

REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 5TH SESSION

OFFICIAL REPORT

Thursday, 2nd March, 2017

The Assembly met at the Assembly Chamber at 2:30 p.m.

[The 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 no quorum)

Speaker: Quorum having not been achieved, pursuant to Standing Order No. 34, I direct that the bell be rung for an initial ten minutes or until such time, within the ten minutes, that quorum will have been achieved.

*(The bell is rung for one (1) minute and quorum is achieved
as confirmed by the clerk-at-the-table)*

Quorum having been achieved, we shall proceed with the business for the sitting.
First order.

COMMUNICATION FROM THE CHAIR

Hon. Members, I have a brief communication on the business for this sitting. The business slotted in the supplementary order paper also appears in the main order paper. It is my well-considered opinion that the said business be incorporated in the main order paper under 'Statements.' So that when this order is called at number seven, the business slotted in the supplementary order paper shall be transacted.

Next order.

PAPER LAID

SUITABILITY OF MR GODFREY NDERI NDIANI

Yes the Member for North Kinangop and the Vice Chair of the House Business Committee, Hon. Wambugu King'ori.

Hon. Wambugu King'ori: Mr Speaker, I beg to table the Report of the House Business Committee on the Suitability of Mr Godfrey Nderi Ndiani, for Appointment as the Clerk of the Nyandarua County Assembly.

Speaker: Very well, that report has been duly laid. The House Business Committee will give directions on how to process the same if it has not done so.

NOTICE OF MOTION

SUITABILITY OF MR GODFREY NDERI NDIANI

Speaker: Yes, the Member for North Kinangop and the Vice Chair of the House Business Committee, Hon. Wambugu King'ori.

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

That this House does adopt the Report of the House Business Committee on Suitability of Mr Godfrey Nderi Ndiani for Appointment as the Clerk of the Nyandarua County Assembly as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr Speaker.

Speaker: Well, the notice of motion is duly give. The House Business Committee will give directions on how to process the same if it has not already done so.

Next order.

STATEMENTS

STATUS OF THE CONSTRUCTION OF MUGIKO-SULMAC-KARATE-NYAKIO-GITHABAI-NJOMA ROAD.

Yes, the Member for Githabai, Hon. Peter Kairu.

Hon. Peter Kairu: Mr Speaker, I beg to request for a statement from the Chairperson of the Committee on Roads, Public Works and Transport on the status of the construction of Mugiko-Sulmac-Karate-Nyakio-Githabai-Njoma Road, in the following terms;

That aware there was an allocation of Kenya Shillings ten million (10,000,000) in the County Supplementary Budget for the Financial Year 2016/2017 for the construction of the above cited road as a flagship project for the County;

Further aware that the project has received funding from the County Government during the said financial year for the construction of the project;

Taking note that the construction of the road has been put to a halt with works being done halfway, there being part grading of the road and dug out trenches without culvert installations;

Concerned of the inconvenience caused to the public leading to an outcry due to the slow pace and poor implementation of the project;

Mr Speaker, Sir, I beg to request for a statement from the Committee on Roads, Public Works and Transport addressing the following;

1. What is the fate of the project in as far as the implementation of the project is concerned;
2. How much money has been spent so far on the project and how much worth of works remains; and
3. What are the timelines on the implementation of the project and when is completion of the project expected.

Mr Speaker, allow me to add something. It is very bad that money for upgrading the road was set aside in the financial year 2015/16. Yet the road has never been upgraded; only some grading was done along the road. There has been a public outcry that the road was not upgraded. It is not known whether the contractor was paid or not. What kind of government are we having if money for upgrading the road was set aside yet the same was not implemented? The road in question is used by people from Githabai Ward to transport their goods to the market. Culverts were not installed along the road making the latter impassable.

The officers concerned are not doing their work. Money has been set aside, yet work has not been done despite LSOs having been raised. Remember we are approaching the rainy season. We have to do something about this. I urge the Governor to urgently address this issue. The County will be at a loss if things are left to continue in this manner.

The Committee on Roads, Public Works and Transport should immediately ensure that something has been done to ensure that the road in question has been upgraded. The County Assembly should not be complaining of the roads that have not been upgraded or projects that have not been implemented, yet it has passed budgets for the same. The Governor should know that the officers on the ground are not working. He should not be blamed for problems he does not know about.

The officers concerned should know that there is public outcry concerning failure of the County Government to upgrade the road in question. Particular concern goes to the fact that LSOs relating to road works have been raised but they have not be acted upon. If the road in question is upgraded after the rainy season, shoddy work might be done since there will be no time for oversight.

Thank you Mr Speaker, for giving me time to present the Statement.

Speaker: Very well. This is a matter to be dealt with by the Committee on Roads, Public Works and Transport. I have also received concerns on the road in question from the Member for Magumu and the Member for Nyakio. Since I can see that neither the Chairperson nor the Vice Chairperson of the Committee on Roads, Public Works and Transport is present, could a Member of the Committee tell the House whether the Committee will bring to the House a report on the matter the first day of resuming from recess; that is, on 14th March, 2017.

(Hon. Mumba Gichini rises)

Yes, Member for Wanjohi, Hon. Mumba Gichini, please tell the House whether the Committee will address the issue within fourteen days so that we can bring it to rest.

Hon. Mumba Gichini: Thank you Mr Speaker. I think the Committee can bring the report within the stated time.

Speaker: So the Committee will do it in fourteen days?

Hon. Mumba Gichini: Yes, it will.

Speaker: The House Business Committee will give debate on the report a date on priority immediately the House resumes from recess.

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

Yes, Member for Kipipiri and the Deputy Leader of Majority, Hon. Michael Kirumba

Hon. Michael Kirumba: Thank you Mr Speaker. I rise on Standing Order No.33 and seek your direction on whether Members could be allowed time to give their reactions on the Statement sort by the Member for Githabai. This is a matter of great concern. We should raise our concerns so that if it will rain tomorrow and nothing will have been done on the road, we shall be on record for having intimated that we know the direction things are taking. I think before we proceed to the main business, Members should be allowed to raise their concerns on the matter so that temperatures on the same could be gauged.

Speaker: I do not know; but we can consider reopening the matter. Remember we have set a precedent in this House that immediately a statement is presented, we can raise concerns on the same to be noted by the Committee expected to give a response so that the latter can include them in the statement response. When I realised that the proponent of the Statement had read the same and given his remarks and no Member was attracting the attention of the Speaker to make a comment on the Statement, I closed the business. So proceed Member for Kipipiri.

Hon. Michael Kirumba: Thank you Mr Speaker, for your wise direction. It is very clear that we are headed to a situation where it will be very difficult to redeem things. The financial year 2016/17 is ending in the next few months. We live in Nyandarua and we know the rain patterns. In the next few weeks, due to rain, many areas in the County will be marshy.

Mr Speaker, you have, together with the leader of Majority taken time to go and establish why LSOs especially on road works are taking long time to be acted upon. Members of this House have also gone to the Executive to enquire about the LSOs. Nothing is happening in response. Today I was there and I found nobody. Every time we go there we are told to come tomorrow.

Members of the public knew that roads A, B, C and D would be done this financial year. Should it rain today, you can imagine the hullabaloo that would arise. We should wash our hands like Pontus Pilate Mr Speaker. We have done all we could; there is not anything else we can do concerning the matter at hand.

