

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
2ND ASSEMBLY- 1ST SESSION

OFFICIAL REPORT

Wednesday 29th November 2017

The Assembly met at the Assembly Chamber at 2.30 p.m.

[Hon. Speaker (Ndegwa Wahome) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is no quorum as confirmed by the Clerk-At-The-Table)

Speaker: Quorum having been recognized I will now give directions on how business will be transacted pursuant to Standing Orders No. 41 (2) and the same is that we shall start with the Supplementary Order Paper, which captures the business that was supposed to be transacted in the morning session but could not be transacted due to lack of quorum. Then we shall move to the Primary Order Paper so that we can exhaust fully all the businesses that were meant for today morning and this afternoon.

PAPER

SUITABILITY OF MS. NANCY MERCY NJOKI MUREITHI AS FEMALE MEMBER FOR CASB

Yes member for Nyakio and the vice chairperson committee on House Business Committee Hon. Zachary Mwangi Njeru

Hon. Zachary Mwangi Njeru: Thank you Mr Speaker, I beg to table the report of the House Business Committee on the Suitability of Ms. Nancy Mercy Njoki Mureithi for appointment as the female member of Nyandarua County Assembly Service Board. I table.

Speaker: Very well, the report by the House Business Committee dated November 2017 is duly tabled and I believe that the House Business Committee has already given directions on how the same should be processed. Next

NOTICE OF MOTION

SUITABILITY OF MS. NANCY MERCY NJOKI MUREITHI AS FEMALE MEMBER FOR CASB

Yes member for Nyakio and the vice chairperson committee on House Business Committee Hon. Zachary Mwangi Njeru.

Hon. Zachary Mwangi Njeru: Thank you Mr Speaker, I beg to give notice of the following motion

That this House does adopt the report of the House Business Committee on the Suitability of Ms. Nancy Mercy Njoki Mureithi for appointment as the female member of Nyandarua County Assembly Service Board; and pursuant to paragraph 4 of the First Schedule of the County Assembly Services Act, 2017, approves the appointment of Ms.

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Nancy Mercy Njoki Mureithi as the female of the Nyandarua County Assembly Service Board.

Thank you Mr Speaker.

MOTION
PROCEDURAL MOTION

Speaker: Very well member for Nyakio and the vice chairperson of the House business committee Hon. Zachary Mwangi Njeru

Hon. Zachary Njeru: Thank you Mr Speaker, I beg to move the following motion

That pursuant to Standing Orders 230 (Exemption of business from Standing Orders) on the motion; **‘That this House does adopt the report of the House Business Committee on the Suitability of Ms. Nancy Mercy Njoki Mureithi for appointment as the female member of Nyandarua County Assembly Service Board; and pursuant to paragraph 4 of the First Schedule of the County Assembly Services Act, 2017, approves the appointment of Ms. Nancy Mercy Njoki Mureithi as the female of the Nyandarua County Assembly Service Board’** Be exempted from the requirements of Standing Orders No. 48 (5) (b) which requires that a Notice Of Motion to be given at least one day before a motion appears on the order paper.

Thank you Mr Speaker.

Mr Speaker you are aware that because of the inauguration of the president this could not be done as planned. The same was to be tabled this morning but we did not have requisite quorum. This is the reason why we should have this exemption. I call upon the leader of majority Hon. Peter Kamau Gathungu to second

Speaker: Member for Leshau Pondo and the majority leader Hon. Peter Gathungu Kamau.

(Hon. Peter Gathungu Kamau bows in secondment)

(Question proposed)
(Question put and agreed on)

The leave of the House is granted. Next

SUBSTANTIVE ORDER PAPER

NOTICE OF MOTION

NAMING OF AMENITIES

Speaker: Mr Speaker Sir, I beg to give notice of the following motion;

Aware that there is a stadium in Ol'kalou town which is located in Nyandarua County and is being built with the county funds; further aware that the said stadium lacks an official name;

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Concerned that the stadium has previously been refereed to Kianyayo, Ol'kalou stadium, Kiwanjia Giitu and Kiwanja among others thus bringing confusion on what the real name of the stadium is;

Noting that the upgrading of the stadium is being funded by the county and that the President of the Republic of Kenya requested that the national government be allowed to fund the completion of the upgrade

Now therefore this House resolves that;

1. The County Executive Committee does name all the county sport facilities starting with Ol'kalou stadium with special preferences being given to names of freedom fighters and persons associated with heroism in Nyandarua county and ensure that the process is consultative
2. That the County Executive Committee does formulate a policy leading to a law on naming of various amenities in the county which include but not limited to county roads and streets, sporting facilities, health centres, social halls and parks

Thank you Mr Speaker.

