



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY



1<sup>ST</sup> ASSEMBLY-3<sup>RD</sup> SESSION

OFFICIAL REPORT

(The Hansard)

Tuesday 4<sup>th</sup> August, 2015

The Assembly met at the Assembly Chambers at 2: 30 P.M

The Deputy Speaker, Hon. Edinald Wambugu King'ori, 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 quorum*

**COMMUNICATION FROM THE CHAIR**

Hon. Members, I wish to communicate the following: You are aware that this Assembly, like other legislative bodies, has adopted committees as the model for its operations and for facilitating effective and efficient legislative and oversight roles. This has seen the establishment of Housekeeping, Standing, Ad-Hoc and Departmental committees by this Assembly.

The operations and proceedings of the committees are not exempted from the application of the Standing Orders and are in fact governed and regulated by the Standing Orders. Meetings must be undertaken in a manner that responds to the various logistical challenges that the Assembly is currently facing. One major challenge as you are aware is the limited committee rooms, which all committees have to share for their meetings. The next major challenge is the shared committee membership.

Hon. Members, in view of the stated challenges, the operations of our committees have to be arranged in a manner that responds to the said challenges. This includes ensuring that the time for committee meeting is in such a manner that one committee can only hold one meeting at a time. The schedule for committees must also ensure that committees meetings to the greatest extent possible have non-shared membership so that no single committee interferes with quorum demands of another committee.

Accordingly, structures must be put into place to ensure that these challenges are surmounted. Hon. Members, you are further aware that sometimes the committees travel out of the Assembly for official functions. Official businesses of committees outside the Assembly are also bound and regulated by the Standing Orders including the need for such businesses and meetings to be *quorate* while being undertaken.

Sometimes more than one committee with shared membership travel to transact committee businesses. In some instances, this has seen committees that have travelled being unable to transact their business for not achieving quorum. This has the ultimate consequence of waste of time and, of course, resources particularly money paid for venues arranged for the meetings.

Hon. Members, following a House Business Committee meeting held this morning wherein this issues were considered, it was resolved that the Assembly must establish structures and mechanisms for addressing all the said challenges. The Committee resolved the following, which now hereby are given as the Speaker's directive to all Committees:

First, all committees meetings shall be held upon a seven days' notice which shall be signed by the Clerk in accordance with article 159 (1) and (2) of the Standing Orders (Notice of Meetings) which states:

A notice of a meeting of a select committee shall be given by the Clerk to all Members of the committee showing the date, time, venue and agenda of the meeting.

A notice under paragraph (1) shall be deemed to have been given upon circulation through the official email address of a Member, the Assembly website, by delivery of the notice in the office of a Member or posting of the notice in the precincts of the Assembly.

In light of the above, it is hereby directed by the Chair that a committee must submit a notice of a meeting for the Clerk's signature by Wednesday at 4.00 P.M for the meetings intended to be held the following week. The same directive shall apply to a request by a committee intending to travel.

Secondly, the Liaison Committee is hereby reminded to undertake its mandate more seriously and submit to this Assembly the weekly programme of committees. It must, while deriving the programme, consider the issue of quorum in committees meetings and those which intend to travel.

Thank You.

Maybe I can allow some two or three comments from the members.

Yes Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. You have emphasized on issues to do with quorum and the time for the meetings. You have also quoted standing order 159, which is very right. If a committee has quorum and money for facilitation is available and it is scheduled by the Liaison Committee to go for report writing, it should proceed with its business. I was so disappointed last week because the Committee on Agriculture, Livestock Development and Fisheries was to travel to Nairobi but was not allowed to due to a petition that was filed with the Speaker.

We were supposed to go and write a report on a statement that was requested for by Hon. Kinyanjui Gachari. The committee had quorum including Hon. Miriam Ng'ang'a, Hon. Josphat Kamau and I. four of the members in the said committee are also members of PIC/PAC while two others were with the Budget Committee and they were through with the report and were ready to join us to proceed for report writing. I consulted you on the same but there was a petition that was written by fours member who were in PIC/PAC.

It was interpreted by the Deputy Clerk and without consulting the chairman to get the reason for proceeding for report writing, the committee was stopped. We were not going for report writing to earn money. I do not think it was fair for the members. I would like you to guide us on this, whether any chairman can be hindered from conducting committee's business yet he has quorum. The members that wrote the petition wanted to earn during the PIC/PAC

report writing activity and this week they wanted to go out with Kimani Njiraini and earn some coins but not because of fulfilling the mandate of the committee.

**Speaker:** Thank you Hon. Njiraini but I was expecting an Hon. Member to rise on a point of order because you have mentioned a person who cannot be able to defend himself on the floor of this house. I will allow Hon. Kamoche to make his comment and he should limit himself to that issue and maybe before you proceed, it should be known that this is a directive from the Speaker and it was discussed in the House Business Committee meeting. This issue raised by Hon. Njiraini brought about this communication. Hon. Kamoche, proceed.

**Hon. Wahome Kamoche:** Thank you Mr. Speaker. In view of what Hon. Njiraini has said, that issue will always arise because your office should be the one dealing with the members but you have left the Clerk to be dealing with such issues.

There is no respect for the Hon. Members in such a case. Whenever there is a petition, the clerk should bring it to your office and you communicate to the members because the members are directly answerable to you and not the Deputy Clerk. I have the same problem in the Committee on Delegated County Legislation and sometimes we have failed to undertake our duties. The direction this is taking is dangerous to the Hon. Members. A deadline has been given on when the document (the Code of Conduct) should be signed and if a person fails, he or she is risking losing his or her job.