The other day I was having discussions with people. They were asking me whether we want to start grading roads when rains hit. I questioned the CECM for the Department of Roads, Public Works and Transport how they would feel, having come from Kinangop, when they deploy a motor grader to grade the road in question when it has rained and water is all over the place. I asked him whether it would disturb or worry him.

This House passed the budget and papers related to the same were endorsed; I saw your signatures and the dates on them Mr Speaker.

Mr Speaker, you could have an added strength by using the HANSARD to lay things bare so that those who might think that we have not done our oversight role will know that we went on record on 2nd March, 2017 for having raised our concerns on the matter. We have the months of March, April and May before the financial year ends. Remember we cannot do much in April and in May, we will be out for nominations. If we do not do something we will die like a rat in a calabash. You know when you cock a rat in a calabash and shake the latter the rat will die especially due to lack of oxygen.

It is good that we go on record for posterity. Those who will come after us will know that we knew that there were roads that were to be upgraded by February, 2017 and payments for the same done. But now it seems money for roads works will be carried forward under pending bills only for the payments to be done after we go kneeling. This will set a very bad precedent.

Thank you Mr Speaker, for opening the window for members to raise their concerns.

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

Hon. Kariuki Muchiri: Thank you Mr Speaker, for opening a window through which we can make contributions on issues relating to roads in this County. This House needs to take action through a communication to the Executive. Things are not being done rightly in this County Mr Speaker. Referring to the Statement that was read on the floor of this House, it is unfortunate that a road that was allocated Kshs.10 million in the last financial year has not been upgraded. We have heard of cases where payments for upgrading roads were done despite the road works having been implemented. The reason for this is failure to write letters stopping payments for road works that have not been implemented. It is therefore good for this House to know the status of the road in question through a report by the Committee on Roads, Public Works and Transport.

I wish to draw the attention of my fellow Members to the last supplementary budget we passed; we allocated Kshs.230 million for clearing the pending bills. For record and posterity, I am concerned about the quarry materials that were supplied for implementation of road works during financial year 2013/2014. A committee headed by the Deputy Governor was formed to address the issues on pending bills relating to implementation of road works. The said committee recommended that people who supplied materials or did various road works be paid. Remember initially the people who were paid were not the genuine suppliers/contractors. Many genuine suppliers/contractors have not been paid. LPOs were to be generated for those suppliers who did not know the formal processes Mr Speaker. As we speak the LPOs have not been raised. Many months have passed since we passed the said supplementary budget but very little has been implemented Mr Speaker. In the report by the Committee on Roads, Public Works and Transport there should be set a timeline when the quarry people who supplied quarry materials will be paid.

In the budget, we passed an allocation for repair of county government lorries and machinery. Today, for example, motor graders, shovels and lorries are grounded in the former defunct town council's yard; they have not been repaired. What is not happening and we passed the allocation for vehicles and plants maintenance in the budget? It is very unfortunate.

The other issue Mr Speaker, is on how the Department of Roads, Public Works and Transport is handling things. I have been a civil servant for long. You visit the department and find officers of the department having locked themselves inside the offices. Imagine the public and Members of this House being unable to access a government office because officers are locking themselves inside. This is very unfortunate. It needs to go on record. A very serious communication should be made to the Executive on the same because the stated officers are setting a precedent that has never been experienced before.

The procurement officers of the department too (mostly) go to work (I think) in the Governor's office, leaving the very serious procurement office without an officer to attend to clients. If we do not intervene as an assembly and perform our oversight role history will judge us harshly.

Finally Mr Speaker, there is a citizen who sold quarry material to the County Government and he comes from Githioro. He called the Governor and the latter told the young man to ask for his money from the Member for Murungaru. What is the implication of that Mr Speaker? This is

dangerous. We cannot allow such things to happen. The Member for Murungaru is not a chief officer. Why should the Chief Executive Officer of this County give such erroneous information to a suffering Nyandarua resident? I had to say this so that it goes on record. I consequently appeal to you Hon. Speaker of this County Assembly, to intervene on that particular issue. I rest my case.

Speaker: Yes, County Member from Njabini-Kiburu, Hon. Rebecca Nyangati

Hon. Rebecca Nyangati: Thank you Mr Speaker. I also want to comment on the statement that has been requested for by Hon. Peter Kairu. This House has kept on talking about implementation. We have been approving reports and passing resolutions in this House but nothing is done.

There is a road in Njabini/Kiburu whose upgrading was to spend almost Kshs.40 million. When we were approving the allocation for that road, we almost fought; but after this nothing much was done. This trend is frustrating the Committee on Roads, Public Works and Transport because we are doing so much and after passing resolutions, nothing is done.

Nothing was done on Njabini *Iko*-toilet which we visited as a Joint Committee on Roads, Public Works and Transport and Health Services and compiled a report. Captain *Iko*-toilet had similar issues; in fact, last week people in Captain Centre wanted to demonstrate on the same. Construction of the said toilet consumed Kshs.4 million and the public is aware of that. Right now the toilet has no water but the public is using it anyway. Mr Speaker, this is the time to do things differently.

Mr Speaker, concerning the casual labourers, we have written three reports but the issue is in a mess to date. These workers are suffering. The other day the Member for Mirangine asked that we visit Mirangine to inspect roads that have the same issues as those stated by Hon. Peter Kairu. We are going to do that and compile a report but after this where will the resolutions on that go?

There was a petition by the contractors to this House on the pending bills. The Committee on Roads, Public Works and Transport sat for ten days in Nakuru to respond to the said petition. The Department of Roads, Public Works and Transport was complaining that we had not yet passed any resolution on the pending bills. We called the Clerk to the County Assembly enquiring whether the resolutions were taken to the Executive only to learn last week that the report on pending bills is still in the County Secretary's office. This is not good. The County Executive and the County Assembly are working as arms of different governments. There is no connection between the two. As an Assembly we need to call for an emergency meeting with the Executive and discuss this issue. The common *Mwananchi* is suffering. The MCAs are blamed for this while they have no idea of what is happening in the County Executive.

I will mention that procurement meetings by the Department of Roads, Public Works and Transport are held in Nyahururu. Individual officers in this department get a salary of more than Kshs.200,000. Hon. Silvester Kagiri and I talked of this and we were accused of the intention to impeach the CECM for the Department of Roads, Public Works and Transport. If we do not work together in this Assembly, it will all be in vain and we shall be irrelevant even in the wards and we shall not be allowed to say a thing. We need a meeting with the Executive to see to it that the resolutions that we have passed in this House are implemented.

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

Hon. Kinyanjui Gachari: Thank you Mr Speaker. I also rise to react to the statement sort by Hon. Peter Kairu. Since we passed the budget, nothing has been happening in the wards. Projects in the wards are very important to us. The Executive treats us as if we have no power at all. We are still in the office and we can take action. There has been four reshuffles of the CECMs

so far. The current CECM for the Department of Roads, Public Works and Transport is the weakest.

(Laughter)

Mr Speaker, I do not know how a CECM could be following what is said by a mere employee in that department. We can say that he is being controlled by the juniors. In my position, I cannot follow what my juniors say. I can only call them in my office and give them instructions. He is always out with the juniors that I am not even sure whether they are qualified. They call themselves engineers but we are not sure of their qualifications. When the roads are being constructed or upgraded, the MCAs are the ones that do the follow up on them. Some contractors even finish upgrading roads without ever seeing anyone from the government going to supervise the project. Let them know that we are still in office and that the last kick of a donkey can kill a person.