MOTION

SUITABILITY OF MS. NANCY MERCY NJOKI MUREITHI AS FEMALE MEMBER FOR CASB

Speaker: Very well member for Nyakio and the vice chairperson of the House business committee Hon. Zachary Mwangi Njeru.

Hon. Zachary Njeru: Thank you Mr Speaker, I beg to move the following motion

That this House does adopt the report of the House Business Committee on the Suitability of Ms. Nancy Mercy Njoki Mureithi for appointment as the female member of Nyandarua County Assembly Service Board; and pursuant to paragraph 4 of the First Schedule to the County Assembly Services Act, 2017, approves the appointment of Ms. Nancy Mercy Njoki Mureithi as the female of the Nyandarua County Assembly Service Board

Thank you Mr. Speaker.

Mr Speaker, the House Business Committee is established under Article 155 of the Standing Orders with obligations to, *inter alia*, vet and consider for approval by the House, any public appointment pursuant to Standing Orders¹, and the Nyandarua County Public Appointments (Approval), Act 2017.

Mr. Speaker Sir, the Committee acknowledges the immense contributions and support accorded by the Members of the Assembly.

Additionally and, on behalf of the Committee, I wish to extend our sincere appreciation for the support rendered by the Office of the Speaker and the Office of the Clerk in ensuring that the Committee delivers on its mandate.

I also wish to sincerely thank the Members of the Committee for the commitment they exhibited during the approval hearing (vetting), the scrutiny of various documents presented by the nominee and the compiling of this report.

The nominee's documents are at the back of the report. The members can refer to it.

Further, I appreciate the work of our Secretariat who compiled this report.

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

Mr. Speaker, Sir the committee in carrying out its mandate, and as directed by the Speaker, used the following methodology;

Approval Hearing

The Committee held its approval hearing on 17th November 2017 where the Nominee appeared and was vetted as provided for in Section 7 of the Nyandarua County Public Appointments (Approval) Act, 2017 as read together with Standing Orders 47 and paragraph 4 of the first schedule of the County Assembly Service Act. During the exercise, the Nominee made submissions on her suitability for the position of a Member of the Nyandarua County Assembly Service Board.

Committee Sitings

The Committee held sittings on 18th and 19th of November, 2017 where members scrutinized the County Assembly Service Board report, documents tabled by the nominee and her oral submissions.

Mr. Speaker Sir, Section 7 of the Nyandarua County Public Appointments (Approval) Act, 2017 outlines the approval hearing process. Further Section 8 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.*

Mr. Speaker Sir on the laws governing the approval process, Section 11 of the Nyandarua County Public Appointments (Approval) Act, 2017 also 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

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Accordingly, the Committee set out to discharge its mandate as outlined in both the Nyandarua County Assembly Standing Orders and the Nyandarua County Public Appointments (Approval) Act, 2017.

The nominee supplied the Committee with her original documents, as requested. These included clearances from;

- a. The Ethics and Anti-Corruption Commission(EACC),
- b. Kenya Revenue Authority (KRA),
- c. the Higher Education Loans Board (HELB),
- d. Credit Reference Bureau (CRB), and
- e. The Directorate of Criminal Investigation (DCI).

Mr. Speaker Sir, the Committee further weighed the suitability of the nominee against the under listed criteria, in accordance with the Nyandarua County Public Appointments (Approval) Act, 2017.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant field
- (vi) Integrity
- (vii) Overall suitability for the position

Mr. Speaker Sir, upon completion of the approval hearing and scrutiny of the report by the County Assembly Service Board, the Committee made the following observations and recommendations:

Observations

The Clerk informed the Committee that his office was not seized of any written memorandum on the suitability or otherwise of the nominee as provided for in Section 7 (9) of the Nyandarua County Public Appointments (Approval) Act, 2017.

Personal Profile

The nominee, Nancy Mercy Njoki Mureithi, was born on 18th March, 1983 in Nyandarua. She holds a Kenyan Identification Card Number 13101491.

Academic Qualifications

The nominee holds a Bachelor of Laws' degree from Moi University (2005-2008) and a postgraduate Diploma in Laws from the Kenya School of Law (2009-2011).

