

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY

1ST ASSEMBLY- 5TH SESSION

OFFICIAL REPORT

Thursday, 6th April, 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: There being no quorum, I invoke the provisions of Article 34 (1) of our Standing Orders and direct that the quorum bell be rung for an initial ten minutes, or until such a time within those ten minutes that quorum will have been achieved.

(Quorum bell is rung for three (3) minutes but quorum is not achieved as confirmed by the clerk-at-the-table)

Speaker: Very well, quorum having been achieved Hon. Members, we can now proceed with the business for this sitting.
First order.

STATEMENT

WATER SHORTAGE IN THE FORMER OL' KALOU TOWN AND HIGH WATER TARIFFS

(Hon. Dorcas Kihara rises on behalf of Hon. Kamau Ngotho)

Speaker: I understand that the same was delegated to the County Member from Githioro, Hon. Dorcas Kihara.

Hon. Dorcas Kihara: Thank you Mr Speaker. On behalf of Hon. Kamau Ngotho, I wish to request for a statement from the Chairperson of the Committee on Water, Irrigation, Energy,

Environment and Natural Resources on water shortage in the former Ol'kalou Town Council and high water tariffs, thus;

Aware that water services is a devolved function according to paragraph 11 of Part 2 of the Fourth Schedule to the Constitution;
Further aware that Nyandarua County is a rich water source supplying water to other counties including Nairobi and Nakuru with little or no benefit;
Concerned that the residents of former Ol'kalou Town Council are surviving with little or no water and the charge for the same is very high;
Further concerned that the Ol'kalou Water and Sanitation Company has little capacity to ensure continuous supply of water to its clients;
Arising from the foregoing, I seek that the Chairperson of the Committee on Water, Energy, Environment and Natural Resources provides information addressing the following;

1. What occasioned water rationing in the former Ol'kalou Town Council?
2. Why some areas like Kiganjo have stayed for over two months without water?
3. What is the reason behind the high water tariffs by the Ol'kalou Water and Sanitation Company?
4. What are the steps being undertaken to ensure normal supply of Water to the residents of former Ol'kalou Town Council?
5. What are the steps being undertaken to reduce the high water tariffs?

Thank You Mr Speaker Sir.

Speaker: Very well, the statement is duly requested and before I call the Vice Chairperson of the Committee on Water, Energy, Environment and Natural Resources to tell the House what time the Committee requires to bring a report on the same in the House, I invite any comments on the statement. Yes the Deputy Leader of Majority, Hon. Michael Kirumba.

Hon. Michael Kirumba: Mr Speaker, I would like the Committee to consider Ol'kalou town and its environs — that is the headquarters — and not the former Ol'kalou town. A layman would take former Ol' Kalou town to mean only the town itself excluding the regions surrounding it that are within the jurisdiction of the relevant body that supplies water to the same.

In addition Mr Speaker, considering issue five (5) of the statement on reducing high water tariffs, what would happen to other parts within the County like Wanjohi and Kipipiri to which was is being supplied by small entities especially during this period of water shortage? I thought that this should be addressed in the statement response.

Thank you Mr Speaker.

Speaker: Yes Hon. Dorcas Kihara.

Hon. Dorcas Kihara: Mr Speaker, I wish to clarify that the former Ol'kalou Town Council did not comprise Ol'kalou town only; it also comprised five wards, including Kaimbaga, Rurii and the region extending to Mawingu in Ol'kalou Ward.

Speaker: Thank you for that clarification. Actually the former Ol'kalou Town Council covered Kaimbaga, Rurii (up to Passenga) and the region extending to Mawingu in Ol'kalou Ward. The Deputy Leader of Majority had an issue on the description; in the new constitutional dispensation, the area described in the statement request should be “Nyandarua County Headquarters and its suburbs.”

I call the Vice Chairperson of the Committee on Water, Energy, Environment and Natural Resources, Hon. Moses Mwachigi, to tell the House what time the Committee requires to bring a report on the same in the House.

Hon. Moses Mwachigi: Thank you Mr Speaker. The Committee will interrogate the matter and bring a report on 9th May, 2017, after the recess.

Speaker: I hope the clerk-at-the-table has noted that. The House shall give priority to the statement response when we resume from recess.

Next order.

MOTIONS

1. EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF THE GOVERNOR

Before the Leader of Majority moves the motion, I have an issue that needs to be communicated effectively: if a motion is not completely disposed of during a sitting we shall be required to move the motion again when it comes up in another subsequent sitting considering that it was moved during a previous sitting and actively debated? I do not think so, but we shall require to give a clear direction on that. I believe the Clerk shall communicate this to the legal department. There is no way we should be moving a motion twice, thrice or even four times. Once a motion is moved for the first time, it remains active until its debate is closed. Consequently, I will just invite the Leader of Majority, Hon. Kariuki Muchiri, to just highlight the progress of the motion at hand and then I will take over and give opportunity to the Members who would want to contribute.