Let us examine what we are supposed to do. The House Business Committee is supposed to make arrangements so that the business of the committees can go on. I was sitting with you in that committee with other members while we had others in other committees hence members of my committee had to wait for us so that they achieve quorum. The document is supposed to be signed by 17<sup>th</sup> of this month and we are waiting for you to approve the facilitation letter so that we can go and look at it as from Thursday because there is a great risk if we do not do that.

Let us allow other members to carry out their mandate. They should not keep the rest waiting as they do in my committee where some members are chairpersons to committees. Do not make us work directly with the staff because we are only answerable to you. Remember when we were talking with the Director of Budget he said that we have no option but to sit or go home. That was not proper language. Time comes and they are mentioned on the floor of the

house for not doing the right thing. A member cannot complain elsewhere except on the floor of this house after which the matter should be taken up by the administration.

**Speaker:** Hon. Kibebo.

**Hon. Daniel Kibebo:** Thank you Mr. Speaker sir. All the members are concerned about the communication that you have made to the house. It is possible to give a seven days' notice for a meeting...

*Excessive consultations*

**Speaker:** Order members!

**Hon. Daniel Kibebo:** However, some emerging issues may not wait for seven days because they need to be attended to immediately. It would have been better if you gave room for such a situation.

**Speaker:** Thank you Hon. Kibebo, but remember that urgent issues are brought on the floor of the house and then a direction is given by the chair. Yes Hon. Ndirangu (Mirangine)

**Hon. David Ndirangu (Mirangine):** Thank you Mr. Speaker, I also would like to air my views. What happened to the Committee on Agriculture is very unfortunate. There was no reason for stopping the committee if it had quorum just because some people were engaged elsewhere. Personal interest should not precede the business of this house.

We know what the reason why some members want to be engaged in every committee. Secondly, the vice chairpersons and members of House Committees are treated unfairly by the chairpersons. If I happen to have a function within my ward and give my apology to the committee...

*Hon. Daniel Kibebo rises on a point of order.*

**Speaker:** How is the member for Mirangine out of order?

**Hon. Daniel Kibebo:** Today my committee had a meeting to go through a report that was done. Hon. Ndirangu called me and said that he was attending a burial in his ward. It should be clear that the people that attend the meeting should be the ones to sign the attendance list. That is the issue he was just about to raise and I as the chairperson of the committee has the responsibility to

ensure that those that attend are the ones that sign the attendance list. If there is a Standing Order that says that a member should be paid for a meeting that he or she has not attended then it should be made known to the house.

**Speaker:** Hon. Ndirangu you have gotten information from the chairperson. I was expecting the members to react to the communication from the chair positively but now you are opening the Pandora's Box. The House Business Committee sat to address these things. Hon. David Ndirangu (Mirangine), proceed.

**Hon. David Ndirangu (Mirangine):** This house needs to know that some members work under the mercy of the chairmen. The issue I was just about to address is not signing the attendance list. If the chairperson was the one that had a function in his ward he would have directed the clerk assistant to postpone the meeting. Thank you.

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

**Speaker:** Who is out of order?

**Hon. Nancy Ng'ang'a:** Hon. Ndirangu.

**Speaker:** He is not on the floor now. Hon. Ngotho proceed.

**Hon. Kamau Ngotho:** Mr. Speaker, though we had discussed this in the House Business Committee, this house should set precedence in the way the committee business is conducted. Concerning the Committee on Agriculture, I want to read the Standing Orders because we are not supposed to rely on perceptions. Everything is enshrined in the standing orders.

To start with, there is no standing order on weighty issues. If there is a weighty issue in Engineer ward, the member is away and the house intends to discuss the issue, there is no way that the member can petition this house to stop until he is back. The only issue that is addressed in the Standing Orders is quorum. How can you determine that you have quorum? You can only do that when you have attended the meeting. Therefore, the Committee on Agriculture should have gone to Naivasha and if the chairman realizes that the meeting has no quorum he adjourns the meeting. Standing Order number 163 deals with quorum in Committee Meetings. It states:

Unless quorum is achieved within thirty minutes of the appointed time, a meeting of a committee of the Assembly shall stand adjourned to such time on another day as the chairperson of the committee may appoint.

They should have travelled and the chairman should determine whether there is quorum when they are there and then adjourn the meeting. Standing order 165 shows the power of the chairman when you fail to attend meetings by stating that:

If a member fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee, or the permission of the Speaker if the member is the chairperson, the chairperson or the Speaker, as the case may be shall notify the Committee of the failure.

An ordinary member cannot make requests to the Speaker on issues concerning the committee. This can only be done by the chairperson. If every member was to address the Speaker on issues to do with committees, how many petitions would he be dealing with? It was an error for the four members of the agriculture committee to...

*Hon. Kimani Njiraini rises on a point of information*

**Speaker:** Hon. Ngotho, do you require any information?

**Hon. Kamau Ngotho:** Yes.

**Speaker:** Hon. Njiraini, proceed.

**Hon. Kimani Njiraini:** I want to inform the member that we were facilitated by the office of the Speaker and the committee clerk informed the members that we were already facilitated to go to Naivasha and write the report. However, the Deputy Clerk came with a petition and explained his own things using Standing Order 167.

The said members pretended to have information that they wanted to give to the committee. We were going to Masada Hotel and if they were genuine, they would have joined the committee. The members were ready to go, Hon. Kamau Josphat had carried his clothes but unfortunately, everything was disrupted. It was not easy when we went to consult the Speaker on this. The Speaker left the county aware that he had offended the Committee on Agriculture.

