

**MURANG'A COUNTY ASSEMBLY  
THE HANSARD**

Tuesday, 10<sup>th</sup> February, 2015

The House met at 2:30 p.m.

*(The Speaker Hon. Nduati Kariuki in the Chair)*

**PRAYERS**

**PAPERS**

**RECOMMENDATIONS ON THE BASIS OF EQUITABLE SHARING OF REVENUE RAISED  
NATIONALLY BETWEEN THE NATIONAL AND COUNTY GOVERNMENTS FOR  
THE FINANCIAL YEAR 2015/2016**

**Hon. Joseph Kimani:** Thank you, Mr. Speaker sir, I am the Chairperson, Finance and Planning. I beg to lay the following paper on the table of the Assembly today Tuesday 10<sup>th</sup>; the recommendations on the basis of equitable sharing of revenue raised nationally between the National and County Governments for the financial year 2015/2016. Thank you, Mr. Speaker sir.

*(Hon. Joseph Kimani laid the paper on the table)*

**REPORT OF THE WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES  
AND COOPERATIVES MANAGEMENT COMMITTEE ON THE VETTING OF DAMARIS  
WAIRIMU MAINA TO THE POSITION OF CHIEF OFFICER, ENVIRONMENT AND NATURAL  
RESOURCES**

**Hon. Danson Mburu:** I have just been given the paper of the Water, Energy, Forestry, Environment, Natural Resources and Cooperatives Management committee; on the vetting of the nominee to the position of Chief Officer, Environment and Natural Resources, Damaris Wairimu Maina, be laid on the table of the Assembly.

*(Hon. Danson Mburu laid the paper on the table)*

**REPORT OF THE FINANCE & ECONOMIC PLANNING COMMITTEE ON THE  
BENCHMARKING TOUR TO THE REPUBLIC OF RWANDA ON REVENUE  
ENHANCEMENT & COLLECTION METHODS**

**Hon. Joseph Kimani:** Thank you, Mr. Speaker sir, once again, I am the Chairperson, Finance and Planning. I beg to lay the following paper on the table of the Assembly, today Tuesday 10<sup>th</sup>; the Finance & Economic Planning Committee report on benchmarking tour to the Republic of Rwanda on revenue enhancement & collection methods. Thank you, Mr. Speaker sir.

*(Hon. Joseph Kimani laid the paper on the table)*

## REPORT OF THE AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE ON VISIT TO KERICHO

**Hon. James Kariuki:** Mr. Speaker sir, I beg to lay the following paper on the table of the Assembly, today Tuesday February 10<sup>th</sup> 2015; the report of the Agriculture, Livestock and Fisheries Committee on the committee's visit to Kericho.

Thank you, Mr. Speaker sir.

*(Hon. James Kariuki laid the paper on the table)*

### NOTICES OF MOTION

## REPORT OF THE WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES AND COOPERATIVE MANAGEMENT COMMITTEE, ON VETTING OF DAMARIS WAIRIMU MAINA TO THE POSITION OF CHIEF OFFICER, ENVIRONMENT AND NATURAL RESOURCES

**Hon. Rebecca Mwicigi:** Mr. Speaker, I wish to give notice of motion:-

That; this Assembly adopts the report of the Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management Committee, on vetting of the nominee to the position of Chief Officer, Environment and Natural Resources (Damaris Wairimu Maina), laid on the table of the Assembly today.

Thank you, Mr. Speaker.

## REPORT OF THE FINANCE & ECONOMIC PLANNING COMMITTEE ON THE BENCHMARKING TOUR TO THE REPUBLIC OF RWANDA ON REVENUE ENHANCEMENT & COLLECTION METHODS

**Hon. Joseph Kimani:** Thank you, Mr. Speaker sir, once again, I am the Chairperson, Finance and Planning. I beg to give Notice of the following Motion:-

That; this Assembly notes the contents of the report by the Finance & Economic Planning Committee on a benchmarking tour to the Republic of Rwanda on revenue enhancement & collection methods, laid on the table of the Assembly today February 10, 2015.

Thank you, Mr. Speaker sir.

**Hon. James Kariuki:** Mr. Speaker sir, I beg to give the following notice of motion:- That; this Assembly notes the contents of the report by the Agriculture, Livestock and Fisheries on the Committee's visit to Kericho, laid on the table of the Assembly today February 10<sup>th</sup>, 2015.

Thank you Mr. Speaker.

