. Githinji Mwaniki on the Status of Geta Cooperatives Society as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr. Speaker.

**Speaker:** Thank you Hon. Tiziana Mwangi. The notice of motion is duly given. The House Business Committee will allocate time when the motion will be moved.

Next.

### STATEMENT SOUGHT

#### STATUS OF KAIMBAGA WATER PROJECT

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

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. I beg to request for a statement from the Chairperson, Committee on Water, Environment and Natural Resources on the status of Kaimbaga Water Project, in the following terms;

That aware Kaimbaga Water Project is a project that was established to ensure sustainable provision of water to the community.

Further aware that the project has received funding from the County Government during the past years since the inception of county government.

Mr. Speaker Sir, I request for a statement from the Chairperson of the Committee on Water, Environment and Natural resources addressing the following;

1. What is the viability of the project towards provision of water in the ten villages within Kaimbaga ward;
2. What is the exact amount of money that has been allocated to the project in each of the following years; FY 2013 /14, FY 2014/15, FY 2015/2016 and 2016/17;
3. What was the budget for the purchase of water pipes, how many were purchased and the total outlay on the project;
4. What is the working condition of the pump, if it's functional or broken down and if so, the status of its repair;
5. What is the status of the storage tanks in Rumathi, Gathima, Kieni and Muthati villages;
6. What is the approximate or actual population and households that access clean water through the project;
7. How many dams supply water in Kaimbaga area and their status?

Thank you Mr. Speaker Sir.

**Speaker:** Hon. Kiruka Mburu, could you tell this House the appropriate time that your committee will require to bring back the response to the statement.

**Hon. Kiruka Mburu:** Mr. Speaker, one month will be enough to bring back a report in response.

**Speaker:** Thank you Hon. Kiruka Mburu. So the committee should bring the report in a month's time, effective from today.

Next order.

### STATEMENT SOUGHT

#### MAHINGA DUMPSITE

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

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. Mr. Speaker Sir, I beg to request for a statement from the Chairperson, Committee on Water, Environment and Natural Resources on the above stated subject matter addressing the following concerns:

Aware that the constitution of Kenya 2010, under Article 42, provides that every person in Kenya is entitled to a clean and healthy environment and has the duty to safeguard and enhance the environment, and that under Article 69, the Constitution provides that the State shall protect and conserve the environment; eliminate processes and activities that are likely to endanger the environment; and utilize the environment and natural resources for the benefit of the people of Kenya.

Further aware that there is solid waste dumpsite at Mahinga area in Kaimbaga Ward; Concerned that there has been no attempt to fence off the said dumpsite.

Further concerned that the poorly managed and unmanned dumpsite has led to uncontrolled waste disposal and spread of waste outside the disposal site.

Taking cognizance that there is need and a duty of the county government to protect members of the public and the environment.

Arising from the foregoing, I seek that the Chairperson of the Committee on Water, Environment and Natural Resources provides the following information:

1. Whether there is a place in the County Solid Waste Management Policy and framework that will improve the standards, efficiency and coverage of solid waste;
2. What human resource and equipment capacity does the County Government have for using in the process of solid waste collection, transportation and disposal of waste within and around Kaimbaga ward;
3. The measures being taken to ensure that the site is fenced;
4. Whether there is segregation of solid waste and;
5. The actions being taken to ensure that nonrenewable waste material is not dumped on the site.

Thank you Mr. Speaker Sir.

*(Hon. Dorcas Kihara rises on a point of information.)*

**Speaker:** Hon. Dorcas, you wish to add something?

**Hon. Dorcas Kihara:** Yes, Mr. Speaker.

**Speaker:** Proceed.

**Hon. Dorcas Kihara:** Mr. Speaker, there is also a dumpsite in Kipipiri Sub County called Mahinga dumpsite. The same issues raised of Mahinga Dumpsite in Kaimbaga Ward are the same issues that could be raised of Mahinga Dumpsite in Kipipiri Ward in Kipipiri Sub County. So I urge the Committee on Water, Environment and Natural Resources to provide a report on the two dumpsites.

*(Hon. Kimani Njiraini rises on a point of order)*

**Speaker:** Hon. Dorcas Kihara, do you require the information from Hon. Kimani Njiraini?

**Hon. Dorcas Kihara:** Mr. Speaker, I do require the information since Hon. Kimani Njiraini is the author of the statement.

