

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Wednesday, 21st October, 2015

The House met at 2:32p.m

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

ATTEMPTS TO SET ABLAZE THE ASSEMBLY PREMISES

The Speaker: Hon. members, I am very sad to announce that last night, there was an attempt to burn the premises of the Assembly, starting with the Speaker's boardroom and the Assembly vehicle.

The fire, which was petrol fuelled, could have easily spread to the rest of the Assembly. We do not wish to speculate as to who was behind this cowardly, fiendish and foolish act and we await the findings of the investigative agencies of the government and I plead with the hon. members not to make any conclusions.

Burning of premises or assets of the legislative arm of the Government is a crime of the highest order and is literally killing democracy.

(Applause)

This is not a matter that can be taken lightly and I call upon the national government and in particular, the Director of Criminal Investigations Department (CID) to join forces and strengthen the capacity of the local investigative agency to dig out the culprits. Criminals should not be allowed to threaten the foundation of democracy. County Assemblies are the core of devolution and should not be made to operate under fear.

(Applause)

The Constitution of Kenya and our laws have all sources of remedies for anything the Assembly may have done or intends to do which may harm an individual's interests or even a group. This, certainly, does not include arson threats and other forms of physical or physiological assault.

Today, I have had a long meeting with the County Commissioner and other security agencies and they have assured me that they will put all measures in place to secure the Assembly property. I commend all of them for the quick response they took early this morning when they learnt of the incident.

Meanwhile, the Assembly will continue to discharge its constitutional and legal mandate without fear or favour, guided only by the Constitution, the law of the land and the interest of the public.

(Applause)

Thank you.

PAPER LAID

CONCEPT PAPER ON THE COFFEE NUTRITION IMPROVEMENT

Hon. James Kariuki: Mr. Speaker, I wish to lay the following paper on the table of the Assembly; the concept paper on the coffee nutrition improvement using farm yard (BOMA) manure by the county government of Murang'a.

(Hon. James Kariuki laid the document on the table)

STATEMENT COERCION TO SIGN LAND SALE DOCUMENTS

Hon. Jesse Mburu: Thank you Mr. Speaker, I represent Nginda ward. Pursuant to standing order no. 45 2 (c), I hereby request for a statement from the chairperson of Land, Housing, Physical Planning and Settlement committee as follows:-

Why the former provincial administration officers have continuously coerced Njeri Joseph Muguro, wife to Joseph Muguro, a resident of Gikindu village, Nginda location in Nginda ward to sign sale documents for a parcel of land located in location 7/Gakoigo/682 purported to have been sold to Julius Guchu Muguro, by her husband, without her knowledge despite a caution laid on the said parcel of land.

Hon. Duncan Njuguna: Mr. Speaker, I am the chair Lands, Housing, Physical Planning and Settlement committee. We have received the request and the committee will be meeting tomorrow; it will also be forwarded to the County Executive Committee (CEC) Member concerned. I pray that this House gives us seven working days. Thank you.

STATUS OF IHIGAINI, GITUGU, GATANG'ARA AND MUNUNGA DISPENSARIES

Hon. James Kagoni: I am the vice- chair of the Health committee and Hon. Lucy Njoroge had requested for a statement regarding the status of Ihigaini, Gitugu, Gatang'ara and Mununga dispensaries in Kanyenya-ini ward. our committee discussed the response that was brought by the CEC under minute 197/18/6/2015. The response reads as follows:-

Ihigaini dispensary is owned by the community. The facility is still not complete and the ceiling is being put; hence not yet operational. After the construction is complete, it will require legislation and subsequently supported with medical commodities and staff.

Gitugu dispensary is owned by the community and is operational. There are two medical staff, i.e. clinical officer and pharmaceutical technologist. The facility gets some commodity supplies from the County Government. However, it requires to be gazetted as a government facility to be fully supported with both commodities and staff.

Gatang'ara dispensary is owned by the government and is operational. There are two nurses, two casuals and one watchman. There is need for a laboratory and additional nurses. This will be done as soon as more staff of this cadre are employed by the County Service Board.

The Mununga dispensary is owned by the community and the facility is not complete. There are no windows, doors or floor. Once complete, it will be registered and subsequently supported with medical supplies and staff. The committee's recommendation to that response was that it be presented as it was to the Assembly, and that is what we have done. Thank you Mr. Speaker.

Hon. Lucy Njoroge: Thank you Mr. Speaker, I am a bit satisfied but let the area community know this so that they will not be asking questions such as who owns what. When you say that Gitugu dispensary is a community owned project yet it is financed by the Constituency Development Fund (CDF), we fail to know who owns the project. The people should know who is supposed to be asked these questions and what shall be done afterwards. Thank you Mr. Speaker.

The Speaker: Next order.

SUPPLEMENTARY ORDER PAPER

MOTION

REMOVAL OF HON. MWANGI WA IRIA FROM THE OFFICE OF THE COUNTY GOVERNOR OF MURANG'A

Hon. Mary Waithera: Mr. Speaker, I wish to move the following motion:-

Aware, that Article 73(2)(d) and (e) of the Constitution of Kenya 2010 provides for accountability of a state officer to the public, for decisions and actions as a key guiding principle of leadership and integrity, further aware that Section 30(2) of the County Governments Act 2012, provides for the functions and responsibilities of a County Governor, cognizant of the fact that Section 30(3) provides the way in which the County Governor should perform those functions, this House resolves to remove Hon. Mwangi Wa Iria from the office of the County Governor of Murang'a,

(Applause)

pursuant to Article 181 (1) (a) (b) (c) of the Constitution of Kenya 2010, Section 33 of the County Governments Act 2012 and the County Assembly of Murang'a standing order no.64 on the following grounds;

1. Gross violation of the Constitution of Kenya, 2010, the County Governments Act 2012, the Public Finance Management Act; 2012 and the Public Procurement and Disposal Act, 2005;
 - i. Lack of accountability for the management and use of the County resources by incurring unsustainable debts to the tune of Kshs. 2.5 Billion which were not disclosed in the Debt Management Paper, 2015 and the County Fiscal Strategy Paper 2015 thus violating Article 201(e) of the Constitution 2010, Section 123 and Section 107 (2) (e) of the Public Finance Management Act, 2012. Further, scrutiny of the debt owing report submitted by the County Executive Committee Member for Finance, I.T and Planning as at 14th August 2015 indicated violation of Article 226 (5) of the Constitution of Kenya 2010, since more programs in the debt report already had an appropriation in the budget for the FY 2014/2015, only to reappear in the said debts, a clear indication of misappropriation of funds for the projects, for instance, Gakoigo stadium under the Department of Youth and Sports, was allocated Kshs.30,000,000 in the FY 2014/2015, yet, it had incurred a total debt of Kshs.59,000,000 and no monies had been paid. This positions the County at a very precarious situation which may lead to auctioning of County Assets.

(Applause)

- ii. Violation of Article 201 (a) and (d) of the Constitution of Kenya, 2010, that stipulates principles of public finance and Section Five and 130 (1) (b) (i) of the Public Finance Management Act 2012; the County Governor allowed misappropriation of County funds by spending public funds in private commercial entities. The report of the Auditor General on the financial operations of Murang'a County Executive for the period 1st July 2013 to 30th June 2014 (page 5), shows that the County Executive contributed a total of Kshs.28,489,800.00 to Murang'a Investment Co-operative Society (Shilingi-Kwa-Shilingi). The expenditure was incurred in respect of advertisements to promote the cooperative society and invite the general public to purchase shares in the co-operative. Further details of the same are contained in the report of the County Assembly on the Murang'a Investment Co-operative Society (Shilingi-Kwa-Shilingi).

The society is registered under the Co-operative Societies Act [Cap 490 Section 6(3)] of the Laws of Kenya. The society is an autonomous body independent of the County Executive and according to the Auditor General's report; it was not clear

therefore the circumstances under which the county Executive was funding it. This was in contravention of Section 5 (1) of the Public Finance Management Act, 2012 as the society was not a declared County corporation;

(Applause)

- iii. Violation of the Constitution of Kenya 2010 Articles 201(a), (d), (e) on the principles of public finance and Article 226 (5) on audit of public entities, Article 227(1) on procurement of goods and services, and the Public Procurement and Disposal Act, 2005, by failing to adhere to the principles of public finance management and procurement of public goods and services;

In the FY 2014/2015, as stated in the County Governments Budget implementation review reports of the Controller of Budget, the County Executive, under the stewardship of the County Governor, incurred advertisement expenditure amounting to Kshs. 247,000,000 against an approved budget of Kshs. 7,000,000 as at 31st March 2015 (third quarter report page 191) i.e. Kshs. 114,000,000 and 133,000,000 in the half year (page 171) and third quarter report (page 191) respectively; further undermining the principles of Fiscal prudence as stipulated in Article 201 (d) of the Constitution Of Kenya 2010 and Section 107 (2) of the Public Finance Management Act of 2012.

- iv. Violation of Article 183 (2), (3) of the Constitution of Kenya 2010 and Section 30 (3) (b) of the County Governments Act 2012, through failure to provide leadership to the County Executive Committee on the generation of County policies, plans, legislations and full and regular reports, regarding key programs such as the, the nappier grass, A.I Crushes, among others.

