

REPUBLIC OF KENYA
MURANGA COUNTY ASSEMBLY
THE HANSARD

Wednesday, 23rd August 2018

The House met at 2:55p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

PETITIONS

PUBLIC PETITION ON CONSTRUCTION OF
AN ALL-WEATHER BRIDGE AT GACHARAGE RIVER BRIDGE

The Speaker (Hon. Nduati Kariuki): Pursuant to Standing Order 214 (2) (b), I wish to report that on August 07, 2018 the County Assembly received a public Petition submitted by residents of Gachochi location, Kigumo Sub-County.

The Petitioners draw the attention of the Assembly to the matter of Gacharage river bridge which poses danger to pupils as they go to school and the community at large. I further wish to state that the Petition is signed by 20 petitioners. The petitioners confirm that the issues in respect of which the Petition are not pending before any court of law. The Petitioners' prayer is that the Assembly;

1. Allocates funds to construct an all-weather bridge
2. To facilitate the construction of a safe bridge
3. To inform the community on the progress of the process.

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

PUBLIC PETITION ON BUILDING
OF LATRINES FOR ITHANGA HEALTH CENTRE

The Speaker (Hon. Nduati Kariuki): Pursuant to Standing Order 214 (2) (b), I wish to report that on August 07, 2018 the County Assembly received a public Petition submitted by residents of Gatanga Sub- County, Ithanga Ward. The petitioners draw the attention of the Assembly to the matter of building of latrines for Ithanga health centre. I further wish to state that the Petition is signed by 29 petitioners. The petitioners confirm that the issues in respect of which the Petition are not pending before any court of law or constitutional or legal institution. The petitioners' prayer is that the Assembly;

1. Allocates funds for construction of new latrines
2. To follow up on execution of the same by the Executive
3. To inform the community on the progress

Pursuant to the provisions of Standing Order 216 (1), the Petition is hereby committed to the sectoral Committee on Health Services. Further, pursuant to Standing Order 216 (2) the Committee shall in not more than 60 calendar days from today, respond to the

petitioners by way of a report addressed to the petitioners and laid on the Table of the Assembly.

PUBLIC PETITION ON ALLOCATION OF FUNDS FOR
CONSTRUCTION OF KATIPANGA-GIKONO-KANG'ANG'U ROAD

The Speaker (Hon. Nduati Kariuki): Further, Pursuant to Standing Order 214 (2) (b), I wish to report that on August 07, 2018 the County Assembly received a public Petition submitted by residents of Maragua Sub County, Kimorori/Wempa Ward. The petitioners draw the attention of the Assembly to the matter of road construction from Katipanga, Gikono to Kang'ang'u. I further wish to state that the Petition is signed by 34 petitioners. The petitioners confirm that the issues in respect of which the Petition are not pending before any court of law. The petitioners' prayer is that the Assembly;

1. To ensure the construction starts
2. Allocation of funds
3. To inform the community on the progress

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

PUBLIC PETITION ON THE DEMOLISHED MARUMI COFFEE FACTORY BY A
LANDSLIDE IN KIGUMO WARD KIGUMO CONSTITUENCY

The Speaker (Hon. Nduati Kariuki): Honourable members, pursuant to Standing Order 214 (2) (b), I wish to report that on August 13, 2018 the County Assembly received a public Petition submitted by residents of Kigumo and Kangari Wards in Kigumo constituency; and coffee farmers delivering their produce to Marumi FCS Ltd. The petitioners draw the attention of the Assembly to the matter of destruction of Marumi Coffee Factory to an unfunctional state, by a massive landslide on the eve of 15/5/2018.

I further wish to state that the Petition is signed by 97 petitioners. The petitioners confirm that the issues in respect of which the Petition are not pending before any court of law, constitutional or legal institution.

The petitioners' prayer is that the County Assembly of Murang'a;

1. Passes a resolution that the Marumi Coffee Factory menace be treated as an emergency.
2. Requires the County Executive Committee Member (CECM) for Agriculture, Livestock and Fisheries to assist the petitioners rehabilitate the demolished factory; lest the coffee main crop expected by October this year goes to waste.;

Pursuant to the provisions of Standing Order 216 (1), the Petition is hereby committed to the Trade, Industrialization, Co-operative Management, Tourism and Wildlife Committee.

Further, pursuant to Standing Order 216 (2) the Committee shall in not more than 60 calendar days from today, respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Assembly.

REPORT ON PETITION BY A CITIZEN OF KENYA ON THE
ENACTMENT OF MURANG'A COUNTY DISASTER AND EMERGENCY
MANAGEMENT BILL, 2018

Hon. Wambui Njoki: Thank you Mr. Speaker, before I read the report our chairman is still very sick and he requests all members to pray for him. Mr. Speaker, before

the Assembly is the Petition dated 22, May, 2018 by a resident of Township ward, Kiharu Sub- County, Murang'a County and Citizens of the Republic of Kenya.

The Petition was received by the Assembly on 05, June, 2018 and the Committee on Finance and Economic Planning was tasked with the mandate to investigate report and make recommendations to the Assembly. Over a period of four weeks commencing from 6 June 2018 to 8th August 2018 the Committee, interrogated various witnesses, perused numerous documents and now has the pleasure to present the report to the Assembly.

The Standing Order provision requires that the Committee after consideration of the Petition to respond to the petitioners by way of a report addressed to them and laid on the Table of the Assembly. The Committee observed that in terms of Standing Order 216, the Committee had only 60 days within which to investigate the matter in respect to the public Petition on the enactment of Murang'a County Disaster and Emergency Management Bill 2018 and to report to the Assembly on whether it found it necessary to come up with the said legislation.

On behalf of Finance and Economic Planning Committee I wish I tender my apologies to this House and the Petitioner for failing to meet the above deadline due to various challenges encountered by the Committee. The Committee observed that under Article 195 of the Constitution, it had the powers to summon the attendance of witnesses and production of documents. The Committee thereby invited the County Secretary who heads the Disaster Management Unit, and the Petitioner to make submission on the said Petition. The Committee invited the County Secretary Mr. P. Mukuria to appear before the Committee on Finance and Economic Planning on 8th August 2018 letter Ref: MCA/C/FIN/5/VOL .V/34/2018, dated 1st August 2018 to deliberate on the Public Petition on enactment of the Murang'a County Disaster and Emergency Management Bill 2018, however, the County Secretary did not honor the Committee invitation, it was therefore resolved that because of time implication the Committee compiles its final report without his response/input.