(Laughter)

The nominations are here with us and our opponents are claiming that we have squandered money meant for roads construction. We have definitely not gotten anything, the implementers are the ones getting the money. We have a toothless Implementation Committee, I can say that.

(Laughter)

It is very weak. We have never had any report from that Committee. This is the weakest Committee in the House. They should have told us what they have seen in terms of implementation. We do not have time to disband the Implementation Committee. It seems like the Members of the Committee are not there...

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

Speaker: What is it Member for Engineer?

Hon. Mwangi Gichuki: Mr Speaker, what parameter has the Member for Shamata used to question the capacity of the Implementation Committee? Has he raised any issue that was never addressed by the Committee? Can he purport to speak on behalf of the entire House and discuss the conduct of the Committee on Implementation while he is aware that the Committee is in the process of compiling a serious report? I would say that the Member is not fair to say that the Committee is not doing its work while we are seriously working on a document that is going to shed more light on some of the issues that we have raised here.

Speaker: On that objection or rather point of order, I would like to refer to the former Deputy Speaker of the National Assembly, Jean-Marie Seroney. When Martin Shikuku, the then MP for Butere, said that KANU was dead, another Member required him to prove or substantiate that KANU was indeed dead. Then, Seroney said that everybody could see and know that it was not there.

(Laughter)

In this instance therefore, you know our Standing Orders are very clear that the Implementation Committee should follow up on any resolution of this House if there is no action taken within 60 days. We have made more than a hundred resolutions and I don't think the Committee has ever come and told us why any of the resolutions has never been implemented.

So, Member for Engineer, I hope you are not in the Committee on Implementation and if you are, I am wondering what justifications you could give for not reporting back why reports of this House are not being implemented by the Executive and why we have not issued any sanctions against any of the Members of the Executive Committee who has defied resolutions of this House without reason or justification.

Proceed Member for Shamata.

Hon. Kinyanjui Gachari: Thank you very much Mr Speaker. All that I wanted to say is that we have been here for four years and we have passed many resolutions as you have mentioned. Not even a single resolution has been acted upon. The Hon. Member for Engineer is saying that they are bringing a document here but I find it to be a little bit too late. They ought to have done this earlier. For these reasons, I request the Hon. Speaker, who is the Chair of this House, even if it is through a special sitting, to give us a chance to discuss that department very seriously. Thank you Mr Speaker, I support the statement.

Speaker: Yes Member for Wanjohi, Hon. Mumba Gichini.

Hon. Mumba Gichini: Thank you Mr Speaker. I rise to support this statement for various reasons. Hon. Peter Kairu has claimed, in his statement, that there is no implementation that has been done and according to him, the Executive is not going to implement any, any time soon. Actually, I have spent quite some time in the procurement office in the Department of Roads, Public Works and Transport. Their work is to write LSOs and nothing is implemented. I was there today in the morning and they just asked me to return there tomorrow. This is their usual promise because they had told me the same yesterday. I do not know what is happening because I know if I go there tomorrow, they will tell me to go back there on Monday, yet they are doing nothing. It leaves me with no option other than to think that they are just in the office resting.

(Applause)

Further, I would like to talk about the road that Hon. Peter Kairu mentioned in his statement. It reminds me of Bladder Bridge in my ward. It was allocated funds during the financial year 2015/16 budget and up to now, nothing has been done. I do not know where they took the money. I also do not know what plans they have for that Kshs.6,000,000 that was allocated for the construction of the bridge. They have given me promises that they are going to implement the project but they are doing nothing to show that they mean what they promise. Even if the Committee on Roads, Public Works and Transport comes up with a report, you will hear that they have misplaced the document. That is the reason we are saying that we have no confidence with the Department of Department of Roads, Public Works and Transport.

Thank you Mr. Speaker.

Speaker: Hon. Members, I have instructed that the views of the Members be collected and collated and be compiled into a consent document which should be taken to the Governor with my signature. It should highlight all those concerns.

Another issue of concern is that we got money from the National Government for this financial year. We are now in the ninth month and we have not started using the money. We have only three months remaining and there is no justification. We do not like talking about these things

because as a government, we should be talking to each other and working for the larger interest of the people.

I have even gone to the Governor alongside the Leader of the Majority Party and the Leader of the Minority Party and asked why we should have two or three people locking themselves up in an office and purporting to be drafting BQs when we have gone to the Permanent Secretary for the Ministry of Public Works in Nairobi. In fact, he told us that if we want the BQs for Nyandarua to be done in ten days, he would gladly give us all the workforce. We were told that and offered the services in the presence of the Governor. However, we are not employing those services. I have asked why we are not using the ten technical people that we were given by the Ministry's headquarters to do our BQs so that we could start implementation as early as September. That is an unanswered question and it is the reason I wanted it to be captured in the HANSARD because some of these things are not fair and we cannot continue watching from the side-lines while some people continue to serve their interests to the detriment of our people.

On the report of the Committee on Roads, Public Works and Transport on the pending bills, I hope you remember that we paid the Committee to even sit at night in Nakuru. They sat even on Sundays and even prolonged or exceeded their committee's sittings and they were not even paid for that albeit having worked round the clock to ensure that the report was ready. That was before we broke for Christmas. Even by last week, that report had not seen the light of the day by for being presented to the Cabinet. We are talking of pending bills and it should be remembered that this Assembly burnt its midnight oil to be able to prepare the supplementary budget so that we can clear them. We sat throughout the night to prepare the supplementary budget to clear the pending bills owing to our people. We also sat and drew a report to ensure that only the right people would be paid but four months down the line, from the time of passing the supplementary budget and two or three months down the line after compiling the said report, that report has not been looked at by the Cabinet.

Sincerely, I think it is about time we came out very clearly because if we are to do some work and there is somebody who is making us not to it, we should go to the rooftops and "shout" the name of that person.

(Applause)

Otherwise, history will judge us very harshly when things are not done and there is no reason they cannot be done.

On the issue raised by *Mheshimiwa* Mumba Gichini, Bladder Bridge was a project in 2015/16 budget. Actually, the money for the construction of the bridge was classified as a pending bill. I asked how it was a pending bill when the bridge had not been done. I was told that they were doing an advertisement which has taken forever. The money is Kshs.6,000,000 and as a pending bill, we don't even know whether it has been paid to somebody but what we know is that the bridge has never been constructed. These are the things we are talking about and we cannot keep quiet about these things because we are the watchdog of the people of Nyandarua. If we keep quiet, where do we leave *Wanjiku*? We should go into the book of history for having stood for the truth and for the larger interests of the people of this County as we have always done. We should also ensure that the people of Nyandarua recognize and identify their enemies because there are people working for this County and we have other people who are enemies of this County.

I think we have really been babysitting these people and we have worn kid gloves for them. We should tackle the issue bare knuckled and let the truth be known. People should carry their

own crosses and directly be accountable to *Wanjiku*. Otherwise, things are getting out of hand and selfish interests of a few people who cannot even fit in the fingers if you started counting them cannot derail us. They hold Nyandarua at ransom and the County is at a standstill and it is neither fair, nor is it right.