## MOTIONS

### REPORT OF LANDS, HOUSING, PHYSICAL PLANNING AND SETTLEMENT COMMITTEE ON THE VETTING OF THE PHYSICAL PLANNER, SARAH MUTHONI GICHANGA, FOR APPOINTMENT AS A MEMBER OF MURANG'A COUNTY LAND MANAGEMENT BOARD

**Hon. Duncan Njuguna:** Thank you, Mr. Speaker sir, I am the MCA, Gitugi and also the Chair, lands, physical planning and settlement committee. I beg to move the following Motion on the report of the lands, housing, physical planning and settlement on the vetting of the physical planner, Sarah Muthoni Gichanga, for the appointment as a member of Murang'a County Land Management Board.

Mr. Speaker sir, pursuant to standing order number 43 (3), a message from His Excellency the Governor was submitted to the Clerk of the County Assembly in order for the committee to carry out vetting on the said appointee for the position of the physical planner in the County Land Management Board.

Mr. Speaker sir, we carried out the vetting of the said nominee, one Ms. Sarah Muthoni Gichanga. The committee found out that she is fit for the appointment because:-

One, she holds a Master's degree in regional and city planning from the University of Oklahoma Norman USA and also a Bachelor of Fine Arts degree in interior design from the same university. She also holds a certificate in front office operations and in that, we found out that we need a person who is knowledgeable in planning because the major task on the mandates County Land Management Board is to do planning and re-planning, especially on our major towns because the public land is the function that is devolved, it is not private land function.

Mr. Speaker sir, with that, we found out that the lady has no potential conflict of interest to the position to which she is nominated and, therefore, she is fit to carry out the duties or the mandates of the County Land Management Board. So, the committee did recommend that this Assembly adopts her for the position of physical planner in the County Land Management Board. With that, Mr. Speaker sir, I call upon Hon. Lucy Njoroge to second the motion.

Thank you Mr. Speaker sir.

**Hon. Lucy Njoroge:** ..... *(inaudible)*.....Mr. Speaker, I second.

*(Question proposed)*

*(No debate)*

*(Question put and agreed to)*

**The Speaker:** Next Order!

## REPORT OF THE NOMINATION OF DANIEL GITHUKA AS THE CHIEF OFFICER IN THE DOCKET OF LANDS

**Hon. Kago Njoro:** Thank you, Mr. Speaker. I am the member for Mugoiri and also the Vice Chair for lands, housing and settlement committee and I wish to move the following motion;

THAT; this House adopts the report of a nominee as the Chief Officer by the name Daniel Rukunga Kithunka as the Chief Officer for the docket of Lands.

Mr. Speaker, pursuant to standing order number 65 (4), the committee held a vetting exercise on 4<sup>th</sup> February 2015, during which the suitability of the nominee for the approval of the appointment of the Chief Officer was considered.

Mr. Speaker, Mr. Daniel holds a number of merits and certificates regarding the position to which he was being vetted for, the Chief Officer. One, he holds a Master's degree in urban and regional Planning from the University of Nairobi. He also holds a Bachelor of Arts degree in Geography, Sociology and History from the University of Nairobi. He also holds a Diploma in Estate Urgency and Property Management from the University of Nairobi. He also holds a Certificate in Computer Applications from Kenya Institute of Survey and Mapping. He also holds Kenya Advance Certificate of Education from St. Paul Gakeno High School.

He has also held different positions because he was a Senior Lands officer in the Ministry of Lands between 2006 and 2007. He was also a Land officer 1, in the Ministry of Lands from 1998 to 2006. He was a Lands officer in the Ministry of Lands from 1995 to 2008. He was also a Land officer 3 in the Ministry of Lands from 1992 to 1995. He is also a qualified trainee in the National Youth Service.

Mr. Speaker, without going into all that we ascertained, he also held public offices since he was employed by the Ministry of Lands, Housing and Physical Planning which he served through merits. He has never been involved in any political activities nor affiliated to political establishments.

Mr. Speaker, by the time Mr. Daniel was applying for this position he was the Assistant Commissioner in the Ministry of Lands; and thus the committee found that Mr. Daniel is qualified to be a Chief Officer in this department simply because he has all these qualifications, even through the experience which he has had.

Mr. Speaker, you can remember we had another guy who was even overqualified the other time. After applying and being brought as a nominee and the Assembly approved his nomination, the guy felt that he was not able to cope or maybe he thought the salary which he was to get was lower than what he expected. I do not know the reason why, so he quit.

Mr. Speaker, the man Daniel Githuka is a Meru meaning that our County is also compliant with the Constitution and the Assembly should also appreciate that as much as we would want our children to be employed elsewhere, we should be the first to appreciate the qualification of people from other counties and tribes.

Mr. Speaker, our recommendations are that pursuant to Article 7 of the Public Appointments and Parliamentary Approval Act, the committee found Daniel Kithuka

suitable and recommended him to be appointed as Chief Officer for Lands, Housing and Physical Planning for Murang'a County.