Mr. Speaker, Petitioner appeared before the Committee on 1st, August 2018 and submitted the following before the Committee:

1. That, most common disasters experienced in Murang'a County are triggered by climatic and environmental processes that lead to hazards such as floods, landslides etc.
2. That poorly managed agricultural and environmental practices have left fragile ecosystems vulnerable. In addition climate change is worsening these hazards, increasing their variability and scale of impact.
3. That, there is a need for disaster preparedness which includes precautionary measures, which must be taken in advance of an imminent threat of a disaster so as to empower the society to respond to and cope with the potential impact of a disaster.
4. That, disaster response activities should provide assistance to maintain life, improve health and support the morale of the affected people. It also involves intervention taken during or immediately after a disaster.
5. That, the County Government of Murang'a has not been able to address the issue of disaster management as the County lacks systems, tools and mechanisms to ensure disaster preparedness and timely response.
6. That, the County Government of Murang'a allocates insufficient funds for disaster preparedness, it only depends on the Red Cross and the National Government for support.
7. That, the Bill if enacted would provide for the management of disasters and emergencies in Murang'a County by effective planning and risk reduction, response and recovery procedures and the promotion of coordination amongst the response agencies and for the related purposes.

Mr. Speaker, the Committee generated findings out of the inquiry as listed in the report. Recommendations were thereafter generated out of the findings as follows;

1. That, the Murang'a County Public Service Board should consider establishing the Directorate for Disaster and Emergency management so as to ensure efficiency in disaster management preparedness and mitigation.
2. That, the Finance and Economic Planning Committee to forward the draft Murang'a County Emergency and Disaster Management Bill to the office of the Speaker for publication.

The Committee hopes that the petitioner's prayer will be answered through the recommendations contained in report.

PAPER

PUBLIC PETITION BY CITIZENS OF KENYA ST. MARY VILLAGE IN TOWNSHIP WARD ON FAILURE TO PUT UP A PROPER DRAINAGE SYSTEM ON THE ROAD NEIGHBOURING MUKAMI'S PLAZA OFF KANGEMA ROAD

Hon. David Macharia: Thank you Mr. Speaker, this concern a Petition by citizens of Kenya, St. Mary village in township ward on failure to put up a proper drainage

System on the road neighbouring Mukami's plaza off Kangema road. This Petition was committed to the Committee on 4th June 2018. The Committee was to report on recommendations on the Petition on 3rd August 2018. The Committee could not meet the above deadlines due to the following reasons;

1. Prioritization on discussion on the departmental budget estimates
2. Consideration of a report on public Petition on Kiharu residents on destruction of the tarmac road
3. Committee one week training workshop in its mandate

The Committee have already received submission from the petitioners and undertaken a field visit to verify petitioner's claims on the ground but have three pending activities on the discussion of the Petition which are as follows:

1. Discussion with private developers who deposited silt which clogged drainage system on the road neighboring Mukami plaza off Kangema road
2. Discussion with CECM transport and infrastructure on way forward regarding the Petition
3. Drafting discussion and adoption of a report on the Petition.

The Committee request for further extension of time on consideration of the Petition until after period to undertake the above listed activities and thereafter generate a report with recommendations which will be tabled in this House. Thank you.

The Speaker (Hon. Nduati Kariuki): Thank you request granted.

STATEMENTS

RESPONSE ON THE THE SUB-COUNTY ALCOHOLIC DRINKS CONTROL REGULATIONS COMMITTEE

(Hon. Kibe Githuka, Chairperson Health Services Committee was not in the Chambers)

**RESPONSE ON SAFETY
OF BODABODA RIDERS IN THE COUNTY**

Hon. David Macharia: Thank you Mr. Speaker, I am requesting for extension of time to respond on a statement regarding safety of boda boda operators in the County. A response to safety of bodaboda safety was received from CECM Transport. The Committee discussed it in a meeting held yesterday and discovered some information gaps. The Committee thereafter forwarded a correspondence to CECM Transport and Infrastructure requesting him to address the said gaps and respond by 5th October 2018 on which I confirm he has already received our communication. The Committee requests to be allowed to issue a comprehensive response to respond to the said Statement after recess period. Thank you

The Speaker (Hon. Nduati Kariuki): Hon. Morris Thuku Gathoni

(Hon. Morris Thuku Gathoni bowed in agreement)

**RESPONSE ON THE STATUS
OF ALCOHOLICS REHABILITATION PROGRAM**

The Speaker (Hon. Nduati Kariuki): Chairperson Health services, not yet in.

MOTION

**DEVELOPMENT OF A POLICY TO PROVIDE SUPPORT TO VULNERABLE
PERSONS IN MURANG'A COUNTY**

Hon. Lilian Kabaya: Thank you Mr. Speaker, I beg to move the following Motion;-

Aware, that access to basic health care is an economic and social right, pursuant to Article 43, (1) (a) of the Constitution of Kenya, further aware that Health Services is a devolved County function under part 2 (2) of the fourth schedule, informed that provision of good health and wellbeing is one of the Sustainable Development Goals (SDGs), alive to the fact that attaining the highest possible health standards in a manner responsive to the population needs is the core focus of the Kenya Health Sector Strategic Plan, under Vision 2030, and the National Government manifesto, realising that there is need for protection of the economically and socially vulnerable persons in the County including the elderly, widows, orphans, the homeless, Persons Living With Disability, and persons with mental illness; this House urges the CECM in-charge of Special Programmes and Health to;

1. Formulate a policy outlining how the County Government of Murang'a will provide basic needs to cover persons who are poor, vulnerable, disabled and mentally ill
2. Develop a special programme to provide support to vulnerable persons in Murang'a including the poor, vulnerable, disabled and mentally ill.
3. Establish a registration system for registration of vulnerable persons in the County.

As I move this Motion I would like to state that the reason why we need a special program and a policy on the same is because this County has a duty to provide appropriate security to the very poor persons in this community noting that most of the persons that who are affected and who are likely to suffer being in vulnerable positions are the small children who can be taken advantage of and be exploited economically and the women in this County as well. They are the ones who bear the brunt of having to provide for their children when they have no resources at all and the very aged persons. In the recent past we have seen photos in the social media showing very old persons with jiggers; there was a lady in Maragua who could barely move she was in the verge of death it took private sector interventions to help her. The problem of jiggers in Murang'a is well known and we have become a sort of laughing stock. It is very unfortunate that we have to rely on Non-Governmental Organizations

(NGOs) to provide basic medical care to our people who are very people. I visited a children's home in Mbiri Ward- Upendo home- they are taking girls from disadvantaged homes and at that time they were full to capacity because there were no beds to accommodate them or any basic amenity to give them.