So, I am hoping that the Committee on Implementation should heed to the wakeup call. I can see the Vice Chairperson and a Member consulting. This is a wakeup call. Come here and expose the people bringing down this County and its development agenda. We know every other committee in whose sector projects are not being implemented. The only department where the work is being felt even though there are some issues is that of Education, Culture and Social Services. The department has actually exhausted their development budget. This is the department whose CECM is being sacked every other day because he is working. Therefore, we seem to be rewarding mediocrity in this County. We reward thieves, mediocrity and recklessness. Nobody cares about the people working for this County.

This therefore is a time for us to put our foot down and go down in history for having stood with and for *Wanjiku* when *Wanjiku* needed us. Hon. Members, the message is home and the Chairpersons of Committees are here and the HANSARD will be uploaded on the County Assembly Website. Let us play our role and as an Hon. Member said, even the last day of our membership in this Assembly we can change the direction of this County.
Next order.

MOTIONS

PROCEDURAL MOTION

SUITABILITY OF MR GODFREY NDERI NDIANI

Yes, the Member for North Kinangop and the Vice Chair of the House Business Committee, Hon. Wambugu King'ori.

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

That with the leave of the House the motion "That this House does adopt the Report of the House Business Committee on Suitability of Mr Godfrey Nderi Ndiani for Appointment as the Clerk of the Nyandarua County Assembly as a report of this House and the recommendations therein as resolutions of this House" be exempted from the requirement of Article 46 (5) (b) of the Standing Orders that requires that a notice of motion be given at least one day before the motion is moved on the floor of the House.

Mr Speaker, the Nyandarua Public Appointment and Approval Act requires that the approval for the appointment of Mr Godfrey Nderi Ndiani be done within fourteen (14) days. Fourteen days elapse on 8th March, 2017. In view of this, I urge this House to allow that the said motion be moved. I call Hon. Kariuki Muchiri to second.

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

Hon. Kariuki Muchiri: Thank you Mr Speaker. I do not wish to overemphasise the importance of the procedural motion. As an Assembly, we have a timeline on the matter at hand. I do second the motion. Thank you Mr Speaker.

(Question proposed)

(Question put and agreed to)

Next order.

MOTION

SUITABILITY OF MR GODFREY NDERI NDIANI

Yes, The Member for North Kinangop and the Vice Chair of the House Business Committee, Hon. Wambugu King'ori.

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

That this House does adopt the Report of the House Business Committee on Suitability of Mr Godfrey Nderi Ndiani for Appointment as the Clerk of the Nyandarua County Assembly as a report of this House and the recommendations therein as resolutions of this House.

Mr Speaker, with your indulgence, I would wish to go through the report for purposes of record and history.

Speaker: You can proceed because the motion on the report is the main business in the order paper apart from the procedural motion to adjourn the House for short recess.

Hon. Wambugu King'ori: Thank you Mr Speaker. Article 232(1) (g) of the Constitution provides that;

Fair competition and merit should be the basis of appointments and promotions in public service.

This implies that the recruitment of the Clerk of the County Assembly shall be competitive. For the recruitment process to be competitive, an advertisement should be made so that all the interested and qualified persons can apply.

The County Assembly Service Board (CASB) (hereinafter "the Board") in fulfilment of its mandate pursuant to section 13 (1) of the County Government Act, No. 17 of 2012 advertised for applications for the position of the Clerk of the Nyandarua County Assembly on Tuesday the 20th day of September 2016 on page 20 of the Standard Newspaper. The same position was re-advertised on Tuesday the 29th day of November 2016 on The Star newspaper. The application process was closed on 13th December 2016 and the Shortlisting conducted on 18th January 2017.

The nominee, Mr Godfrey Nderi Ndiani applied for the advertised position vide a letter dated 13th December 2016 which was received by the office of the clerk on the same day.

The nominee appeared before interviewing panel on 4th February 2017 as per the Schedule and was ranked as the candidate with the highest score. The name of the nominee to the aforementioned position was communicated to the Speaker by the acting Clerk on 16th February 2017 and committed to the House Business Committee on the same day with the following terms of reference;

- To vet the nominee on the suitability for the position of the Clerk of the County Assembly in accordance with the provision of the Nyandarua County Public Appointments (Approval) Act, 2016 and the County Government Act, 2012,
- To ensure that the due process was followed during the process of nomination, and
- To compile a report on the suitability or otherwise of the nominee to be tabled in the House.

Committee's Mandate

Mr. Speaker, Sir, The House Business Committee is established under, Article 152 of the Standing Orders with the mandate to *inter alia*, to vet and consider for approval by the House, any public appointment pursuant to Standing Orders and the Nyandarua County Public Appointments (Approval), Act 2016.

Committee Membership

The House Business Committee as constituted pursuant to the provisions of the Standing Orders comprises of the following Members:

- | | |
|----------------------------------|----------------|
| 1. Hon. James Ndegwa Wahome | -Chairman |
| 2. Hon. Edinald Wambugu King'ori | -Vice chairman |
| 3. Hon. Kariuki Muchiri | -Member |
| 4. Hon. Peter Githinji Ngumba | -Member |
| 5. Hon. John Kinyanjui Gachari | -Member |
| 6. Hon. Sammy D. Kamau Ngotho | -Member |
| 7. Hon. Michael Njoroge Kirumba | -Member |
| 8. Hon. Dorcas Nyambura Kihara | -Member |
| 9. Hon. Patricia Wanjugu Njoroge | -Member |
| 10. Hon. Paul Maina Nderitu | -Member |
| 11. Hon. Miriam Wahura Ng'ang'a | -Member |

Secretariat

- | | | |
|--------------------------|---|-----------------------|
| 1. Joel Karanja Gicheha | - | Committee Clerk |
| 2. Samuel Irungu Kigotho | - | Research Officer |
| 3. Kahinga John Kabue | - | Legal Officer |
| 4. Robert Wanjohi Gakio | - | Hansard officer |
| 5. Stanley Kimeria, HSC | - | Chief Sargent-At-Arms |
| 6. Mercy Njeri Mbure | - | Legal Intern |

ACKNOWLEDGEMENT

Mr. Speaker, Sir, the committee is alive to the immense contributions and support accorded to it by the Members of the County Assembly through their contribution and participation. Their immense contribution cannot be over looked.

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On behalf of the Committee Members, I wish to extend our sincere appreciation for the invaluable support accorded to the committee by the Office of the Speaker and the Office of the Clerk to ensure that the Committee delivers on its mandate. The County Assembly Service Board (CASB) and the Acting Clerk who is also the Secretary to the CASB were also of pivotal assistance.

Mr Speaker, Sir, I would also like to sincerely thank the Members of the House Business Committee for the commitment exhibited during the approval hearing (vetting), the scrutiny of various documents presented by the nominee and the compiling of this report. I also appreciate the work of our Secretariat who worked tirelessly in the compiling of this report and the Sweet-Lake Hotel Fraternity who offered an enabling environment.

Finally, Mr. Speaker, Sir, it is now my pleasure, on behalf of the Committee to present this report to the House for adoption.

APPROVAL OF THE NOMINEE PROCESS

The legal requirements

Mr. Speaker, Sir, the employment of a clerk of the County Assembly is covered under several legal regimes namely; the Constitution of Kenya 2010, the County Government Act, No. 17 of 2012 the Nyandarua County Public Appointments (Approval) Act, 2016, Parliamentary Service Act and the Nyandarua County Assembly Standing Orders.