She attended Hillside Academy where she sat her Kenya Certificate of Primary Education and proceeded to Mt. Kenya Secondary School (Kerugoya) for her Kenya Certificate of Secondary Education.

Employment Record

The nominee is an advocate of the High Court and holds different positions. She has worked with different organizations as enumerated here below:

- Proprietor - Njoki Mureithi & Co. Advocates
- Director - Tipphany Enterprises
- Associate- Ndegwa Wahome & Co. Advocates
- Legal Assistant - Protectors Ltd
- Judicial Attachment – Nyahururu Law Courts
- Registration clerk-Electoral Commission of Kenya (Currently IEBC)

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Leadership and integrity

Mr. Speaker Sir, the Constitution stipulates that a person holding a public office is to be of utmost integrity. In order to satisfy the Committee on the matter, the nominee produced the following documents;

- a) A tax compliance certificate number KRAWON8658092017 valid up to 15th October 2018;
- b) A clearance certificate Ref. No. 513286/2017 from the Directorate of Criminal Investigation (DCI), dated 22nd May 2017;
- c) A HELB compliance certificate number 114459 which is valid until April 2018;
- d) A clearance Certificate by the Ethics and Anti-Corruption Commission (EACC) dated 31st March 2017; and
- e) A clearance Certificate from the Metropol Credit Reference Bureau Serial No. MCRB/C136691.

Committee's findings

The committee noted that;

- Pursuant to section 9 of the County Assembly Service, Act 2017, the nominee is a Kenyan Citizen, holds a degree from Moi University, which is recognized in Kenya, and has at least ten years' experience in public affairs having been first employed as a registration clerk by the Electoral Commission of Kenya in the year 2006.
- Pursuant to the first schedule of the County Assembly Service Act, 2017, the nominee;
 - applied for the position of a Member of the Nyandarua County Assembly Service Board vide a letter dated 24th October, 2017 (annexed),
 - She was long listed (annexed) and subsequently shortlisted for the position (annexed),
 - She was interviewed on 7th November, 2017 at 9.00 a.m. as per the interview schedule (annexed), and
 - Scored 87 marks emerging top of those interviewed as per the annexed Board report.

The nominee has complied with Chapter Six of the Constitution on leadership and integrity having provided all the relevant clearance certificates.

The nominee displayed commendable composure, honesty, trustworthiness and high integrity; all attributes that will be instrumental in the delivery of the Board's mandate.

The nominee, being a youthful woman will represent, not only the interests of the women in the county but also those of the county's youth, a group that has suffered perpetual marginalization. Further, her appointment into the Board will bring about the much sought after regional balance since she hails from Kipipiri Sub-County.

In conclusion, Mr. Speaker Sir, the County Governments Act, 2012 and the Nyandarua County Public Appointments (Approval) Act, 2016, give this House authority to approve public appointments.

It is, therefore, my pleasant duty to present to the Members of this House the Committee's report on the suitability of Nancy Mercy Njoki Mureithi for adoption. This will ensure that the County Assembly Service Board is fully constituted as provided for

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in Section 46 (d) of the County Assembly Service Act, 2017 as read together with Section 12 of the County Government Act, No. 17 of 2017.

On 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 this Assembly does approve Ms. Nancy Mercy Njoki Mureithi for appointment as a Member of the Nyandarua County Assembly Service Board representing the female gender.

Mr Speaker sir I call upon Hon. Peter Kamau Gathungu the majority leader to second.

Speaker: Member for Leshau Pondo and the Majority Leader Hon. Peter Gathungu Kamau.

Hon. Gathungu Kamau: Thank you Mr Speaker; I second the motion on the report that has been moved by the deputy Speaker who is also a member of the House business committee. As a member of the said committee, I would say that the nominee as the female member to the CASB is equally qualified. Another good thing is that we got proper representation in Kipipiri Sub County, which had no member in the CASB. During the vetting, she proved to be equal to the task. She is a youth also and this gives her representation strength. I second.

(Question proposed)

Speaker: Member for Wanjohi Hon. Isaac Kung'u

Hon. Isaac Kung'u: Thank you Mr Speaker sir, I rise to support the approval of Ms. Nancy Mureithi. I appreciate the board and the House Business Committee for vetting. I happen to know Nancy. She comes from my ward. I can attest that that profile is true. She is a lawyer. She said that she has contributed probono services. She has given back to the community. She is a founder member for friends of Kipipiri, a group that tries to empower youth from Miharate and Rironi. She has been having programs with them especially during the holidays. This person is concerned about the welfare of the people of Nyandarua.