**Speaker:** Proceed Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Mr. Speaker, the Mahinga Dumpsite, which lies in Kaimbaga Ward, in my statement is where waste from Ol'kalou central is dumped. Now it has blocked a road. It is itself hazardous and therefore requires immediate attention. Thank you.

**Speaker:** Hon. Kiruka Mburu, could you tell this House when your committee will be able to give a response to the statement requested, comprising the request by Hon. Dorcas Kihara.

**Hon. Kiruka Mburu:** Mr. Speaker, one and half months will be enough.

**Speaker:** Hon. Kiruka Mburu, I think your committee can give the response in a month's time.

**Hon. Kiruka Mburu:** No, Mr. Speaker. You know my committee will not only concentrate on the Mahinga Dumpsite in Kaimbaga. That is why I have requested for three months; but if my committee is well facilitated, it can table the response in three weeks.

**Speaker:** Hon. Kiruka Mburu, your committee will be well facilitated and within one month your committee should bring the responses.

Next order.

## STATEMENT SOUGHT

## ALLOCATION OF LAND WITHIN GITWE/KENTON TRADING CENTRE

**Speaker:** Yes, member for Magumu, Hon. Githinji Ngumba.

**Hon. Githinji Ngumba:** Mr. Speaker, I beg to request for a statement by the Chairperson of the Committee on Lands, Housing and Physical Planning on the allocation of land within Gitwe/Kenton Trading Centre, in the following terms;

Aware that the land on which Gitwe/Kenton Trading Centre is situate was a colonial village in which residents lived thereon.

Further aware that there has been diverse allocation of land with a subsequent approved Development Plan of the area that allocated land to Kiriko primary school, the Nyandarua county council(as previously was) and various private individuals.

Further noting that within the centre, there are squatters, churches and a secondary school. Concerned that there was a court order that affirmed the use of the approved development plan; which did not give a land parcel number for the trading centre in the registry index map.

It is on the above premise, Mr. Speaker sir, that I request for a statement from the Chairperson of the Committee on Lands , Housing and Physical Planning on the allocation of land within Gitwe/Kenton trading Centre addressing the following;

1. Why the trading Center was not allocated a land parcel number in the registry index map
2. What is the status of the boundaries of the land belonging to Kiriko Primary school which was allocated 37.5 acres (15.0Ha ) but only occupies 12 acres on the ground
3. Why the squatters living on the land adjacent to the town were not considered for allocation of land within the area
4. That the committee investigates the allocations within the said area and if possible consider re-planning and reallocation of the land in the area.

Thank you Mr. Speaker Sir.

**Speaker:** The Chairperson of the Committee on Lands, Housing and Physical Planning should tell this House when his committee should bring the response to this House.

**Hon. Githinji Mwaniki:** Mr. Speaker, within sixty days my committee will furnish the House with a comprehensive response to the statement.

**Speaker:** So with the lapse of sixty days effective from today, the committee should bring the response to the statement to this House.

Next order.

## MOTION

### AUDITED FINANCIAL OPERATIONS OF THE NYANDARUA COUNTY EXECUTIVE

**Speaker:** Yes Member for Githioro and the Chairperson of Public Accounts and Investments, Hon. Silvester Kagiri.

**Hon. Silvester Kagiri:** Thank you Mr. Speaker. I beg to move the following motion:  
That this House adopts the Report of the Committee on Public Investments and Accounts on the Audited Financial Operations of the Nyandarua County Executive for the period 1st July 2013 to 30th June 2014 and the Addendum thereof as a report of this House and the recommendations therein as resolutions of this House.

We had moved this report on 14<sup>th</sup> June 2016 in this Hon. House but later we decided to halt a bit because of some amendments that are now contained in the aforesaid addendum. After the ruling on amendments of the report, it was agreed that members should forward written submission to the committee, and that the committee also had an opinion on amending the report in certain areas. After considerations, only two members forwarded amendments. This was in addition to the one that the committee felt it needed to be done. Thus, the motion is moved and the only thing remaining is the addendum together with the amendment.

I would like to inform the house that the members who forwarded their written submissions are the Majority Whip, Hon. Kinyanjui Gachari who proposed an amendment and Hon. Josphat Kamau who ascertained the amendment. After considerations and discussing at length with the committee members, we saw it appropriate to amend according to their proposals.

