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# REPUBLIC OF KENYA

## MURANG'A COUNTY ASSEMBLY

### THE HANSARD

Tuesday, 28<sup>th</sup> February 2023.

The Assembly met at 2:58 p.m.

*[The Deputy Speaker (Hon. Gachui Mungai) in the Chair]*

### PRAYERS

### PETITION

#### ENACTMENT OF ROAD MAINTENANCE MATERIALS ACT PURSUANT TO ARTICLE 119 OF THE CONSTITUTION OF KENYA 2010.

Honourable Members, I have the following communication to make about public Petition on enactment of Road Maintenance Materials Act pursuant to Article 119 of the Constitution of Kenya, 2010.

Pursuant to Standing Order 214 (2) (d), I wish to Report that on February 15, 2023, the County Assembly received a public Petition submitted by the residents of Kiritu area in Kangari ward, Kigumo sub- County. The petitioners draw the attention of the Assembly to the matter of enactment of Road Maintenance Materials Act pursuant to Article 119 of the Constitution of Kenya, 2010.

I further wish to state that the Petition is signed by two petitioners; Mr. David Muturi Ngure and Mr. Erastus Ngechu. The petitioners confirm that the issues in the respect of the Petition are not pending in any court of law, or constitutional or legal institution.

The petitioners prayer is;-

- 1) That the County Assembly enacts a County Transport Road Act to;

Exempt tea factories and farmers in tea growing zones from paying any fees, charges and levies for construction materials like quarry waste, gravel and marram.

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- a) Document and provide a schedule of all tea zone County roads in the County and how and when they should be maintained.

Pursuant to provisions of Standing Order 216 (1) the Petition is hereby committed to the Public Works, Roads and Transport Committee. Further, pursuant to the Standing Order 216 (2), the Committee shall in not more than 60 calendar days from today, respond to the petitioners by way of a Report addressed to the petitioners and laid on the Table of the Assembly.

Thank you. Next order.

### **PAPER**

#### **REPORT OF COMMITTEE OF PUBLIC WORKS, ROADS AND TRANSPORT ON THE COMMITTEE LEGACY FOR THE PERIOD 2018 TO 2022**

**Hon. Samson Ngigi:** Honourable Speaker, I beg to lay the following Paper on the Table of the Assembly.

The Report of the sectoral Committee on Public Works, Roads and Transport on the Committee legacy for the period 2018 to 2022.

Thank you.

*(Hon. Samson Ngigi laid the Paper on the Table)*

### **NOTICE OF MOTION**

#### **NOTING THE CONTENTS OF REPORT OF COMMITTEE OF PUBLIC WORKS, ROADS AND TRANSPORT ON THE COMMITTEE LEGACY FOR THE PERIOD 2018 TO 2022**

**Hon. Samson Ngigi:** Honourable Speaker, I beg to give the following notice of Motion;-

That, this Assembly notes the contents of the Report by the sectoral Committee on Public Works, Roads and Transport on the Committee legacy for the period 2018 to 2022, laid on the Table of the Assembly.

### **MOTION**

#### **ADOPTION OF REPORT OF COMMITTEE ON APPOINTMENTS ON VETTING OF DR. NEWTON MWANGI, NOMINEE FOR APPOINTMENT AS THE COUNTY SECRETARY**

**Hon. Liz Mbugua:** Honourable Speaker, I beg to move the following Motion;-

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That, pursuant to section 44 of the County Governments Act 2020, and section 9 of the Public Appointments (County Assemblies Approval) Act 2017, this Assembly adopts the Report of the Committee on Appointments, on the vetting of Dr. Newton Irungu Mwangi, the nominee for appointment to the position of County Secretary, laid on the Table of the Assembly today, Tuesday, February 28, 2023.

Executive summary; pursuant to section 44 and 58 of the County Governments Act 2012 rev. 2020 and section 6 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017, His Excellency the Governor Dr. Irungu Kang'ata nominated Dr. Irungu Mwangi for appointment as the County Secretary. The Honourable Speaker informed the House that he had received communication from His Excellency the Governor on nomination of Dr. Newton Irungu Mwangi on the appointment to the position of a County Secretary. He then referred the notification to the Committee on Appointments for the vetting and reporting to the House within 21 days pursuant to section 9 of the Public Appointments (County Assemblies Approval) Act 2017.