They informed me they have just taken in one child they made an exception because this child was an orphan and was staying with her grandfather who was a watchman, that four year old girl would be left alone the whole night and everybody was aware. Anything could happen to this girl and that is why they made it an exception.

There are so many other cases in this County; however, if we do not support the people who provide this basic care then such children and economically vulnerable persons would be left at the mercies of strangers.

In conclusion I wish to state that informally the County government provide this support, they will once in a while provide a bag of maize or a bag of maize or a bag of beans to a certain home or undertake a campaign to provide the elderly with basic needs however there is no framework with which it is done. It is arbitrary and it depends on whether there is little money available but by passing this Motion we can ensure that there is a policy that will outlive us that will make sure that very County government that comes in place provide this basic amenity to the poor and vulnerable and mentally disabled. I therefore ask this House to pass this Motion for the benefit of our County; I beg to move the Motion. I call upon Hon. Lucy Ngugi to second the Motion.

Hon. Lucy Ngugi: Thank you Mr. Speaker, I stand to second the Motion and maybe make a little remark that we have seen in our communities like Hon. Lilia Kabaya said very disadvantaged family being helped, people with jiggers being helped by private individuals. We need to anchor some formal support to very vulnerable families because it is the only way we can have the County government support such families otherwise we cannot depend on private individuals or private entities. It is my hope and my wish that this House does not need any description of the things that we have seen undergoing a County.

It is my humble and passionate appeal that we all support this Motion knowing what we have been seeing in the media locally of our disadvantaged people. We have mentally ill mother even gang raped along the town and even getting children who they cannot support. We have mothers who have to stay at home and take care of their children who are either mentally ill or they are vulnerable, they cannot leave those special children to go and work and get support for the rest of the family. This honorable House you have upon your shoulders a very hard but very simple Motion; it just takes you to say ayes so that we can have a formal structure which we can anchor support for these families.

Thank you and I wish you to support this Motion.

(Question proposed)

Hon. Murigi Amos: Thank you Mr. Speaker, as I stand to support this crucial Motion. I thank Hon. Lilian Kabaya, for coming up with this Motion and at least --- a society is judged by how it is able to take care of the less advantaged. It is also the high time we start thinking how we can alleviate the problems they are going through.

On the issue of the elderly, orphans there are some moral issues which are also cropping because our people have become very commercial. I have seen this one; there are people who are establishing even homes just to take advantage of the donations they will get from the well-wishers. As does this it is important to have look of such homes because they are several. They do not have good intentions but their intention is to take advantage of that unfortunate situation. If the County government can be able to come in and have a policy on how to go about it we will definitely be able to assist in a big way. As we also does that it is

important because when we come to the issue of policy it have also to do with the issue of finance implication and I call upon the relevant Committee of this Assembly to always look forward that at such a time we are going to have such a Motion and it is important to have a Budget provision for the same because the executive may wish to implement this Motion but they can have handicaps because of financial constraints and also the Budget.

That is why I am calling the relevant Committee to be taking this into consideration because I know the executive may be willing but here is no Budget provision for the same.

When we come to those who are disadvantaged we also call upon this Assembly to come up with other interventions, like the health care and we discussed this in the Health Committee. Health care is one of the pillars of His Excellency the President of the Republic of Kenya. The day before yesterday I saw Kitui they came up with a good elaborate medical insurance cover and they are not the first we have also seen a County like Makueni and I think it is important if we can benchmark as a Committee so that when we come up with such proposals if it is implemented by executive it will go a long way to help the poor and the less disadvantaged.

Lastly, the other thing that needs to be taken into account when we talk about mental illness it is on the increase courtesy of drugs. The problems we are getting today is on the issue of drugs. We are subjecting our security apparatus to a lot of harassment because the issue of bhang is so much and I have seen so many youths in towns who are mentally ill as a result of consumption of drugs. We are also calling upon those agencies like Cabinet Secretary (CS) Matiang'i because the bhang we are seeing here, we do not plant bhang here. This bhang is coming from somewhere, unless maybe we stop blaming our security officers here. It is also important to arrest those drugs from the source because it has really contributed to the mental illnesses we are seeing with our young men. Otherwise I do support, this one is timely and it will go a long way in alienating the suffering of the less advantaged in the society. Thank you.

Hon. Stephen Chege: Thank you Mr. Speaker, the Motion falls under my Committee and I would like to congratulate Hon. Lilian Kabaya. I have a case scenario, the other day I went to Mjini slum, an old mum approached me and her old House had been swept away by the rains last month. She is spending at her neighbors' with her children. With the policy that has been introduced by Hon. Kabaya, at least we will have a platform and a Budget to bargain for those cases. That is the reason I have rose, because I have a case scenario personally. Thank you Mr. Speaker, I support.

Hon. Morris Thuku Gathoni: Thank you Mr. Speaker, I rise to support the Motion. The Motion couldn't have come soon enough; it is timely and very important for this County. I want to start with point number one of formulating a policy outlining how the County government will provide basic needs. My concern is on the criteria to use when doing the vetting such that it should not be prone to abuse and corruption. Therefore the policy to determine if a person is poor or venerable should be done properly so that we don't bring on board people who don't deserve to be in the program.

At the same time, we need to have an exit strategy because once you are enrolled to the special program because I believe there are people who will not remain to be poor forever. The policy should outline at what point you should exit from the special program.

On number two, I can't agree more because support to venerable persons is very important. I think if we take care of the poor venerable and disabled, those that are economically active shall be able to develop themselves better. One of the ways I suggest is by supporting them through medical care. I believe one of the biggest burden we have is supporting the venerable and disabled on support of the medical bills. One of the ways this County can help is providing free NHIF cards or free insurance. Which will help them access such services.

Another way is what Hon. Stephen Chege has said, that through such disasters, the County can come on board and help those that are affected. Also through business incentives, we have seen other counties give incentives to the venerable and disabled in some case the poor by waiving the business permits and some have even gone to the extent of giving Kiosks to the disabled, even access to employment and tenders.

Number three is on registration of venerable persons. Mr. Speaker, it is through such registration that the Kenya economic update report is able to give an index of the poverty line in Kenya. It says that number of people who are living below the international dollar per day has reduced from 43% to 35%. It is through such registration that they are able to get such information. I would recommend to the mover of the Motion, because ICT is one of the tools to be used to collect data, monitoring and evaluation. This will bring efficiency and will reduce redundancy as well as it will be very easy to draw the curve of the milestones achieved. Thank you Mr. Speaker, I support.