**Hon. Kamau Ngotho:** Mr. Speaker, I intended to explain the process, the chain of command and these are pertinent issues. Imagine a situation where the Assembly has so many members and every one of them was writing to the Speaker directly. On such issues let the members consult with the chairpersons of the committees.

Finally, the Liaison Committee should be united when addressing the issues of the Committees of the house. It is not possible for you to be a member of four committees and then expect to travel with each committee. Sometimes the activities will be at the same time and you will have to make choices. Last week the house business committee was out as well as I.C.T Committee but I chose to attend I.C.T Committee where I am the chairperson.

If a member has information, he or she can give it to the Committee during the sittings before the report writing activity or even after because the members sit before a report is tabled. If the said members with all due respect, had any information, they should have done the same. The clerks are computer literate, they can send reports via emails to us and if there is information that requires to be added, they can do it. I am because you are and you are because I am. No man is an island.

**Speaker:** Thank you Hon. Ngotho. This was the Speaker's directive and it has stated the things that need to be streamlined. We do not have enough resources for the Committee to be able to carry out all their activities but if we adhere to the rules, then everything will be catered for. Hon. Nancy Ng'ang'a, you can proceed

**Hon. Nancy Ng'ang'a:** Thank you Mr. Speaker. I rise because of the sentiments by Hon. Ndirangu.

*Excessive consultations*

Mr. Speaker, please protect me from Hon. Ngotho.

**Speaker:** Order Hon. Ngotho! Members, you note that when Hon. Ngotho is speaking, the members listen quietly but when other members rise to speak, he is always at the top of his voice.

**Hon. Nancy Ng'ang'a:** Thank you Mr. Speaker. I would like to react to the sentiments made by Hon. Ndirangu and defend the chairpersons of the committees and especially the committee where I am a vice chairperson. He said that members work under the mercies of the chairpersons and that is a very negative statement to be captured by the HANSARD.

I have heard of a complaint that members work under the mercy of their chairpersons and putting them in the same basket will be chaotic. Don't get me wrong, some chairpersons, like me, are very good and we are able to work harmoniously.

*Hon. Silvester Kagiri rises on a point of information.*

**Speaker:** What is it member for Githioro?

**Hon. Silvester Kagiri:** Thank you Mr. Speaker, I wish to give information to the Hon. Member from Kipipiri that some of the chairs like me, when absent in meetings, do delegate the chairing of the meetings to our vice chairpersons. I am not oblivious of the fact that some of the chairpersons, however, have never given their vices a chance to chair even a single meeting. Is there a time, Hon. Thuita (vice chairperson of Agriculture, Livestock Development and Fisheries Committee), that you have ever chaired a meeting of the Agriculture Committee? The only time that you did chair one was when the chairperson was absent and it made the latter very angry when he came back.

*Excessive consultation.*

**Speaker:** Order Hon. Members, we are hoping to get a remedy for this issue. Proceed Hon. Nancy Ng'ang'a.

**Hon. Nancy Ng'ang'a:** Thank you Mr. Speaker, I was simply correcting Hon. David Ndirangu.

*Hon. David Ndirangu (Mirangine) rises on a point of order.*

**Speaker:** What is it member for Mirangine?

**Hon. David Ndirangu (Mirangine):** Mr. Speaker the member is out of order. She has misquoted me. I did not say all members, I said some.

*Loud consultations.*

**Speaker:** Order members! Proceed Hon. Nancy Ng'ang'a.

**Hon. Nancy Ng'ang'a:** Mr. Speaker, I do not have a problem with my ears and I can promise you I heard him all say that. Thank you Mr. Speaker

**Speaker:** Yes member for Leshau Pondo, Hon. Josphat Kamau.

**Hon. Josphat Kamau:** Thank you for allowing me to contribute to this very serious issue. I want to let the members know that the standing orders are very clear on how members ought to deal with a non performing member.

There is something that has been happening in my committee due to the multiplicity of issues we have to handle and sometimes we are forced to split into a number of groups and here, members are given a chance to chair them. However, some members are not willing to chair

these meetings and we simply cannot force them to. We cannot deny that there are members who shy away from chairing meetings and there is little we can do to appease them. We respect our vice chairs and we allow them to chair meetings, table reports here and even move motions.

Thank you Mr. Speaker.

**Speaker:** Yes member for Shamata, Hon. Kinyanjui Gachari.

**Hon. Kinyanjui Gachari:** Thank you Mr. Speaker, I wish to move a motion under Standing Order 33 (2) that this House suspends any other business scheduled for today to discuss the following motion of county importance.

**Speaker:** Very well, I am well aware of that motion and I am satisfied that it is indeed a motion of county importance but, before you move the motion, you need to satisfy the chair that you have the support of ten or more members.

*Several members rise and the clerk-at-the-table confirms that the number meets the threshold.*

**Speaker:** Therefore, Hon. Members, the rest of today's business as appearing on the order paper remains suspended. This is in accordance with standing orders 33 (1), (2), (3) and (4) that say:

(1) Any Member may at any time rise in his or her place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent county importance.

(2) A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of county importance and may properly be raised on a Motion for adjournment of the House.

(3) If the Speaker is satisfied in terms of paragraph (2) and not less than ten other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.

(4) No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House, except that the Mover may speak for ten minutes.

*This House is suspended for five minutes*

**Speaker:** Next order.

### MOTION

**Speaker:** Yes member for Shamata, Hon. John Gachari.

**Hon. Kinyanjui Gachari:** Thank you Mr. Speaker, I beg to move a motion under Standing Order 33 Section 2:

Aware that there was tabled, in this House, on the 30<sup>th</sup> day of July 2015 the auditor General's report of the financial operations of Nyandarua county year 2013/ 2014

Further aware that the said report was committed to PIC PAC for scrutiny and submission of a report to this House addressing all audit issues contained in the same report and that the committee has just started working on it will do so in due course.

