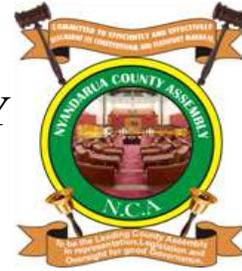




REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY- 4TH SESSION
OFFICIAL REPORT



(The Hansard)

Thursday 23rd June, 2016

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

The Hon. Speaker, Hon. Ndegwa Wahome, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is quorum)

Speaker: Very well; quorum having been achieved we can proceed to transacting the business for this afternoon's sitting.

First order

COMMUNICATION FROM THE CHAIR

FY 2016/2017 BUDGET ESTIMATES

Speaker: Hon. Members, I use my discretion and say that you are aware of the pertinent issue on the county budget for the financial year 2016/2017. We were supposed to deliberate on the report of the Committee on Budget and Appropriations on the budget estimates as submitted by the Executive to this House on 30th April, 2016. For the purpose of letting the Members know the progress on the report I would request the Member for Njabini/Kiburu and the Chairperson of the Committee on Budget and Appropriations, Hon. James Gachomba, to brief members on the progress the Committee has made on the report.

Hon. James Gachomba: Thank you Mr. Speaker. The Committee on Budget and Appropriations has made quite some progress in the preparation of the report on budget estimates.

Yesterday at 8 O'clock in the morning the Committee was seated in one of the committee rooms with some officials from the Executive. The Committee was also joined by Hon. Kamau Ngotho and some other Hon. Members. We agreed that every ward should receive Kshs. 12 million as Ward Development Fund, Kshs. 8 million for roads upgrading and Kshs. 5 million for water projects. We allocated Kshs. 84 million for the County Assembly. The nominated Members were allocated Kshs. 1.4 million each and agreed that they will be added some more in the supplementary budget.

We agreed that the budget in question should incorporate the views of the Executive as well as those of the members of this County Assembly.

We directed the Director of Budget in the County Assembly to make the necessary changes in the budget estimates after which we would compile a report on the same by Monday next week if it is possible.

Thank you Mr. Speaker.

COMMUNICATION FROM THE CHAIR

FY 2016/2017 BUDGET ESTIMATES

Speaker: Hon. Members, the Chairperson of the Committee on Budget and Appropriations has ably communicated what transpired in the said meeting. It was agreed that every ward should receive Kshs. 12 million as Ward Development Fund, Kshs. 8 million for roads upgrading and Kshs. 5 million for water projects. The allocation for the County Assembly was increased from Kshs. 479 million to Kshs. 562 million. The specially elected Members were allocated between Kshs. 1.4 and Kshs. 1.5 million. It was also agreed that the specially elected Members will be considered in the supplementary budget for more allocations.

I hope the secretariat of the Committee on Budget and Appropriations are working together with the team from the Executive to supplement the budget estimates that were presented to the Assembly by the Executive. The document that the joint team will prepare will inform the report that the Committee on Budget and Appropriations will table before this House.

I hope the Committee on Budget and Appropriations is now in a position to proceed with writing the said report. Though this should happen after the Committee has made a request for the same from the Office of the Speaker. I hope that the permission will be granted.

If the Committee on Budget and Appropriations will be able to compile the report by Sunday, then the Leader for Majority will be obliged to move a motion by the close of the business for this sitting requiring the House to have a sitting on Monday, the 27th day of June, 2016, which is a day other than the normal sitting day of the Assembly, in order to discuss the report.

Next order

RESUMPTION OF BUSINESS

MOTION

REPORT ON THE AUDITED FINANCIAL OPERATIONS OF THE NYANDARUA COUNTY EXECUTIVE FOR THE FINANCIAL YEAR 2013/2014

Speaker: Actually the Chairperson of the Committee on Public Accounts and Investments moved the motion and it was seconded. The motion was interrupted at the point where the Member for Kipipiri and the Deputy Leader of Majority was contributing. So, to proceed appropriately, let Hon. Michael Kirumba proceed with his contribution.

Hon. Michael Kirumba: Thank you very much Mr. Speaker. While I was contributing to the motion yesterday issues arose to the effect that Members wanted some more time to internalise the report. The report itself is voluminous; it is over one hundred and ninety pages.