The Speaker (Hon. Nduati Kariuki): Mover to respond.

Hon. Lilian Kabaya: Thank you Mr. Speaker. I want to thank all my colleagues those who have supported the Motion, for showing your willingness to support the venerable and the poor in this County.

As Hon. Stephen Chege has said, this will enable us to have Budget. By coming up with a policy since it is the only way we can introduce a budgetary allocation because we cannot introduce a budgetary allocation to a program that does not exist. So by having a program and a policy in place then we will be able to provide for it in the Budget. As the chairman for each of the relevant Committees will look in to that as we pass the supplementary budgetary provisions.

To my colleague Hon. Amos, I agree there is need for laws in all sectors including healthcare and the chairperson Health is here, I am sure his Committee will look into ways we can provide subsidized healthcare to these persons who are in need and even medical aid such as wheelchairs if need be.

I wish to thank Hon. Morris for his support and his sentiments have been taken into account. We have liaised with the CEC in charge and the Chief Officer in charge of social affairs. They are willing to work with us to formulate the policy. We shall pass all the concerns to them and your suggestions.

Thank you very much. I wish to ask all members to please support this Motion and I appreciate it very much.

The Speaker (Hon. Nduati Kariuki): Thank you.

(Question Put and agreed to)

The Speaker (Hon. Nduati Kariuki): We have a supplementary Motion and we will go straight to the Motion.

ADOPTION OF REPORT OF THE POWERS AND PRIVILEGES COMMITTEE ON
THE BREACH OF PRIVILEGE BY HON. CATHYRN WANJIKU MWANGI

Hon. Lillian Kabaya: Mr Speaker Sir, I beg to move the following Motion:-

That this House adopts the report of the Powers and Privileges Committee on the breach of privilege by Hon. Cathyrn Wanjiku Mwangi laid on the Table of the Assembly on Wednesday August 22nd 2018.

Mr Speaker Sir, on August 2, 2018 the office of the Hon. Speaker to the County Assembly received a letter dated Thursday August 2, 2018 from Hon. Erick Kamande, MCA Kahumbu Ward and the Leader of Majority on breach of powers and privileges allegations by Hon. Cathryn Wanjiku Mwangi.

Following the receipt of the above mentioned complaint and pursuant to the provisions of Standing Order 203, the Committee held four meetings on 14th, 17th and 20th August and 22nd August, 2018 to discuss and consider the matter at hand.

Further, the Committee in this regard conducts its proceedings as a quasi-judicial entity in accordance with normal judicial principles, including ruling on standard on proof, admissibility of evidence, scope of the inquiry/ investigation, witness testimony, documentary evidence and all other rules of procedure as may be necessary and adopted generally in quasi-judicial inquiries and findings. The Committee is also bound by the rules of natural justice and the constitutional principles of a fair hearing enumerated by Article 50 of the Constitution of Kenya.

Mr. Speaker, the Committee heard submissions under oath from the complainant Hon. Erick Kamande, and the respondent Hon. Cathryn Wanjiku and their witnesses, allow me not to read all the submissions since they are contained in the report which is in all members' files.

Having taken evidence, the Committee mandate was to determine the following issues as alleged in the complaint by Hon. Erick Kamande; a) whether the actions by Hon. Cathryn Wanjiku Mwangi amounted to breach of privilege and/ or code of conduct by the Honorable member. The Committee in answering the above issue was guided by the oral evidence adduced before it by the complainant and the accused and their witnesses. The Committee observed there was sufficient evidence and proof that the respondent Hon. Cathryn Wanjiku Mwangi insulted Hon. Erick Kamande by uttering the words "man up, nonsense, stupid, you will fall, I will not respect you, *usiniambie* (do not tell me)".

The Committee also observed that Members of the County Assembly could have disagreements and differences, however regardless of the differences between Hon. Erick Kamande and Hon. Cathryn Wanjiku Mwangi; the office of the Leader of Majority should be respected but was not respected.

The Committee also took cognizance of the fact that during her appearance before the Committee to present her evidence, Hon. Cathryn Wanjiku Mwangi acted in contempt of the Committee by storming out of the meeting without the leave of the Chairman, contrary to Section 27 (1) (a) of the County Assemblies Powers and Privileges Act and amounted to further breach.

The Committee also noted that the member did not show any sign of remorse for her actions since she said after being asked by the Committee she would still repeat the same action again. Indeed she went ahead to utter the same words to the complainant in the presence of the Committee. The Committee observed that the actions and conduct of Hon. Cathryn Wanjiku were in clear violation of Chapter Six of the Constitution on Leadership and integrity, and in particular, Article 73 and 75 of the Constitution of Kenya 2010; Article 73 provides that "Authority assigned to a state officer is a public trust to be exercised in a manner that is consistent with purposes and objects of this constitution, demonstrate respect for the people, brings honour to the nation and dignity to the office and promotes public confidence in the integrity of the office." On the other hand, Article 75 states that "A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids demeaning the office the officer holds."

Hon. Cathryn's actions were also in clear violation of Section 26 (1) of the County Assemblies Powers and Privileges Act, 2017; whose provisions I believe should be in the report, Section 7 of the Leadership and Integrity Act, 2012; Section 12(j) of the code of conduct for State Officers in the County Assembly of Murang'a and Standing Order 203(4) of the Murang'a County Assembly. The Committee also noted that Hon. Cathryn Wanjiku Mwangi was a repeat offender, as the Ethics and Anti-corruption Commission in a letter Ref. EACC7/10/1 VOL.XII(39) dated March 6, 2018 sent to her and copied to the Hon.

Speaker stated in the last paragraph 81 of the report, “The Commission in exercise of its mandate as stated in Chapter 6 of the Constitution, Section 4 (2) of the Leadership and Integrity Act and regulations 30 (a) and (d) of the Leadership and Integrity Act regulations 2015, disapproves of your conduct and hereby cautions you against any other conduct of a similar nature that violates Chapter 6 of the constitution and the general code of conduct under the Leadership and Integrity Act. The Commission advises you to desist from such conduct failure to which legal proceedings will be instituted to remove you from the state office which you currently occupy, you are further advised to pursue appropriate channels in addressing your grievances in future there was therefore a prior warning for the same behavior that the respondent was being accused of.”

Hon. Speaker from the above findings, the Committee further noted that breach of privilege and/or Code of conduct by Hon. Cathryn Wanjiku brought contempt and ridicule on the County Assembly as a whole, and as such the Committee found her guilty as charged.