(Applause)

- v. Failure to establish the County Budget and Economic Forum as stipulated under Section 137 of the Public Finance Management Act 2012; as a result the County Governor has failed to consult with the public over the preparation of County plans, budgets, economy and financial management at the County level thereby violating the provisions of Sections 87, 91 and 115 of the County Governments Act, 2012, and more importantly, Articles 10 and 201 (a) of the Constitution that require public participation in decision making.
- vi. Violation of Articles 176 (1) and 185 of the Constitution of Kenya, 2010, by disregarding the County Assembly as an Arm of the County Government and undermining its legislative authority, through requisition of monies and not remitting the same, hence crippling the operations of the Assembly and undermining the independence of the latter. This, by extension, violates Articles 6 and 10 of the Constitution of Kenya, 2010 that underpin the spirit of mutual respect, cooperation and consultation on all governance structures. This is evident from requisitions made in the following periods and were never remitted ;
- Kshs 44,347,764 in FY 2013/2014 which is annexed in the _____ report,
 - Kshs 28,779,000 in FY 2014/2015, also annexed,
 - Kshs. 51,843,00 in FY 2015/2016 and is also annexed,

This misappropriation and misdirecting of funds indicates lack of good intentions towards the Assembly and creating a monarchy system, an endeavor to curtail the oversight role of the Assembly violating Article 73 (b) of the Constitution of Kenya, 2010 which requires a state officer to serve the people and not power to rule over them. This further, violates Article 174 of the Constitution of Kenya 2010, which requires County Government to promote democratic and accountable exercise of power.

(Applause)

- vii. Violation of Section 4 of the County Governments Act, 2012, that requires the County Executive Committee to develop legislation on County Symbols, for example, the Murang'a County Symbols Act; after the Murang'a County Symbols Bill was passed in the Assembly and consequently gazetted into an Act, the County Executive so far have failed to implement the approved symbols in all their communication artefacts.
- viii. Violation of Article 227 (1) of the Constitution of Kenya 2010 on procurement of goods and services by state organs and public entities and Section 135 (1) of the Public Finance Management Act 2012, by disregarding cost effectiveness and overspending in the Departments of Finance, IT and Economic Planning, Transport, Energy and Infrastructure, Public Service and Administration, among others, as indicated in the Third Quarter Budget Review Implementation report for the FY 2014/15 from the Office of the Controller of Budget. Such expenditure should have been ratified through a Supplementary Budget or justified by the respective departments, page 190 of the County Budget Implementation Review Report, 3rd Quarter FY 2014/2015, which is highlighted.
- ix. Violation of Article 186 (1), Article 189 (2) and 226 (5) of the Constitution of Kenya 2010, by approving/directing/diverting public funds to non-devolved functions contrary to Schedule Four Part Two of the Constitution of Kenya, 2010 e.g. Construction works at Kahuhia Girls that were split nine times amounting to Kshs. 31,000,000. and conversion of public primary schools into boarding schools, among others.
- x. Violation of Article 227 (1) of the Constitution of Kenya 2010 and Section 30 of the Public Procurement and Disposal Act, 2005, through splitting of tenders with different LPO numbers for the same contractor, for instance proposed opening of Kahuruko–Ngatho junction, under the Department of Transport and Infrastructure, was split 11 times with different LPO numbers according to the debt owing report from the CEC Finance, IT and Planning as at 14th August, 2015.
- xi. Violation of Articles 10, 183 and 201 of the Constitution of Kenya, 2010 on priorities through public participation, legislative framework and fiscal prudence and accountability respectively and Section 29 of the Public Procurement and Disposal Act 2005, through evading of open tender method by purchasing of the land along Kenol- Kabati Road, worth Kshs. 340,000,000 through request for quotations, without stipulated reasons for using alternative procurement procedure in writing by the tender committee. Fraudulent procurement procedures of the A.I crushes under the livestock development program amounting to Kshs. 61.69 million, among other goods and services.
- xii. Contravention of Article 201 (a) (e), of the Constitution of Kenya, 2010 on principles of public finance in regard to accountability, responsible finance management and clear fiscal reporting and Section 155 (5) of the Public Finance Management Act, 2013, by failing to ensure that an internal Audit Committee is established. This has exposed the County Executive operations to lack of checks and balances in financial controls, especially in the County Treasury, and lack of decentralized payment systems, particularly at the departmental level. This is evidenced by Irregular practices such as opening of un authorized bank accounts contrary to the guidelines of the Transition Authority, lack of maintaining of cash books for some accounts, un surrendered imprests, lack of adherence to the budget implementation, among other irregularities also highlighted in the report of the Auditor General 2013/2014 and the

- Controller of Budget Third Quarter Report 2013/2014. This heightened impunity on the part of the County Governor has resulted to continued loss of Public Funds.
2. Crimes under National Law:- the County Governor committed serious crimes under National Law in the following ways;
 - i. Violation of Article 212 of the Constitution of Kenya 2010, and Section 58 of the Public Finance Management Act, 2012 by borrowing a loan of Kshs. 200,000,000 from the Kenya Commercial Bank without guarantee by the National Treasury; the said loan was not factored in the Debt Strategy Paper of the County Government of Murang'a over the medium term expenditure framework, contrary to Section 140 (1) (d) of the PFM Act. (page 169 of the County Governments Budgets Implementation Review Report, Half Year FY 2014/2015, and page 192 and 193 of the Third Quarter).
 - ii. Contrary to Article 201(d) of the Constitution of Kenya 2010 that requires public money to be used in a prudent and responsible way, the County Executive irregularly purchased hay for cows at the controversial Mariira Farm, further investigations reveals that there was no documented evidence for release and delivery of the 20,000 bales of hay, resulting to loss public funds amounting Kshs.4,000,000. This criminal undertaking is clearly substantiated in the Auditor General's report for the period 1 July 2013 to 30 June 2014. (Page 4 and 15).
 - iii. Contravention of Articles 201 (d), 227 (1) of the Constitution of Kenya 2010 that requires a state organ or any other public entity to contract goods or services in accordance with a system that is fair, equitable and cost effective and violation of Section 29 of the Public Procurement and Disposal Act 2005 by incurring exorbitant costs of advertisement amounting to Kshs. 247,000,000 glaringly inclined to one company in the name of 'Top Image Media' according to the Controller of Budget report for FY 2014/2015.

(Applause)

- This spells gross irregularity in operations of the County Executive, in procurement of media services, intentionally skewed towards one particular company. Further scrutiny by the County Assembly reveals that the County Executive has continuously evaded the use of open tendering in procurement of goods and services.
- iv. Violation of Article 41 (1) of the Constitution of Kenya 2010 that stipulates the rights of every person to fair labour practises and Section 19 of the Employment Act, 2012, through failure to remit statutory deductions of the defunct local authorities, which have continued to attract interest and penalties to a tune of Kshs. 131,615,210.00.
3. Abuse of Office/Gross Misconduct:- the County Governor of Murang'a exhibited gross misconduct/abused his office in the following ways:-
 - i. Violation of Article 75 (1) of the Constitution of Kenya, 2010 on conduct of state officers and Section 13 of the Leadership and Integrity Act using public funds to brand his name that is evident in the enormous advertisements in a vernacular radio station and bill boards erected along the roads and at Ihura Stadium gate; the Governor has continued to misappropriate public funds for personal branding in every advertisement made by the County. For instance, the front page of the printed examinations cited 'Murang'a County Post Mock Examinations' for the year 2014 and 2015 bearing the name of the Governor insinuating that, he is the sole sponsor of the program and not the County Government.

(Applause)

- ii. Pretentious realignment of Departments and programs within departments, that had not exhausted their budgets hence disregarding avenues that have been provided for by law, as manifested during the Supplementary Budget for FY 2014/15, thus causing confusion and hindering effective budget implementation of programs particularly in the Departments of Trade, Industry, Commerce, Agro- Marketing, Cooperatives, Agriculture and Livestock.
- iii. Appointment of Mr. Christopher Ngera, as the Chief Officer for Education and Technical Training Department, who had been rejected by the County Assembly contrary to Article 185 of the Constitution of Kenya, 2010 and Section 45 (1) (b) of County Governments Act 2012; thus defrauding public funds through payment of allowances/salaries to the said Chief Officer, for the period he was illegally in office.
- iv. Use of personal portraits in County funded projects contrary to Article 73 (1) (a) (i) (iv) on public trust, Article 75 (1) of the Constitution of Kenya 2010 and Section 13 of the Leadership and Integrity Act.
- v. Loss of public funds, through payment of 80 ghost workers, and lack of a precise inventory of the staff establishment, as indicated in the Report of the Auditor General 2013-2014, contrary to Article 226 (5) of the Constitution of Kenya 2010 .
- vi. Failure to appoint a substantive Chairperson of County Public Service Board and allowing the Vice Chairperson to occupy the said office for undefined period contrary to Section 64 (2) of the County Governments Act 2012.
- vii. The Governor failed in his duty to Gazette all the County Executive Members whom he appointed on different dates in accordance with Section 30 (2) (i) of the County Governments Act, 2012.
- viii. Contrary to the provisions of section 30 (2) (j) of the County Governments Act, 2012, the County Governor, since inception of the County Government has never submitted to the Murang'a County Assembly any implementation status report of County policies and plans;

(Applause)

- ix. The County Governor has continuously displayed negligence on his duties, by failing to issue Gazette notices of all important formal decisions made by him and/or the County Executive Committee, pursuant to section 30 (l) of the County Governments Act, 2012.

(Applause)

Mr. Speaker, the motion I have just read is self-explanatory. I have really looked at all the different laws that govern this republic, equally to the county government, for the wellbeing of the people that it represents.

If all the laws cited in my motion had been keenly looked at, I do not think we could be here talking of a motion that does not mean well to the office of the Governor of Murang'a county. I will not debate much. I will mention six points but I will not explain so much because they are also self-explanatory.

Section 30 (2) of the County Governments Act 2012, provides for the functions and responsibilities of the County Governor.

(Applause)

That section defines well the duties and functions that every County Governor in every county is supposed to undertake as the County Executive Officer (CEO) of the county. We however feel that this has been violated; hence the reason for this motion. He is the chair of the County Executive and he should make sure that he oversees the running of the

county. Failure to do so, the county may land into the irregularities that we are discussing right now.