Also aware that the Hon. Senator of the county had convened a public meeting to address the said report and that the same was conclusive that there was misappropriation of public funds in Nyandarua county;

Concerned that the meeting was convened in total disregard of the fact that the Assembly is now seized with the matter and is actually working on it;

Noting that such a meeting was abortive and that the Senator would have better used a more applaudable platform like addressing this assembly as he has usually done or taking the issue to the senate;

Emphasizing the need for the senator and others to respect the constitutional mandate of the Assembly to oversee the functioning of the executive and the need for leaders to address issues of concern in better platforms;

I now urge the Assembly to register its displeasure for the conduct of the Hon. Senator and the same be communicated to him urgently.

Mr. Speaker, I decided to bring this motion here because of the fracas I witnessed yesterday in Ol'kalou and other parts of the country. The incident could easily have been fatal and we, the assembly and not the senator, would have taken the blame. Let this assembly resolve to show the senator that we are just like him and his ignorance is disparaging. We were elected on the same day and we are not under the senate or the national assembly.

Our Senator is constantly holding meetings with the public to insight them that money is being misappropriated. Who made him our auditor? The much I know is that he is an engineer, not an accountant. He is an elected member who should command our respect but he can only do that if he respects himself first. If he was honourable enough, he ought to take care of this assembly as other members of the senate are doing. Since he went to Nairobi he has done nothing for the people of Nyandarua. The Senator is always lobbying the members of the national assembly to accompany him to these rallies. We have not failed in our oversight roles and he should respect us for that.

As I conclude, I urge this House to support this motion so that we can rid ourselves of the shame he has put on our government. We elected him; he did not elect us. He should focus his energies on getting us more money to build better roads and hospitals. Clearly, he does not care for us. We are tired of having the blame heaped on us; I am very proud of the Nyandarua people because they came out in large numbers to defend the dignity of the elected members. Thank you Mr. Speaker, I beg to move and call Hon. Mocher to second.

**Speaker:** Yes member for Murungaru, Hon. Mocher Muchiri.

**Hon. Kariuki Muchiri:** I rise to second this motion, as brought by the member for Shamata and I congratulate him for drawing our attention to this issue. Nyandarua is all over the print and electronic media in reference to what transpired yesterday, How Hon. Karue was pelted with stones. The elected members of all Houses are governed by rules and procedures and our Hon. Senator should know better being a member of senate. If he has issues with the use of public funds, he should bring them here and he knows that. Standing order number 24 (1) and (2) (Address by the Senator or Visiting dignitary) state that:

(1) The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary, to address the Assembly on such occasions as may be appropriate.

(2) Standing Order 22 (Governor entering or leaving Chamber) and paragraphs (1), (3) and (4) of Standing Order 23 (Governor's address to Assembly) shall, with necessary modifications, apply to the Senator, visiting Heads of State and such other dignitaries.

Our Standing Orders are heavily borrowed from those of the national assembly and the senator is well versed with them. It beats all logic to have the senator convene a public rally. I say it is not in order and it does not profit this county. I am very surprised that as the chairman of lands committee I brought a report here on historical land injustices meted on us and we gave a list of those injustices including Nyahururu town which has now gone to Laikipia County.

My committee was and is still convinced, looking at the boundaries, that Nyahururu cannot be part of Nyandarua but we gave a proposal that looks into ways of compensating Nyandarua for the infrastructure it lost to Laikipia and we had recommended to the parliamentarians to take up that matter and specifically the senate because only they can articulate these issues. The Senator has a say on the county's budgetary allocation and can also oversee how the money is being used. I haven't seen our Senator take even a single motion regarding these injustices. This is a core mandate and we should hear him address it rather than bring us a report that has already been tabled here, and I heard him alleging on radio that the report was tabled here a year ago. That is pure politics. In this regard, I support this motion. As an assembly, we register our displeasure on the way he handled the issue of the Auditor General's report.

Today's Daily Nation newspapers report that the Deputy President directed the Auditor General to prepare another report for the national government and county governments. Accordingly, rationality ought to prevail in handling issues of the Auditor General reports. The Senator should have waited for this House to discuss the Auditor General's report, prepare a report on the same and present its recommendations to the Executive. Instead, he went to the 'public court'. You know how dangerous that can be. In the process of doing that, he was pelted

with stones and he had to flee for his safety. Displeasure of this House should be relayed to the Senator for the way he has handled the issue of the Auditor General's report.

I beg to second. Thank you Mr. Speaker.

*Question on the adoption of the motion proposed.*

**Speaker:** Yes member for Kaimbaga ward, Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. I thank the Majority Whip for moving this motion.

**Speaker:** Hon. Members, pursuant to the provisions of the Standing Orders, I direct that you confine yourselves to only five minutes in your contributions. Proceed member for Kaimbaga.

**Hon. Kimani Njiraini:** The events that led to the aborting of the Senator's meeting were dramatic. Many people, including county leaders, were present. Audit queries affect governments at both national and county level. Even the Deputy President addressed the issue and directed that the Auditor General's report be re-written.

In relation to this, I do not think that our Senator was right to convene a public meeting and discuss how Nyandarua County government was implicated in the faulted Auditor General's report. It is the Auditor General who is supposed to address the issues of public finance related queries and not the Senator. The Senator can only summon the Governor to answer questions on the Auditor General's reports before a Senate's committee. In fact, the assembly's PIC/PAC is the one that should deal with the Auditor General's report.