Mr. Speaker, I hope every member has this copy of the report and have not taken them home because I want to take them through the addendum. I can see one some of the members who are actually concerned and requested for amendment like Hon. Mwangi Gichuki who is consulting very widely and I will need protection. This is so that he can know what is in the addendum to avoid any other complaints.

Mr. Speaker, the Hon. Member for Shamata who is the Majority Whip argued that section 30 (3f) of the county government act states that the (County) Governor is to be accountable for the management and use of the county resources.

*(Loud Consultations)*

Mr Speaker I need protection from Hon. Member for Engineer.

**Speaker:** Order! Order! Hon. Mwangi Gichuki.

**Hon Silvester Kagiri:** Mr. Speaker I would like to take the members through the amendments that the Hon. Members had requested.

Aware that section 30 (3f) of the County Government Act which states that the (County) Governor is "...to be accountable for the management and use of the county resources."

Further aware that section 31 (c) of the County Government Act which states that "...the (County) Governor may appoint an accounting officer for each department, entity, or decentralized unit of the county government."

Recognising that that the Senate had been summoning the Governors of various Counties to account for issues raised on use of resources in their Counties including funds committed to various projects under different county departments.

He therefore argued that H. E the Governor of Nyandarua County, Hon. Daniel Waithaka Mwangi, signed the contract awarded to Tahal Group as the overall Chief Executive and the accounting officer of the County Government of Nyandarua.

Concerned that the Governor was mentioned in the Report of the Committee on Public Accounts and Investments on Audited Financial Operations of the Nyandarua County Executive for the period from 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014 as having entered into the said contract on unclear grounds.

The Hon. Member therefore submitted that the Governor be exonerated from the Committee's indication in its recommendations he, on behalf of the County Government, entered into the contract with Tahal Group yet he was not the Accounting Officer.

Hon. John Kinyanjui Gachari further recommended to the Committee that the above cited recommendations (on pages 73 and 74 of the said Committee's report) on the audit query pertaining to Irregular Procurement of Feasibility Study of Ol' Kalou Town Sewerage System under the Department of Water, Energy, Environment and Natural Resources be deleted and recommendations by the *Ad hoc* Committee on Tahal be considered instead.

Mr. Speaker, I am sure that the addendums were put in the Members' files sometimes back...

**Speaker:** Actually, Hon. Members, the copy of the report being read by the Chairperson of PIC/PAC alongside the addendum is in the pigeon holes of all members. Therefore, hon. Members just look keenly in your pigeon holes.

**Hon. Silvester Kagiri:** Thank you Mr. Speaker for that clarification. Hon. Members should refresh their minds and remember that this business was suspended sometimes back and the House Business Committee allocated it this time for it to be re-moved. I am therefore very sure that the document was in your files and if they are not there now, you might have carried them home.

Mr. Speaker, the committee considered the proposal of the Hon. Members and agreed with some of the issues the members raised. The committee disagreed with the members' proposal about the recommendations of the *Ad hoc* committee.

I would wish to seek your guidance on whether I should take the members through each amendment or should I move the global amendments.

Before then, I would like to take the Hon. Members through the proposed amendment by the Member for Leshau Pondo, Hon. Josphat Kamau. He argued that Mjengo quarry is not Leshau Pondo Ward but in Keriita Ward. That was the only amendment he proposed. The committee agreed with the member on this issue wholesomely.

The amendment that was proposed by this committee is on page 90 of the main report whereby it had mentioned that the current CECM for Finance, instead of the former CECM for Finance. Mr Speaker since we had moved this report, I would like to make the amendment...

**Speaker:** Actually Hon. Kagiri, it would have been more appropriate if you moved the motion as it is in the order paper since it already has the addendum.

**Hon. Silvester Kagiri:** Mr Speaker you are saying that there is no need of moving the amendments as stated in the report?

**Speaker:** Yes.

**Hon. Silvester Kagiri:** Mr Speaker, then I would like to take the House through the proposed amendments. Our intention was to make amendments in this form, for instance where there is the phrase 'director of EACC' should be replaced with 'EACC' because we discovered that there is no director of EACC.