Mr. Speaker, a good person who steers the steering of the vehicle usually makes sure that his mind focuses on the direction of the people. One cannot start blaming the conductors who are inside minding the wellbeing of the people who are seated.

(Applause)

The people who are seated in this bus of Murang'a county are the Wanjiku's that we represent. The moment we see that the same has failed, we must raise an eyebrow as the representatives of the people, either elected or nominated.

The motion is also calling for proper accountability and management and use of resources. This is anchored in the Constitution, the Public Finance Management (PFM) Act and the Public Procurement among other laws. If proper accountability of the resources was done, we would not be mentioning the many millions that have either gone missing, misappropriated, mis-allocated, or misdirected.

Mr. Speaker, the moment that has been violated; we must rise and speak on behalf of the people as an Assembly. Our people do not have voices, but we must rise on our feet because we are the representatives of the people who were elected to defend the manifesto of The National Alliance (TNA) party and say where it is ailing.

(Applause)

My third point is on the adherence to the laws in this Republic. I had already said that during my introduction. If all these laws have been read, understood and adhered to, it would act as a guide. For example, a preacher cannot go to any church and start telling the congregation of things that are not related to the bible. The bible of running and managing the resources of the people is well anchored in the Constitution, PFM Act, Leadership and Integrity Act, and Public Procurement and Disposal Act, among other laws. My people, we will be trending in the right path if we adhere to these laws. However, the same has been violated and that is why we are here complaining of the same.

My fourth point is that there is no government that can prosper without structures and systems. There has to be the structures and systems that are followed in every establishment, be it in the public or private sector. That way, governance is done in the proper manner because all the directions are spelt out and there is no one who can complain because the systems and structures are in place.

We only come to learn of some things through the media. If at all this is the legislative organ, on behalf of the people of Murang'a, we expect to have the structures and systems at our finger tips so that as we can go about our duties that have been mandated by the Constitution for this House, we will be doing the right thing.

However, when we come to learn of things through the media, we must make some noise. Let us be seen as an arm that joins the other arm for the well-being of Murang'a. We are not against anyone; we are only talking of irregularities that have been committed by the office of the Governor of Murang'a county.

My fifth point is that let no one cripple and undermine the independence of this Assembly by violating Articles 176 (1) and 185 of this Constitution. If you read the Constitution, you will find the provision that there are three arms in every government. We have the legislative organ; we have the executive organ; and we have the Judiciary. Therefore, when we talk of the county government, we are talking of the Executive organ which is not working hand in hand with the legislative organ.

(Applause)

The moment these ones do not tally, the moment they fail to correspond, the moment they are not working together; you find this motion on the table a time like this.

I said that my motion is well spelt to the extent of citing the laws that have been violated and I will, therefore, not debate much. My last point is that I am happy because you called me this morning as the mover of this motion and you gave me the response from the Governor.

It was very good because we gave him seven days to go through the motion and maybe respond. His response, which was addressed to you Mr. Speaker, dated 16th October 2015, and was to answer on areas that are mentioned on the impeachment motion of the Governor of Murang'a county. I am happy because the Governor has not denied the allegations in this motion.

(Applause)

The response from the Governor is only denying that he is not the one who did this; he is directing them to the CEC's.

(Applause)

If you allow me, I am going to read a section so that even the CEC's and the people in the gallery can hear that I am really reading from the response letter which is available in the files of the members present in this Assembly. The second from last paragraph in page three reads "Our preliminary view of the proposed motion is that, it seeks to make the Governor vicariously liable for alleged acts or omissions of other officers." Who are these other officers?

(Laughter and Applause)

The officers who work with the Governor are the CEC's of the respective departments in this county. We know that all the resolutions in the Executive are always reached by the cabinet. Who chairs the cabinet? Therefore, none of these allegations has skipped the eyes and ears of our Governor.

(Applause)

If I take you back, Mr. Speaker, I talked of Section 30 (2) in allegation no.1 that talks of the functions and responsibilities of the County Governor of each and every county. I am asking for the support of this House. We are not witch hunting; we are talking and we are under our mandate of oversight. If we remain in this Assembly and fail to oversight over the resources and operations of the county government of Murang'a on behalf of the people that elected us to be here or the party that nominated us, we will be held responsible by Wanjiku. We shall go out to meet them in 2017, what shall we tell them? Let us fight; it is not a fight in futility because it is within our mandate to oversight.

Mr. Speaker, I am happy because I can recognise the presence of the Women Representative of this county, a woman that we highly value.

(Applause)

We also see them in the National Assembly talking of the ills done by the Executive. At no one time has the Executive employed goons or hooligans to talk ill

(Applause)

of the Members of the National Assembly (MPs). The Woman Representative here can attest to that.

The President of Kenya usually makes sure that each and every law is adhered to as stipulated. The moment he hears any noise from the Assembly, he usually says “Stop, can we first of all check why the hon. members are making noise.” We cannot just make noise; let this Assembly be respected.

The other day, I said that there is no member here who went round the county or wards soliciting for support when he was on an empty stomach. These hon. members had money

(Applause)

and they were vying because they wanted to give the best representation on behalf of Wanjiku. As far as legislation is concerned, as far as representation is concerned and as far as oversight is concerned; we are not hungry of anything and we have not requested for anything.

(Applause)

Let the members of this House be given the respect they deserve. I rest my case and call upon the member who represents Kamacharia- Hon. Machiri- to come and second the motion. Thank you.

(Applause)

Hon. Joseph Machiri: Thank you very much Mr. Speaker, I am also the chair for Water, Co-operatives, and Natural Resources in this Assembly. I stand to second this motion.

(Applause)

I first commend the hon. member- Mary Waithira- for coming up with that motion. It was overdue; it was supposed to be here in 2013.

(Applause)

Can I reiterate that, according to Article 185 of the Constitution of Kenya 2010, this Assembly is mandated to oversight, represent and legislate for this county government.

Mr. Speaker, we swore under oath to defend the Constitution the first day we came to this Assembly and to also discharge our duties without fear or favour of any sort.

(Applause)

There is a very glaring disconnect in law between the Assembly and the Executive. It seems that they do not understand what the law says because they do not know our mandate. Theirs is to come with goons to create fear and despondency upon these Assembly members. We are not going to say no because we are representing Wanjiku. There is no day when we are going to fear because of the threats.

The Motion was well formulated and tabulated by the mover., but it is better and biblical for the people who go with the King to tell him that he is naked; rather than always singing songs of praise to him.

(Laughter and Applause)

Those are sycophants and they have no way in this present Kenya. Sometimes back, we came with a motion and blew the whistle on the *shillingi kwa shillingi* saga. That report was approved in this Assembly and we forwarded to the Auditor General for investigations. That report has now come. So many people in this town said that we had eaten money and many other things. This Assembly consists of dignified members of this nation.

(Applause)

Mr. Speaker, we urge for more investigations and even jailing the people who inflated the costs in what we call media buying. As you can see, there is a company here known as Top Image that is owned by none other than a person from the furthest corner of Tharaka- Nithi, Mbeere. How can we give about 20 tenders to one person? That is single sourcing. It is criminal and that person ought to be in jail. I do not want to emphasise a lot because so many things were tackled by the mover.

If you can go to Article no ---

The Speaker (Hon. Nduati Kariuki): Hon. members, please do not repeat what has already been said. Stick to the motion of the day.

Hon. Joseph Machiri: Thank you Mr. Speaker, I will do that. Number three; there is violation of Article 40 (1) of the Constitution of Kenya due to non-remittance of the employees' statutory deductions.

If you recall, about one week ago, we buried one person due to non-remittance of statutory deductions for the Kimuri sacco. We buried Elizabeth, an employee of the government. When she went to request for a loan, she was told that there was no money because the county government has not submitted the monthly cheque. That beautiful lady and worker of this county government said that she was going to commit suicide. That lady comes from Gatari, I attended that burial and may God rest her soul in eternal peace.

Mr. Speaker, without much ado, you cannot leave your children hungry to go and buy food for other children in other homes. That is evil and immoral. As you can see, how can we spend Kshs. 31 million in un-devolved functions like Kahuhia and so forth when some of our Early Childhood Development Education (ECDE) classes do not have latrines or teachers?

(Applause)

The youth polytechnic employees have gone for about two years without salaries. It is very sympathetic, disgusting, archaic, primitive, and out-dated to the extent of shaming our heritage before the world.

(Laughter)

On the last page, our Governor has done so many things which are very bad and abnormal. One, he has not done any county state address in this county for two consecutive years, which is criminal.

(Applause)

Whatever the chairperson of the County Public Service Board is doing is null and void because her term expired within 90 days in acting capacity; therefore, they are in that office illegally.

The CEO is answerable, even a father is answerable to his homestead. If something is done by a child under 18 years, the person who is responsible as the CEO of that homestead is the father.

In this respect, the CEO of the County Government is the Governor of Murang'a county government who is non-other than Mwangi wa Iria. That is why we are saying that this is the time for him to give Murang'a peace. I stand here for Kamacharia, and Murang'a people. I second this motion as a person who is saved, and I am speaking nothing but the truth, so help me God. I rest my case. Thank you Mr. Speaker.

(Laughter and Applause)

(Question proposed)

Hon. James Kariuki: Mr. Speaker, I rise to support this motion.

(Applause)

Today is a very sad day for Murang'a because when we were elected, together with the Governor, we never thought that it would come to this. I equate this to what happened in the year 2005 after the President and his party were beaten in the referendum. The former President Mwai Kibaki said that he had never thought that he would ever work with Kenya African National Union (KANU) yet he had one of the best cabinets ever constituted in this country since independence. When Kibaki said that, he said it with a very heavy heart.

