



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY



ORDERS OF THE DAY

FIRST ASSEMBLY  
(No. 165)

THIRD SESSION FIRST PART

.....  
VOTES AND PROCEEDINGS OF THE ASSEMBLY

ON

TUESDAY 31<sup>ST</sup> MARCH, 2015 AT 2.30 P.M  
.....

Hon. James N. Wahome Presiding

(The Hon. Speaker of the County Assembly opens the proceedings in Prayers)

1. Administration of Oath

No Oath was administered as there was no one to administer oath to.

2. Communication from the Chair

The Chair made the following Communications:

i. COMMUNICATION FROM THE CHAIR

Honourable Members

In strict adherence to the provisions of Article 21 of the Assembly Standing Orders, it is my pleasure to inform this House that the Governor of Nyandarua County will be attending a special sitting of this Assembly on Wednesday the 1<sup>st</sup> day of April 2015 at 2.30 PM at the Assembly.

The purpose of the sitting will be to enable the Governor make his annual state of the County address to the Assembly in accordance with Section 30 (2) (k) of the County Government Act, 2012. I therefore

request that you avail yourselves for this important occasion in the Calendar of our Assembly.

Thank You Honourable Members and May the Almighty God Bless You.

**HON. JAMES NDEGWA WAHOME**  
**SPEAKER, NYANDARUA COUNTY ASSEMBLY**

ii. **COMMUNICATION FROM THE CHAIR ON THE CONDUCT OF HONOURABLE MEMBERS**

Honourable Members

It is my wish to give a discourse on an issue that has been subject of this House of which time constraints has in the immediate past not allowed me to tackle.

In a special sitting of the House on 19<sup>th</sup> March 2015, the Honourable Kieru Wambui, Member for Gatimu Ward rose on a point of order and brought to the attention of the House an issue pertaining to an alleged breach of dignity and integrity of this House. The House was actually alive to the events that followed a motion that had been moved by the Honourable Member for Rurii, Peter Wahome Kamoche.

During a sitting of the Assembly on the 17<sup>th</sup> day of March 2015, the Honourable Member for Rurii did move a motion that implored the House to discuss the conduct and mete out disciplinary action against the Secretary of the County Public Service Board. However, the motion was defeated on a technicality since the mover indicated that the motion was sponsored by the Select Committee on Delegated County Legislation. The Honourable Joshua Mureithi, Member for Nyakio Ward, who rose to second the motion, was inopportunately not so suited as he is not a member of the Committee. The Honourable Member thereby purported to donate his time to second the motion to the Vice Chairman of the Select Committee on Delegated County Legislation. This however was in breach of procedure. The motion

was thereby deemed to have been withdrawn in accordance with Article 56 of the Standing Orders.

It is in the light of this that the mover of the motion the Honourable Peter Wahome Kamoche, Member for Rurii Ward being dejected on the collapse of the motion, did grant an interview to a local vernacular radio station namely Inooro FM later on. It is the content of the said broadcast that is hereby the subject of this communication.

The Honourable Members, in the aforesaid sitting of 19 March, 2015 did extensively express their dismay and reservations on what the Honourable Member said in the broadcast. It is worthwhile to note that the said interview was conducted within the precincts of the Assembly.

Having listened to the concerns of the Members on content of the broadcast, I find it to have been in bad taste for the Member to allege that the Honourable Members of this House had been compromised through corruption in particular nepotism in any way to determine the outcome of an issue before the House. It is not in order for the Member to make blatant and blanket allegations against Members, allegations of which the Member has not substantiated in any fora.

It is not the desire of this house to muzzle anyone nay an Honourable Member of this Assembly his or her right to freely express their views and sentiments. It is a fundamental right that is guaranteed in the Bill of rights of the Kenya Constitution. It is however imperative to be aware that freedoms also do bear responsibility. We have been called to a high calling to serve the people of this County and Nation with Diligence, Duty, Honesty and Honour. The laws of this Nation and in relation to the manner of conduct of leaders are to ensure leaders provide able leadership.

As a County Assembly, we did adopt a code of conduct for which we committed ourselves to serve with dignity and uphold the integrity of this house. The Assembly is considered a near sacred institution and

thereby demands high standard and glorious conduct of any member, officer or private citizen within its precincts.