2. That no. 2 (vii) on page 49 of the report Committee on Audited Financial Operations of the Nyandarua County Executive for the period from 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014 be deleted. In the main report the sub-county Administrators with exemption of Ms. Anne Kariuki, were never accorded a hearing by the Committee. Now that they were not accorded hearing, then it was not good to mention them.
3. That the second sentence of no. 7 b (iii) be amended to read “The Committee established that the entire stretch of the said road is about 8 Km.
4. That the phrases “H.E the Governor, Hon. Daniel Waithaka Mwangi, and the CEC for Water, Energy, Environment and Natural resources, Hon. Grace Gitonga” in the first sentence of recommendation no. 1 on page 73 and recommendation no. 3 on page 74 and “The two Executives” in the second sentence of recommendation no. 1 be replaced with “The Officers responsible.”
5. That recommendation no. 2 on page 73 of the Report on Audited Financial Operations of the Nyandarua County Executive for the period from 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014 be deleted.
6. That the recommendations numbered 1, 2 and 3 on pages 90 and 91 of the Report of the Committee on Audited Financial Operations of the Nyandarua County Executive for the period from 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014 be deleted and the following recommendation be inserted instead: “That the Auditor General should conduct a special audit on expenditure of Kshs. 61,592,000 (AIE No. 685079) for the construction of County Headquarters.”

I have seen the building that has been nicknamed ‘Tahidi High’ but anyhow, we have a county headquarter. This money was meant for the county headquarters and if it was not used, then it should go back to treasury.

Mr Speaker, I think I am through and when the motion was said that it be shelved Hon. Kirumba was on the floor seconding the motion and I call upon him to second the motion.

**Speaker:** Hon. Kirumba and the Member for Kipipiri.

**Hon. Kirumba:** Thank you Mr Speaker, as the chairperson said that I was on my feet when it was said that the report be shelved waiting some issues to be clarified. The chairperson has gone through the amendments. The committee felt that it was fair that some of these people are given a chance to be heard.

When we compiled the report on the Governor’s office, the deputy governor was adversely mentioned. He had not been given chance to respond to the allegations made against him. Just as we made the amendment in the governor’s office report is the same way we did with this.

Concerning the Kshs. 61 million, word has it that that structures that came up the other day have consumed about Kshs. 27 million. There were some claims that some money was given to the assembly at some stage. We had not documentary evidence as a committee that stated that the CASB received Kshs. 40 million and that is why the committee felt that an audit on this should be done so that there will be proper reconciliation of the money from the Transitional Authority. I second this report.

*(Question proposed)*

## COMMUNICATION FROM THE CHAIR

### AVISITING SCHOOL

**Speaker:** Hon. Members before we proceed with the debate on this motion, I wish to recognize and appreciate the teachers and students of St. Lucy secondary school from Rurii ward represented by Hon. Wahome Kamoche. We have that delegation led by Mr James Maina, the debating society patron.

Yes Hon. Gachari, Member for Shamata.

**Hon. Kinyanjui Gachari:** Thank you Mr Speaker, I rise to support the amendments on the report by the committee led by Hon. Kagiri Mwangi. It is after so much deliberation that we came with that solution.

I commend the committee for making the right recommendations. We can see the result of the work that was done by the *Ad hoc* Committee that was chaired by Hon. Maina Mwangi, member for Central. In Ndaragwa and Kipipiri, dams are being constructed. They used the plan that was made by Tahal Company. This means that all the dry areas in the county will get some water. We should commend what is done in the county because it is being done for the people of Nyandarua.

Every new system has problems at the start. We are in a new system of government and everyone has been learning. Mistakes occur but we do not have to hang someone because mistakes have occurred.

I appreciate this county assembly because it does not take its battles to the Senate like Nyeri County Assembly. They were defeated and they are now ashamed. They are now waiting to go home to their wives after the general elections. Let us work soberly.

*(Hon. Mwangi Gichuki rises on a point of order)*

**Speaker:** What is Member for Engineer?

**Hon. Mwangi Gichuki:** I would want the Member for Shamata to give the criteria he used to be sure that the members of Nyeri County Assembly will go home to their wives and the reason why he thinks that they have wives. What makes him think that all the Members of Nyeri are married?

**Speaker:** Member for Shamata, I think it is prudent that you apologize to this House and withdraw that statement.

**Hon. Kinyanjui Gachari:** I apologize Mr Speaker, but all that I meant is that they will not get this job again. I commend the members because they have worked very well without fighting and I am sure that they will come back in good numbers. They do not have bad reputation in their backyard. It is good for one to protect his or her name wherever you work. I support the report.