Upon committal of notification, the Committee on Appointments held a sitting on February 15, 2023, at 1 p.m., in the County Assembly, to adopt the work plan of the vetting and scrutinize the nominee's CVs and testimonials forwarded along with the letter from His Excellency the Governor.

The competitive recruitment of the County Secretary: His Excellency the Governor constituted a selection panel pursuant to section 44 (2) (a), (b) and (c) of the County Governments Act 2012. The selection panel comprised of five members who were approved by the County Assembly in a sitting held on Tuesday, November 2022. The Committee scrutinized the selection panel's Report and was satisfied with the procedure used to arrive at the nominee.

Pursuant to section 7 (4) and (5) of the Public Appointments (County Assemblies Approval) Act 2017, the Clerk to the Assembly placed an advertisement in the print media on Thursday, February 16, 2023, in the Standard newspaper. Members of the public were invited to attend the hearing and submit memorandum by way of written statement or sworn affidavits on the suitability or otherwise of the nominee. The Committee confirmed that by Wednesday, February 22, 2023, the office of the Clerk had not received any memorandum.

The nominee appeared before the Committee on Thursday, February 23, 2023 at 9:30 a.m. for the approval hearing of his suitability or otherwise for appointment to the position of the County Secretary in accordance with sections 7 and 8 of the of the Public Appointments (County

Assemblies Approval) Act 2017. The Committee observed that the nominee exhibited outstanding credentials, experience and abilities in relation to the position he had been appointed to.

The Committee observation on the suitability of Dr. Newton Irungu Mwangi, the nominee to the position of the County Secretary; having considered the nominee filled questionnaires pursuant to sections seven and nine of the of the Public Appointments (County Assemblies Approval) Act 2017, his Curriculum Vitae (CV) and having heard his oral submission during the vetting exercise, the Committee made the following observations on his suitability for the appointment as the County Secretary: -

- a) Leadership and Integrity; that, in compliance with the requirements of the Chapter six of the Constitution of Kenya on Leadership and Integrity, the nominee was given clearance by the following statutory bodies: - the Directorate of Criminal Investigations (DCI), the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC) and the Credit Reference Bureau (CRB). That, he has never been adversely associated with the practice that depict bias, or favouritism or nepotism in discharge of his public duties. That, he has not been charged in Court of Law in the last three years and has not been adversely mentioned in investigatory reports of Parliament or any commission of inquiry in the last three years. That, the nominee's suited areas of potential conflict of interest and how he would address them.
- b) Academic qualification and expertise: his academic credentials and vast experience in management, public administration and leadership are relevant to the position he has been appointed to be.

Recommendations; having conducted the approval hearings of the nomination, pursuant to section 44 of the County Governments Act, 2012, and section 7 and 8 of the Public Appointment (County Assemblies Approval) Act No.5 of 2017, the Committee on Appointments found the nominee suitable for appointment and I hereby recommend.

I will kindly request Hon. Edwin, Member of the County Assembly (MCA) from Gitugi ward to second the Motion.

**Hon. Edwin Wairagu:** Mr. Speaker, I stand here to second the Motion.

*(Question proposed)*

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**The Deputy Speaker (Hon. Gachui Mungai):** The Floor is open. Yes Hon. Member for Mugoiri, you want to say something on the same? Yes.

**Hon. John Kamwaga:** Thank you Mr. Speaker sir, I stand to support this Motion bearing in mind that the person nominated for this position going by what we have in his CV, we have learnt that he has a wealth of knowledge and experience from different sectors. So, I hereby request Members, we consider this appointment and give the chance because what this County needs is someone who has the goodwill to stand by our County. And I am very humbled to learn that this candidate is a retired civil servant, especially from the education sector. Many of the people, think after retirement, they go back home to enjoy their retirement but we can see someone here who wants to use his knowledge that he has gathered for the so many years to come and assist our County. For that reason, I support the Motion. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes, Hon. Member for Ithanga.

