

**REPUBLIC OF KENYA**  
**MURANGA COUNTY ASSEMBLY**  
**THE HANSARD**

Wednesday, 24<sup>th</sup> October, 2018

The House met at 2:40 p.m.

*[Temporary Speaker (Hon. Alex Ndunda) in the Chair]*

**PRAYERS**

**PETITIONS**

**STATUS OF COMMITTED PETITIONS**

**PETITION ON STATUS OF CONSTRUCTION OF GACHARAGE RIVER BRIDGE  
 BY KINYONA WARD RESIDENTS**

**Hon. Flasia Nduta:** Mr. Speaker, I am here to respond to the status of Petitions committed to the Committee and I wish to enjoin Petition (a) and (b) because they are from the same Committee. First is the Petition by residents of Gachocho, Kinyona Ward on the construction of Gacharage River bridge committed on August 22<sup>nd</sup> 2018. (b) Petition by residents of Kimorori/ Wempa in Maragua Sub- County regarding the allocation of funds for construction of Katipanga, Gikono, Kang'ang'u road committed on August 22<sup>nd</sup> 2018.

Mr Speaker, I wish to issue a status update together since they were Committee on the same day and the Committee is considering them jointly. Mr Speaker, the Petitions were committed to the Committee on August 22<sup>nd</sup> 2018, the Petition consideration deadline was October 21<sup>st</sup> 2018.

Mr. Speaker, the Committee has undertaken the following activities towards the Petition consideration. One, briefing on the Petition at the Committee level. Two, discussion on the schedule of activities towards the Petition consideration. The following are the pending activities for both Petitions

1. Receiving submissions from the Petitioners
2. Conducting field visits to Gacharage River bridge in Gachocho location, Kinyona Ward at Kigumo constituency to verify claims made by the petitioners on the ground in regard to the Petition.
3. Conducting field visits to Kimorori/ Wempa in Maragua Sub- County to determine the status of Katipanga, Gikono, Kang'ang'u road as per the claims made by the Petitioners
4. Engaging the County Executive Committee Member (CECM) on Roads and Infrastructure on the way forward
5. Drafting and adopting the report on the Petition

Mr. Speaker, the Committee has delayed in undertaking the above listed activities due to the following reasons.

1. The Committee never held sittings during the long recess period from August 22<sup>nd</sup> to October 5<sup>th</sup> 2018 therefore missed four consecutive sittings

2. Priority on consideration of another Petition from St. Mary's Njogu-ini village which is still on-going. Mr. Speaker, the Committee therefore requests for an extension of time towards the completion of the Petition with 60 days. Thank you Mr. Speaker

PETITION BY RESIDENTS OF ITHANGA WARD ON BUILDING OF LATRINES FOR  
ITHANGA HEALTH CENTRE

**Hon. Peter Githuka:** On the status of Committee Petitions, there are some documents which we are waiting from the Health CEC and so far-----

*(Hon. Peter Mweri rose on a point of order)*

**Hon. Peter Mweri:** You need to give guidance, the Vice- Chair is dressed in a short sleeved shirt and we need guidance on whether it is parliamentary practice

**Temporary Speaker (Hon. Alex Ndunda):** I think the honourable member is properly dressed. I do not think there is any problem dressing in either short or long sleeve.

**Hon. Muiruri Githuka:** The Committee would like to be given more time because there are some documents which we have not received from the County Executive County Member (CECM) for maximum of one month and we shall come with a comprehensive report after one month, for both Petition( c) and (d).

Thank you.

**Temporary Speaker (Alex Ndunda):** Agreed.

**MOTION**

ADOPTION OF REPORT ON EXTENT OF COMPLIANCE  
WITH THE NATIONAL VALUES AND PRINCIPLES OF  
GOVERNANCE AND OF PUBLIC SERVICE IN THE MURANG'A  
COUNTY PUBLIC SERVICE FOR THE PERIOD ENDED  
31<sup>ST</sup> DECEMBER, 2017

**Hon. Stanley Muhia:** Thank you

**Temporary Speaker (Alex Ndunda),** I beg to move the following Motion;-  
That this House adopts-----

*(Hon. Peter Mweri rose on a point of order)*

**Hon. Peter Mweri:** Thank you, is it in order for the honourable member from Kamahuha Ward not to respect this House because he did not bow when he was coming in. I would like the clerk to confirm if we have quorum.

**Temporary Speaker (Alex Ndunda):** Honourable Member for Kamahuha you have to respect this House but I have not seen that thus I am not sure that he is not respecting this House. We can proceed. On the issue of quorum I can see we have quorum Hon. Stanley Muhia proceed.

**Hon. Stanley Muhia:** Thank you Temporary Speaker, I beg to move the following Motion;-

That this House adopts---- the Report of the sectoral Committee on Governance, Labour and Social Welfare and Justice and Legal Affairs on the extent of compliance with the national values and principles of governance and of Public Service in the Murang'a County Public Service for the Period Ended 31<sup>st</sup> December, 2017, laid on the Table of This House in the morning sitting.

On behalf of Governance, Labour and Justice and Legal Affairs Committee pursuant to Standing Order 193 (6) (g), it is my humble pleasure and duty to present to the County Assembly the Committee's report to the extent of compliance with national values and principles of governance and public service in the Murang'a County Public Service for the period ended 31<sup>st</sup> December 2017. It is worth noting that the report before the Assembly is statutory requirement where the County Public Service Board is obliged by the County Governments Act section 59 (1) and (f) to evaluate and report to the County Assembly on the extent to which the values and the principles of that has been referred to in Article 10 (1) and (2) are complied with in the county service board. The Committee appreciate the county service board for adhering to this law requirement. The report was submitted to the Assembly on 19<sup>th</sup> February 2018 and it was committed to the Committee on 15<sup>th</sup> March 2018 since then the Committee have reviewed the report and has met with the secretary to the board Mr. Richard Kamami.