Hon. Kariuki Muchiri: Thank you Mr Speaker. That direction is very important. Yesterday I moved the motion at hand and it was seconded. Mine is just to urge the members who would wish to contribute on the motion to take the floor and contribute. Thank you Mr Speaker.

(A commissioner rises to distribute copies of documents to Members)

Speaker: Commissioner, you do not need to do what you are doing from where you are standing; if you hand over the documents Members can pass over the same.

(Hon. David Ndirangu (Mirangine) rises to give way for the Commissioner)

Yes, the Member for Mirangine, Hon. David Ndirangu Ngigi.

Hon. David Ndirangu (Mirangine): Thank you Mr Speaker. I was not rising on a point of order but I was just giving way for the commissioner to pass.

Speaker: Very well. It is only that you caught my eye since you were on your feet. So, Hon. Members, as it has been rightly put by the Leader of the Majority Party, the motion had already been moved and seconded and now it is an opportunity for those members who wish to contribute to the address by the Governor to this House. They can do so at this time.

(No Member rises to contribute to the motion)

Alright. I think the Leader of Majority Party can then give a response.

Hon. Kariuki Muchiri: Thank you Mr. Speaker. Yesterday we debated exhaustively on this issue concerning the address by the Governor and I can see that the members are satisfied with the debate and therefore, I want to take this opportunity to thank the members for their contributions and I hope that the comments that were made will be taken positively by the Executive. Therefore, I congratulate the members and I beg to move.

(Question put and agreed to)

Speaker: Those thanks will be communicated to His Excellency the Governor about the position that the Assembly has taken on that address.

Next order.

2. ALTERATION OF THE ASSEMBLY'S LEGISLATIVE CALENDAR

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

Hon. Kariuki Muchiri: Thank you Mr Speaker. I beg to move the following motion:

Aware that this House adopted the Legislative Calendar for the Fifth Session of this First Assembly;

Further aware that the Legislative Calendar adopted by this House provides for a long recess from Friday the 7th day of April 2017 to Monday the 9th day of May 2017;

Concerned that there is pending business before this House which includes the consideration of the 2nd Supplementary Budget Estimates for the FY 2016/2017, the 1st County Supplementary Appropriation Bill, 2017 and the Report of the Committee on Justice, Legal Affairs and Public Service on the Petition on Removal from Office of the Mr Jack Mbugua, the Secretary of the Nyandarua County Public Service Board;

Further concerned that an adjournment of the House for long recess without the consideration of the business shall lead to derailment of the County Government's development agenda;

I now therefore urge that this House does resolve to alter the Assembly's Legislative Calendar such that the Sittings of the Assembly for the First Part of the Fifth Session shall run until the 13th day of April 2017 and that the long recess shall be from 14th day of April to Monday the 8th day of May 2017. The Assembly shall resume for normal business of the Second Part on Tuesday, the 9th day of May 2017 at 2.30 p.m.

Mr Speaker, this motion is very important because under normal circumstances, I would have moved a motion of adjournment today. However, because new business has come into this House and it concerns the development agenda of this County, I had to move this motion. It is important that we extend, or rather alter the legislative calendar so that we can accommodate the business that is in this House without necessarily calling for a special sitting.

I laid the Second Supplementary Budget estimates for this year and I am sure that the County Supplementary Appropriation Bill will be tabled so that the House can debate on it. Again, the Committee on Justice Legal Affairs and Public Service will be laying on the table a report concerning the petition that was brought to this House seeking the removal of the Secretary to the County Public Service Board. Therefore, this business will be coming next week for debate and I

am sure that the committees concerned, that is, the Committee on Budget and Appropriations as well as the Committee on Justice, Legal Affairs and Public Service will be working on the weekend to ensure that the reports are laid in the House and motions moved so that we can debate on the same.

It is on these grounds that I am moving this motion so that we will be able to transact business so as to ensure that the County Government continues to discharge its mandate. I wish to call upon Hon. Peter Mwangi, Member for Ndaragwa Central to come and second this motion. Thank you.

Speaker: Yes, Member for Central, Hon. Peter Mwangi Maina.

Hon. Peter Mwangi: Thank you Mr Speaker. I rise to second the motion by the Leader of the Majority Party on altering the legislative calendar considering that we were to break for the long recess. However, owing to the pending business of the House, it is good that we consider them before the break. We have a matter pending in the Committee on Justice, Legal Affairs and Public Service and it was intended to be tabled in the House in the coming week. This would therefore necessitate a special sitting which might be difficult because majority of the members both nominated and elected are really into the oncoming party primaries. I therefore support the motion and second.

(Question proposed)

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

Hon. Michael Kirumba: Thank you very much Mr Speaker. This motion has come and it has put everybody into a spin. I must say or admit that we have to support the motion because there is no way out. However, it has really messed the itinerary of most of the members in a very big way.