**Hon. Ndunda Makau:** Thank you Mr. Speaker, let me first take this opportunity to thank the Appointments Committee for the work well done. I must say that what they did was good work and also thank them for coming up with a nominee or a candidate who is of high standard. This is a senior position and it requires somebody who has a lot of knowledge and going by the appointment of Newton, I think this is a gentleman who has a rich mind whom we expect to bring a lot of experience in this County. I know there were other candidates and I must say that this is the first time that we are getting somebody of this calibre because we have seen in the past whereby some nominees who are not qualified, you find that they find their way in some of these senior positions but going by the papers of this gentleman, I think he is the right guy and I support this appointment as the County Secretary. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Member for ...

*(Hon. Morris Thuku rose on a point of order)*

**Hon. Morris Thuku:** I have a point of order. We have one Member who is resting his eyes.

**The Deputy Speaker (Hon. Gachui Mungai):** State the order that has been violated.

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**Hon. Morris Thuku:** Mr. Speaker, I think according to Standing Order one, you have the privilege ...

**The Deputy Speaker (Hon. Gachui Mungai):** Hon. Member, you are out of order. Standing Order one is a preserve for the Speaker.

*(Laughter)*

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Member for Kangari.

*(Laughter)*

**Hon. Moses Mirara:** Thank you Mr. Speaker, I was privileged to sit at the Appointments Committee as a Member to the Committee which looked onto the suitability of Dr. Newton.

First of all, I stand to support the Committee and the Motion in front of us because the academic credentials of Dr. Newton speak for themselves. As we were vetting looking for his suitability, he portrayed to possess a lot of self-awareness. Everyone here can attest that Dr. Newton is, indeed, a team player because during the time that we were with him at the campaign, I think that was when every Member got to know him and he even assisted us when we were doing our campaigns and he exhibited a lot of humility and actually not forgetting that Dr. Newton really empower people in regard of their problems if need be. So, I stand to support. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Member for Murarandia, you seem to be wanting to say something? Go ahead.

**Hon. Peter Munga:** Thank you Mr. Speaker for according me this chance to support the Motion on the Floor about the appointment of Dr. Newton. From his credentials, as the name suggests, doctor, and we know most of the doctors, literally from a lay man's thinking, is someone who treats people. So, we believe that Dr. Newton is coming to cure our County. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Thank you Honourable Member. The Hon. Member might be very lucky because he can see Dr. Newton as a doctor. Hon. Member for Rwathia you seem to be saying something, go ahead.

**Hon. Kamau Kagori:** Thank you Mr. Speaker, when I read this Report from vetting committee, I see the man fits the position and I stand here to support the appointment of Newton Mwangi as County Secretary. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes, we have Hon. Member for Gaichanjiru.

**Hon. John Munyua:** Thank you Mr. Speaker, I stand to support the Motion but I would like to get a clarification. There is this minute number 31, you noted that there was no time and you agreed you meet another time to go through the CV of the nominee. I want, Hon. Liz you confirm that you went through the CV. Because you might have some things said but not verified by the document to support education background of the nominee.

And I am challenging Hon. Member here Ithanga he represents the minority; we are still continuing to see majority in this Murang'a County being considered more. I would like to urge as a Member who represents the minority, the people from Murang'a South, kindly fight for your space, let us see a name from your area and that's why they voted for you. So majority ...

**The Deputy Speaker (Hon. Gachui Mungai):** Order Hon. Member, address the Chair and don't address the Member for Ithanga.

*(Laughter)*

**Hon. John Munyua:** Mr. Speaker sir that is something I would like to note, but he is a good guy, Dr. Newton and he is up to task. Thank you.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes, Hon. Member for Kagundu-ini.