**Speaker:** Yes Mwangi Gichuki and the Member for Engineer.

**Hon. Mwangi Gichuki:** Thank you Mr Speaker, I rise to support the motion though I am a little confused. Mr Speaker, there is an amendment on page 7 of the addendum that was proposed by the Hon. Member for Shamata. It seeks to remove the recommendations on page 73 and 74 of the report. I read the committee's consideration that:

With respect to consideration no. 1 above, the Public Investments and Accounts Committee would not replace its recommendations on page 73 and 74 of the Report on Audited Financial Operations of the Nyandarua County Executive for the period from 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

The members made that request but the committee has indicated that it was not able to remove it. Amendment number 4 reads:

That the phrases "H.E the Governor, Hon. Daniel Waithaka Mwangi, and the CEC for Water, Energy, Environment and Natural resources, Hon. Grace Gitonga" in the first sentence of recommendation no. 1 on page 73 and recommendation no. 3 on page 74 and "The two Executives" in the second sentence of recommendation no. 1 be replaced with "The Officers responsible."

The request that the aforementioned member had made was that all the recommendations in page 73 and 74 be deleted. The member did not propose the removal of the phrases 'H.E the Governor, Hon. Daniel Waithaka Mwangi, and the CEC for Water, Energy, Environment and Natural resources, Hon. Grace Gitonga' I want to be guided because I cannot understand the spirit of this amendment.

**Speaker:** It seems like you are seeking some clarification from the mover of the motion. Hon. Silvester Kagiri, kindly make that clarification to the member.

**Hon. Silvester Kagiri:** Thank you Mr Speaker. I appreciate your observation Hon. Mwangi Gichuki. If you carefully read the consideration of the committee and the proposed amendment by the member, you will see that he wanted the committee to remove the entire recommendation and replace it with some recommendations that had been made to this House by an Ad Hoc Committee sometimes back. After lengthy deliberations, the committee felt that it could not make the same recommendations made by the Ad Hoc Committee. We decided to keep our recommendations and the only issue we found in that recommendation is the mentioning of individual's names. Where names had been mentioned we replaced that with the 'officers responsible'.  
Thank you.

**Speaker:** Thank you Hon. Silvester Kagiri. Hon. Gichuki, I hope that it is now clear.

**Hon. Mwangi Gichuki:** This report contains very serious deliberations by the members of the committee and I deem that they were done with wisdom. Thank you Mr Speaker.

**Speaker:** Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Thank you Mr Speaker, I appreciate the chairperson of the committee for granting the request of the members. On the matter concerning Tahal, some members went to Israel and we can see the result of that visit. There is a mega dam that will be constructed and I am sure that the beneficiaries will be the people of Nyandarua.

This report touches on many areas because you will find that there are some toilets that were constructed at a cost of Kshs 4. Million. This is not the fault of the members but the fault of the department of public works. They are the ones that came up with the BQs. As a house we need to get value for our money.

Concerning the audit query on the roads that were done in the year 2013/2014, many issues have been cleared and it is not right to witch-hunt people on issues that have been cleared.

Finally on behalf of my neighbour Hon. Kamoche, I welcome the students from St. Lucy Secondary School.

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

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. I rise to support the addendum to the report. One of the major roles of the County Assembly is oversight. But before I talk about that, I would like to thank both the Office of the Speaker and the Office of the Clerk for facilitating the committee. Above all, I wish to appreciate the Speaker's ruling when the initial report was moved

for giving room so that the committee would bring on board some amendments in form of an addendum. I would also like to thank the Members for giving their input and valuable contributions to the committee for the compilation of the addendum.

As I had mentioned earlier on, one of the major roles of the County Assembly is oversight. The work of the committee is a true reflection of this role and it is the reason why this report is in this House.

I therefore request the Hon. Members, especially through their sectoral committees to liaise with departmental heads and CECMs when passing the budget, to ensure that everything runs as per the budget. This way, we shall reduce the audit queries that come to us. I know that the Hon. Members are now with the electorates and some of these issues are expected to come up particularly on implementation of projects. Therefore, it is important that we play our oversight role effectively so that people can realize the value for money. This will also ensure that the next Auditor General's report will have fewer queries...

*(Loud consultations)*

Please protect me from Hon. Mwangi Gichuki Mr. Speaker.