The Committee noted that the board is properly constituted as it meets the legal parameters set out by the County Governments Act section 58 (1) (b) of having a minimum number of three and a maximum of five members. The Committee is concerned the position of the chairperson have been held on acting capacity for some time now and the current chairperson should be legalised as per section 58 (1) (a) of the County Governments Act which states that the county service board shall comprise of a chairperson nominated and appointed by the County Governor with the approval of the County Assembly. After analysing the report and interacting with the secretary to the board in a Committee meeting, the Committee made the following observations: the Board had indicated that it was inadequately funded yet the department of Public Service had not exhausted the allocated funds as per the County Budget Review and Outlook Paper (CBROP) 2017/2018. The Committee, therefore, is committed to inquire further into this issue.

The Committee noted that since the resignation of the Chairperson to the Board in 2015, the position has been held on acting capacity up to date. The Committee is of the opinion that section 58 (1) (a) of the County Governments Act (CGA) should be adhered to.

The Committee further observed that the current wage bill is not economically sustainable. The Committee also observed that the County Public Service Board did not fully utilise or realise the values and principles under Section 10 and 232.

Mr. Speaker, the Committee recommends that, among others, the Chairperson should not be in acting capacity for indefinite period and that the appointment should be done as per section 58 (1) (a) of the CGA. The County Public Service Board should also comply with the law and pay casual employees as per the gazetted rates by the Ministry of Labour. The County Public Service Board should formulate a policy to address affirmative action in regard to employment of women minorities and persons living with disabilities.

With these few remarks, I urge the Hon. Members to support the Report from the Committee and hereby request Hon. Zablon Machugu who is the Vice Chairperson for the Governance, Labour, Justice and Legal Affairs Committee to come and second the Motion.

Thank you, Mr. Speaker.

**Hon. Zablon Nduati:** Thank you Mr. Speaker, I am the Member of County Assembly for Nginda Ward and also the Vice Chairperson of the Governance, Labour, Justice and Legal Affairs Committee. I stand here to second the Motion.

Thank you, Mr. Speaker.

*(Question proposed)*

**Temporary Speaker (Hon. Alex Ndunda):** Hon. Members, the Floor is now open for debate. Yes Hon. Lilian?

**Hon. Lilian Kabaya:** Thank you Mr. Speaker, I am a nominated MCA and I rise to support the Motion of the Governance, Labour, Justice and Legal Affairs Committee. I would especially like to point out recommendation number five that gender and minority issues should not be ignored, especially since these issues are expressly provided for in the Constitution.

Mr. Speaker, we have not heard from the Committee on Governance, and perhaps they would like to explain to us, what happened when the County Public Service Board was shortlisting and recommending candidates for Chief Officers because we realised there was absolutely no gender representation, no person with disability and minorities were also ignored. That is a very key point which we feel that the Committee should have highlighted more on and any measures that are being taken to ensure that we appear to adhere to our constitutional principles in future. I however support the Report. Thank you, Mr. Speaker.

**Temporary Speaker (Hon. Alex Ndunda):** Hon. Mbembe Kiiru.

**Hon. Kiiru Mwangi:** Thank you Mr. Speaker, I am the MCA for Gatari Ward and I also rise to support the Motion but also point out that as much as we are talking about gender, if you look at the current constitution of the Board, it is skewed against the boy child. According to the Constitution, the Board is supposed to have a maximum of seven members. We could have recommended that when filling the other two positions, even if it will be represented by people with disabilities or the marginalised, they should be men. The boy child is at risk these days and we have emphasized so much on the girl child, unfortunately when we talk about the girl child you only support them up to secondary level when they go to university this is where we are having problems with sponsors you people you are not following up. So, I support the report but I wish that the positions be filled by men. Thank you, Mr. Speaker.

*(Hon. Lilian Kabaya rose on point of order)*

**Hon. Lilian Kabaya:** Mr. Speaker is it in order for the Hon. Member from Gatari to start alleging issues to do with sponsors in this forum. Is it related to our debate?

**Temporary Speaker (Hon. Alex Ndunda):** I think he was trying to emphasize on issue of girl child. Let's proceed. *Mheshimiwa* Nyoko did I see your hand?

**Hon. Sospeter Nyoko:** I stand to support the Motion, thank you.

**Hon. Peter Githuka:** Thank you Mr. Speaker Sir, I want to support what MCA for Gatari said and the words he has mentioned, he was not against women, he was talking as a father, as a councillor and also a leader so I rise to support.

*(Laughter and applause)*

**Hon. Stanley Muhia:** Thank you Mr. Speaker, I want to thank Hon. Members who supported this Motion and especially Hon. Kabaya for pointing out that we need to look into gender issue in the implementation and actually in the nominations in future.

However, it is also good to let Hon. Kabaya know that the two thirds is supposed to be realized progressively and therefore we hope that the County Government is going to implement the same progressively in future.

Hon. Kiiru also which actually these days we only think about marginalized groups as women but in most cases we realize that the boy child is also oppressed. Therefore, we need to look at the equality and may be consider case by case when we talk about gender equality.

Otherwise thank you so much members for supporting the Motion and I also congratulate Hon. Nyoko for supporting the Motion. Thank you, members I know, we are going to realize our goals in as far as implementation of this gender rule is concerned. I hope it is also going to be considered in future in other things, thank you so much members.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Temporary Speaker (Hon. Alex Ndunda):** Honourable members there being no other business, the House stands adjourned until tomorrow Thursday 25<sup>th</sup> at 2:30 p.m.

*The House rose at 3:03 p.m.*