**Hon. Samson Ngigi:** Thank you Mr. Speaker sir, I stand here to support the appointment of Dr. Newton. I have interacted with this gentleman for not quite so long, but the few moments that I have interacted with him, he amazes me with his vast wisdom. I can see that he has worked in a professional point of view for over 20 years, then this guy, this gentleman has been in *juakali* for quite some time and on that position in *juakali* is an elected position. So even those people in *juakali* industry saw it fit to elect him and up to now he is the current chairman of MTN Sacco and for the first time I know that our County has got the best County Secretary it deserves. I support the Report and I am sure he is going to perform as much as he has performed in the various capacities he has been serving. Thank you.

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*(Hon. Kamwaga Mwangi rose on a point of order)*

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Member for Mugoiri, you wanted to say something on the same? I saw your hand.

**Hon. Kamwaga Mwangi:** Yes, Hon. Speaker I was standing on a point of order when Hon. Kamau was speaking, because I thought it was not in order, because the Hon. Member for Ithanga could talk for himself. He seems to want to empty what he wanted to say but never the less, I understand maybe when Kamau stands I will always now be seeing the Member for Ithanga. Next time he stands advised by the Member for Ithanga.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Members, it seems as if ...

*(Hon. Samson Ngigi rose on a point of order)*

**The Deputy Speaker (Hon. Gachui Mungai):** Is it a point of Order? Or? Which Order has been violated? State the order, because you have spoken and the rules of the debate, you cannot speak twice to the same matter.

**Hon. Samson Ngigi:** Thank you Mr. Speaker sir, I will quote the order once I am supplied with the Standing Orders book because I can't correctly indicate the number.

*(Laughter)*

**The Deputy Speaker (Hon. Gachui Mungai):** Yes Hon. Whip, you haven't spoken. You want to contribute to the debate?

**Hon. Morris Thuku:** Thank you Chair, I think it is important to note that these Members are not well oriented with the Standing Orders of this House and it is a request Hon. Speaker that these Members can be supplied with the copies of the Standing Orders, and to add to that Mr. Speaker, I also feel that it is important for you also furnish this House with the Speakers Rules because while I am seated here, I am not sure whether it is within your rules the way Hon. Member for Gitugi is shaved, whether it is appropriate for this House or not Mr. Speaker. Thank you



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**The Deputy Speaker (Hon. Gachui Mungai):** The Hon. Member for Gitugi is very much in Order, and Hon. Whip, being the Member of Speaker's House Business and Rules Committee this morning during our meeting, it was reported that the Standing Orders are ready and Members will be going home with their specific copies.

Yes, Honourable Member nominated, Priscilla you have something to say? Yes, the Floor is yours.

**Hon. Priscilla Mwangi:** Thank you Mr. Speaker, Nominated MCA from Kigumo, not Mombasa, born and brought up there and I have read through the CV and I have not met Mr. Newton but according to what is written here I can see he qualifies to work for the County as the County Secretary and so I support.

**The Deputy Speaker (Hon. Gachui Mungai):** Yes, thank you Hon. Member, I will now call the Mover to respond.

**Hon. Liz Mbugua:** Thank you Mr. Speaker, I wish to confirm to Hon. Member from Gaichanjiru that this position was advertised and we had so many members from Murang'a County and outside Murang'a County who had applied for the position. And this is to confirm that on Thursday 23<sup>rd</sup> at 8:00 a.m., we were in the Committee and we went through the CV and I want to confirm that we received all the documents and we verified the CV of Dr. Newton Mwangi. So, this is to confirm to our MCA that everything went through and we confirmed. So the CV was good and you can have a look at it.

The other thing is to thank the Committee on Appointments Members for the good job that you did, it was not easy but I can assure you that we can see the fruits of the Committee that the Members of the County Assembly have supported the appointment of the County Secretary Dr. Newton. I want to thank all the Members. We wish that we are going to work closely with Dr. Newton. Thank you very much.

**The Deputy Speaker (Hon. Gachui Mungai):** Hon. Members, before I put the Question, we have some visitors at the public gallery there and I think you can see them. I do not know whether they are ready to vote, and I will now put the Question.

*(Question put and agreed to)*

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## ADJOURNMENT

**The Deputy Speaker (Hon. Gachui Mungai):** That being the case Hon. Members, this House stands adjourned until tomorrow 2:30 p.m. Thank you

*The Assembly rose at 3:30 p.m.*