Mr. Speaker, the House not need to dream more because we are aware the Lands department has only one person who is senior, the CEC herself, she needs officers to directly work under her, and the only person who is answerable to any question is none other but the Chief Officer who we are approving today to be appointed.

Mr. Speaker, if we fail to do so and all the members understand we have many delayed cases. Mr. Speaker we need this person who will be in a better position to answer these questions bearing in mind that our CEC has most of the time been in government meetings and other engagements.

Mr. Speaker, having seen Mr. Kithuka appropriate, I urge this House to recruit him because he has better knowledge and experience in these matters. I call upon Hon. Charity Rugu to second this motion.

**Hon. Charity Rugu:** I stand to second the motion. When we vetted that man, he seemed to know the docket very well, he answered the many questions he was asked. The lands docket has stayed for many years without an officer and this is the high time that this house approves this person so that the docket can function well.

*(Question proposed)*

**Hon Martin Mwangi:** I stand to support the motion, Mr. Speaker as we talk about the lands department; this is a department with many challenges. In my Murarandia ward, there are many people who were allocated plots but when they tried to develop their plots, they were told that there were double allocations, other have allotment letters but they cannot trace their plots on the ground, while others have plots on the ground but no allotment letters.

Mr. Speaker this is a good step by the committee and the department. Mr. Speaker, since we were elected we have two years and the remaining are three years and our people are complaining why they are still paying rates to the county but when they go to the County Treasury they are told that they cannot pay since their names are not in the system yet they have the plots but no allotment letters. This is a problem that was caused by the former local authorities.

People had hopes that when the county government is in place it would solve their problems. Mr. Speaker I support knowing that after three months my problems will have been solved.

*(Hon. Joseph Kimani rose on a point of order)*

**Hon. Joseph Kimani:** Is in order for the hon. member to say that the problems were caused by the former local authorities and he was one of them.

**The Speaker:** Yes, it was quite in order because he realizes that.

**Hon Martin Mwangi:** Thank you Mr. Speaker for defending me, it is quite in order. I was the Chairman for two years, we have mayors in this House, we have more than five chairmen and we know that problem was caused by the former local authorities because they lacked what would have supported them.

Mr. Speaker, as I end my case, I am happy today because we have a chief officer and a planner and everything we need in the department, so Mr. Speaker, the cry of the Murang'a people will soon come to an end. So Mr. Speaker I support.

**Hon Charles Kirigwi:** I support the motion and request the relevant committee; I think Public Service to make sure that Kithuka does not draw two salaries like we have seen with former Vice President Kalonzo Musyoka.

He should resign before you give him the letter of appointment because I understand he is an assistant commissioner somewhere. I would also request the Chair for Lands to make sure that there is a template on the much he has brought to this Assembly that needs to be looked by these people we are recommending today so that we appear to be moving.

In my area, there is a place called Karinga and the local residents are becoming restless because of a motion that was passed by this House where we resolved but there is no implementation in the ground, I am happy with the way we are moving. Thank you

**Hon. James Kariuki:** Mr. Speaker, I support this motion. The Lands and Physical planning is an important docket and now that we have a substantive officer in charge of policy and administrative work in that docket, he should move with speed and do what is necessary.

Mr. Speaker, if you look at Kandara township, there are many double allocations of over 100 plots and most of them have been allocated to two people, so Mr. Speaker this is long overdue and nobody in Kandara township knows who owns what due to this double allocations.

As the former Chairman of Murang'a country council has said-who happens to be a member of my committee, the problems were caused by former town and municipal councils and some of the people who were leading, the former Mayor and Chairman can give very good advice.

We also have a problem of rural access roads where there is a lot of encroachment, whenever we want to do the roads, it becomes a challenge because many people have encroached on the road and we have few surveyors in Murang'a. I would wish that we at least have a surveyor per sub-county because there is a lot of work to be done on the ground. As we are talking, I have been trying to talk to one who tells me that he will come but he has not been able. It is interesting since people on the ground have accepted that they have encroached on the roads.

Mr. Speaker if this chief officer moves with speed and employs more surveyors, we will solve these problems. We also have places where there are no access roads leading to the

main road. The problem is glaring in my Ng'araria ward and the committee for Lands has not been able to come to Ng'araria and now that we have a substantive Chief Officer, he should facilitate them so that we can solve the issues we have in Ng'araria once and for all. Thank you

**Hon Danson Mburu:** I support the motion and hope that when the chief officer comes, he will be able to hasten the issues about the land. I am most affected because in Makuyu where the area was formerly owned by the settlers, when they vacated and people got their plots, most of the chairmen were untrustworthy, they sold the areas left for public utilities and the chairman can bear me witness because he has been to Makuyu and he have got about six cases. If this Chief Officer will help the committee solve the problems, I support the motion and state that he should come to hasten things in the Land and planning committee

**Hon. Joseph Njoroge:** I stand to support the motion and tell hon. members who have said that the Chairmen of the defunct local authorities are the ones who made all these mistakes that they are not the ones who did this because the issuing of land was done away with in 2000, so when we came into power there was no land allocation in our tenure of office, so Mr. Speaker

*(Hon. Duncan Njuguna rose on a point of order)*

**Hon. Duncan Njuguna:** Mr. Speaker sir is it in order for the hon. member to convert the debate on adoption of report on nomination of one Daniel Rukunga to defend what they did when they were in office?

