



REPUBLIC OF KENYA
SECOND ASSEMBLY- (FIRST SESSION)
MURANGA COUNTY ASSEMBLY
VOTES AND PROCEEDINGS
TUESDAY, MAY 15, 2018

1. The House assembled at Three minutes to Three O'clock.
2. The proceedings were opened with prayer.
3. **PRESIDING** - The Speaker (Hon. Nduati Kariuki)
4. **COMMUNICATION FROM THE CHAIR**

The following communication was issued-

REMOVAL OF SOME MEMBERS FROM COMMITTEES

“Honorable members last Monday, 7th May 2018, I notified you that I had received a letter from the Leader of Majority party, informing of the decision by the party as communicated by him of making certain changes in certain committee. This Communication raised strong interest of members and several matters related to procedures as regulated by standing orders and the party constitution. I made it quite clear that as a Speaker I am not able to comment on what procedures the party uses in making its decisions.

After seeking guidance from the party I was satisfied that the decision was indeed a party decision and as such the Leader of Majority had power to make such decisions. An important point however was raised regarding the provision of the standing order 204 (2) which states as follows, “A member appointed to a sectoral committee at the commencement of the Assembly or any other time during the time of the Assembly shall unless the Assembly resolves serve for the term of the Assembly.” There was no agreement as to whether that section supersedes section 170 of the standing order which gives political parties powers to terminate members from membership of any select committee which includes sectoral committees.

Honorable members, the Speaker takes the opinion of members seriously, and although I have no intentions of guiding, correcting or changing the decision of the party, I took it upon myself to seek further clarification on the matter. Above all I consulted on the practices of the Senate and the National Assembly because we do not exist in isolation. All these sources agree on the party supremacy in disciplining members through de-whipping. Political parties in the National Assembly have used this many times, notwithstanding that we have the same provisions in the standing orders.

The practices in other democracies which exercise the presidential system of governance have the same practice. The party and not the Speaker has a say in this matter and any other appeal can be done in the party or court of law. I am pleased that two of the members affected have sought assistance from an advocate to address this matter with the party. This is as it should be and is the right way forward.

I was also requested by the members to ask the party if they could come here and address members on this and other issues. I did that I have talked with the party and they have agreed to come as soon as possible and will hold a meeting with the members so that members can express their views, ask questions and get the answers. Having said that, the party position stands until revised.

Let me take time however, to answer technically on two points raised by the members: one is about section 170 versus standing order 204. To address this question, to address application of standing order 170 in view of standing order 204, it is important for members to note the role of majority party on the House. One of the major roles in a legislature is to nominate members to sit in various Assembly committees. Standing order 166 establishes the selection committee which has the mandate to nominate members in various committees.

The legal advice I have received and the parties in the National Assembly states that. "A member appointed to a committee shall serve to the term of the Assembly unless otherwise resolved by the Assembly." But one has to note that this order must be read together with others, A member can lose membership of the committee for various reasons: One, a members can be discharged by the party that nominated him as is the case now or a member can be removed from committee pursuant to standing order 203(9) as a penalty to breach of privileges and powers of the Assembly. The powers and privileges committee can suspend a member from the Assembly plenary and committee sittings. In summary, members enjoy membership of the committees at the pleasure of the political party under the law.

Therefore, the appointment under Standing Order 204 (2) must be read together with Standing Order 170. "The term of a member in a committee can be terminated by a party and this is what I have been told happen s even in the National Assembly. Standing order 204 does not remove from the party the right of the party to discipline its members in accordance to the law.

The other question was that whether the majority political party can discharge an independent Member of the County Assembly from the committees. As I have stated above, the Assembly of Murang'a has only one Assembly party, we do not have a minority party because a minority party would have seats on committees on its own rights. An Assembly party means a coalition of parties consisting of not less than five percent of the membership of the Assembly, in this case, no other party has three or more members in this Assembly, consequently all members of this Assembly associate with Jubilee and on that basis the majority party nominates these members to the committees that they serve in.