When our senator was the MP for Ol'kalou constituency he never released any audit report related to his mandate. Instead of criticising the county government the Senator should be on the fore front supporting development within the county. He should be lobbying for good roads, upgrading of hospitals, provision of water to our people and other development initiatives within our county. He should also lobby for gazettelement of our county headquarters. The Senator had never sought audience of this assembly. He only wishes to attend public forum to challenge the government.

There must be a paradigm shift in how the senate handles the affairs of the counties. Our Senator should support development in our county. In coming to address the public yesterday, our Senator was accompanied by another Senator who is allied to Cord. Having realised the biasness or inclination of our Senator, our MPs did not accompany him. We would want to know whether our Senator supports Jubilee or Cord. The Senator should, for instance, campaign for provision of water to the people of Kaimbaga ward.

Thank you Mr. Speaker.

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

**Hon. David Ndirangu (Mirangine):** Thank you Mr. Speaker. I rise to support this motion. Our Senator has lost direction. We realise that he is looking for avenues of a comeback. He was elected the way we, the MCAs, were elected.

Since he was elected, he has never been seen in our wards by the electorate. He never attends *Harambees*. He even never picks our calls. He has become irrelevant. He wishes that he could vie for the gubernatorial seat, but it is too late. All that he is doing is in a bid to forge political survival.

When he was elected an MP and later a Senator he went to celebrate with the people of Karatina instead of celebrating with the people who elected him. He is only interested in the people of Nyandarua when he needs their votes. Whatever means he uses, I do not think he will be re-elected. I do not think he will even be elected to the seat of an MCA. Any general in the army needs footmen. We, the MCAs, are in direct link with the people at the grassroots and if our Senator dismisses us he will sink into oblivion. Thank you Mr. Speaker.

**Speaker:** Yes member for Githioro, Hon. Silvester Kagiri.

**Hon. Silvester Kagiri:** Thank you Mr. Speaker. I rise to register my displeasure for the embarrassing event that occurred yesterday that was as a result of our Senator's plan to discuss the audited report with the public.

This country is governed by the rule of the law and not the rule of the jungle. There are always procedures and rules to be followed in handling governance matters. The Senator

reported through the media this morning that our county government got the Auditor General's report a year ago. That is not true.

The Senator was an MP and he understands that the procedures we follow in the county government are the same procedures followed by the national government. The office of the Auditor General is a constitutional office and it has its independent mandate. This office has a function of ensuring prudent use of public funds. Section 229 of the Constitution outlines the mandate and functions of the office Auditor General.

*Consultations*

Protect me Mr. Speaker.

**Speaker:** Order members! Order!

**Hon. Silvester Kagiri:** Thank you Mr. Speaker. Section 229 of the Constitution provides that:

Within six months after the end of each financial year, the Auditor-General shall audit and report, in respect of that financial year, on:

- (a) the accounts of the national and county governments;
  - (b) the accounts of all funds and authorities of the national and county governments;
  - (c) the accounts of all courts;
  - (d) the accounts of every commission and independent office established by this Constitution;
  - (e) the accounts of the National Assembly, the Senate and the county assemblies;
  - (f) the accounts of political parties funded from public funds;
  - (g) the public debt; and
  - (h) the accounts of any other entity that legislation requires the Auditor-General to audit.
- (5) The Auditor-General may audit and report on the accounts of any entity that is funded from public funds.
- (6) An audit report shall confirm whether or not public money has been applied lawfully and in an effective way.
- (7) Audit reports shall be submitted to Parliament or the relevant county assembly.

(8) Within three months after receiving an audit report, Parliament or the county assembly shall debate and consider the report and take appropriate action.

Our county government received the audited report a week ago. How come the Senator claims that our county government received the audited report one year ago?

All the offices of the county government should respect each other. We, the MCAs, for instance are equal to the task. We were supposed to be given time to scrutinise the Auditor General's report. The Senator would only petition us in the 'public court' if we failed to submit a report on the audited report within three months.

In essence, the Senator wanted to fight this Assembly and not the Governor. In his comments he did not talk of the Governor. He said that the county assembly has failed. Constitutionally, this assembly will table the report on the audited report after three months. If we fail to do so then the Senator can petition us to the 'public court'.

The office of the Speaker should relay our displeasure to the Senator. The Standing Orders allows the Senator to address the assembly. How many times has our Senator come to address this assembly? We have seen some Senators addressing their county assemblies. Our Senator disregards us yet we are always ready to listen to him.

Thank you Mr. Speaker.

**Speaker:** Yes member for Leshau Pondo, Hon. Josphat Kamau.

**Hon. Josphat Kamau:** Thank you Mr. Speaker. I rise to support the motion. I also register my displeasure about what happened yesterday. There are legal procedures that our Senator could have followed. What went into news was that there were chaos in Nyandarua.

In Kiswahili it is said that '*Ngamia hucheka nundu za ngombe.*'

The Auditor General alleges that county governments have misappropriated over three hundred billion shillings. But why can't our Senator challenge the national government for misappropriating billions of money? Why is he concentrating on our county government? The Senator was not interested in discussing the audited report but in popularising himself after realising that his popularity has dwindled. One of his major roles is to act as a bridge between the county government and the national government. But now he acts in a manner to create a rift between our county government and the national government.

As argued out by the Deputy President and the Leader of majority in the National Parliament, the Auditor General's report is faulty and therefore it should be re-written. The

Auditor General should come up with a report that reflects what is on the ground. Our Senator is convinced that Nyandarua County Government was cheated and money allocated for it used in other ways.