We all appreciate that this is the worst timing possible considering the party nominations will be held on the 21st day of April. In any race, the last minutes usually save the days. It must therefore be appreciated that we are going out of our way and sacrificing our time because if the business is not transacted, the county will be at a standstill. The stakeholders in this matter is the county staff as the petition clearly highlighted. I also understand the accused person, Mr Jack Mbugua, has a security of tenure and this is not something we can just wish away. It is a serious business.

Mr Speaker, it is important to appreciate that if we are altering this dates to 13th of April, while earlier on it was supposed to be on 6th of April, it implies that the recess will be shortened by seven days. My question from my standpoint is whether these seven days were really taken care of especially during this time of rigorous campaign because the resumption has remained on 8th May 2017. A lot of water will have gone under the bridge by then because the nominations will have already been carried out on 21st April and both winners and losers will have been known. It is always important to remain optimistic that things will play out in our favour because we have really achieved a lot despite myriad of challenges we had to go through especially while performing our duties from the P.C.E.A grounds. May the Almighty God, the Creator of Heaven and Earth extend His eye of mercy and let our people understand that we have been toiling in a very challenging environment.

The other thing I would like to add is to wish these committees well and probably request them to burn their midnight oil so that we can transact the businesses at hand very smoothly come that day. However, I know you may want to make a communication when the Leader of Majority Party is responding because we are doing something that has not gone through the House Business Committee. And maybe, it has to be after this because we are adjourning with the hope that the House Business Committee will endorse this new development. It is something I think should go into the record because this matter may be referred to the House Business Committee on assumption that there will be no objection to the extension. This is one of the things that I felt needed to come out clearly since we cannot come as per this motion unless the House Business Committee has also concurred with the sentiments raised in this motion.

With those remarks, I support the motion.

Speaker: Yes Member for Keriita, Hon. Paul Maina Nderitu.

Hon. Paul Nderitu: Thank you Mr Speaker, I rise to support this motion. This is a very serious document we are considering today and I hope, in future, we could invite the media for our people out there to see what a serious House we are. Although the ground out there is very hot due to the forthcoming elections, I hope the two committees involved will be able to bring us a comprehensive report and that there will be quorum to adopt it, and Mr Speaker, you being the first Member of this County Assembly, you have remained silent on the coming elections and we are wondering what seat you may be vying for. We sincerely hope you will be defending your seat and that you shall support us. Thank you, I support.

Speaker: Very well, yes County Member from Kipipiri, Hon. Nancy Wambui Ng'ang'a.

Hon. Nancy Ng'ang'a: Thank you Mr. Speaker, Sir. I also rise to support this motion. These reports are extremely important, not just to this House but also the entire county. The supplementary budget is program based and if it is not passed, some development projects will be halted. The other report, on the removal of the secretary to the County Public Service Board, touches on the very lives of the county workers and the secretary concerned. I understand that this is a very busy time and everyone wants time to be with the electorate but we are also needed here and we can only pray to God to extend His merciful hand to us so that we can juggle these things. Thank you Mr Speaker, I support.

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

Hon. Dorcas Kihara: Thank you Mr Speaker. I also rise to support this motion in view of the fact that these two reports are extremely important to us and our people. Although we are busy with the party primaries, we must not forget our representation role. The casual workers, the secretary to the board and even the board itself are looking upon us to give them justice. Mr Speaker, we do not want a repeat of the exhauster incidence. Probably the next time they will empty it into the Governor's compound or our Assembly here. We must sacrifice ourselves to ensure that these reports are deliberated on. The other report is on the Supplementary budget and it would be very unfortunate if we go for the long recess before passing it. This would mean that the ongoing development projects will have to stall. Hon. Members, service to man is service to God and we shall be duly paid for our sacrifices. Those of us that are vying for various posts will beat the other aspirants who have all the time in the world. Thank you Mr Speaker, I support and call the mover to respond.

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

Hon. Kariuki Muchiri: Thank you Mr Speaker. Before I thank the Hon. Members, I wish to state that these two reports have caught the Members, especially the elected ones, off guard. The

ground is very hot and the other aspirants are not sleeping. However, because the Members understand why they were elected, they will be here to deliberate on these reports. Finally Mr Speaker, I wish to thank the Members for their contributions and support of the motion. Thank you Mr Speaker, I beg to move.

(Question put and agreed to)

Speaker: Hon. Members, the concerns raised by the Members have been noted and the House Business Committee will be meeting after this because we had not taken into account the Appropriations Law where we have to pass the budget first and then publish the Appropriations. On the issue of the report by the Justice and Legal Affairs Committee, the petition has timelines and if it is not considered by next week, the time will lapse and the petition will be lost which will not auger very well for us. I wish to thank the Member for agreeing to this despite the obtaining situation on the ground which would require that they are in touch with the electorate. Next order.

ADJOURNMENT

Speaker: Hon. Members, in line with the just passed motion, this House stands adjourned to Tuesday the 11th day of April, 2017 at 2.30p.m.

(The House rose at 3.15p.m.)