The standing orders require the majority party to take into consideration the interests of the independent members but there is no obligation in the standing orders to consider any

particular member from other political parties. Likewise, the majority party has powers to discharge the independent and members from other parties from any committees of the Assembly. It may appear unfair Hon. Members but that is a matter to be raised with the party.

Having answered all this, I still maintain that this is not a matter for the Speaker to change but for members to engage the party, therefore the decision of the party as communicated remains until reviewed or in the case of Hon. Murigi, the Court makes a decision on the matter that is being heard tomorrow which I hope will settle this matter once and for all.

This is a matter that is easily revisable according to the party if either have a Court decision by engagement with the party as they intend to do very soon with the members of this House. Beyond that, there is nothing that the Speaker can do to change the decision”

NEGATIVE PUBLICITY

“Honourable members, this is the other communication it is very unfortunate that any news that comes to this Assembly from the media is negative. The coverage has had a focus on the fights and struggles about positions which in several instances have been violent. At a glance from outside, one may be mistaken to conclude that nothing else happens in this Assembly. The people of Murang’a are very concerned and have even petitioned the Assembly to bring a halt to all the fights and work for the people.

To clear these perceptions, I have decided that every week we shall be putting up a bulletin on the work we are doing because besides all this, we are doing a lot of good work, like the visit to Yatta, that is what should be in our bulletin, with the discussions on how to have motions that we shall bring after that. We shall put in our welfare and a programme of work in our Assembly website for the next month and a few months to come that will be added as we progress.

I will make a press statement to assure the people of Murang’a of our commitment to serve them not withstanding any dispute and competition within, which the members of the public are not interested in. They are interested in knowing what we are doing to their benefit. I have written a few points here which I shall put to the press as a commitment of this Assembly. What I’m saying is that whereas there might be differences among individual members vying for various leadership positions in the Assembly, members will not allow this to disrupt the business for which they were elected or nominated, any such difference should be sorted out within the party mechanism or as provided by law.

In line with the resolution above, the Members of the County Assembly are fully committed and I am sure you are, you are fully committed to the achievement of the big four agenda by the Jubilee government in Murang’a county. Hence will keenly monitor the implementation of those programmes efficiently and effectively, that the elected members will give prominence to the interests of the people who elected them in their wards. The interests and rights of the public to demand services will supersede the interests and rights of any individual.

That the nominated members nominated by Jubilee party will abide by the ruling party code of conduct at whose pleasure they serve and see to it that the party achieves its development objectives in the County and will put this ahead of their personal interests and struggle for power, that members will make use of legal means to sort out any differences and bring out any changes.

That while vigorously playing their oversight role on the executive, they will also vigorously and publicly support any county government initiatives aimed at improving the lives of the people of Murang'a and any opposition or alternative views on the programme will be based on facts and will be done openly at the Floor of the Assembly and its committees.

That the Assembly leadership undertakes to open itself to public views and will continuously inform the public as to its programmes and activities and invite them to attend its sittings both in the plenary and the committees.

Finally, that the Assembly will take all measures necessary to win the public support and will be driven by one major objective, serving the people. I believe Hon. Members will agree with those resolves and I have spoken to many who agree but should anyone have very strong objection about that one you can see me after this so that we can remove his name from that kind of announcement. Thank you very much Hon. Members" There are no points of orders on communication

5. PAPERS LAID

The following papers were laid on the table of the Assembly -

- a) The report of the Budget and Appropriations Committee on the First Quarter Budget Implementation Report for the FY 2017-2018 from The Controller of Budget.

(Chairperson, Budget and Appropriations Committee)

- b) The report of the Budget and Appropriations Committee on the County Budget Review and Outlook Paper (CBROP) 2018.

(Chairperson, Budget and Appropriations Committee)

- c) The report of the Delegated County Legislation Committee on the Public Finance Management (Murang'a County Government) Mortgage Scheme Fund Regulations, 2018.

(Chairperson, Delegated County Legislation Committee)

- d) The report of the Delegated County Legislation Committee on the Public Finance Management (Murang'a County Government) Car Loan Scheme Fund Regulations, 2018.