We are also speaking with a very heavy heart because when our Governor was elected, he never looked like the type of person who he is today. It is very sad because we started off very well, I remember that at one time, we were asked how many roads we wanted gravelled, how many hours and we were also given---

Hon. Joseph Ndung'u: On a point of order

he Speaker (Hon. Nduati Kariuki): Yes, point of order.

Hon. Joseph Ndung'u: Thank you Mr. Speaker, Sir, is it in order for two Hon. members, Lucy and Ndunge, to turn this House into a hotel? Since they came in, they have been chewing.

(Applause)

The Speaker (Hon. Nduati Kariuki): It is completely out of order and the members mentioned should seize that or they get out.

Hon. James Kariuki: We started off very well, we were each given 200 hours for grading and that work went very well. We were also given 140 culverts for every ward and things seemed to be moving very smoothly. However, I do not know when the rain started beating us. The situation today is very pathetic. I will especially speak on one aspect; respect for this House.

(Applause)

Mr. Speaker, it looks as if the Governor does not understand the role of the Assembly and to me that is something that is very disturbing because the role of this assembly is oversight, legislation and of course representation. When we speak we speak because we have to protect the public funds. When we speak, we speak because we are the eyes and the ears of Wanjiku at the village level.

When the governor disregards and disrespects the decisions that are made in this House then that is very sad because failure to recognize role of the other arm of the government which is this Assembly is a great violation of the Constitution itself

(Applause)

The makers of this Constitution were very bright people, they were very intelligent people. This Constitution is made in such a way that if you do not consult, if you do not co-operate, if you do not collaborate then things stall. Immediately, it is automatic and this is what has happened in Murang'a.

We need to ask ourselves where we went wrong. I have heard us being called ECDE class, it is quite in order. Between the teacher and the pupil of ECDE class who is supposed to look upon the other? The pupil looks upon the teacher for advice and direction. Does the Governor do that? No, he does not because he does not value this Assembly. That to me is the greatest problem that this Murang'a county government has.

Because he believes, he works like a CEO, this is not a private company, it is a government and government is give and take affair. We must consult, we must have a dialogue. So when the Governor works like this is a company then he is completely lost and that does not wash.

Something that I noted when we came to this Assembly and that is abuse of office and gross misconduct, number one, violation of article 71 of the Constitution of Kenya where the governor brands everything under his name. Personal branding is a trait of the former communist regimes

(Applause)

It does not fall anywhere within the modern democratic world. We are in a democracy, that is dictatorship and I have told him that personally that he is a dictator.

(Laughter)

And we cannot work with dictator.

(Applause)

Because how do you brand your name you spend over 300 million branding yourself as if you were elected you only, yet we have 35 other members who were elected in every ward and others were nominated, like the mover of the motion.

That cannot be accepted and when we came to this Assembly that is the first thing that I noted because it was called the peoples' county of Murang'a. That is a communist trait and any person with a communist agenda is a dictator.

(Applause)

I do not want to say much but I would like to say that we have no ill feeling towards our Governor but he is so proud, so arrogant *(Laughter)* that he cannot *(Applause)* come down and speak to his children. If we are an ECDE class he should speak to us not us going to him because he should understand us.

I cannot understand him; personally I have failed to understand him up to now. He is my friend but I have told him once in a while I cannot understand you Mr. Governor. You are a young man, you are handsome *(Laughter)* but in your thinking there is something wrong.

(Applause and laughter)

Because he has a corporate mentality and corporate mentality cannot work in the government.

All the Governors in this country who are succeeding have two experiences, they were either in the government or in civil services, why because they understand how the government works.

Mwangi Wa Iiria has completely no idea how the government works

(Applause and laughter)

This is not KCC

(Laughter)

he has no idea. If he has been in parliament may be he could have been a chairman of Agriculture committee like me so he would have appreciated the role of this Assembly. Because he has never worked in civil service, because he has never been in parliament the national assembly where our dear women representative is

(Pointed to the gallery)

He cannot appreciate. If he wants to understand he should look at the way our President Uhuru Kenyatta works with national Assembly, he gives a lot of respect. The women representative here is the chairperson of education committee. She said no to nominees that

were taken to that House by the President and the President took it in good faith. Why, because he had been in parliament. Mwangi Wa Iria has never been to parliament, he is the wrong person for governor.

(Applause and laughter)

This man is guilty as charged because even if

(Applause and laughter)

even if he has never been to parliament then he should learn he is a young man, he is only in his forties in fact I am older than him so this man is as guilty as charged and we are going to impeach him and this matter is going to go to the Senate and the Senate will know what to do with it. I rest my case.

(Applause)

Hon. Isaac Kamote: Thank you Mr. Speaker, I would like to commend the mover of the motion for bringing this motion.

As other speakers have said this motion was due more than a year ago. We have been lenient with our Governor but he has not paid us back. All the same I want to support this motion by looking into article one section three which says that publicity firm has been paid Kshs. 247 million just for doing publicity work and the budget for this was mere Kshs. 7 million. I wonder where the 240 million came from.

(Applause)

We have been giving scholarships to our students the money given out was Kshs. 70 million in the first year that is 2014/2015 which this money was delayed for more than ten months and this publicity firm has been paid their dues on monthly basis but our children have been chased out of school they cannot get the bursaries because the money has been directed to other ways or being misused.

Kshs. 240 million is a lot of money; if it was being used for bursary, putting in mind that bursary per year is Kshs. 70 million that would have gone for three years. There is a lot of wastage in our government, we have been trying to advice our Governor but he cannot get any advice from us because he takes us to be very junior.

As the previous speaker has put it we have no personal vendetta with Governor.

(Applause)

we used to school together, one of his family members is from my ward that is his wife. So Mr. Speaker Sir as I stand here I have got a lot of personal respect for Governor but he has totally let me down, he has totally let us down and he has clearly let his in-laws in Wangu ward down.

(Laughter)

On 21st of May this year we were at Kahuro where he was commissioning a milk cooler, he told me in front of more than 2000 residents and many of them are his family, his friends and his neighbours. He told me that the road cannot be cut into pieces and be fed to children. I wonder a Governor who does not know the use of a road, does not deserve to be a governor. Without infrastructure no development can be done for our people.

I want to rest my case there and support the impeachment of our Governor which should have been done yesterday and not today.

(Applause)

Hon. Samuel Wandia: Thank you Mr. Speaker, when I look around and I see all the faces within this building and I feel like shedding tears. Were it that we have been guided by this bible

(Hon. Wandia lifted a copy of the Constitution)

The office of the Governor, the office of the Assembly and I believe that the Assembly is guided by this bible. If this bible is a stepping stone we would not be here today.

(Hon Peter Kariuki on point of information)

The Speaker: Yes point of information, do you want information?

Hon. Samuel Wandia: No I don't

The Speaker: He does not want, thank you.

Hon. Samuel Wandia: What I am saying here I just want to cite a few functions of the Governor. He sits with his executive day in day out and I do not know how many times a week and if at all the Governor fails to observe what is contained in the Constitution he has colleagues who can remind him the provisions of the Constitution.

The Constitution states clearly that the office of the Governor has to submit county plans and policies to the County Assembly for approval. I am saying here since we joined this House in 2013 there is no single policy paper that has ever found its way in this House for our approval.

Were it that those policies have been brought, things would have been streamlined. I would also add that the same Governor's office is supposed to bring status report in this House of implementation of the projects that are undertaken within the county. We have never had any implementation status report in this county ever since we joined.

I believe our Governor has got qualified staff they are my friends I know them, I visit their offices and I have no reason not to believe that they are qualified and they have capacity to make this implementation status report to be brought to this house for approval.

Our debt level as per the letter we received from the executive is Kshs. 2.5 billion and word has it that there are other debts which had not shown up where the contracts has been given by a word of mouth. Let me not look into that Mr. Speaker.

Why have these debts come? It is because the office of the Governor fails to work with the budget. They bring the budget for approval; we do not hesitate to approve the budget. We approve the budget but when it comes to implementation, the budget is kept aside and the money is dished the way one wants.

(Applause)

Were it that the budget has been followed Murang'a county would have been very good we could be seeing the projects and the debts would not have been here. It is a shame of first class order for the county of Murang'a to have a debt of over Kshs.2.5 billion which is the talk of everybody out there.

What I am trying to say is that all is not lost, we passed the budget the other day, let us go by the whims of the budget and if we go by the budget, we shall not get to this level. I know we have got hiccups because the debts were not brought up in the debt management paper.

We have tried to ask for the debt management paper, we got it but it never had a provision for the outstanding debts in the county. I do not know how we are going to clear that debt, if God is to come down and show us the way on how we are going to settle that debt.

(Applause)

We should not go out of our way and take responsibilities which belong to the national government; we had no business dealing with Kahuhia girls that is a responsibility of national government and they should have taken responsibility for that.

When I hear and when I read that this august House had provided Kshs. 7 million for advertisement between 2013 and 31st March 2015 and apparently as we talk ladies and gentlemen the debt level on advertisement it goes to Kshs. 247 million, how many roads could have been put up with Kshs. 247 million? Many roads.

We should put our egos down we get into business even if my name do not get mentioned anywhere, I do not care but let's get to work. The other abusing thing and I have seen our CEC for finance here, it is important that once he goes back he has to form an internal audit committee. This is very important because it is the one to check

(Hon. Gachui Mungai on point of order)

The Speaker: Point of order

Hon. Gachui Mungai: I think the hon. member is out of order addressing the CEC, what he should do is to address the Finance committee.

The Speaker: Through the Speaker

Hon. Samuel Wandia: Mr. Speaker I take this early opportunity to apologise. What I am trying to say is that it is important to have internal audit committee which would ensure that there are checks and balances in expenditure of funds.