The second question was what possible sanctions apply to the breach of privilege and or code of conduct as disclosed by the allegations in the complaint. Section 17 of the County Assemblies Powers and Privileges Act and Standing Order 203 of the Murang'a County Assembly standing Orders provides for several available sanctions and or penalties that it may recommend to the County Assembly against a member found in breach of the privileges in circumstances where it has the mandate to entertain a complaint. Section 15 of the County Assemblies Powers and Privileges Act thereof provides that “The Committee of Powers and Privileges shall, within 14 days of the conclusion of an inquiry Table its findings in the relevant County Assembly together with such recommendations as it considers appropriate.” This means that in making recommendations on the sanctions to apply, the Committee has a very wide discretion to make recommendations as it thinks fit. The courts of law in Kenya have held that in exercising its wide discretion, the Committee on Powers and Privileges ought to be guided by the Parliamentary practice in comparative jurisdictions in the Commonwealth. In the case of Republic vs National Assembly Committee of privileges and two other others ex-parte Ababu Namwamba [2016] eKLR, the High court upheld the sanctions imposed against the Applicants and made an observation that the Committee on Powers and Privileges ought to be guided by the Parliamentary practice in comparative jurisdictions in the Commonwealth. The Court further observed that the Applicant cannot be heard to complain for being sanctioned in accordance with Commonwealth parliamentary traditions as Section 10(6) of the National Assembly (Powers and Privileges) Act, allowed the Assembly to impose disciplinary action in accordance with its rules.

Being so guided, the Committee on Powers and Privileges may, pursuant to the aforementioned Standing Order 203 and Section 17 of the County Assemblies Powers and Privileges Act impose any or more of the following penalties (a) formal warning; (b) a reprimand (c) an order to apologize to the County Assembly or a person in a manner to be recommended by the Committee (d) withholding, for a period of time, of the member's right to the use or enjoyment of any specified facility provided to Members by a County Assembly (e) removal or suspension for a specified period of time of the Member from any County Assembly position occupied by the Member (f) such fine in terms of the Member's monthly salary and allowances as the House may determine (g)suspension of the member for such a period of time as the House may decide, whether or not the County Assembly or any of its Committees is scheduled to meet during that period (h) vacation of the seat pursuant to Articles 75 (2) (b) and 194 (1) (c) of the Constitution.

Further, in addition to the above penalties and sanctions, under Section 17 (4) of the Act, the matter if criminal in nature may be referred to the Director of Public Prosecutions. Section 17 (6) of the County Assemblies Powers and Privileges Act further states that a member who has been suspended under sub section (3) (g) shall leave the precincts of the

County Assembly and shall not during the period of suspension without written permission of the Speaker (a) enter the precincts of for whatever purpose; or (b) participate in any activity of a County Assembly or a Committee of a County Assembly.

The Committee recommendations were as follows; having been satisfied that Hon. Cathryn Wanjiku Mwangi breached privileges and the Code of Conduct contrary to the aforementioned status, code of conduct and Standing Orders of this Assembly, the Committee recommends the following sanctions for adoption by the Assembly; that, pursuant Section 17(3) (c) of the Act and Standing Order 203 (9) (c), Hon. Cathryn Wanjiku writes an apology letter through the office of the Speaker, apologizing to all Members of the County Assembly for her actions, behavior and words uttered while in the office of the Leader of Majority.

That, pursuant to Section 17(3) (g) of the Act, as read together with Standing Order 203 (9) (g), Hon. Cathryn Wanjiku Mwangi, be suspended from the County Assembly for a period of three months. That during the suspension, pursuant to Section 17 (6) of the Act, the Member shall leave the precincts of the County Assembly and shall not, during that period of suspension without the written permission of the Speaker enter the precincts for whatever purpose or, participate in any activity of a County Assembly or a Committee of a County Assembly.

Mr. Speaker, as I move this Motion, I call upon all members of this House to reflect upon the ideals that we all aspire to as leaders in the community and to remember the oath of office that we took to uphold our Constitution and other laws of this country. Mr. Speaker, we are bound by various codes of conduct as state officers and we bear a greater responsibility as state officers in maintaining the highest standard of ethics. Mr. Speaker, we must remember that we are judged by a higher standard than normal citizens because of the positions we hold in the society. Mr. Speaker, we all bear a collective responsibility in maintaining the honour and dignity of this House. The conduct of each and every member reflects either positively or negatively on us as a whole. Mr. Speaker, therefore the success of each member is our success as a whole and the failure of each member are our failures as a whole.

Mr. Speaker, there is need for mutual respect between member in order to have a conducive working environment so that we can carry out the duties which we are here to do on behalf of Wanjiku. We therefore have to exercise great restraint in our dealings and if we are to differ it should be on differences in opinion and not personal attacks.

Mr. Speaker, finally let this be a learning lesson for all of us and a turning point for this Assembly which has been depicted in the media as a House which has no rules, which is a House that fights physically, which is a House that does not observe the expected code of ethics. Let this be a learning point for each one of us and let us aspire to maintain the highest ideals. Mr. Speaker I beg to move the Motion and call upon Hon. Zablon Nduati to second the Motion.

Hon. Zablon Machugu: I rise to second the Motion and I want to put some remarks. During the whole of this year which is ending in the month of August, there has been no peace in this House due to some of us not respecting one another. It has come even to a point whereby we fight in this House and even outside this House. I therefore say that this problem of breaching of peace in this Hon. House has come to return our development to our people as a result of this fracas, some of us has been summoned to EACC and even getting warning letters, I this can continue and no be addressed forthwith, we will lag behind our development, I now rise to second the Motion.

(Question proposed)

The Speaker (Hon. Nduati Kariuki): Hon. Members, like I said and in light of the constitutional provisions of the right to a fair hearing under Article 50 of the Constitution, I

will grant the respondent time to make a statement and her submissions before the matter is debated if he so wishes. Hon Cathryn Wanjiku, anything to say

Hon. Cathryn Mwangi: Thank you for giving the opportunity to speak to the members of the Assembly. I normally have a tendency if we dispute in the Floor of the House or anywhere where it involves politics to make sure that I talk to the person maybe two days or immediately to make sure that no grudges are formed, but in this case, that particular day, the ordeal happened, I was requested by the Chair Agriculture to bring a Motion to the floor of the House because he was not present in that particular day.