You remember what happened in Narok County after the county's Senator and Governor disagreed. There were consequential chaos that caused loss of property. Our Senator's battles are not aimed at assisting the people of Nyandarua. They are supremacy battles. The Senator hired goons from Laikipia and Nakuru to come and fight the people who elected him. Is that the right way to popularise himself? Unfortunately or otherwise his vehicle was stoned away. It was wrong for our Senator to hire the goons who caused havoc. In future the Senator should follow the right procedure in addressing the people of Nyandarua. He could go through the Governor or this Assembly. He has never come to address this Assembly except immediately after the elections when he came to thank us for electing him. We campaigned for him a lot. Thank you Mr. Speaker.

**Speaker:** Yes Hon. Gachomba.

**Hon. James Gachomba:** Thank you Mr. Speaker. I Rise to support the motion. This assembly and the people of Nyandarua were not happy about what happened yesterday following our Senator's thwarted efforts to discuss the audited report in public.

This Assembly's committee on PIC/PAC is the one that should first deal with the audited report that was tabled in this House. Even the audited reports by auditor generals in the previous governments have never been discussed in public. Our Senator just wanted to earn political popularity by wanting to read the audited report to the public.

Auditor General's reports should be referred to various county assemblies for scrutiny. Since the Auditor General is not right, his/her reports on usage of funds by the county governments should be presented to the assemblies so that members of the county assemblies can challenge it with regard to the projects implemented or being implemented in the wards. We, the MCAs, should be allowed to scrutinise the audited report to see whether it implicates what is happening on the ground.

Hon. Muriuki Karue is supposed to be an ambassador of this county in the Senate. He is supposed to see to it that our county receives all the funds intended for it. Our CEC Member for

Finance and Economic Planning and the Chief Officer are always soliciting for funds from the national Treasury yet the Senator is supposed to be doing that for our county.

The Auditor General's report was faulty. In fact, the Cabinet Secretary for Treasury, Hon. Rotich, disclosed yesterday that the audited report had been altered. Why did the Auditor General, who is a Luo, not implicating counties in Western Kenya negatively yet he did the same for counties in Central Kenya. I think he is just playing a game. He even claimed that the national government has misappropriated 66.6 billion shillings. I think the audited report has been used as a tool to fight the Jubilee government.

Hon. Muriuki Karue should swallow his pride. He has been unable to work on the Potato Bill. He went to Marigiti and told the people that the Bill requires some amendments and advised them to go to court. Remember Hon. Muriuki Karue never campaigned a lot; he never even had campaign placards. He was elected because people had trust in him especially in view of the fact that he was the champion of CDF.

This assembly should write to the Speaker of the Senate to compel the latter to discipline Hon. Muriuki Karue. His intention to implicate our county government negatively was barbaric. He disregarded our county government and specifically this assembly by hiring goons to help him come and discuss the audited report to the public. He should be disciplined in order for him to do what took him to the Senate. Thank you Mr. Speaker.

**Speaker:** Yes Hon. Kamau Ngotho.

**Hon. Kamau Ngotho:** Thank you Mr. Speaker. One person said, 'Show me your friends and I will tell you your character.' I think he was one the presidents of the United States. There are two lines of thought on this issue of the audited report. One is upheld by the Deputy President, who is a representative of Jubilee Government, and other legislators allied to Jubilee Government. The other one is upheld by the former Prime Minister, the Chairmen of Public Accounts Committees (PAC) in the National Assembly and the Senate, Senator Boni Khalwale, Hon. Mbadi and others.

These members of parliament are aligned to ODM and seem to say that whatever Auditor General did is right. The Deputy President is categorical that we need to review the report from the office of the Auditor General. Then, comes in our senator. He is dancing to the tune of the ODM cronies and seems to approve the audited report.

Mr. Speaker, the constitution is very clear that if someone defects to another political party leaving the one that propelled him or her into winning a seat, he or she ought to go back to the people and seek a fresh mandate since he is assumed to have resigned from the party. If the Deputy President, his senior, can articulate that the report has a problem, who is Senator Karue to say otherwise?

We have all sworn to uphold the constitution. Article 201 of the Constitution talks about how we should deal with the issues of public finance. On this point, I support him because accountability, transparency and prudent use of public finances are issues we cannot negotiate. However, some people are using them for political mileage. Article 6 of the Constitution, which I think Hon. Karue is well aware of, gives him his responsibilities and duties. They include representation, which implies he should go to the ground to inspect the projects done by the County Government. How many times has he done so? I wish he would tell that to the electorate because I understand he had come to provide information.

I have only seen him in a meeting at Catholic Church, another one we summoned him with my friends and yesterday's event. If that is what he calls representation, I wonder what kind of representation he is offering to *Wanjiku*.

Mr. Speaker, I am of the opinion that figures must be read given the fact that the Auditor General's report is in the public domain and is a public document. I do not know what he means when he says that he is coming to make the report public yet it is already in the public sphere. Everyone has access to the document. It is synonymous to saying that you have come to give Ol'kalou Stadium to the people and you know very well that it already belongs to the people. Accountability therefore dictates that the role of the Senator should have been felt way before this report was generated. In fact, I think he should be giving this information on quarterly basis if he is really honest.

Mr. Speaker, the second mandate of a Senator is legislation. This involves bills. We have spoken a myriad of times about our farm produce including potatoes and milk. As we stand, the potato bill is still in the Senate, which makes me wonder how many stages a bill takes to pass. The last time, he said that the potato bill had already gone through the First Reading. How many years will it take the bill to go to the Second Reading? The Senator should therefore do an audit of himself first and provide the information to the public.