Lastly, when we take loans, the loans should be guaranteed by the national government and the Assembly should approve the same. In the debt management paper, such debts should be mentioned. I end there and say that the course of today has to end positively.

(Applause)

Hon. John Gitau: Thank you Mr. Speaker, it is unfortunate that we are discussing this motion today. As the previous speaker has said, it is very unfortunate but this is the last resort. We have tried all the other means to have dialogue.

(Applause)

I also know the office of the Speaker has tried so many things to have things works smoothly in Murang'a county but this has not worked.

I will dwell only on one point; there is a deliberate attempt to market someone's name using Murang'a money. Our Governor is called Mwangi wa Iria and since this county government started we have used more than Kshs. 1 billion for milk programmes and if you look at Kshs. 1 billion and you look at what is happening on the ground that Kshs. 1 billion is not felt on the ground.

Recently we gave bursary worth Kshs. 70 million to our students and this money was felt in all corners of Murang'a county.

(Applause)

if you look at that one billion on milk projects, and I am saying milk projects because we are looking at Mariira, we are looking at the cows that were bought and died

(Laughter)

We are looking at crushes, coolers we are looking at advertisement Kshs. 247 million and in every advertisement there is name Mwangi wa Iria. This is a county government and county government is different from the Governor. If we follow the law we are going to get to where we are supposed to get.

If we look at that Kshs. 1 billion, I was asking myself if we were doing roads how many kilometres would we have done with one billion? Suppose we took this Kshs. 1 billion to educate our children we would have very many professors.

And as we do this, we have functions like education and especially ECDE where we have so many children who are not going to school because they are orphans, they come from poor families and their families cannot to pay school fees because ECDE's in Murang'a county is not free.

We have made a deliberate attempt to make education free and this Assembly managed to pass partly Kshs. 110 million to employ ECDE teachers. As we sit here, they have started withdrawing this money and the money is not going to employment of teachers, it is diverted to other things including buying manure.

(Applause)

This is sad, ask any parent who has a home, you have children and you have cows, goats and pigs. If you are given some money what would you start with? Would start by buying nappier grass for cows or you would start by taking your children to school? This means we are not getting our priorities right, priorities are upside down in Murang'a county.

I do not want to talk much but let us do what is devolved and leave that is what not devolved to national government. Before I sit down I wish to recognize the presence of our women representative--

The Speaker: She has already been recognized

(Laughter)

Hon. John Gitau: Thank you very much but on the same note if you allow I would also like to recognize the County Commissioner. This motion should be supported by all. If you know what is said here is right and if your conscience serves you right and if you remember you swore with a bible, please if you are on the other side cross over and support this motion.

(Applause)

The Speaker: Hon. members, I can see that we are in danger of repeating ourselves and if you do not have new points or contrary views to those that has been expressed, I might call the mover to respond.

Hon. Erick Kimani: I rise to be the first one to oppose the motion under the following grounds--

(Applause)

(Hon. Bernard Kariuki on a point of order)

The Speaker: Point of order

Hon. Bernard Wanyoike: Mr. Speaker is it in order for the Hon. for Kahumbu to cross the floor without bowing to it.

The Speaker: Please observe the protocols hon. member

(Hon. Erick Kimani walked back and bowed at the bar)

Hon. Erick Kimani: Thank you Mr. Speaker I have observed the orders of this House. I oppose the motion on the following grounds; the seconder of the motion said that the motion would have come in 2013 which is two years down the line. Those sentiments mean that the oversight role of this Assembly has not been so good, that is why it has taken so long for this motion to come to this Assembly.

(Loud consultations)

The Speaker: Order! He has a right to express his views.

Hon. Erick Kimani: The other thing, devolution is very new and I am very sure devolution will take seven or even ten years for it to run smoothly.

The Assembly has been learning, the executive has been learning but that does not allow any public officer to misappropriate public funds. On that note I would have advised that this Assembly through other relevant oversight bodies like national procurement oversight body to do a report so that the body can investigate further on the matter related to procurement of goods---

(Hon. Joseph Kimani on point of information)

Hon. Erick Kimani: I do not want any information

The Speaker: He does not want any information.

Hon. Erick Kimani: These oversight bodies will be like national---

(Hon. Isaac Kamote on point of order)

Hon. Isaac Kamote: Mr. Speaker, I think the member standing there is the one who was supposed to advise this House----

The Speaker: That is not point of order, continue

Hon. Erick Kimani: I knew I will be disrupted but thank you Mr. Speaker for protecting me. The issue of motion is very good but looking at the status of the county, we have one and a half years that we are supposed to implement but the issue of the motion may be will create very big pressure such that there will be very little that will be done in our county.

If this motion had come earlier, we would have had put our House in order and we would be running smoothly

(Loud consultations)

The reason why I am calling for other oversight bodies is that they would have done it very silently and the perpetrators would have been prosecuted ...

(Hon. Joseph Ndung'u on a point of information)

I do not need any information.

The Speaker: No, sit down; please let the member finish without any interruption.

Hon. Erick Kamande: We would have done it very silently and those responsible prosecuted without very much pressure in our county and without disrupting business that is going on in our county.

As we criticize the national government functions and the county government functions let us all remember that issuing bursaries to our students in secondary schools and colleges is a function that you are supporting is not a county government function.

The issue of the policy papers and implementation status report, the committee responsible and this is an advice I am going to give as I criticize the motion as it states that the issue of policy papers and implementation status, the sectoral committees concerned should push their CEC's as much as they can to bring forward their policy papers and the implementation status report of projects in their specific department before things run out of hand.

As we proceed, the committee should consider this so that we may not have other impeachment at the end of this term in 2017.

I urge members to act immediately we realize there is misappropriation so that we can handle any issues before they get out of hand. Thank you Mr. Speaker, I oppose.

Hon. Kago Njoroge: Thank you Mr. Speaker, I stand to appreciate whatever that has raised and also to oppose.

I want to appreciate that the members of this Assembly sat down and came up with this criticism and allegations. They did it very well but there are some things which they failed to look at and I want to point out.

If you look at these allegations, most of them are based on Auditor General's report. Where we are seated right now as an Assembly, in the same Auditor's General report we are also part of that report for misappropriating the funds.

(Applause)

The report said that in this County Assembly of Murang'a we employed our people irregularly. Whatever we had advertised is not the quality we got---

The Speaker: Order! Order! Please stick to the motion the way the motion reads

Hon. Kago Njoro: Thank you Mr. Speaker—

(Hon. John Gitau on point of order)

Hon. John Gitau: Mr. Speaker I think it will be in order for this member to quote the auditor's report where this Assembly has been condemned.

The Speaker: I have ruled that out of order and the member will stick to the motion.

Hon. Kago Njoro: Thank you Mr. Speaker I obey your orders but even other members have also quoted and talked about bursary funds which is not part of this motion so I think I am supposed to be given a chance so that I can speak my mind.

If you go to first allegation whereby we are talking about Kshs.2.5 billion being misused I do not remember or recall even when I consult the Hansard or my files any member from finance, budget or from this Assembly tabling such report.

We have never seen any report from finance committee which has gone through that report and told us that this Kshs. 2.5 billion was misused on this road. We cannot authenticate the document because even the owner of the signature wrote to this Assembly saying "I do not own that signature---"

(Hon. Samuel Wandia on point of order)

Hon. Samuel Wandia: Thank you my colleague. We tabled that report and he is aware we tabled that report in this Assembly so he can hardly disown it. *(Applause)* he was not even here.

Hon. Kago Njoro: That is not a point of order, I have never been absent from this Assembly and the records are there. If they tabled and I was not around, I could have seen attachment of a report which shows the number of LPO's which are being said are repeated thrice or five times and that is why I am saying whatever is being said as Kshs. 2.5 billion is not legal because none of the committees ever sat down with CEC. I have not seen any report. Mr. Speaker please protect me.

The Speaker: Yes let the hon. member finish his speech without interruption.

Hon. Kago Njoro: The first allegation, I am saying I should not own it and I will never own it. None of the reports have ever been tabled here. And if we agree that it was tabled here and given the resolutions of that report being captured by the media and the Hansard and then we come and get we do not have such report then the Assembly should be held equally responsible for giving false information.

Most of these allegations are very good but I am a member of this Assembly, I am a member of various committees but I am failing to understand why these committees never bring these reports to the Assembly we scrutinize them.

When we are talking of auditor's report after it is tabled in the Assembly it goes to the PIC committee. The one which just came recently---

(A member interjected)

I am a member of PIC that is why I am saying this Mr. Speaker. I am not denying that but it has never been tabled in our committee

(A Member on a point of order)

The Speaker: Let the member finish his contributions without interruptions.

Hon. Kago Njoroge: Mr. Speaker you know there members in this House they think by saying point of order one will lose direction, but I thank God even if I am disrupted I will be able to go back to where I was.

So all what I am saying, all these allegations are very good but somebody somewhere should ask himself whether he is in this Assembly, whether he is a lawyer whether he is a judge, ask himself what is the work of this Assembly, if they have never brought any report criticizing the same. For how long will we wait to hear people from the outside criticizing the Assembly that is when we will wake up and say our county government is not going on very well.

I understand and I have read the response from the Governor, even if you told me to stick to the motion I will say this; we are the one who vetted our CEC's under the leadership of the majority leader. The other day we were impeaching the CEC finance, I remember majority leader saying "I am the one who said let us put this man here even though he does not qualify"

(Hon. Peter Kihungi on a point of order)

It is on the Hansard so I fail to understand when we are saying they are not good and yet we are the one who are saying this when we come to the Assembly. We are washing our dirty linen in public.