It was only fair for the Speaker who was in the Chair to allow Members some time to internalise the report. There are issues that arose overnight on the report that call for your direction Mr. Speaker. For example, the second recommendation on page 90 of the report states that:

That the Director of CID should interrogate Hon. Nderi Ndiani, Mr. Jesse Mwangi and Mr. Michael Kamau, who, on behalf of the Nyandarua County Executive, used payment vouchers relating to the construction of the County Assembly's building to account for the AIE No. 685079 of Kshs. 61,592,000 yet they are on record for having informed the Committee that the funds were used in the renovation of initial Governor's leased offices.

Mr. Speaker, Hon. Nderi Ndiani, was not in office during the period in review and therefore it was erroneous to include his name in the report. The third recommendation on the same page

mentions the names of Hon. Nderi Ndiani, Mr. Michael Kamau and Ms. Purity Kamuruci who were not in office during the period in review.

Mr. Speaker, I do not know whether at this stage that I should move an amendment that the names be expunged from the said recommendations and the names of the people who were in office during the period under review be inserted instead.

There are some instances in which the report has mentioned the Governor and the Deputy Governor, yet we agreed during report writing that we should not go to specifics on issues touching the offices of the said personalities.

Mr. Speaker, you remember the name of the Deputy Governor was mentioned in the report on the Governor's Offices and we thought that that was not traditionally right.

So Mr. Speaker, before I proceed, I seek your guidance on the abovementioned.

Speaker: I agree that Members needed to internalise the report. As you know, the report raises very serious issues and so Members needed to internalise it appropriately. In view of the fact that the report has more than a hundred pages without the annexures, which I heard the chairman say could fill a pickup truck. I feel, therefore, that the request by the Members to be given time to look at the documents is quite judicious. However, we cannot possibly postpone this debate forever and we should, therefore, agree on a time that the Members will have sufficiently scrutinized the document and will be ready to debate on it.

Yes Member for Kaimbaga, Hon. Kimani Njiraini

Hon. Kimani Njiraini: Thank you Mr. Speaker for allowing the postponement of this debate since there are major issues that require some clarity. I think two weeks are sufficient Mr. Speaker.

Speaker: Yes Member for Gatimu, Hon. Kieru Wambui

Hon. Kieru Wambui: Thank you Mr. Speaker. In as much as the members require more time to scrutinize this document, I am greatly concerned over the fact that the document has already gone public, complete with the names of the people that have been adversely mentioned, albeit erroneously. If the debate must wait, let these controversial issues be solved as soon as possible. The media was here yesterday and they carried all the dossier they required which could be damning to the persons.

Speaker: Members, there is no way we can act on a report that has not been subjected, or is in the process of being subjected to a debate in this House. We have to decide whether to move a motion on the report or to adjourn it altogether. If we agree on the latter, there is absolutely nothing we can do on the report. Proceed Member for Gatimu

Hon. Kieru Wambui: Thank you Mr. Speaker for your guidance. My proposal was, since it incriminates some people erroneously, we dispense of its debate as soon as now.

Speaker: Yes member for Gathaara, Hon. Daniel Kibebo

Hon. Daniel Kibebo: Thank you Mr. Speaker, Sir. As you always say, we must set a workable precedent. This here is a very crucial document, mentioning some names quite adversely and is already, unfortunately, under the public's scrutiny. I would propose that we be given the two weeks to deal with it comprehensively.

Speaker: Yesterday, as captured in the Hansard, the Members indicated that they required more time to scrutinize the document. Unfortunately, the matter has already gone public and we cannot simply wish it away. We have to address the issues in a very solid manner. I feel, however, that two weeks is too long. Can we slot the debate on the order paper for Thursday next week? Yes Chairperson, committee on Public Accounts and Investments committee, Hon. Silvester Mwangi Kagiri

Hon. Silvester Kagiri: Thank you Mr. Speaker, Sir. I understand the concerns of the members and since the implication of the CECM for Finance and Economic Planning was occasioned by a typing error, if the Speaker would allow, I would propose that we amend the name of the CECM which appears in the report erroneously.

Speaker: Actually, Chairperson of PIC/PAC, we cannot possibly amend a report without subjecting it to a debate. The harm is already done and we will deal with it as it comes. For that reason we will slot it in for the afternoon of Thursday the 30th day of June 2016. We shall not have any other business appearing on the order paper that day.

Yes member for Kipipiri, Hon. Michael Kirumba

Hon. Michael Kirumba: Thank you Mr. Speaker, I am much obliged by your directions. I am, however, wondering; since I was the one on the floor, when this debate resumes next week, will I be regarded as one who has already made a contribution?