Mr. Speaker, Nyandarua is a disadvantaged County. During revenue allocation, we did not have headquarters. The County received a meagre Ksh. 60 Million. How much has the Senator pushed in terms of more allocation towards the County specifically for the headquarters? We are like Turkana County. When the disadvantaged Counties are being considered, Nyandarua should also feature. However, the Senator has failed to rise to the occasion in pushing for more allocation from the National Government to our County.

Mr. Speaker, the Senator has powers to take the County Government and to large extents, H.E. the Governor, to the Senate on issues that they can be summoned. We have heard of Governors being summoned to the Senate. Have we heard anyone from Nyandarua County being summoned to the Senate? The Senator of Mombasa County, Hon. Hassan Omar, did a very noble duty. He went to the Assembly and said that if they did not act on the audit report, most of them would be summoned. That is a person who sees beyond today. On the other hand, Senator Karue knows that financial year 2013/2014 ended in July 2014.

If the Auditor takes six months to review the financial reports, we are talking of February or thereabout. This particular report appeared just the other day raising a lot of suspicion of delay. In fact, it was tabled on Thursday last week in the Assembly. Senator Karue is therefore misleading the electorate by saying that the report was tabled last year in this Assembly. It is unfathomable that a man of his stature and a Senator with a respected record can project himself as a liar to the people.

Mr. Speaker, I often love to use this analogy. When a snail is about to die, it leaves no mark behind yet it leaves behind marks everywhere it goes when it is alive. If you want to know that a snail is dying, as it moves, it leaves nothing behind. Let it not be that the same thing is happening to our Senator. Two years down the line, there is nothing that Senator Karue can say he has done. He has neither brought investors nor initiated projects within the County. He does not even attend burials and other ceremonies that are common in our place. What has he done for the people? Even when President Kenyatta issued a directive for leaders to destroy illicit liquor, I did not see our Senator. Where was he? I therefore do not know whether he is the analogical snail leaving nothing behind when it is about to die. I do not imply dying in the literal sense but I insinuate a political demise.

Mr. Speaker, yesterday some people at the function were singing a famous dirge usually sung by Catholic followers, '*rekei athie ahuruke....*' (Let him go and rest).

*Hon. Ngotho sings the song*

It is not that the people prayed that the Senator dies. They only implied that it is time for him to hang the boots and rest.

We all respect him because he is a hero of our county but it is about time he retires. When a footballer realizes that his time is almost over, he hangs his or her boots and retires. A person like Floyd Mayweather has hinted that he is retiring from boxing and it is a very good lesson for our politicians. Not that he cannot fight, In fact he can win many more matches. However, he is aware of the fact that if he loses, it will be in history that he lost. Therefore, the Senator should retire from politics now that he is at his prime to safeguard his honour and dignity. Even us, we shall retire from politics at some point in time and as such, it should not be seen in the negative light. Let us have another Senator and see what he will do for the people. We should not think that we are the only ones who have brains.

Thank you.

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

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. I rise to air my concern and support for the motion on the floor of the House. It is with great concern that I note the fact that the Senator has an impeccable history in this County. All of us expected that Hon. Karue would go and advocate for the welfare of this County in the Senate once he was elected.

This is owing to the historical injustices this County has endured since time immemorial. We thought that the Senator was a good ambassador to that effect. However, what happened yesterday even scared potential investors who we thought would come to invest here. This leaves a lot of doubts as to whether the Senator has a heart for this County.

Being an experienced politician, I suppose that the Senator knows the procedures. I also believe that two wrongs do not make a right. We as the Members could have used other platforms and arenas to counter the unwarranted criticism from the Senator but we found it wise to use the platform given to us and debate this matter in the House. I think that is what the Senator, who I assume knows his mandate, could have done. The law allows him to come to this House and raise his concerns. He could have known whether the House has received the report if he did so. This is what I meant when I said he ought to have followed the procedures. If this House failed to have acted on the report by the Auditor General within the three months as stipulated in the Constitution, he could have gone to the public court. Nonetheless, three days

after this House received the report, the Senator is up in arms trying to demonize the County Government saying that he wants to show the electorate where the money went.

Mr. Speaker, we cannot presume that someone is guilty as charged. Rather, we should uphold one's innocence until proven otherwise. Any person mentioned for misappropriating funds in this report is not guilty until proven as such by the court of law. These are just mere allegations. A person ought to be heard so that we can know his or her side of the story. That is the reason why the Assembly is given three months to act on the report because the person who did it did not have the time to even call the alleged embezzlers and hear their side of the story. Hon. Karue knows the process.

Mr. Speaker, this is a gazetted document implying that it is in the public domain and anyone can access it. It is therefore not his duty to make the document public yet it is already a public document. I would have wished if Hon. Karue came to this House, follow the set procedures, and we have candid discussion about the matter as leaders who want to develop this County. This is because he knows the law given that has been in the National Assembly for quite some time. I can therefore say that he has chosen to ignore the issues affecting the people of Nyandarua and also try to make this House seem irrelevant.

Mr. Speaker, one of the major roles of a Senator is to defend the interests of the County but his actions are contrary. He seems determined to bring this County to its knees. He could 'honourably' be addressing the issues affecting J.M. Memorial Hospital especially regarding allocation of funds as this is his duty to the people. Apparently, the hospital has not been benefitting from the funds meant for Level 5 hospitals. Our money is going to Nyahururu Hospital. But to the disappointment of many, he is doing things that an Hon. Senator should not be seen doing. If he had identified issues that were pertinent to this County, he could have taken his time and call H.E. the Governor who could have answered his queries. Therefore, Mr. Speaker, this matter is of great concern. We respect Hon. Karue but he is doing things 'dishonourably'. Our desire is that Hon. Karue follows the law and set procedures and be guided by the Constitution and Standing Orders. Not that we do not respect Hon. Karue but he has disrespected this House. I support, and wish our Senator would respect this House and ensure that what the House needs to do will be done.