Mr. Speaker, Sir, section 13 of the County Government Act stipulates that;

- (1) There shall be a clerk of the county assembly, appointed by the county assembly service board with the approval of the county assembly.
- (2) A person shall not be qualified for appointment as a clerk of the county assembly unless such person –
 - a. is a citizen of Kenya;
 - b. holds a degree from a university recognised in Kenya or its equivalent;
 - c. has had at least five years relevant professional experience;
 - d. Meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

In conducting the approval process, the Committee was guided by the principles espoused under article 73 of the Constitution which requires that ‘public officers should conduct their duties with integrity, transparency, accountability and competence’ and the principles of public service as enshrined under article 232 of the Constitution in discharging its mandate.

Section 11 of the Nyandarua County Public Appointments (Approval) Act, 2016 provides that;

(1) Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the County Assembly for debate and decision within twenty-one days from the date on which the notification of nomination was given in accordance with section

(2) At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.”

Accordingly, the Committee set out to discharge its mandate as required by both the Standing Orders and the Nyandarua County Public Appointments (Approval) Act, 2016. Section 8 of the Nyandarua County Public Appointments (Approval) Act, 2016 stipulates that;

The issues for consideration by the County Assembly in relation to any nomination shall be—

- a) the procedure used to arrive at the nominee;
- b) Any constitutional or statutory requirements relating to the office in question; and
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee’s abilities, experience and qualities meet the needs of the body to which nomination is being made, a candidate’s academic credentials, professional training and experience, personal integrity and background.

The above provisions are the basis on which the Committee conducted the vetting of the nominee for the position of the clerk of the County Assembly.

DESCRIPTION OF ACTIVITIES

- i. The Speaker, on 16th February, 2017, communicated to the house that he had received a letter from the Acting Clerk and the Secretary to the County Service Board Mr Stephen Muriithi Wairimu, on the appointment of Mr. Godfrey Nderi Ndiani as the Clerk of the County Assembly by the Nyandarua County Service Board pursuant to section 13 of the County Government Act No. 17 of 2012.
- ii. Article 45 of the Standing Orders provides that;

Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the Assembly for consideration.

Accordingly, this was supposed to be referred to the Committee on Justice, Legal Affairs and Public Service. However, due to the fact that the Committee on Justice,

- Legal Affairs and Public Service was engaged in other businesses, the Speaker referred the approval to the House Business Committee.
- iii. On Saturday, 18th February 2017, an advertisement was placed in the print media inviting the public to submit memoranda by way of affidavit, or appearance before the House Business Committee during the approval hearing, on the suitability or otherwise of the nominee in conformity with Section 7 (9) of the Nyandarua County Public Appointments (Approval) Act, 2016. The submissions were to be received by 27th February 2017, at 8.30 a.m.
 - iv. By 27th February 2017, at 8.30 a.m., no sworn affidavit contesting the suitability of the nominees had been received by the office of Clerk of the County Assembly.
 - v. On the 27th day of February 2017, the House Business Committee conducted the approval hearing of the nominee. The Committee requested the production of clearances from the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Credit Reference Bureau (CRB) and Certificate of good conduct from the Criminal Investigation Department (CID).
 - vi. The House Business Committee considered the suitability of the nominee against the following criteria, amongst others, in accordance with the Nyandarua County Public Appointments (Approval) Act, 2016.
 - a) Academic qualifications
 - b) Employment record
 - c) Professional affiliations
 - d) Potential conflict of interest
 - e) Knowledge of the relevant field
 - f) Integrity
 - g) Overall suitability for the position

During the aforesaid sittings, the Committee conducted an approval hearing. The approval hearing together with the documents produced formed the basis for the Committee's observations and recommendations as hereinafter appearing.

OBSERVATIONS AND FINDINGS

- a) The Committee was alive to the fact that the Office of the Clerk was vacant and it was within the board's mandate under section 12 (b) to, constitute offices in the County Assembly Service, and appointing and supervising office holders.
- b) Pursuant to the provisions of Section 7 (9) of the Nyandarua County Public Appointments (Approval) Act, 2016, the Committee was informed that the Office of the Clerk had not received any submissions on the suitability or otherwise of the nominee.
- c) The committee vetted the nominee to check whether he satisfies the provisions of section 13 (2) of the County Government Act, No. 17 of 2012 was guided by Section 6 of the Nyandarua County Public Appointments (Approval) Act, 2016. His response was, *inter alia*, as follows:

(i) Personal Profile

Mr. Godfrey Nderi Ndiani was born on 6th February, 1983 in Nyandarua District, Shamata Sub-Location. He is Kenyan citizen and a holder of Identification Card Number 1861630 and Passport number A2091409.

(ii) Academic Qualifications

Mr. Speaker, Sir, Mr. Godfrey Nderi Ndiani went to Kaheho Primary School for his Kenya Certificate of Primary Education (KCPE) where he obtained 507/700 marks. Thereafter, he proceeded to Nyandarua High School for his Kenya Certificate of Secondary Education (KCSE) in which he obtained an A minus. He later joined the University of Nairobi and graduated with a Bachelor of Laws Degree in 2008. He would later join the Kenya School of Law for his Post Graduate Diploma in Law. He is currently pursuing his MBA (Strategic Management) at Jomo Kenyatta University of Agriculture and Technology. It was noted that while at the University of Nairobi, he once featured in the Dean's List, which is the list of top honours for the best top 20 students in the respective faculties.

(iii) Relevant professional experience

Mr Godfrey Nderi Ndiani has a long decorated history in practice as an Advocate of the High Court of Kenya and in public service. He once worked as an advocate with Muchui & Company Advocates from 2008 to June 2013 before joining the Nyandarua County Government where he has served as the CECM;

1. Lands, Housing and Physical Planning 2013-2014
2. Finance and Economic Planning Department 2014-to date

He has also held the following positions in acting capacity;

1. CECM Youths, Sports and Tourism,
2. CECM ICT, e-government, Legal Affairs and Intergovernmental Relations

(iv) Leadership and Integrity

Mr Speaker, Sir, the Constitution requires that a person who holds a public office should be a person of integrity. In line with the above requirement Mr. Godfrey Nderi Ndiani meets the requirements of Chapter Six of the Constitution of Kenya. The nominee produced the following documents;

1. A HELB compliance certificate dated 13th December 2016 which is valid until 13th December 2017.
2. The nominee produced a tax compliance certificate valid up to 8th December 2017.
3. The nominee produced a clearance certificate from the Criminal Investigation Department (CID), dated 14th December 2016.

4. The nominee was duly cleared by the Ethics and Anti-Corruption Commission (EACC) as evidenced by a clearance form dated 9th December 2016.
5. The nominee produced a clearance from the Credit Reference Bureau (CRB).

The Committee further noted that Mr. Godfrey Nderi Ndiani has never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution. However, the nominee informed the Committee that he was once erroneously mentioned in a Public Investment and Accounts Committee report. He however, contested and the report was amended since during the period of investigation he was not a County Executive Committee member.

Lastly, the nominee stated that he had no political affiliation neither had he campaigned for any one for an elective post. While asked if he would leave the position of the Clerk to return to the post of the County Executive Committee Member, he informed the Committee that he had made a serious decision and would not get back to the Executive Committee.