(A member interjected)

Including myself, yes I have problem, I belong here. I am discussing it because we brought it here and that is why I am discussing it. Mr. Speaker I think some of the members want to become Speaker may be to assist you to tell me what I should do. Unfortunately it is not said.

If you go to allegation number eight because I want to go fast may be some are getting irritated because I know what they know. I will continue

The Speaker: Continue

Hon. Kago Njoroge: Go to number eight, where you hear there is overspending we have a budget and we usually have quarterly reports on how the government spends its money. For all those years I have sat in this Assembly, I have never seen or never heard someone in this Assembly criticizing those quarterly reports and those quarterly reports are the basis to tell us how the budget is going.

We have implementation committee, which looks at how the implementation of budget, bills or any motion is being done. Then how come we are talking of budget of 2013/2014 according to the Auditor General's report—

(Hon. Joseph Kimani on point of order)

The Speaker: I am reluctant to allow any point of order, let him just finish.

Hon. Kago Njoroge: I wish Mr. Speaker if I were you I could have ordered Serjeant –At-Arms to remove some of these members and they come back during voting.

When you are talking of 2013/2014 those reports were brought here, I never saw anybody raising eyebrows, something needs to be looked at there.

We are talking of tenders and when the Governor was giving his response he talked of the CEC. I want to appreciate the Constitution, the kind of government we have now is kind of government run by the committee whereby the executive sits down with committee and scrutinize the problem that we may be having.

When you look at this, where we are speaking of splitting the tenders around five times, I fail to understand the committee of infrastructure in particular, there is this Ngatho-Kahuruko junction, have we ever seen a report written by those people having scrutinized even a document filed in our files saying this what we are doing?

We are failing because if we go to all the files in the Assembly, if we go to all the Hansards in the Assembly, none of the members here can be able to substantiate that this are the documents that we brought in this Assembly that enables us to say the tenders were split. I am saying that as a member of this Assembly who has ever been here and who have never missed in this Assembly.

That is why I am saying before we move out and say things, can we be sitting down and ask ourselves are we really clean? There is somebody who is in charge of tender, we have director of procurement, have they ever called him and requested him for those documents? Have they ever asked the procedure used while giving out tenders? That is why I fail to understand where these details are coming from. Is it from that document that the CEC finance denied that the appended signature is not his. In fact it was signed in his behalf.

That is why I am saying it is a very good document, we are doing very well, we have been woken up, but will are going to fail to see the light of day simply because we fail to sit down before we do something and ask ourselves whatever we are doing, are we doing it just because of us or for the favour of the government or for the favour of the county government and the people where they belong?

Mr. Speaker we talk of this---

(Hon. Gachui Mungai gave Hon. Kago Njoroge a bottle of water)

Thank you our Deputy Speaker may God bless you. I want to finish with this the government of Murang'a belongs to us and was elected by us, I am part of Wanjiku. I have read and I am reading that it is not until a mosquito bites your testicles that you realize that there is no need bringing violence for you to solve problems.

(Applause)

I am just quoting from a philosopher. Like now you look at this, when we start fighting now and then and we start calling everybody to come and see how our county is and we are to sitting down. I usually see CEC's coming every now and then their vehicles are ever at Assembly parking bay. Which questions are these that we ask? I thank my CEC for lands where I am a vice- chair, we have criticism because we have been sitting and solving out things.

Like this one of 80 ghost workers where is the list? Where are they? Where is the evidence showing they are being paid? This beats logic and I am not supporting any misappropriation of funds. I cannot support that because even in my own family after being paid, I go and misuse that money my family will go hungry. I am not also for anybody to belittle the Assembly, I am not for that but I am saying before we bring these issues out can sit down, can we scrutinize and call the CEC to see what he is doing because the Constitution is giving us the committee to sit down with CEC and discuss where the problem is.

Thank you very much for giving me the opportunity to contribute, I strongly oppose this motion.

Hon. Bernard Kariuki: Thank you Mr. Speaker, I do not want to say that today is a sad day for Murang'a but I want to say that it is a defining moment for the people of Murang'a and county in general.

It is the only normal day that we have three CEC's at the gallery. We have had a time that the county executive has looked down upon this Assembly but I appreciate that today is a very important day for all of us, the executive and the Assembly. We have all found time to

listen to the matters before this Assembly. I also want to appreciate various visitors who have come because today is a day that will remain in history for this county.

(Applause)

This day is very irrelevant to 2017 elections; it is completely irrelevant but today is a very relevant day for the generations to come. The leaders are those who think about the next generation and think less about the next elections.

The issues raised by the motion as moved by the Hon. Mary raise cardinal issues of concern to anybody who works as a legislator, they are matters of high public concern and I want to talk about these issues with a heavy heart.

I want to say that this motion is not personal vendetta; we all love Mwangi wa Iria but the office he occupies has either by omissions or commission has committed gross violation of Constitution under article 181.

Gross violation of Constitution is unforgivable, it is not forgivable.

(Applause)

Traditionally, the kings of yesteryears always moved with God and God was with them. In the current modern democratic system, kings move with God but they always carry the Constitution because the Constitution is the spirit of rule of law but when a king or a leader for that matter violates the Constitution which is a covenant between the leaders and public, that is very dangerous.

We have one of the very progressive Constitutions in the world, nobody can run away from article ten of the Constitution, the national values; no single person either elected or appointed in this republic can run away from those values.

As an Assembly we have to play our oversight role as envisaged in chapter 181 of the Constitution, the public is looking at this Assembly; the decision that we are going to make today is going to place this assembly at a level determined by the public. I want to urge all members that our oversight role cannot be traded with money.

(Applause)

It can only be traded by votes. Let us not betray the people who have elected us, the people who nominated us by the name of political parties because if we do that God above who sees even people like Obama will be very angry and it is very bad when God is angry.

I urge all those people who value their oversight role given to them by the Constitution to look at this matter with a sober heart, with a sober mind. I am a great friend of the Governor Mwangi wa Iria but after soul searching and after looking at these allegations, I have decided that these allegations qualify grounds for removal under article 181 of the Constitution.

(Applause)

We need to make a decision that is going to be for posterity. I want to urge ourselves that most of the issues in this motion are fiscal issues, public finance issues. Politics of this nation has changed from the way we govern to the way we allocate funds. The management of public finances is the basis of modern politics in Kenya under the constitution we have. And when the weighty issues have been raised on public finances in Murang'a then we have no option but to take this matter forward to Senate so that substantial evidence which member for Mugoiri was raising can be adduced to Senate.

I urge members, I know there are those of us who had various meetings with the Governor I personally being one with member for Muruka

(Hon. Charles Kirigwi on point of order)

The Speaker: What is point of order?

PROCEDURAL MOTION

EXTENSION OF ASSEMBLY SITTING TIME

Hon. Charles Kirigwi: Mr. Speaker considering that they are so many people who want to contribute to this motion, I want to move a motion that we extend time from our normal time of sitting to 6:00 p.m.

(Hon. Joseph Machiri seconded by bowing in his place)

(Question proposed)

(Question put and agreed to)

Hon. Bernard Kariuki: I want to thank hon. member for Kinyona for that. I want to conclude by saying that article ten of the Constitution will always prevail in all matters of governance. When this motion was given notice, there is a seven days grace period for anticipated dialogue but this has not happened and as the member for Ng'araria said, though we have been called names people at Nokras; the other day called us the touts and bar maids, there was no deliberate effort by the Governor to reach to us. Whether we are touts, whether we are that ECDE class, there are no deliberate efforts to reach us, he opted to run away from Article 10 of the constitution to seek dialogue.

So we have no other option but to tell him our dear good friend Mr. Governor, we have tried you, we have seen you, we have interacted with you but let this matter to go to Senate for the Senate to make its own determination. I support.

Hon. Rosemary Wakuthii: Thank you Mr. Speaker, I first kindly request this House to have sober minds while we are discussing this without trying to hinder someone from speaking because every person has a right to express his or her feelings.

I rise to oppose the motion; I want to go through all the grounds raised here in this document. Roman number one lack of accountability for the management of county resources, I want to differ with that because I have been in the finance committee and in the budget committee and I have never seen anywhere finance committee has ever requested the Governor Mwangi wa Iria to bring documents showing the debts incurred in this county. Whatever I have seen or what we have been requesting as a committee is through the office of the executive member for finance so I personally reject that and I totally oppose that.

If it is not grudge used in this issue, each and every committee has a mandate which if it requires a document from the relevant member and it should be referred to relevant CEC. I have never seen anywhere the Governor has been requested to bring the documents himself showing incurred debts and thus I reject that totally.

There is another allegation that the county governor allowed the misappropriation of county funds by funding *shilingi kwa shilingi* a total amount of Kshs.28,489,800. I think this is the mandate of the county government where it has been allowed to facilitate the co-operative movement because it has been devolved and there is that committee where we request for the statement.

I do remember having the committee constituted from this House and they brought a report to this House where by the budget was not limited to this issue so even if it was funded more it was not supposed to be an issue because we did not provide a limited budget for that. Again I have not seen where he personally contributed to implementation of the same through his office.

I want to oppose on the amount of money spent on advertisement. There is nowhere we can see that the Governor personally incurred an expenditure amounting to Kshs. 247 million but the relevant executive arm has used that money. Allowing the expenditure does not mean he has allowed them to use but the office itself consumed that. We did not even give them the limit. It has said here they have overspent the money, yes they have done that but has the finance committee has requested for the relevant documents to deliberate on the same so that they can table report into this House. No I have never seen that and I am a member of that committee.

I think the issue of the Auditor General, it was tabled here the other day and it is now before the committee and we have not exhaustively decided on what to take and what to reject. So I oppose that that since those matters that are being deliberated in the committee are being brought to this floor before they have been concluded by the committee. I totally oppose.