**Speaker:** Order Hon. Mwangi Gichuki!

**Hon. Dorcas Kihara:** As I was saying, it is imperative to remember that we, the members of this House, are representatives of the people and we are all involved in the budget making process. We therefore have first-hand information of allocation of funds for every project in our wards. This is the reason why I am saying that it is the high time we took the role of oversight seriously. We should follow every step of projects implementation to make sure that there is value for money and reduce the number of audit queries. We all know that we were learning some of these things in the first parts of the Assembly and we have already mastered what is expected of us. It is upon the sectoral committees therefore, to play their role and work together with their respective departments on the implementation. With those few remarks, I beg to support the report and the addendum.

Thank you.

**Speaker:** Yes, Member for Karau ward, Hon. Kamau Ngotho.

**Hon. Kamau Ngotho:** Thank you Mr. Speaker. I wish to address the issue that was brought up Hon. Kinyanjui Gachari. We have seen the President sitting and appending his signature on bilateral engagements. This has been the same for the Cabinet Secretaries who engage with other trade and development partners.

Mr. Speaker, the Governor is the head of the executive arm of county government which is mandated to implement all government policies because we have given him the authority. I would like the Chairperson of PIC/PAC to tell this house the law that says that the Chief Officers are the only persons who can sign some of the agreements. It implies that CECMs cannot append their signatures, neither can the Governor. Therefore, we want to know the law that bars the head of a County Government and Cabinet from signing.

Mr. Speaker, let us not limit the powers of County Governments just because the Senators have sat in Nairobi and said that the Governor cannot sign. I would like to know the section of the constitution and County Government Act that specifically states, 'the C.O only'.

The Member for Shamata has asked why the issues of the Senate are referred directly to the Governor. You have heard Sen. Boni Khalwale stating that Nyandarua has embezzled funds. Why doesn't he say, C.O.s from Nyandarua have embezzled funds? On the one hand, we want someone to be responsible and be accountable while on the other hand, we are limiting the powers of the Governor. I need some guidance. I am not here to defend the Governor but I am asking these questions for posterity.

Next time it could be Hon. Wambugu occupying the Office of the Governor. Who knows? Will he be restricted from reaching an agreement and entering into contracts with investors and partners just because a paper was taken to Senate and the County Assembly has hammered the last nail on the coffin and agrees to it? I believe that this is a contentious issue because even President Kenyatta appends his signature on various documents. For instance, he, on behalf of the Kenyan government, entered into a contract for the construction of the Standard Gauge Railway (SGR) with Chinese firms. Who signed the LAPSSET project agreement? Was it the PS, Minister or the President? If the President was the one who signed, I believe the Governor also has the power to enter into an agreement on behalf of the County Government. This is because he is answerable and accountable to the people of Kenya.

This is the point I wanted to put across as I call the mover to respond on that very important issue. I have no problem with the other issues raised in the report.

**Speaker:** The motion mover.

**Hon. Silvester Kagiri:** Thank you Mr. Speaker. I wish to thank the members for supporting this report. However, I want to clarify on some few issues. First, the issue that has been raised by the Member for Karau.

If you read page 22, the committee proposed that we delete the whole part on recommendations of the committee and insert recommendations that were made by the Ad Hoc committee. We are not disputing that the Governor can sign anything as the accounting officer.

Rather we are saying as a committee that we were approaching this issue from a different angle – as in the audited report. We had to answer the audit queries and dig deeper to the issues raised therein. The issue also was the main objective of the Ad Hoc committee and specifically it was mandated to explain whether or not the County Government should go ahead and pay the money. Mr. Speaker, I think I have clarified that issue and...

*(Hon. Kamau Ngotho rises on a point of order)*

**Speaker:** What is it Member for Karau?

**Hon. Kamau Ngotho:** Thank you Mr Speaker. You being a member of the House Business Committee, you understand that the Member has raised a very important issue regarding a situation where two committees of this House have contradictory views on this issue. We have already adopted the report by the Ad Hoc committee on Tahal. Then, this committee has a report that is of a contrary opinion. If it happens that this report is adopted, which of the two reports will be implemented? This is because the reports will have been passed legally by this Hon. House. I need your guidance on this although I am well aware that the same issue arose during the training.

The committee has said that the recommendation on page 73 of the report be deleted in its entirety. I support the amendment for the deletion of the recommendation which reads, ‘That H.E. the Governor should desist from assuming the role of an accounting officer’.

**Speaker:** Actually Hon. Ngotho, when you rose on the floor of this House, you did not support or oppose the recommendation. Second, you sought clarification on some issues which the mover responded to. You actually called the mover and now you are rising on a point of order.