Speaker: Very well, members will agree that the member had not finished making his contribution and so will be given first priority when the debate on this motion resumes on Thursday 30th June.

Next order

MOTION

REPORT ON CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR, MEDICAL SERVICES

Speaker: Yes Member for Githabai, and Chairperson of the Committee on Health Services, Hon. Peter Njoroge Kairu.

Hon. Peter Kairu: Thank you Mr. Speaker. I rise to move the following motion:

That this House does adopt the Report of the Committee of Health Services in response to a statement sought by Hon. Peter Mwangi Maina, on Confirmation of Director and Deputy Director, Medical Services in the Health Services' Department as a report of this House and the recommendations therein as resolutions of this House.

Mr. Speaker, Sir, on 3rd November, 2015 Hon. Peter Mwangi Maina requested a statement, from the Chairperson of Health Services Committee, concerning the confirmation of key personnel in the Health Services Department the Committee took it upon itself to inquire more on the issue.

The Committee on Health Services is mandated under section 191 (5) of the Standing Orders to, *inter alia*: investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments; study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives; investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;

Mr. Speaker, Sir, the committee derived its terms of reference from the statement request which sought to establish why: Key personnel in the Health Services Department, namely the Director and the Deputy Director, have not been issued with letters of confirmation of appointment by the County Public Service Board.

In view of the foregoing, the committee sought to answer why the Director and his Deputy Health services have not been confirmed.

Mr. Speaker, Sir, pursuant to article 195 of the Constitution read together with sections 191 (5) and 171 of the Standing Orders, which give the committee the power to summon witnesses, the committee on 9th February, 2016, summoned the Chief Officer Health Services to shed light on the terms of employment of both the Director of Health Services and his deputy.

Mr. Speaker, the department of Health Services is one of the departments that has been performing exemplary well under the leadership of the current director and his deputy who have been acting since devolution. It is very unfortunate that people of such high cadres are required to supervise other officers who are enjoying the benefits of being permanently employed while they themselves are serving in acting capacities. It is very frustrating Mr. Speaker. We have talked about this issue on various occasions and I even remember the Governor, himself, promising that they would be confirmed. He is the highest authority in the County and we expected it would be implemented immediately only to learn later that the status quo has remained. The Committee thus recommended:

1. That since all other departments in the County had confirmed their directors, the CPSB together with the Health Services Department should fast-track the process of either recruiting or confirming the current acting directors.
2. That, should they choose to recruit, the CPSB should consider the acting Director and Deputy Director for the positions.
3. That the CPSB should, together with the relevant department, conduct a staff audit in all the other departments, with details of their qualifications, job descriptions, dates of appointment and confirmation, age, gender and payroll number.

The work of the director and his deputy speaks for itself. The health of the entire county has improved as a result of their dedication and good work.

I beg to move and call upon Hon. Beth Wahito to second

Speaker: Yes County Member from Njabini Kiburu, Hon. Beth Wahito

Hon. Beth Wahito: Thank you Mr. Speaker, I rise to second this motion. The members of the committee met with several officials in the department of Health and agreed that it is only prudent to confirm these two gentlemen into the positions they have been serving so diligently. Mr. Speaker, it is very difficult for one to serve in a position that they are not sure they will still be holding tomorrow. Let the director and his deputy be confirmed so that they can feel motivated. Thank you Mr. Speaker, I second.

(Question proposed)

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

Hon. Dorcas Kihara: Thank you Mr. Speaker, Sir; I rise to support this motion. It is every important for every officer to feel contented and motivated. We cannot expect an employee working in an acting capacity to enjoy. I, therefore, support that these officers be confirmed into the positions they have been serving and I must add that they have been doing an excellent job. I recall we had a motion in this House that advocated for the promotion of health workers to motivate them and you can bear me witness that Nyandarua is one of the very few counties that have not had any issues regarding health workers' strikes. Thank you Mr. Speaker, I support

Speaker: Yes member for Wanjohi, Hon. Joseph Mumba Gichini

Hon. Mumba Gichini: Thank you Mr. Speaker, I rise to support this motion because I feel it is not fair to have the two gentlemen working in acting capacities. It is important that we motivate these workers so that they can perform their duties diligently. We can only do this by confirming them so that they can also enjoy a sense of security. Thank you Mr. Speaker, I support.