After some few minutes, I think 30 or so he called me and told me that this thing is politicized and Hon. Erick said he will lobby for it to fail just for the sake of it, and I felt bad because we have had some issues with Hon. Erick ever since all these issues of fighting to remove and these fights we have been having in the House, so I felt bad and I went to confront him in his office but when I went there I never went to confront the majority leader, I went to confront Hon. Erick as a man. When I Say as a man it is because I felt bad as a woman because he was trying to frustrate me at the floor of the House because of those various a the political differences and the reason of the fact that I never accepted his advances as a man that is---

(Applause)

Hon. Cathryn Mwangi: So I felt bad, I felt; like he is mixing the issue which is so personal and Assembly business and I had done so much work of researching on this particular Motion and bring it in the House. This Motion was not going to help me as a person, it was going to help the people of Murang'a, and felt bad. Out of my emotions, I actually never stormed in that place, and you can actually go and do a review of that particular footage in the CCTV, I remember I grabbed my colleague Hon. Milkah and along the corridors and I saw the Chief Whip Hon. Wamwea and I told him, come take me somewhere, he knocked and I entered, I never went straight on to say things, I went and said good afternoon because I found several members there. I never called him Honorable, I said, "Erick, I have a bone to chew with you. How could you say that you are going to lobby for the Motion to fail?" And I told him that this is an act of immaturity and nonsensical.

(Hon. Nahashon Gachuhi rose on a point of order)

The Speaker (Hon. Nduati Kariuki): Yes, point of Order

Hon. Nahashon Gachuhi: I think those are the issues that were supposed to be heard by the Committee not at the Floor of the House. I would urge the Hon. Member; he was only supposed to show what is happening but not narrate what was supposed to be done at the Committee level.

The Speaker (Hon. Nduati Kariuki): Order! Order! In one way you are right, we are not supposed to hold a tribunal here. It is just to summarize briefly what you feel about the whole issue that will be enough.

Hon. Cathryn Mwangi: I have been told to summarize, I am saying this because while Lillian was capturing the Committee findings, she never talked on what I said, she actually talked on the part of the other witnesses, that Is why I was doing that, but because I have been cut short, let me go direct to the point.

Whatever I am trying to say is that is my feeling and I believe that I am willing, because this is personal between me and him, to have a sit down, I do not know whether he agrees to it or not and talk this issue out because even if I go for three months, I will go with bitterness, I will go with grudges, I will go feeling that my own issue was not handled but his issue was

handled. I do not refuse that I went there with emotions leading me, yet maybe I talked it wrong but it was out of misunderstanding and how I felt at that particular moment.

According to what Lillian has said, the first part is apologizing to the whole House, If I have wronged you, I am willing to write a letter through the Speaker to apologize but the fact that I will be going for three months and feeling that maybe my own case was not heard or maybe I am being used as a sacrificial lamb because it does not mean no one talks bad in this, I mean as a human being to man is to error. I remember there is this place in the Bible where Jesus

The Speaker (Hon. Nduati Kariuki): Hon, Cathryn you can make your plea but do not(*inaudible*).....

Hon. Cathryn Mwangi: Mr. Speaker, I think I am done, but there is one thing that I want to say. I believe in God, I believe I did wrong and I apologize to him and what I wasn't to say is that, let God fight this one for me.

The Speaker (Hon. Nduati Kariuki): Thank you, anybody else who would like to make a comment.

Hon. Ruoho Wangechi: Thank you Mr. Speaker, I first want to commend the Committee that went and sat down and thought through the issues at hand right now, In most cases, based on the fact that we bear various responsibilities, I may stand here and make my submissions as Hon. John Ruoho Wangechi a member representing Kinyona Ward, by so doing, I could be speaking or airing a voice that could be aired by anyone in Kinyona Ward,

However, at some point I could sink deeper and not only speak on behalf of Kinyona people but I could speak on behalf of personal conscience, myself as a human being and to add it all, myself as a Christian.

Mr. Speaker, since I became an honorable member, I think I was faced by several instances that I never expected, Mr. Speaker, with your knowledge, we have bruised each other Hon. Members, We have made each other bleed so far and we have had several months of pain and anguish as honorable members, I would want to quote the words on the honorable Speaker that he believes in reconciliation and he believes in a better future

(Applause)

Hon. Ruoho Wangechi: Honorable members, several weeks or months ago, we were finding that we were headed towards a sunny ground after enjoying a cold season. I was looking forward to a moment when I come into this House, I will not see my colleague as an enemy or someone who goes behind my back to backbite me but as a colleague, who has been given an equal responsibility to represent the people of Murang'a and I still believe we are headed there.

In light of what we are handling here in this House, the Constitution and the Acts that we can all read has given us one power, and that one power is to set the pace of this House whether we will go through the direction of sitting down and feeling like we are sitting next to our enemies or the direction whether bruised or not, we are living in reconciliation. Therefore Mr. Speaker, I urge these honorable members, when you shall be thinking, seated down there, I do not want you to speak on behalf of anybody, do not speak on behalf of the ward you represent, this is not a case on County interest, this is a case of personal interest. Regardless of what we have done before, Mr. Speaker let me be honest here, if I was the one in that Committee, I want to believe that there is an honorable member here who could deliver a letter in that Committee and I am subjected to the same because I am not perfect, but I think there are things that we can handle as individual members, there are things that we can consider as honorable members that when I am bruised, we have other avenues of bringing reconciliation into this House.

In conclusion Mr. Speaker, my plea to the members, put yourself in the shoes of any Honorable member who may be subjected to the same. When I started I said that we have bruised each other, nobody is perfect, you have stepped on me, I have stepped on you

The Speaker (Hon. Nduati Kariuki): Order! Avoid repetition

Hon. Ruoho Wangechi: I conclude by saying this, that members, as I oppose this, I am not opposing justice, I am not opposing honesty, I am not opposing respect for honorable members but I am sitting on the shoes of the Honorable member, who may go through the same and say, if I get subjected to the same.

Hon. Members, I wish we say no to this, we are not disregarding the work that has been done by the Committee. We respect you, you were honorable members but that was the responsibility you were given, So I therefore urge these Honorable members, let us handle this as individuals and let us think of the future of that bright day that we will wake up and see honorable members as friends and colleagues joined together to make this Murang'a County great. I oppose. Thank you.

Hon. Nahashon Gachuhi: I would wish to congratulate the Powers and Privilege Committee for the good report that they came up with after these incidences happened. Mr. Speaker, if it was me as a person, after being invited by the Committee, I would have humbly and submissively reported to the Committee and listen to their allegations and listen diligently without bringing further commotions to the Committee itself.