(Hon Joseph Kimani on a point of order)

Hon. Joseph Kimani: my name is Joseph

The Speaker: We do not care about your names a lot

(Laughter)

Hon Joseph Kimani: The hon. member is misleading this House when she says that it is the committee that should ask for documents while according to the PFM Act 2012, we know very well that it is the CEC's who are supposed to give reports to this House and it is well stipulated in the law

(Applause)

The Speaker: Please do not give a lecture; you have made your point.

Hon Rosemary Wakuthii: There was no order violated. I was saying that as a committee we have failed to bring to the House the Debt issues and the way the money has been misappropriated.

Mr. Speaker, on number four, there is no violation of the Constitution and the leadership of the Governor through the county executive member failing to advise the members

(Loud consultations)

(Hon David Muhoro on a point of order)

The Speaker: Let it be a proper point of order please

Hon David Muhoro: Mr. Speaker we need you guidance on time, we have just moved a motion of time extension and most of us need to contribute in this. We understand that we will go for a division in voting, Mr. Speaker, guides us on time limitations when we are contributing.

The Speaker: I will do that immediately I realize that an hon. member is taking too long.

Hon. Rosemary Wakuthii: It is the way the motion has been phrased, let the member know that I am here by right.

The executive arm recruited professional in this county, in so doing, the names were brought to the Assembly and vetted through the various committees, when I read that the leadership of the county and that the Governor failed to provide leadership to various county executive committee members, or that they failed to generate county policies, by recruiting professionals. Those are the people to advise the Governor since they are professionals in those areas. The Governor is not a professional in areas of agriculture and nappier grass.

That is why I am opposing this because the CEC of that department is the professional. I want to state that he did not personally requisite any nappier grass or Artificial Insemination (A.I) crushes, although we are accusing the governor, and I am not part of that. I want to state

that in my place Gaturi, they were requesting the Governor for more crushes in the ward, so I think the programme was prudent for my people.

On Number five, the issue of consulting the people or public participation, we are

(Loud Consultations)

The Speaker: Order! I think the sentiments expressed about time and giving other people an opportunity to talk, I will have to limit the debate. If you go that way, by the time you get to number 27, it will be 7 o'clock, you have five minutes only

Hon Rosemary Wakuthii: On the issues we are talking of, if there is no grudge between the Governor and the members, there are issues of the Governor hindering our operations by failing to remit money to the Assembly.

I want to say that this is subject to annexed document, but I cannot see the document, so whatever she is saying, she is lying to the whole House. We cannot see anything annexed to this document.

Public forums have happened; we have been funded by the county executive to go round for public participations with consultations with other members. In the budget, I have visited Kigumo, Muthithi and the rest and even in the finance committee where we have asked several issues to be addressed including the employment of more revenue officers.

As we state that the county governor has failed to recruit audit officers, we have also failed since we have not come up with recommendation on this just like we did with the revenue officers. I would urge the members to wake up and prepare to walk hand in hand with the Governor so that we will save our people but not an individual.

Lastly, on splitting of tenders, I want to state that we have limited resources in the county and therefore for a 20kilometre road, it has to come from different departments. In my ward, Gaturi which is among the largest, even if we do two to three kilometres at ago, it is adequate since other wards also deserve their three kilometers.

In some places like opening of roads in Kakuzi and Ithanga and the Kahuruko junction being split severally, that is not an issue to be deliberated here. If it is corruption, we all know the route to impeach the one who is not fulfilling his mandate. We are going for the Governor and there is nowhere he has the procurement functions.

People are only going for places where Wanjiku is benefiting, they want to hinder that. It cannot happen. I am here to support Wanjiku. I am telling the members to support the Governor and have him work.

If we reverse, our Governor will be ahead because he is doing the right things. If your vehicle has a puncture, you are the one who is supposed to repair it. I totally oppose the report.

The Speaker: Hon. members, I am only giving five minutes since I can hear a lot of repetition

Hon Rebecca Mwicigi: I stand to oppose the motion. I will not repeat myself but five minutes to oppose the motion are very few. I want to highlight in this Assembly that matters in court concerning the CEC Finance have been brought behind the doors through the Governor's impeachment.

Mr. Speaker, the issues of debts, reports are also there in both the Governor's and the CEC's motion. We have been prohibited to talk about all these things and I will not touch them. I will only talk about matters that are not in the CEC's issue. I do not want to be caught with contempt of Court.

The Speaker: Hon. member, do not fear, you are protected. You cannot be cited for contempt when you are in the Assembly.

Hon. Rebecca Mwicigi: I remember Mr. Speaker, that I moved a motion here allowing the Governor to borrow money for the county, that is on record but we are here complaining that we have not been given money to our Assembly for our own personal use.

If the Governor did not borrow this 200 million to pay the workers, who should be crying? It is the workers and they should be paid.

This Assembly and the Wanjiku representatives can hear it loudly outside this House. They are accusing the Governor of starting businesses on cows, creameries; these costs are going to Wanjiku. The loans have been organized and Wanjiku could not own a cow if this is not going on.

As the agriculture committee we have continuously asked for this. Can we go to Githunguri and see why we are doing this? Githunguri has gone to dairy farming which you can practice while still employed and this is what our Governor is trying so that we can also have wealth in our county. If somebody is doing that, surely, and you stated that you are talking on behalf of Wanjiku. Are you really speaking on behalf of Wanjiku?

Mr. Speaker, there are other issues touching on the Governor that he did not give us reports. If I remember the maiden address of the Governor when we were opening the House, he had a written speech which we debated, he had addressed all the things that he had done and the issues that he was going to do. All this money that he has been accused of misappropriation is in the report.

It is a sad day as everybody has said, the Governor has done several other things that needed money which he is being accused of having used, were to ensure the issues he talked of are accomplished. When Jesus was in this world, the people asked him whether it was right to pay taxes, Jesus took a coin and asked them whose photograph was in the coin, they said Caesars and he told them to give to Caesar what belongs to Caesar. So Hon. Mwangi wa Iria

(Hon Duncan Njuguna on a point of order)

Hon Duncan Njuguna: Mr. Speaker, six minutes ago you ruled that each and every member standing to contribute will be limited to seven minutes; the hon. member is in the sixth minute according to the clock in this House.

(Applause)

The Speaker: I gave you some leave, but do not extend too far.

Hon Rebecca Mwicigi: In regard to putting sign boards where the hon. Governor has done some work, we know this country has two funds, there is the county funds and there is the CDF. If a road is done without the Governor showing that it has been done by the Governor through his office and he is the elected Governor, the head of this county.

(Loud consultations)

The Speaker: Order! Order! You may disagree with her but she has a right to say what she is saying

Hon. Rebecca Mwicigi: Protect me Mr. Speaker. He is the head of this county and he must put a sign that he is the one who have done the job, not the CDF. I do not know why the members are getting agitated but that has to be done. If they do some work, go and put your Sign board there that so and so did it because we are in a political world.

Hon. Catherine Mugo: I will debate this with a lot of soberness; I feel we are being emotional and what is before this House is not anything to joke with. It is everything about Wanjiku.

I will start by stating that the prayer that we say in this Assembly speaks of blessings descending upon us when we perform our important trust to this county. The question that

comes up is have we performed important trust for our county which is oversight, representation and legislation?

I have looked at the allegations brought before this Assembly and for sure, unless we want a curse for our children, then we have no business being here opposing this motion.

I stand to support this motion. It is clear that the conduct of the Governor Mwangi wa Iria is wanting. For the reasons tabulated In the order paper. From what has been brought before this Assembly, our Governor who we love and respect so much but does not respect this House has grossly violated the Constitution through what have been put forward.

I would want to point what I feel is gross violation, this is violation of Article 176 (1) and 185 of the Constitution regarding monies requisitioned for the county assembly and not remitted.

(Applause)

These monies have been well stipulated and for the purposes of the people who do not have the order paper, there was a requisition of 44 million in the year 2013/2014, money meant for the County Assembly but not remitted. No explanation was given why that money was not given to the County Assembly.

From his conduct, this shows that he is not a friend to devolution, he will eventually cripple the County Assembly and we will not be able to come here and represent Wanjiku. Looking at the role of the County Assembly as an oversight body, you will see that we have been crippled and even the monies that is supposed to be given to the Assembly to carry out its mandate, there is a large amount in the year 2014/2015, there is a large amount of 28 million, there is another 51 Million for the year 2015/2016, this is a clear Indication that this CEO of our county has no respect for the County Assembly.

Respect is mutual, you will not tell me that he respects us, when what is due to the County Assembly, which is Statutory has not been remitted to us, it is his role as the CEO of this county and you cannot tell me otherwise.

I do not want to repeat, but I also have an issue with the violation of Article 186 (1), Article 189 (2) and 226(5) as someone said, you cannot go to buy meat when you do not have firewood. There is an issue of Kahuhia girls that spent 31 million while our ECDEs have not ben dealt with.

I rest my case and ask members to support this motion because it is a noble cause for our county and ashamed those who have been calling us names. Yes, I have been a barmaid, but today I stand here, not as a barmaid

(Applause)

But as a representative of the people of Murang'a, thank you

The Speaker: Thank you for keeping time, hon. Muhoro, five minutes

Hon David Muhoro: Today is a defining moment for the people of Murang'a. In this House, I know there are people who want to trade justice for the people of Murang'a with some few silver coins. It is in the public domain that some people want to trade their oversight role with some few coins because it is clear because we can see some of their masters.

The Speaker: Order! Order! You shall not impute wrong motives to any member without substantiating

Hon. David Muhoro: I apologize, but I stand to Support this motion. I have two fundamental issues; one is on the issue of Gakoigo stadium. In the allocation, we gave youth and sports, 30 million. In the report that we were given, tabled here, signed by the CEC Finance, on the said allocation we had a debit of 59 million.