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

Hon. Kinyanjui Gachari: Thank you Mr. Speaker, I would also like to support this motion. This county has a tendency of keeping people for years on an acting capacity. We have casuals that have served for ten years now and they are still casuals. We cannot let a whole doctor to continue serving in an acting capacity for close to five years.

(Hon. Peter Kairu rises on a point of information)

Speaker: Member for Shamata, do you need the information from Hon. Peter Kairu?

Hon. Peter Kairu: I wanted to inform the Member that Mr. Irungu is not a doctor by profession. Thank you Mr Speaker.

Speaker: We have always thought that he is a doctor by profession because of where he works from.

Member for Shamata proceed.

Hon. Kinyanjui Gachari: Thank you so much Mr Speaker. We thought so because he was working as the head of public health. By not being a doctor by profession I do not think it was right for him to take that position.

Speaker: He was recruited to be an administrator but because of where he works from, most of us assume that he must be a doctor. He was recruited as an administrator.

Hon. Kinyanjui Gachari: I thought that he was a doctor. He has been working in the health sector and acting as a county secretary and he can also be confirmed in that position as well. If he is not able he can go back to medical services. I support their confirmation. I call the mover to respond.

Speaker: Yes the mover and the Member for Githabai

Hon. Peter Kairu: Thank you Mr Speaker, I appreciate the Members' contributions in this motion. In Nyandarua County we have able people such as the director of health services who has been working as the provincial medical officer for the whole central Kenya region for quite a long time. He is very experienced and one who is ready to give his all to save the patients.

If anyone of us gets sick here we are likely to rush him or her to the nearby hospital immediately and if he or she does not get workers there, he will come and say that there are no good services provided in that hospital. However Mr Speaker, we may have some people who are so devoted to their work but unfortunately they are working with others who do not care. He has been working in an acting capacity for three good years and we are now heading to the fourth year and no one has seen the good work that he has been doing.

It is important to note that under his supervision health services provided in this county are good so far. We have not heard of any strikes in health sector and this can be attributed to good leadership. The vaccination activities ran smoothly throughout. It is during that launching of this activity that people realized that a person that they had all along thought that he is the director was in an acting capacity. They did not feel good that a person who has been ready to work for Nyandarua County has not been considered. Probably there was a problem between him and the chief officer and that is why the situation has been like this. In all other departments the directors were confirmed.

Health sector is one department that people should be very ready to support. Without good health the county will not be productive. In urge the assembly to adopt the motion and the two officers should be confirmed immediately. The governor has said the same and he is a very senior person in the county government whose words should be obeyed. We have seen the good work that has been done by the two officers. I believe that this is going to be done and with those few remarks I beg to move.

(Question put and agreed to)

Speaker: The motion is taken and I am surprised that at this hour in our term we are talking about confirming the most critical people in the most critical Department; Health Services. I know as a fact that it has been indicated that confirmation of these officers will be done in 7 days. When the Governor was launching the Emergency Ward and the New Maternity Wing at the J. M. Memorial Hospital he indicated that the confirmations would be made immediately.

The Deputy Governor said that the County Executive Committee had dealt with the matter conclusively and that we did not require to talk about it. Now that we are talking about the same issue I do not think that it is fair. I will be requesting the Committee on Health Services to issue

summon to the CECM for Health Services within 7 days to come and confirm whether this has been done. If it will not have been done, then we will need to come to this House to express our anger. This director in question was a provincial director of medical services; how can we have him in the County as a director of health services on an acting capacity? We are not being serious as a government. Let the Committee on Health Services take up this matter to its conclusion.

MOTION TO BE MOVED

NYANDARUA COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2015

Speaker: Yes County Member from Charagita and the Vice Chairperson of the Committee on Justice, Legal Affairs and Public Service, Hon. Miriam Wahura.

Hon. Miriam Wahura: Thank you Mr Speaker. I rise to seek leave that we move this motion next week for there are some amendments that we want to make on the report.

Speaker: The leave of the House is being sought so that we have the motion moved early next week for the reason that the Committee requires to incorporate some amendments to the report on the Bill. Unless there is any person with input on that issue I will be directing that it be allocated time on Tuesday 28th June 2016 in the afternoon.

ADJOURNMENT

Hon. Members, you remember that you debated on a motion yesterday and I would not want to interfere with a motion that has been duly passed by this House and therefore, pursuant to resolutions of the House based on that particular motion, this House now adjourns to Monday 27th June, 2016 at 10.00 a.m.

(The House rises at 3.25 p.m.)