1. In relation to conflict of interest, he said it is unlikely that any would arise but added that in the event that any comes up, he would disqualify himself from making decisions that touch on issues surrounding the conflict of interest, and instead would allow independent people or bodies make such decisions.
2. The nominee noted that given a chance, he will hasten clearance process of Members of the County Assembly and that everything would be done within the confines of the law. He also noted that he will liaise with all the departments that are supposed to clear the members and if possible, form a committee to ensure clearance of the members is achieved seamlessly.
3. On availability, the nominee stated that if approved by the Assembly he would first issue his employer a one month notice as the law provides and thus would report to work after one month upon appointment.

Overall Suitability

Weighing his experience and educational qualifications against the responsibility expected of the Office of the Clerk, the committee confidently found Mr Godfrey Nderi Ndiani fit to hold the office of the Clerk to the County Assembly. It found the nominee to be a person of integrity and that he possesses both the administrative and technical expertise requisite for smooth performance of the functions of the office nominated for.

RECOMMENDATIONS

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

- i. That having considered the suitability, capacity and integrity of Mr. Godfrey Nderi Ndiani, and pursuant to Section 13 (1) of the County Governments Act, No. 17 of 2012 and Section 11 (2) of the Nyandarua County Public Appointments (Approval) Act 2016, the Committee recommends that the County Assembly does approve the nomination of Mr. Godfrey Nderi Ndiani for appointment to office as the Clerk of the Nyandarua County Assembly.

CONCLUSION

Mr. Speaker, Sir, this Assembly has an enormous responsibility in, among other things, representation and oversight. On these functions, this Assembly should, while working within the ambits of the law, the principles of separation of powers and checks and balances, diligently deliver optimally. The County Government Act, 2012 and the Nyandarua County Public Appointments (Approval) Act, 2016, gives this House unequivocal powers to approve public appointments and it does so in accordance with the law, procedures and practices. I thus urge the members to adopt this Report with its recommendations to enable the County Assembly have a substantive Clerk.

Finally Mr Speaker, it is my pleasant duty and privilege, to on behalf of the House Business Committee, move the motion for adoption of the report. Having presented the report, Mr Speaker, I urge this House to approve the appointment of Mr Geoffrey Nderi Ndiani as the Clerk of the County Assembly of Nyandarua.

I now call upon Hon. Kariuki Muchiri, the Leader of Majority, to second the motion. Thank you Mr Speaker.

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

Hon. Kariuki Muchiri: I rise to second this motion on the report that was compiled by the House Business Committee. Mr Nderi Ndiani has the necessary academic and professional qualifications. He also has wide experience. We cannot forget the work he did as the head of the Lands, Housing and Physical Planning Department. He has also played a pivotal role in the management of the county financial resources.

Mr Nderi is up to the task. He will deliver on the expectations of this Assembly. He is a well-known personality in this County Assembly and the County. He will help the Assembly execute its mission and attain its vision.

I beg to second.

(Question proposed)

Yes, the Deputy leader of Majority, Hon. Michael Kirumba.

Hon. Michael Kirumba: Thank you Mr Speaker. I rise to support this report. As a member of the House Business Committee, I had the chance to listen Mr Nderi Ndiani answer questions during his interview. The beauty about his appointment process is that it could be compared with that he engaged in towards his appointment as the CEC Member.

He was brought up in Shamata. Looking at his academic qualifications, you will know what type of a person we are dealing with. He is a learned friend. He will join the other legal officers in the Assembly. Remember a clerk of an assembly executes roles that entail legal procedures. He will fit well.

(Hon. Kariuki Muchiri rises on a point of order)

Speaker: What is it The Member for Murungaru?

Hon. Kariuki Muchiri: Mr Speaker, the Member for Kipipiri is misleading this House by calling Mr Nderi Ndiani a learned friend yet he is not a lawyer himself.

(Laughter)

Speaker: I wish not to express any sentiment on that one and allow the Member for Kipipiri to proceed.

Hon. Michael Kirumba: Mr Speaker, those who understand what I was insinuating know what I meant. Mr Nderi Ndiani helped establish the bursary regulations. Execution of the regulations has helped so many.

It came out clearly during the vetting what he would do to clear Hon. Members. That is critical. We need a person who knows what happens when Members are not cleared in time. We are always talking of timelines and how people fail to honour the same. He has a focus and he knows when to initiate the clearance process Mr Speaker.

He managed to score 507 out of 700 marks in KCPE and this was above average. He scored an A- (Minus) in KCSE. He went to Nyandarua High School, which was a famous school among Nyahururu and Njabini High Schools. People who went to these schools have something between their ears. He will deliver. I urge my fellow members to adopt the report at hand so that this Assembly can have the right person as the clerk. We once went with him to Singapore and Malaysia and he proved to be a man of the people. We had a lot of interactions. The chemistry between him and us is good. So Mr Speaker, this is the right person to have.

I beg to support.

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

Hon. Kinyanjui Gachari: Thank you Mr. Speaker. I rise to support the report. Mr Nderi Ndiani is a bright boy.

(Laughter and murmurs)

Yes, he is like my boy. When he was joining form one I sat in the bursary committee that issued him a bursary.

(Applause)

We were expecting him to go for a parliamentary seat. But he opted for the position of the Clerk to the County Assembly. Considering his intellectual ability, he will make this Assembly a wonderful place to be. Leaving the CECM position will be a great loss to the Executive. It is a benefit for us to have him in the Assembly.

When he was the CEC Member for Lands, Housing and Physical Planning, he set aside two hundred thousand shillings for surveying of land in order to construct access roads. The challenges that faced the Department of Finance and Economic Planning reduced when Mr Nderi Ndiani assumed the leadership of the department. I commend the House Business Committee, of which I am a member, for coming up with the report at hand that recommends appointment of Mr Nderi Ndiani. He will help us in clearing with the Assembly as we approach the next general elections.

He comes from a humble background. He knows what poverty is. But he has grown to be a person of reputation. He is the right person to be the clerk of this County Assembly. Thank you Mr Speaker.

Speaker: Yes, the Member for Njabini-Kiburu, Hon. James Gachomba.

Hon. James Gachomba: Thank you Mr Speaker. I rise to support the motion on the appointment of Mr Nderi Ndiani as the clerk of Nyandarua County Assembly. Every Member

knows that we had a clerk who could not even account for small funds. Mr Nderi Ndiani has a decorated history. He has been a high court advocate for quite some time. He has been a CEC Member for various departments of the County Executive. He is efficient. He has been instrumental in drafting various documents like the County Fiscal Strategy Papers and the Budget Outlook Paper.

He has been active in ensuring that the County development policy is implemented. He helped establish the county bursary fund. He meets the requirement of Chapter Six (6) of the Constitution. He even gave out to the county government two machines for construction of *boda boda* sheds. But some Members wanted to sell them.

(Laughter)

That was on a light note Mr Speaker.

Every Member is aware that he has helped us so much. He has been of great help to the Budget and Appropriations Committee in preparation of budgets. The Department of Finance and Economic Planning has worked tirelessly under his leadership. This is unlike other departments like Roads, Public Works and Transport, and Agriculture, Livestock and Fisheries that have performed poorly.

I support the motion. Thank you Mr Speaker.