**The Speaker:** Hon. member please stick to the substance that is on the floor.

**Hon. Joseph Njoroge:** it is good to say that in our time there was no such issue and I stand to support the nomination of the one Rukunga Kithunka to the said post because he will help us a lot.

If you go to Mukuyu that land parcel is 1193 and if you go to Voi there is a parcel like that so there is duplication. If you go to national land office you will get several plots with similar allotment number. It is good for the said officer to be in the office and address all the problems in the land office. People in Kiharu do not pay even a penny to the county government because there are no allotment letters in Kiharu.

The committee has done good work and we now know that very soon we will be in a better position as far as land matters are concerned, thank you Mr. Speaker sir.

**Hon. Joseph Kimani:** I rise to support the motion and say that the committee has done a commendable job because we have heard the qualifications and experience of one Daniel.

I am happy also the former regimes who are trying to defend themselves they have accepted to support this motion so that we can also have messes

*(Hon. Martin Mwangi rose on point of information)*

**Hon. Martin Mwangi:** Mr. Speaker I want to inform the hon. member that when we are talking of local authorities, it is not Kihungi, sorry I withdraw naming of the member but when we speak of double allocation they started in 1960 and local authorities have been there since 1970's.

So when we are mentioning local authorities we do not mean immediately former local authorities it is .....

*(The Speaker called for order)*

**The Speaker:** You have not obliged to come and defend them.

**Hon. Joseph Kimani:** Thank you Mr. Speaker, I was saying I am happy to have this man in place and like hon. member for Ng'araria has said we have a big problem in Kandara and I know it is the same in other areas.

We also have problem with surveyors but I am happy we have a representative from Kandara in the board so I know now things are going to move. I am happy the mayor hon. Njoroge has supported the motion, thank you.

**Hon. Duncan Njuguna:** Mr. Speaker sir, I support and I urge the House to support the adoption of the report and recommendation of the appointment of Daniel Rukunga to the position of chief officer Lands, Physical Planning and housing. About two or three months

*(The Speaker called for order)*

**The Speaker:** Being the chair I hope you are not responding.

**Hon. Duncan Njuguna:** I was saying about two or three months ago, this House adopted one appointee by the name of Maina Mitambo as chief officer and since he did not take up the position that is why we had to vet another person for the same position.

Mr. Speaker sir as some of the hon. members has said we have adopted so many motions in this House regarding the same docket so it is my view that we will be able to implement what has been passed in this House to the letter as we now have a chief officer. So I support and urge this House to support the same, thank you Mr. Speaker sir.

**The Speaker:** I know call upon the mover to respond.

**Hon. Kago Njoroge:** Thank you Mr. Speaker I feel I have no more words to add simply because none of them have opposed.

What has come out very well is that former local authorities have done a mess to our county. My wonder is, because they have defended themselves so much are they the ones that are going to blame the current regime for doing bad? Or should we make a change? I do not know which former regime as I may be one of them but it is good to be clear that records are kept by government officers and not former regimes.



Even today legislatures are there to make policies under the guidance of the executive we have today so Mr. Speaker that is why when we are vetting we must get qualified people to guide us when making the policies.

When we talk of former regimes, I wonder who they are, if we still have the public officers who are supposed to carry the burden up to date. Can they be mentioned? Can we call Anti-Corruption Authority so that some of those questions can be answered so that when we come here some members will not be saying it is mayor and Njoroge?

I am grateful we agree the workload that is there is huge; we do not have enough surveyors and physical planners. Just the other day we requested the CEC to come up with the number of staff that she requires so that we can approve.

It is the budget which we make here in the Assembly that facilitates the committee and not the executive. We are constrained that is why we are not going to Ng'araria to work on whatever Hon. Kariuki has requested but we are working with our clerk and I believe that will be solved. I am very grateful the members have supported and we are very happy as a committee, thank you Mr. Speaker.

*(Question put and Agreed to)*

### **ADJOURNMENT**

**The Speaker:** Hon. members the House is now adjourned until tomorrow 2:30 p.m.

*The House rose at 3:17 p.m.*