Well, the two reports that have come to this House are very important because they carry in them very weighty issues which touch on the County. Therefore, the standing orders allows for the matter to be deferred and be communicated directly by the Chair after the Office of the Speaker looks at the issue critically and comes up with the way forward.

**Hon. Silvester Kagiri:** I would like the House to know that we are not against the recommendations. Mr Speaker, I think I do not have much to say on this but to thank the member for supporting this document. I am sure that this will be communicated to the constitutional bodies that we have mentioned here. We are hoping that the constitutional offices will take steps because probably in future, this will follow some people. I beg to move.

Thank you.

**Speaker:** Thank you Hon. Silvester Kagiri for your response. Concerning the issues raised by Hon. Kamau Ngotho on conflicting reports, we shall make a communication from the chair. The Standing Orders allows the deferment of putting the question on a motion. I therefore invoke

Standing Order No 52(3) and defer the putting of the question until communication from the chair regarding this issue is made.

*(Hon. Michael Kirumba rises on a point of order)*

What is it Hon. Kirumba?

**Hon. Michael Kirumba:** Mr Speaker, I want to draw your attention to the press. In this structure, a place for the press to sit and follow the proceedings is not well taken care of and you find that they are taking videos of the members from the back or from some funny angles. I do not know what you can do but I ask Mr Speaker that you try to give directions on this because we are not moving to the new structure tomorrow so that members are captured adequately.

**Speaker:** Hon. Kirumba this is a matter of concern but we know that we are in a church and the space is limited. The press should be positioning themselves in a way that allows them to take the view of the members. We however shall have a solution for this problem very soon at new chambers as it is one of the best.

Next order.

## 2. REPORT ON PACK HOUSE FACT FINDING MISSION

Yes, Member for Kaimbaga and the Chairperson, Committee on Agriculture Livestock and Fisheries.

**Hon. Kimani Njiraini:** Thank you Mr Speaker, I beg to seek leave to move this motion another day. I have just realized that the report is not in the files. I ask that the motion be given priority next week.

*(Hon. Samuel Thuita rises on a point of order)*

**Speaker:** What is it Hon. Thuita?

**Hon. Samuel Thuita:** Mr Speaker, I would like to clarify that this motion has appeared in the order paper without notice to the committee. It is prudent that the committee be informed in time about the business appearing in the order paper so that the committee can be organized.

**Speaker:** Obviously that is an oversight from the office of the clerk and things have to be done right. Before any motion is moved, a notice is supposed to be given on the floor of the house, the clerk to the committee should be present during the moving of the motion

and the motion that is to be moved has to be in the member's files before then so that the members can go through it.

The leave is granted and the House business committee will allocate time for moving the motion.

*(Hon. Michael Kirumba rises on a point of order)*

Yes Hon. Kirumba.

**Hon. Michael Kirumba:** Thank you Mr Speaker. The member for Gathanji has a valid point. I am a member of the Agriculture Committee. The house business committee sat at CPST and I think that there could have been a communication breakdown. The House business committee had to meet so that they could organise the businesses of this week. The clerks-at-the-table should be exonerated for this.

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

### **SUPPLEMENTARY ORDER PAPER**

Clerk, it would be better if you went direct to the business to be transacted.

### **PROCEDURAL MOTION**

#### **EXTENSION OF TIME FOR FINANCE BILL**

Yes, Member for Engineer Ward, Hon. Mwangi Gichuki.

**Hon. Mwangi Gichuki:** Thank you Mr Speaker, I beg to move the following motion;  
That pursuant to the provisions of Standing Orders No. 215 and section 133 of the Public Finance Management Act, 2012, this House does resolve to extend the time within which to approve the Finance Bill, 2016 by a period of at least 14 days from the 30<sup>th</sup> day of September 2016.

Mr Speaker, the reason for seeking this leave is that we are supposed to have tabled the finance bill by now but we found it prudent to have consultations. There is also the issue of time when the committee was given the finance bill. For us to be able to make a detailed report, we found that we needed to consult with other counties. We are looking at the ones by Laikipia, Nakuru and Kiambu counties. They are neighbouring us and it is good that we do not differ so much in the rates that we are charging as a county. Having done this, the committee will be able to give a comprehensive report by 11<sup>th</sup> October 2016.

Thank you Mr Speaker, I call upon Hon. Paul Nderitu to second.