Speaker: County Member from Kipipiri, Hon. Nancy Ng'ang'a.

Hon. Nancy Ng'ang'a: Thank you Mr Speaker. I rise to support the motion. I commend the House Business Committee for coming up with the report at hand. We are very proud of Mr Nderi Ndiani. We have gotten a person who is very competent. He has shown it by what he has done in the Executive departments.

He comes from a humble background. I heard him in several meetings telling people how he struggled in his younger days. He also gave a story of how he walked more than ten kilometres wearing tattered clothes to meet a person who offered him a scholarship. He is intelligent. Based on his academic performance, he is very bright. He appeared in the Dean's List at the University. That is a great honour. It is not easy to appear in the Dean's List. Maybe Mr Speaker you appeared in the Dean's List during your campus days because I know you as a bright man. I never appeared there because of some distractors. He has streamlined the Department of Finance and Economic Planning. We are proud of Mr Nderi Ndiani. A county assembly is the heartbeat of the county Mr Speaker. We had a clerk who was not so competent but now we have one who I know will take the Assembly far.

Thank you Mr Speaker.

Speaker: Member for Gathanji, Hon. Samuel Mwangi Thuita.

Hon. Samuel Thuita: Thank you Mr Speaker. I rise to support the motion. I was reflecting on the death of the Governor of Nyeri County (May God rest his soul in eternal peace). There was panic in the county government arising from the fact that the deputy governor had to elect a new County Executive Committee. They feared that the county assembly would not approved the nominees nominated. On this note, this assembly could approve very few CEC Members for other positions Mr Speaker.

If this assembly approves someone from the Executive, he or she must be a performer. Every Member would like to have Mr Nderi Ndiani as the clerk of this County Assembly. He performed very well in the positions he held in the County Executive. He has won the hearts of Members of this Assembly. I wish that the other CEC Members could perform like Mr Nderi

Ndiani. I hope the appointment of Mr Nderi as the clerk will challenge the CEC Members on how they deliver services.

With those remarks I beg to support. Thank you Mr Speaker.

Speaker: Yes, Member for Githioro, Hon. Silvester Kagiri.

Hon. Silvester Kagiri: I rise to support the motion on the report by the House Business Committee. Mr Nderi Ndiani has brought sanity in the Executive. Before he was appointed to head the Department of Finance and Economic Planning, there was endless misappropriation of public funds. Mr Nderi Ndiani has tried very much. He is a very efficient person. It is therefore prudent to appoint him as the clerk of the County Assembly. He is a down-to-earth person. He performs his duties with humility. Our clearance at the end of this term would require a clerk with a sober mind.

He is one of the most competent persons in the county and he will take this County Assembly far. He can work with anybody. In the remaining months of the term, I hope we will collect our broken pieces with the help of Mr Nderi Ndiani. With those remarks, I support the motion on the report on appointment of Mr Nderi Ndiani.

Thank you Mr Speaker.

Speaker: Yes, County Member from Njabini-Kiburu.

Hon. Rebecca Nyangati: Thank you Mr Speaker. I rise to support this motion on the report on the suitability of Mr Nderi Ndiani for appointment as the clerk to the County Assembly. Mr Nderi has full support of this House. He is a respectful and humble person. He is a role model to many. He is however firm in execution of his duties. Due to this some officers left the Department of Finance which he was heading. I remember there broke fracas at Ol'kalou stadium one day during sporting activities and Mr Nderi Ndiani stood very firm as the then acting CEC Member for the Department of Youth, Sports and Tourism. When he was in the Department of ICT, he did a lot to develop Bills and other legal documents.

He was the youngest of the CEC Members who were appointed in 2013. This Assembly has never thought of impeaching him. He has been working well with members of this House since 2013. Appointment of Mr Nderi Ndiani makes the Executive feel the pinch. We are in the right direction and I hope when Mr Nderi Ndiani is appointed, he will serve the way he served in the Executive.

I beg to support. Thank you Mr Speaker.

Speaker: Yes, Member for Engineer, Hon. Mwangi Gichuki.

Hon. Mwangi Gichuki: I rise to support the motion on the approval of Mr Nderi Ndiani as the Clerk of the County Assembly. We must appreciate the work that the Deputy Clerk has been doing as the acting Clerk. He did his work diligently.

There was noted immense progress in the departments that Hon. Nderi Ndiani worked in. when he was the CEC Member for Lands, Housing and Physical Planning, a lot of changes were realised in that department. Most of the roads were opened and surveyors were deployed in almost every ward. Many parcels of land were bought and problems of payments for them never arose.

Every Member knows how he came to head the Department of Finance and Economic Planning. Critical changes on financial management in the county government were effected by him. He established a checklist of documents and files and this made auditing very easy. He established procurement units in every department of the Executive. He stamped his authority and he has the capacity even to work and deliver under pressure.

The Office of the Clerk requires a person who makes decisions based not on malice but on the law, knowledge and the greater good. Socially, he interacts with people professionally and with

required seriousness. He respects people. The only CEC Member who shows a lot of respect for the Members of this Assembly is Mr Nderi Ndiani. He will rarely show an angry face. This is unlike some CEC Members who even abuse Members of this County Assembly. Mr Nderi's public relations standard is above par. You can rest assured that as a Clerk he will interact with people of all levels — weak and strong, poor and rich. I am told by the Member for Shamata that he came from a humble background. We do not expect that he will harass the staff of the County Assembly.

He is a generous man. During nominations, he was instrumental especially in supporting the candidates for nominations financially. Most of the people that have had issues personal or public, he always come in to help. We are positive that Mr Nderi will take this County Assembly far. We are sure that wherever we shall be, we have left a person behind who can diligently to take charge of the assembly.

I was talking to a person and he told me that it is not understood how critical the office of the Clerk to the county assembly is. The Clerk controls the government. Any motion that requires the government to do something comes through the clerk. He or she has the capacity to twist things towards his or her directions. This means that the clerk has some authority on any decision that can be made within the government. This is a very strong but silent person in the government. We hope that Mr Nderi will take charge and work with the rest in the government and he will recognize the need to work in harmony with the rest of the staff in the institution to see to it that this assembly is the best.

The Cabinet Secretary for Roads in the National Government said that wherever he has gone in this country and outside this country, there is no other chamber that has been done that surpasses that of Nyandarua County Assembly. This was the effort of the acting Clerk, the acting Deputy Clerk and the rest of the staff. As he comes in to work with them, I ask that they ensure that the same standard as seen in the new building is reflected in every other thing.

I support the report.

Speaker: County Member from Wanjohi ward Hon. Jane Mwathe.

Hon. Jane Mwathe: Thank you Mr Speaker, I support the report by the House business committee on the suitability of Mr Nderi. As we can see, Mr Nderi has worked as an advocate of the high court and also as a public servant. I can describe Mr Nderi as a man who can sit and listen to everyone. He does not favour any side. He respects and gives attention to people.

He is a resident of this county, Shamata ward and he can therefore work for long hours without worrying about getting home late. I am sure that Mr Nderi will do his best for the county. I can add that he is a good choir master. When we were on our way to Malaysia, we enjoyed the way he sang all the way there.

(Laughter)

I support the report and look forward to work with Mr Nderi.

Speaker: County member from Leshau Pondo, Hon. Margaret Wamuyu.