Thank you.

**Speaker:** Yes Member for Gathanji, Hon. Samuel Thuita.

**Hon. Samuel Thuita:** Thank you Mr. Speaker. I rise to support the motion as proposed by my colleague, Hon. Gachari. I would like to make some few comments. At the outset, yesterday's events were intentionally orchestrated and they elicited a very negative image of the county. It is so sad that they were planned and executed by a representative of the people in the Senate, Hon. Karue.

As aforementioned by Hon. Ngotho, among those who had accompanied our Senator is Boni Khalwale, one of his colleagues in the Senate who had explicitly asserted that Jubilee administration had no mandate to rule. He is the same person who had insisted that Jubilee government should resign since it is irrelevant and is constituted of thieves. As members of Jubilee government, we cannot stand with Senator Karue who seems to be using the opposition to discredit the government. We are now not sure whether our Senator has already switched sides.

Mr. Speaker, Hon. Karue knows in his conscience that the report was tabled just the other day both in the National Assembly and in our County Assembly. He is misleading the public therefore when he insinuates that the report has a whole year since it was released and that the House has failed to act on it. In my opinion, he has failed the integrity test. When we refer to the Senate as the Upper House, we expect the Members of the Senate to be humble and respectable. I therefore feel that Hon. Karue owes this House, the people of Nyandarua and Kenyans an apology for lying to them.

Mr. Speaker, for a person to qualify to be a Member of Parliament or the Senate, he or she should meet some threshold of integrity and moral uprightness among other qualifications. Even the members of this House meet such qualifications and as such, they are also capable of working in the Senate. He should therefore not undermine the Hon. Members of this House. The Legislature plays the role of altering and changing County boundaries. We have been talking of Nyandarua having been marginalized and sidelined all through. He has never taken up the matter since we are yet to hear such a motion moved in the Senate. We are all aware that we are losing millions of shillings in revenue since much of the money that previous regimes allocated to develop Nyandarua went to Nyahururu.

Mr. Speaker, I would also like to articulate that the Senator has no mandate to hold any public rally. The County Government Act and the Constitution only allow the MCAs to undertake such mandates. Even the MPs should not hold public rallies. Article 9 of the County

Government Act outlines the mandate of MCAs. However, no article within the Constitution says that a Senator should go and collect the views of the people regarding a specific issue in public rally. It is not the role of the Hon. Senator to oversight. Therefore, he should not collect the views of the public, as that is not one of his duties.

Mr. Speaker, the Senator of Nyandarua County is thus acting in a manner that portrays Nyandarua negatively. It should be in the records that the County Government of Nyandarua is united and focused on service delivery. As soon as it is practical, the Senator who bears the mandate of addressing this House should come and address the Hon. Members of this Assembly. During his address, he should bring with him a word of apology. Thank you Mr. Speaker, I support. I now call the mover to respond.

**Speaker:** Yes, Member for Shamata Hon. Kinyanjui Gachari.

**Hon. Kinyanjui Gachari:** Thank you Mr. Speaker. I would like to give thanks to all Members for their input in the motion. In addition, the matter has been well debated and deliberated upon. Therefore, the conclusion is that it is important that you give a ruling and direction on this particular issue. The member ought to apologize not only to this House but also to the people of Nyandarua and Kenyans at large.

He brought some unnecessary and unwarranted negative attention to our County. We have come to realize that the interests of Nyandarua People are not in his heart since he is moving to another locality so that he can vie in Nyeri. Since we are not going to migrate with him to Nyeri, he should know that we will be left in Nyandarua. For the damage caused to the business operations and economic sabotage, he should issue an apology.

Mr. Speaker, I wish that this served as a lesson to the Members of the National Assembly that they will face the same consequences as the Senator if they come to demonstrate and paralyse businesses and other activities in our County. We are not going to be cowed. These politicians should lure more investors to come to this County and plan on projects that will better the County and the lives of our people instead of feeling as though we are in some sort of endless political competition. This County has no oil deposits neither does it have big towns. As such, it would be an exercise in futility, the attempt to compare Nyandarua with other counties. What they should know is that we have managed to do some good work in almost all aspects of our people's lives. The people have confidence in us and these politicians should try to build the

confidence of people in them. I am inviting them to come and contest for the positions of MCAs come 2017 because they would wish to associate themselves with our success.

To that end, I am thankful and I am awaiting your guidance Mr. Speaker.

*Question on the adoption of the motion put and agreed to.*

**Speaker:** I would like to give a clear direction on this matter. In fact, it is clear from the Members and their deliberations that the Chair ought to communicate to the Speaker of the Senate, H.E. the Governor and the Hon. Senator expressing the displeasure of Nyandarua County Assembly on the above matter and the issues that have been deliberated on the same. Therefore, this will be communicated to the three aforementioned parties.

Next order

### **ADJOURNMENT**

**Speaker:** Hon. Members, we suspended the business of today given that the issue at hand was of County importance for this House. Therefore, we will adjourn all the business in the today's order paper until the House Business Committee communicates on the same to this House. Besides, we have a meeting with the staff members regarding KICOSCA/CASA games. Therefore, the House stands adjourned until tomorrow Wednesday, 5<sup>th</sup> day of August 2015 at 9:00 a.m.

*The house rose at 4:45 p.m.*