I had not gone through this report but after I have gone through it, I have seen some disrespect even to the Committee itself, because there is no way you can be invited to a Committee but instead of listening and listening keenly, and plead with the Committee, submitting my grievances, I storm out and I am still unremorsefully repeat the same utterances that I am being accused for. This was total disrespect of a person as a character or as an office, because, what I understand, if I was interested with the Majority Leader, or Hon. Erick, him as a man, I would have waited for him outside the office of the honorable Majority Leader of Murang'a County outside that same office that you want to attack his character through insults.

As I support this, I want to say that it has been evident that this Assembly, this honorable member have been fighting one another for so long and to set precedent that even the Powers and Privileges Committee has tooth to tame us down I would want this House to support this so that it can become a clear record that one can be reprimanded for his actions. Thank you Mr. Speaker

Hon. Milkah Ngare: I am amazed at how keen members are, just look around Mr. Speaker, I wish we can all be like this when we are handling other matters especially the ones that concern the people of Murang'a County.

That aside, I stand here as one of the members who was in the office during the ordeal, I stand here to oppose the adoption of this report with one point that I want to draw to all the members. With a lot of sobriety members, let us use psychology here. I want to take you step by step, number one, when someone gets angry, we do not have the same level of emotional stability, and emotional stability is something that is influenced by your personality or the experiences that you get in life. The way I will react, and do not quote me here, I do not want to be taken to the powers and privileges again, for having quoted someone. If Hon. Wagathoni confronts me, I would react by slapping him, Hon. Lucy will react by crying, Hon. Pelagiah will react by just saying whatever, I do not care. I cannot be a dog if he has called me a dog. We all react differently and at the heat of the moment, that is when we know how one reacts to a situation. My colleague, Hon Catherine I will say is someone who gets angry when you insist on making her feel like she is very vulnerable and like

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

Hon. Morris Thuku Gathoni:(*inaudible*).....code of conduct on how she reacts

The Speaker (Hon. Nduati Kariuki): I am sure she has

Hon. Milkah Ngare: Mr. Speaker, thank you, of course I have read that and as I said, it was an example Hon Morris Thuku who is the member of my Ward. As I was saying, I want you go down to it as a person, let us put politics aside in this.

The two members have said that they have a personal grudge, bringing it at the Floor of the House and punishing this member, as a person and as a human, I think all of us would recommend that they go aside, let them deal with their issues, because that issue does not affect the people of Murang'a County it affect the two, so when we come to the Floor of the House, could we discuss matters that affect the entire Murang'a County.

I would probably plead on her behalf, she has said that she will write a letter of apology to the Speaker as one of the recommendations that have been given by the Powers and Privileges Committee which is a very good report that has been given by them, Mr. Speaker, why wouldn't this House, just give this member a chance to write that apology, than giving her a chance to go away for three months.

All of us have been complaining of how broke we are and now imagine another member going away for three months and she also has something to do, she has a lot she would want to do with the money. Honorable members, I would plead with you as a human, today it is going to cut me and tomorrow on its way back it is going to cut you. I plead Honorable members, let this be a warning to everyone that any issue can get to the Powers and Privileges Committee but before we get there what can we do about it? I plead with you members, Thank you.

Hon. Stephen Chege: I rise to support the Motion, Mr. Speaker Sir, I like giving scenarios that are alive, since we were sworn in, I will not give many stories but it is going to give the example of one honorable member whose blood was shed and no justice was done to him. That is Hon. Gachuhi, it is the high time, because the Powers and Privileges Committee failed us that time, until today there is no justice done in that case, I am giving an example

(Hon. Milkah Ngare rose on a point of order)

Hon. Milkah Ngare: I do not think Hon. Stephen you can refer to that case not raised to the powers and privilege because the one who was a victim did not report to the Powers and Privileges Committee but in this case, it is only because Hon. Erick reported it, if they did not report, then you cannot use that as an example.

(Hon. Lillian Kabaya rose on a point of information)

Hon. Lillian Kabaya: Thank you Mr. Speaker, as a member of the Powers and privileges Committee, I wish to state that one does not have to lodge a complaint for a matter to be heard by the Powers and Privileges Committee, it can act on its own. It is also my opinion that we failed Hon. Gachuhi. Thank you

The Speaker (Hon. Nduati Kariuki): Continue

Hon Stephen Chege: Thank you Mr. Speaker, I was saying, sometimes even in judiciary, the magistrate has to make very bitter decisions to set precedence so that thing do not repeat themselves. I want to urge this House, not that we are enemies, not out of being personal, but to set a precedence that we will be peaceful forever and for people to respect the powers and privilege, whenever you are angered, when you remember that you can be sent out for three months, of course you will behave like an Honorable member, I rise to support. Thank you

The Speaker (Hon. Nduati Kariuki): and please I will stop anybody who repeats, we have to avoid repetitions.

Hon. Murigi Amos: Hon. Speaker, one thing is to thank the Powers and Privileges Committee and for the first time that the Committee has convened. I am thanking them because it is the only Committee which has never been inducted, that was the first hand experience and they were able to come up with that report.

Hon. Speaker, I do not support indiscipline and some of these things that are happening in this Assembly, Honorable Speaker, remember last month when we met at Utalii and when I was passing a vote of thanks, it has come to my attention that we wasted the entire last year with squabbles and sideshows for all along and Hon. Speaker, let me thank you sincerely because you noted this and if it will not change from our long recess, we are going to have a Mombasa II where we will come together to try and vote because Hon. Speaker, by the way I look at things and the issues, I have tried to seek peace with these members and I know I have a very good relationship with the 52 of these members of this Assembly including my brother Erick here, including my brother Habire here, we talk, and I was telling him this morning that I do not want us to open those wounds because you are the first person that I would have taken to Powers and Privileges Committee.

I say this because this is just a matter of politics. Mr. Speaker, what I would really plead with you and this members, sometimes when we are in leadership, and I think His Excellency the President Uhuru Kenyatta has shown us the way, you remember the other day how he was abused by Millie Odhiambo and with all the powers that he has, Babu Owino the other day twice abused him but the President just looked at him. There were many people baying for his blood but the President said no.

Sometimes we would like to have this level of restraint, not that I am supporting that action Hon. Speaker, because I believe in this Assembly, I do not want us to spoil our Mombasa II because what Hon. Milkah said today, we were here 48 of us and even when we have a very serious business, we do not come the way we have come today Hon. Speaker, I am pleading with these members, where we are heading to, I said I will start the way and I have made peace with all the members of this Assembly. Sometimes we are really ready to forego some of the issues here and there for the sake of the unity of this Assembly.