We should just ask ourselves one question, where is the 30 Million Mr. Speaker? We have got ourselves in this situation because we have our Governor, one Hon Mwangi wa Iria who does not want to respect the law.

We started very well and drafted the County Integrated Development Plan (CIDP). If this development plan was followed, we could not have found ourselves here.

I have another issue on the land that was bought along Kenol- Kabati road. It is on record that the land was valued at Kshs. 4.9 million by the government valuer, that land was bought Kshs. 10 million per acre.

We have the issues of Top Image, the county government of Murang'a was given an invoice by Nation media of Kshs. 4 million and the government of Muranga gave top image Kshs. 15 against that invoice.

When shall we have roads, when shall we have bridges built? This is an act that cannot be allowed and I pray that to the hon. members of this House let us be guided by the truth, we are all sure what is happening; the evidence is there in our files. Let us forge forward and say that enough is enough, Mwangi must go and we have a new moment to have a Governor who is ready to listen to other elected leaders, someone who can respect the law. I end my case and pray that all members in this House, can we vote and speak in one voice that Mwangi is guilty as accused.

Hon Jesse Mburu: I would like to invite other Governors of this country to come and learn from Murang'a on how to learn a county.

(Laughter)

One will learn autocratic management of the county where the leader does not listen to anybody and his decision is final.

(Applause)

The second thing they will learn from this county is outright theft. The case of Gakoigo, where I represent, I did consult with the contractor who told me that he pulled out because he was not paid even a single cent. In the budget committee we had allocated Kshs. 30 million but in the paper it reads that Kshs.59 million was spent to put up a perimeter wall, and then the question is, where the Kshs.59 million shillings go to? That is outright theft.

There is a company known as Top image that does nothing but advertise to brand the name of the Governor. Top Image has spent Kshs.247 million, the biggest question is for how long will this go on?

The Murang'a people have eyes and ears and they can see and hear what their Governor is doing. For how long will they be told what he is doing using Kshs.247 million which would do well in other development projects?

There is also the question of *shilingi kwa shilingi* where they will also learn how to do away with 28 million by getting a private company and offer it Kshs.8 million. There is the question of outright lies, they come from H.E. The Governor and it will be taught to other Governors. It even cascades to the CECs, we have heard many lies from the executive such that anytime we want something done, we are told that it will be done but it is never done, so even telling lies is a way of life in Murang'a county.

I would ask this House to think about corruption where we believe that money will buy anything. As late as yesterday, I want to report to this House that I got phone calls and messages. I was contacted because I was supporting this motion; I was called by member of this House telling me that I will get Kshs.400, 000 to oppose the motion.

(Applause)

The question is where was the money coming from? These members cannot pay me Kshs.400, 000. That money was coming from the office of the Governor so that most of us do not support the motion. His Excellency has gone so low that the other day it was reported that the other day he called a member a dog.

(Applause)

This is not the kind of leadership we want in Murang'a and when the matter reaches such a level, there is only one thing, are we being led by----

The Speaker: Hon member, I will caution you from being personal, stick to the points in the motion

Hon. Jesse Mburu: Article 181 (b) states that the leader has to be level minded and if we suspect that something is wrong with Jesse Gitau's brain, then he is supposed to see a doctor.

The Speaker: Hon. member, you are being personal rather than sticking to the motion, please sit down now.

Hon. Jesse Mburu: Thank you

The Speaker: Hon. members, whatever we are saying now we are repeating ourselves, I will call the mover to respond.

(Applause)

Hon Mary Waithira: I want to appreciate, the members who have supported the motion, I also want to appreciate the members who were against the motion, and it is their right to do so. I only want to respond to one issue because of time.

As legislators, we are not supposed to be ignorant of the law. I was very worried, when I heard some of the hon. members saying that some of the allegations raised here are the same one that were raised on CEC Finance and the matter is in court.

In section 32 of the County Governments Act, 2012 it provides for the functions and responsibilities of the Governor, so the CEC Finance carried his cross, we are waiting for that matter and for this one we are citing them as allegations against the Governor.

I wish anyone of you stood and read something from the County Governments Act Section 32, which spells against the allegations. We are right and the allegations cited are contained in Section 32 of the County Governments Act.

Let us talk in one voice and show total representation to the people. If Wanjiku was here and hears of the allegations and I do not know how many of you would stand and criticize. Knowing that the ills are as a result of the failure of the performance of the Public Accounts and Investment committee. On issues to do with oversight, that committee is the watchdog of this Assembly.

I felt bad when the issues raised by the chairperson, not forgetting that we brought a special report from the Auditor General and in it there were some amendments and the minutes in the committee has it that the chair alluded that he is the one who made the amendments without the authority of the members of the committee.

Mr. Speaker, we wrote a letter as members, and brought it to your office for the report to be withdrawn. You can see that those two members, hon. Kago and hon. Erick are members of the committee, I am sure you can see the failures we are getting. Long time ago we would have arrested this; we would not be impeaching the Governor if only we spoke early enough, thank you.

(Applause)

(Question put)

The Speaker: Hon. Members, according to our standing order 73, voting on this matter and similar matters is by a roll call. The purpose of the bell is to call anybody who is out. The whips, call anybody who may be out

(Division bell rang)

The Speaker: Order! I understand all the members who were in attendance are back to the House. To do a roll call we need two tellers, one from the ayes and one teller from the nays.

(Hon. Charles Kirigwi, teller for ayes and Hon. Erick Kimani, teller for nays walked to the dispatch box)

The microphone will go round as the Clerk calls the names and each member will say whether he is for aye or yes, nay or No. The respective teller will mark the names of people, when the microphone comes to you, all you say without making any speech is I vote yes or I vote no or I abstain.

Hon. Agnes Ndunge: I vote No.

(Applause)

Hon. Anderson Muchemi: Mr. Speaker, I vote yes.

(Applause)

Hon. Bernard Kariuki: Mr. Speaker, Sir, I vote yes.

(Applause)

Hon. Beth Wanjiku: Mr Speaker, I vote yes

(Applause)

Hon. Boniface Njihia: Mr. Speaker, Sir, I vote No.

(Applause)

Hon. Caroline Njoroge: Hon. Speaker, I vote yes.

(Applause)

Hon. Catherine Mugo: Hon. Speaker, I vote yes.

(Applause)

Hon. Cecilia Gitu: Hon. Speaker, I vote yes.

(Applause)

Hon. Charity Wangui: Hon. Speaker, I vote No.

Hon. Charles Kirigwi: I vote yes.

Hon. Charles Karina: Mr. Speaker, I vote yes.

(Applause)

Hon. Danson Mburu: Mr. Speaker, I vote No.

Hon. David Kabaka: I vote big No

Hon. David Muhoro: Mr. Speaker, I vote yes.

Hon. Duncan Njuguna: Mr. Speaker, I vote yes.

Hon. Eliud Gitau: Mr. Speaker, I vote yes.

Hon. Erick Kimani: Mr. Speaker, I vote No.

Hon. Esther Nyakio: Mr Speaker, I vote No

Hon. Esther Ngugi: Mr Speaker I vote Yes

(Applause)

Hon. Francis Kamande: I vote No.

Hon. Isaac Kamote: Mr. Speaker, Sir, I vote yes.

Hon. James Kagoni: Mr Speaker, I vote Yes

Hon. James Kariuki: I vote yes.

Hon. James Njoroge: Hon. Speaker, I vote No.

Hon. Jane Wanjiku: Hon. Speaker, I vote No.

Hon. Jesse Mburu: Hon. Speaker, I vote yes.

(Applause)

Hon. John Kiarie: I vote yes.

Hon. John Njoroge: Mr. Speaker, I vote yes.

Hon. Joseph Kimani: Mr. Speaker, I vote yes.

(Applause)

Hon. Joseph Machiri: Mr. Speaker, I vote yes.

Hon. Joseph Muchina: Mr. Speaker, I vote yes.

Hon. Joseph Ndung'u: Mr Speaker, I vote yes.

Hon. Joseph Njoroge: Hon. Speaker, I vote yes.

(Applause)

Hon. Julius Kimani: Mr. Speaker, Sir, I vote yes.

(Applause)

Hon. Lucy Wangechi: Hon. Speaker, I vote No.

Hon. Martin Mwangi: Mr. Speaker, Sir, I vote yes.

Hon. Mary Waithera: Mr Speaker, I vote yes.

Hon. Mary Watiri: Hon. Speaker, I vote no.

(Applause)

Hon. Gachui Mungai: Mr Speaker, I vote yes.

(Applause)

Hon. Peter Njogu: Hon. Speaker, I vote yes.

(Applause)

Hon. Peter Kihungi: Mr. Speaker, I vote yes.

(Applause)

Hon. Peter Murigi: Mr. Speaker, I vote yes.

(Applause and Laughter)

Hon. Peter Mweri: Mr. Speaker, I vote Yes

Hon. Rebecca Mwicigi: Hon. Speaker, I vote No

Hon. Rosemary Wakuthii: Mr Speaker, I vote No

Hon. Kago Njoroge: I vote No.

(Applause)

Hon. Samuel Wandia: Hon. Speaker, I vote yes.

Hon. Samuel Ndehi: I vote yes.

(Applause)

Hon. Florence Nyambura: Mr. Speaker, Sir, I vote yes.

(Tallying of the votes was done)

The Speaker: Order! Order! Hon members, the results authenticated by the tellers are as follows; Abstentions: Zero, Nays: 15, Ayes; 34

Hon. members, the threshold for this motion to pass is 34, so the motion has been carried.

(Applause)

ADJOURNMENT

There being no other business the House is adjourned until tomorrow 2:30 p.m.

The House rose at 5:30 p.m.