**Speaker:** Hon. Paul Maina Nderitu.

**Hon. Paul Maina Nderitu:** Thank you Mr Speaker, I second the motion and as the chairperson has said, we need to consult with other counties so that we can be able to make a comprehensive report. Secondly, we have to give time for public participation. I second.

*(Question proposed)*

**Speaker:** Hon. Kirumba and the Member for Kipipiri ward.

**Hon. Michael Kirumba:** Thank you Mr Speaker, I support this motion because the committee is seeking more time so as to prepare a document that will hold for 365 days. They would like to make a detailed document. A finance bill has many implications and especially now that it is the last year that we shall be in office. We may want to have a finance bill that will be friendly to the people. I hope the chairperson of the committee will be careful not to raise the revenue bracket and we end up having heads rolling because of high revenue. Unlike the past where the members of the public have gone to court, we should have a friendly finance bill. We should not forget that we are in the electioneering period. I support and call the mover to respond.

**Speaker:** Hon. Mwangi Gichuki, you can respond.

**Hon. Mwangi Gichuki:** Thank you Mr Speaker. I appreciate the members for supporting this and I promise that as a committee, we shall deliver on our mandate. Thank you Mr Speaker.

*(Question put and agreed to)*

**Speaker:** Next order.

## PROCEDURAL MOTION

### ADJOURNMENT OF THE HOUSE

Yes, the Leader of Majority, Hon. Kariuki Muchiri.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker. Before I move the procedural motion, I seek your indulgence and wish to rise on Standing Order No 44 (2) that requires the majority leader or the minority leader or any Member appointed by the House Business Committee, to table a statement informing the assembly of the business of the coming week. Mr. Speaker, I pray that the statement highlighting the business of the House as approved by the House

Business Committee be put in the pigeonholes of the Members or be sent through the Members' emails and the County Assembly Website.

**Speaker:** Actually Hon. Muchiri, that is what is required to be done and obviously today being the last sitting for this week, in conjunction with Standing Order No. 39, the Office of the Clerk should prepare a brief weekly program showing the business of the assembly and the schedule of the sittings of the various committees and then circulate the same to Members and the public not later than Friday, the week preceding such a business. Therefore, it was well published and well communicated to the members as you have stated.

**Hon. Kariuki Muchiri.** Thank you Mr. Speaker. I wish to proceed with the procedural motion. I beg to move the following motion pursuant to the provisions of Standing Order No. 31: That this house does resolve to adjourn from 22<sup>nd</sup> day of September, 2016 to the 4<sup>th</sup> day of October, 2016 to allow Sectoral committees to scrutinize the Nyandarua County Annual Development Plan For The Year Financial Year 2017/2018.

Mr. Speaker, this is a very important document and Mr. speaker aware that the budget cycle starts in September, and this being the first document on the budget cycle, it is important to allow the Hon. Members to put a very serious input into this document. This is the document that will inform development in the next fiscal year and therefore the Sectoral committees should analyse it, give their inputs and make recommendations thereupon. Mr. Speaker, without this document, there is no way the budget cycle can start. Therefore, the input of the Members into this document is paramount and that is why this motion is of essence; that for the whole of next week, the Sectoral committees do look at the ADP critically to ensure that the programs that are included therein are viable for inclusion.

Mr Speaker, because this is a procedural motion and the members are aware of it, I call upon the Deputy Leader of Majority to second the motion. Thank you.

**Speaker:** Member for Kipipiri and the Deputy Leader of the Majority, Hon. Michael Kirumba.

**Hon. Michael Kirumba:** Thank you very much Mr. Speaker. I second the motion. The intent of this procedural motion has been highlighted by the Leader of Majority and really the adjournment is necessary. It's not also lost to members that it is critical for the documents in the budget cycle to be passed by this assembly by March 2017 because we are heading to the end of the first assembly. So, in essence, this motion requires that the Sectoral committees meet and come up with an Annual Development Plan whose effects will spill over to the time of campaigns and even the second assembly. Without much ado Mr. speaker, I second this motion. Thank you.

**Speaker:** Having no further deliberations, I call upon the mover to respond.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker. I wish to thank the Members, and especially the Member for Kipipiri for seconding this motion. I beg to move.

*(Question put and agreed to)*

**Speaker:** Hon. Members, having adopted the motion this House adjourns to the next sitting as it has been agreed by the adoption of the motion.

*(The House rose at 3.45 p.m.)*