Hon. Margaret Wamuyu: Thank you Mr Speaker, I support the report. Mr Nderi is almost 100 % good. I remember once when I had been admitted at Aga Khan Hospital, I would talk to him over the phone and he would do as I requested. He is a person that can serve everyone regardless of your level in the society.

We are going to pray for him because he has come from the executive and gotten at the epicentre of politics. Mr Nderi will fit in this assembly. Most of us have worked with him even

when he was in the executive. The rest of the people can see what can happen you if you work well with others.

Speaker: Member for Wanjohi Hon. Mumba Gichini.

Hon. Mumba Gichini: Thank you Mr Speaker, I support the report. I can call this man a man of change. Any department that he has been put in charge of, he has made changes. He was the CECM, department of lands and he was committed. I remember one time that we went to see a road that was surrounded by disputes in Gichigirira. We talked to the people up to 2.00 p.m. He did not keep on looking at his watch like others would do. He stayed there with us. Before he took the ministry, he was previously in, finance and economic planning, we were complaining every day. I hope even here he will be a man of change.

I support.

Speaker: Yes, member for Weru, Hon. Samuel Kimani Gachuhi.

Hon. Kimani Gachuhi: Thank you Mr Speaker, I echo what the member for Engineer has said, that Mr Nderi is a role model in this county. If men such as you and Mr Nderi would work together...I wish you would be the governor and Mr Nderi the deputy governor

(Laughter)

We admire your performance and that of Mr Nderi. Please work together so that you can make the third government of this county. I support the report.

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

Hon. Dorcas Kihara: Thank you Mr Speaker, Sir, I rise to support the report on the suitability of Mr Nderi for the position of the Clerk to the County Assembly of Nyandarua. I have known him while he was working as CECM for Lands Housing and, Physical Planning and the rest of the positions in this county government, he is one man that is easy to work with. He has been aware of what is happening within the departments that he heads. He can work with every person regardless of the cadre or status and he is God-fearing.

He has been working in the county government, he knows all the members and how to handle politicians and he is therefore fit for that position. I know he will work with the staff and ensure that we get our clearance because we need them.

He is a young man and energetic enough to work for this County Assembly. He will ensure that what is deliberated in this County Assembly is communicated to the Executive. In the next government, we hope that you will still be the Speaker of this County Assembly and he being the Clerk, we might get a chance to come back. We expect a lot from him now and in the next county government. During the vetting, I heard him say that he wants to develop himself further and this could be the starting point. I support the report.

Speaker: County Member from Magumu, Hon. Joyce Ng'ang'a.

Hon. Joyce Ng'ang'a: Thank you Mr Speaker for the chance, I support the report on the suitability of Mr Nderi as the Clerk to the County Assembly. Despite his papers, Mr Nderi is admirable and I think the board admired his performance in the Finance department and wanted such performance in the county assembly. I am assured that we are going to get it. Thank you Mr Speaker and I support. I call the mover to respond.

Speaker: Yes, mover and the vice chairperson of the house business committee, Hon. Edinald Wambugu King'ori.

Hon. Wambugu King'ori: Thank you Mr Speaker, I appreciate the members for their contribution toward the report of the House Business Committee on the suitability of one Mr Nderi

Ndiani as the Clerk to Nyandarua County Assembly. I hope that he will ensure that the members of the county assembly are cleared.

I beg to move.

(Question put and agreed to)

Speaker: Hon. Godfrey Nderi Ndiani is duly appointed as the Clerk of Nyandarua County Assembly. As the Speaker, I take this opportunity to congratulate him and I hope that when he comes to the assembly, his transformative agenda will register itself within the Assembly for everyone to see and for the benefit of the people of this county.

Hon. Nderi is a person who understands the County Executive very well. He understands how it works. He will help us a lot in the oversight role and put the executive on account for all the funds they receive and on how they implement those decisions in the budget and other resolutions of the House.

I can promise that there is still work to be done. There will be swearing undertaking and the House will be involved in the entire process of ensuring that he takes over as the administrator-in-chief of the Assembly so that we can feel that we have ownership in this critical office. It makes the lives of the staff, members of this House, the community and the county easy when we have a focused person, who keeps promises, one who has objective and the required threshold.

I thank the House for the considerate debate on this particular nominee and for the approval of the same person. This is a very competitive position and now that the approval is unanimous then the personality is proven and tested and the members of this House have been able to recognize that, identify it and pick it so that they can walk the same journey which is to serve the people of this county in representation, oversight and legislation.

Next order.

ADJOURNMENT FOR SHORT RECESS

Yes, member for Murungaru and the Leader of Majority Party, Hon. Kariuki Muchiri

Hon. Kariuki Muchiri: Thank you Mr Speaker, I beg to move the motion that pursuant to Article 28 (3) and 51 (b) of the standing orders, this House does resolve to adjourn for short recess in accordance with the assembly's legislative calendar from Friday 3rd March 2017 to 13th March 2017. As such the House does stand adjourned to Tuesday 14th March 2017 at 2.30 p.m.

Mr Speaker this is a very important motion because it is provided for in the assembly legislative calendar that we have a short recess which is very necessary. This Hon. Members having transacted the business in this House, it is important that they go back to the wards and families and see what is happening.

We have ongoing road works in the wards and the Members need ample time to go and see what the executive is doing. Work has commenced in some wards but in others even the LSOs have not been generated and this raises very serious concerns. The Hon. Members will go to the roads department to follow up on that. This is however not the work of the MCAs, these document are supposed to be prepared by the relevant officers in time.

I urge the members that when they come across the contractors that do a shoddy job, they should do something so that these people can be black listed. They have to know that we are an assembly that will ensure that standard work is done.

Mr Speaker, we are now approaching the party primaries and the Members need time to go and be with the electorate so that they can ask them for their votes during the nominations. I pray that these members will be able to secure the JP (Jubilee Party) tickets so that when we come back we shall have confident members. I wish to call upon the Member for Gathanji, Hon. Samuel Thuita to second the motion.

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

Hon. Samuel Thuita: Thank you Mr Speaker, I second the motion on adjournment as moved by the Leader of the Majority Party. It is important that the House adjourns as per the legislative calendar of this assembly. There is a lot of work ahead of us and we need to do it within the next ten days. The members need clearance and I can say that this recess has come at the right time.

(Question proposed)

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

9TH MARCH, 2017 SPECIAL SITTING

Speaker: Hon. Members, the Leader of Majority will communicate this but we have gazetted that on 9th March, 2017 there will be a special sitting. On 9th we shall be debating on the report on the two new CECMs, the CECM Water Energy Environment and Natural Resources and the CECM Trade and Cooperatives. We shall be vetting them tomorrow and expect that the report will ready by Monday or Tuesday.

The other issue is that if the LSOs will not be processed, we can come here and for a whole day register our anger. We cannot continue like this. We are in the ninth month in this financial year and we are not doing anything because some people are sitting on the documents and money. We have to look at this and consult the members and get a way forward.
Yes, Leader of Majority Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr Speaker, while moving the motion, I forgot to wish the members a fruitful recess and to wish you a happy birthday.

Speaker: Okay. Thank you. Enjoy your short recess. I am already enjoying my birthday. I have received your messages and I appreciate. The House adjourns to Tuesday 14th March, 2017 at 2.30 p.m. in the new Chamber.

(The House rises at 5.05 p.m.)