(Chairperson, Delegated County Legislation Committee)

6. NOTICE OF MOTION – ADOPTION OF THE REPORT ON THE FIRST QUARTER BUDGET IMPLEMENTATION REPORT FOR THE FY 2017-2018 FROM THE CONTROLLER OF BUDGET

The following Notice was issued-

THAT, this House adopts the report of the Budget and Appropriations Committee on the First Quarter Budget Implementation Report for the FY 2017-2018 from The Controller of Budget, laid on the table of the Assembly on Tuesday May 15, 2018.

(Chairperson, Budget and Appropriations Committee)

7. NOTICE OF MOTION – ADOPTION OF THE REPORT ON THE COUNTY BUDGET REVIEW AND OUTLOOK PAPER (CBROP) 2018

The following Notice was issued-

THAT, this House adopts the report of the Budget and Appropriations Committee on the County Budget Review and Outlook Paper (CBROP) 2018, laid on the table of the Assembly on May 15, 2018.

(Chairperson, Budget and Appropriations Committee)

8. NOTICE OF MOTION - REPORT ON THE PUBLIC FINANCE MANAGEMENT (MURANG'A COUNTY GOVERNMENT) MORTGAGE SCHEME FUND REGULATIONS, 2018

The following Notice was issued-

THAT, this House adopts the report of the Delegated County Legislation Committee on the Public Finance Management (Murang'a County Government) Mortgage Scheme Fund Regulations, 2018 laid on the table of the Assembly on Tuesday May 29, 2018.

(Chairperson, Delegated County Legislation Committee)

9. NOTICE OF MOTION - REPORT ON THE PUBLIC FINANCE MANAGEMENT (MURANG'A COUNTY GOVERNMENT) CAR LOAN SCHEME FUND REGULATIONS, 2018

The following Notice was issued-

THAT, this House adopts the report of the Delegated County Legislation Committee on the Public Finance Management (Murang'a County Government) Car Loan Scheme Fund Regulations, 2018 laid on the table of the Assembly today Tuesday May 29, 2018.

(Chairperson, Delegated County Legislation Committee)

10. STATEMENTS PURSUANT TO STANDING ORDER 46 (2) (a).

Pursuant to Standing Order 46 (2) (a), a Statement on the **tentative** business that will come before the Assembly from the week commencing **Wednesday May 30 to Thursday May 31, 2018** was issued by Hon. Milkah Ngare, MCA Nominated.

(Hon. Milkah Ngare member of the House Business and Rules Committee)

11. MOTION – ADJOURNMENT OF THE HOUSE PURSUANT TO STANDING ORDER 30 (3)

Motion made and question proposed

THAT, pursuant to Standing Order 30 (3) and 54(b); **This** house adjourns from Wednesday May 16, 2018 to Tuesday May 29, 2018 to enable Members of the County Assembly to undertake the following-

- a) To allow the second group of members of the County Assembly undertake a benchmarking visit to Arusha in Tanzania on the proposed development of Mitubiri Sanitary Landfill to be held between May 16 – May 19, 2018,
- b) To allow the second group of members of the County Assembly undertake a benchmarking visit to Yatta on May 17–18, 2018 on poverty eradication
- c) To allow members of the County Assembly attend the County Assemblies Forum (CAF) summit, scheduled to commence on May 21, 2018 to May 25, 2018 in Mombasa.
- d) Finally, to allow members of the County Assembly attend a consultative meeting with the County Executive Committee Member in charge of Finance and Economic Planning, on the submitted FY 2018/2019 Budget estimates and the County Integrated Development Plan (CIDP) for the period 2018 – 2022, on Monday May 28 – Tuesday 29, 2018

The Assembly sittings will resume on Wednesday May 30, 2018 at 2.30 p.m.

*(Hon. Milkah Ngare, member House Business
and Rules Committee)*

Debate arising

(Pursuant to Standing Order 30 (3) the question was not put

12. HOUSE ROSE – at Twenty One minutes past Three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday May 30, 2018 at 2.30 p.m.

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