She is a youth. This gets rid of the fallacy that the youths in Nyandarua are not being considered for appointments. There is been complains all over. They have been asking where we expect them to get the ten years experience we keep on asking for. Whenever we have a chance of giving a youth an appointment, it is good that we do so.

Going to back to Nancy, I can say that she is energetic to serve and by giving her this chance we shall be preparing her for future tasks. We can say that she is our product. She has been born and brought up in Nyandarua. Giving her this chance where she will be able to interact with great people in this county will give her experience.

Concerning regional balancing in the board, we can say that all the sub counties are represented. It is only Kipipiri that has been left out and now that she is there every one of them is represented. I urge members to give this young lady an opportunity to serve. I am sure that she is not going to fail us. I support.

Speaker: Yes county member from Ol'kalou Hon. Geoffrey Kariuki

Hon. Geoffrey Kariuki: Thank you Mr Speaker, I rise to support the motion. I note that this lady is a lawyer and she was appointed to serve in a board related to legislation. I feel like she is overqualified for the task. I also come from Wanjohi and I am proud that a person of such qualifications comes from where I was brought up.

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The other member of the board is not a lawyer but now we are better placed because we shall get legal advice from her. I commend the committee and the board for making relevant recommendations. Every consideration has been made. I support.

Speaker: County member from Magumu Hon. Salome Gathoni

Hon. Salome Gathoni: Thank you Mr Speaker, I rise to support the report though with reservations. As we go through the papers, I can see that we are talking of Nancy Mercy Njoki Mureithi and also Nancy Njoki Mureithi. The difference should be noted rest they cause problem to the said person.

Speaker: Correct, the mover will explain this. Mover!

Hon. Zachary Njeru: Thank you Mr Speaker, before I proceed I would like to address the concern that has been raised by Hon. Salome concerning the name in the certificates and the one on the ID card. I understand that one cannot just change a name, all that a person does is to add. In the bachelor of law certificate, it reads Nancy Njoki Mureithi. It seems like she wanted to change the name from Nancy to Mercy but according to the laid down provisions she can only add the name 'Mercy' for it to read Nancy Mercy Njoki Mureithi.

(Hon. Kieru Wambui rises on a point of information)

Speaker: Member for Nyakio, do you require that information?

Hon. Zachary Njeru: No

Speaker: Member for Nyakio does not require that information so member for Gatimu you can hold your peace.

(Hon. Kieru Wambui rises on a point of order)

What is it member for Gatimu?

Hon. Kieru Wambui: Mr Speaker it would have been better if it was a point of information but the justifications that are being given by the member for Nyakio may not exonerate the committee from that. Among the documents, there is an affidavit that will address the issues that have been raised by the county member for Magumu. Thank you Mr Speaker

Speaker: From that, how was the member out of order?

Hon. Kieru Wambui: Mr Speaker he is relying on documents that may not justify the issue. The academic documents have different names. They cannot be used to address the issues raised by the county member from Magumu.

Speaker: I now get it. You think that he was out of order because he was relying on different academic documents to explain the discrepancy in the names. For you it would have been in order if he used the affidavit that explains the discrepancy in the names. Obviously, you came through the back window because that would only have been addressed as a point of information since he had his *modus operandi* of explaining the situation. I think members can see the explanation in the affidavit. Member for Nyakio proceed.

Hon. Zachary Njeru: Thank you Mr Speaker, the nominee is a daughter of Nyandarua looking at the other side of the ID card. She was born in Nyandarua district, Kipipiri division, Wanjohi location and Rironi sub-location. She is a legal practitioner she is conversant with the legal requirements around that position. The youth constitute about 70% of the Kenyan population and they have great expectations from this government. We now have a good number of youths here to represent their fellow youth.

Concerning regional balancing, Kipipiri have their daughter who has merit to be in the board. I thank the board, the secretariat, the office of the Speaker, the office of the clerk and the members of the county assembly for their support. I now move

(Question put and agreed to)

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Speaker: The motion is taken and the board will do the necessary to ensure that Nancy Mercy Njoki Mureithi is incorporated in the county assembly service board so that the same can be in full function. Next order

ADJOURMENT

Very well the business for the day having been exhausted I now adjourn the House to Thursday 30th November 2017 at 2.30 p.m.

The House rises at 3.15 p.m.