The County Assembly is protected and as well empowered by the law under the National Assembly Powers and Privileges Act which applies *mutatis mutandis* to the County Assembly's Section 10 (4) of the Act provides that,

*“The Committee of Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into any alleged breach by any member of the Assembly of the Code of Conduct issued under section 9, or into any conduct of any member of the Assembly within the precincts of the Assembly (other than the Chamber) which is alleged to have been intended or likely to reflect adversely on the dignity or integrity of the Assembly or the member thereof, or to be contrary to the best interests of the Assembly or the members thereof.”*

In relation to this, Article 150 of the Standing Orders of this Assembly has established the House Business Committee. The select committee has been mandated to among others under Article 150(4)(l) to *“address all matters pertaining to powers and privileges.”*

I hereby direct that the House Business Committee does look into this matter and submit a report to the House within twenty one (21) days. The Committee should thereby get into possession of the said recordings of the interview and scrutinize them to ascertain the offensive nature of the broadcast. It should also pursuant to Article 195 of the Constitution summon any person that it shall deem fit and appropriate to exhaustively and conclusively deal with the matter at hand.

**Thank You Honourable Members and May God Bless You.**

**HON. JAMES NDEGWA WAHOME**

**SPEAKER, NYANDARUA COUNTY ASSEMBLY.**

3. Messages

No messages were conveyed.

4. Petitions

No petitions were received.

5. Papers

The following papers were laid.

i. Hon. Samuel Kimani Gachuhi

Report by the Committee on Roads, Transport and Public Works on the Interrogation of the Report on the Visit to Israel.

Duly tabled by Hon. Joshua Mureithi (Vice Chairperson). The Hon. Speaker directed that the House Business Committee does allocate time for the Notice and subsequent moving of the Motion.

ii. Hon. Daniel Kibebo

Report by the Committee on Industrialization, Trade, Cooperatives, Tourism and Wildlife on Clearing Caves and Nature Trails in Aberdare Region.

Duly tabled by Hon. Daniel Kibebo (Chairperson). The Hon. Speaker directed that the House Business Committee does allocate time for the Notice of Motion to be given.

6. Notices of Motion

The following Notice of Motion was given:

i. Hon. Teresiah Njoki

Aware that Kenya is a signatory of major international treaties that seek to guarantee the rights of children and has in particular ratified the Convention on the Rights of the Child (1989) and the African Charter on Rights and Welfare of the Child;

**Further aware** that Kenya has domesticated the provisions of the said international instruments both in the Constitution and in the Children Act of 2001;

**Noting** that under article 53(1)(f)(i) and under section 119(2) of the Children Act 2001, every child has the right not be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time and separately from adults and in conditions that take account of the child's sex and age;

**Concerned** that all custodial stations in Nyandarua County do not reflect and observe the above stated constitutional requirement for lack of facilities and children are being held in custody together with adults;

**I now** therefore urge this House to make a resolution to the effect that the County Government, through the relevant department on matters of intergovernmental relations, does liaise with the relevant National Government's ministry and agencies, and ensure that separate custodial facilities for children are put up.

**Notice duly given by Hon. Teresiah Njoki**

**The Hon. Speaker directed that the House Business Committee does allocate time for the moving of the Motion.**

**ii. Hon. Samuel Gachuhi**

**THAT** this House does adopt the Report by the Committee on Roads, Transport and Public Works on the Interrogation of the Report on the Visit to Israel as a report of this House and the recommendations therein as resolutions of this House.

**Notice duly given by Hon. Joshua Mureithi**

The Hon. Speaker directed that the House Business Committee does allocate time for the moving of the Motion.

7. Statements

There were neither statements sought nor any to be responded to.

8. Motions and Bills

There were no Motions to be moved or Bills to be considered.

ADJOURNMENT

There being no other business of the Day on the Order Paper, the House stood adjourned at 2.47 p.m. until Wednesday the 1<sup>st</sup> day of April 2015 at 9.00 a.m.

PURITY MWONJORIA KAMURUCI  
CLERK TO THE COUNTY ASSEMBLY