(Hon Waithera Ndung'u rose on a point of order)

Hon. Waithera Ndung'u: Thank you Hon. Speaker, I just want to put something to my learned teacher here, when you keep on repeating what is happening outside here and saying the words that you put, it is only that some of us are vulnerable we cannot, it is only that we do not want to keep on going and going, sometimes you put on bad words to people kindly do not let it go to that way because some of us we, you have said bad words than what even Cathryn said, you yourself

The Speaker (Hon. Nduati Kariuki): Hon. Amos, do not repeat yourself, just go on.

Hon. Murigi Amos: Lastly Hon. Speaker, as I stand to oppose, and I think Hon. Cathryn is ready to apologize. We are elders in this Assembly, and I can see some elders here, I can see Hon. wa Kiiru, Hon. Machugu is here, we are ready to sit with these people here and give them directions. These are our sons and daughters and.

The Speaker (Hon. Nduati Kariuki): Order! Let him finish now

Hon. Murigi Amos: I am here to oppose, I know my brother Erick is very bitter but I am pleading with him, when we will have that kind of sitting, I am sure we are going to sort out these things once and for all. I stand to oppose

Hon. Jecinta Ng'ang'a: Mr. Speaker, by the look of things, maybe you can see how the House is full, if at all it is an issue of being hurt in your heart because of the incidence that

have just occurred, I personally I am one of them who should hurt most, I remember that when we fought during the majority case, we are 53 members and only the six of us were charged in court. We are also painful, if at all this thing is going to be fair, let it be that there is no Hon. Member who is more equal than the others. Thank you. I support.

The Speaker (Hon. Nduati Kariuki): And please do not be repetitive

Hon. Mburu Muthoni: I will not, for the record I do not repeat myself, I represent Kagundu-ini ward and Mr. Speaker today we are discussing a matter pertains to a member of this House. If there is an opportunity that calls for sobriety it is today. And with that Mr. Speaker if there is an opportunity that we have that reminds us that we are not here forever and we never came here to make enmity even for the rest of the term that is remaining this is the time.

The subjected member for this particular matter is a member just like any other member. And Mr. Speaker as a seasoned politician you know and you had it in the past, you know the hustles the members go through, you even know the reactions of one member from the other member.

If this member is subjected to expulsion for a period of three months, Mr. Speaker the member has got a loan to pay, the member has got a rent to pay, the member is a single mother with a child to take care of. The member has already indicated that she is ready to give an apology.

Mr. Speaker through the Standing Order 203 (9) (a) it says there is an option of formal warning and (c) Mr. Speaker an order to apologize to the County Assembly or a person in a manner to be recommended by the Committee of Powers and Privileges. The member has not failed to do that. If member is given an opportunity to do that she can do it. She can do the formal letter and also she can engage the Committee to sit with any recommendation the Committee feels as per that particular standing order is there to be considered.

Mr. Speaker women respond to matter differently from men even on days of Abraham and even to days of today, they respond differently. Just the other day, a month ago or two for example my Hon. Friend Diana Kagiri and my Hon. Member Hon. Jane, we used to call each other *Gichege*. Now if you were to get personal with that when we were hugging each other and saying *ii Gichege* you see, if you interpret it and take me to powers and privileges to me Hon. Jane or Hon. Diana we are just joking. It is not that I am *Gichege* or they are *Gichege*, they are not. So if it is taken personal between us it is only the three of us that should know that and even work it out. Mr. Speaker there is no any other income generating activity for this particular member.

The Speaker (Hon. Nduati Kariuki): I think you have said that, that has been said.

Hon. Mburu Muthoni: Final Mr. Speaker, as a Christian and all of us took Bible time of taking the oath. I beseech you Mr. Speaker and I beseech the members with all due respect ---

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(Hon. Stanley Muhia rose on a point of order)

Hon. Stanley Muhia: I just want to plead with Hon. Members and Mr. Speaker the accused member is getting very emotional and yes. This is a Hon. Member she has been weeping in front of us I wish if she can be taken outside to go and may be have comfort. I feel it is not okay for us to sit here -----

The Speaker (Hon. Nduati Kariuki): You have put your point and I have heard it. The lady can be assisted; the Hon. Member can be assisted to go out. Can you wind up please?

Hon. Mburu Muthoni: Mr. Speaker I want to beseech you and I want to beseech members and especially-----

The Speaker (Hon. Nduati Kariuki): Point of order! The Speaker has nothing to do with this so you cannot plead with me.

Hon. Mburu Muthoni: I want to beseech the Committee on Powers and Privileges, I want to beseech all the hon. Members Mr. Speaker when David wronged God, God sent a prophet to him and he was given three options. The three options that he was given, whoever was the messenger David responded with one thing after looking at the penalties that were read he only said one thing I want to fall in hands of God he never fell on any penalty.

I want to beseech the members let us consider this one more time so that in future we will continue with friendship that brought us here, we will continue with business that brought us here and this will never be repeated. And if I have a difference with Hon. Chege let me sort it out with him out there and not bring it here. Thank you Mr. Speaker my humble submission.

The Speaker (Hon. Nduati Kariuki): The mover to respond.

Hon. Lilian Kabaya: Mr. Speaker we have heard from very many people and one thing that is clear each of the persons has his own friends. The complainant has his friends and so does the respondent and if my friend was on either side I would also be compelled to take a side because that is human and that is what friendship is all about and it is very good to stand with your friend and to defend then passionately it is well within your right.

Mr. Speaker, however the matter we are discussing today is not about myself as Lilian it is about Hon. Members of this House. When we entered here, when we took the oath of office you ceased to be Jane Muthoni and you became a Hon. Member, a leader in the society. You wilfully subscribed to uphold the Constitution; you wilfully subscribed to a code of conduct which if you knew you could not subscribe to you had an option not to.

Human is to error every one of us wrongs each other, the record is very clear. I stand here as a member of Powers and Privileges Committee because I sat through and I listened. We are talking about forgiveness today or at least that is what most of the people have talked about.

I am responding to what they have raised. It is a good thing that the accused is willing to apologise and in deed if you look at the report of the Committee it is one of the recommendations and thus we all agree on that. However

Mr. Speaker, look at your records, the respondent had enough chances to apologize. Allow me to talk about one of the Committee members if she will allow me. Hon. Muthoni asked the question "Are you remorseful?" That Committee is made up of elderly persons in fact some of the senior most people in this Assembly, and Mr. Speaker the respondent said that she was not. How I wish she apologized before perhaps Hon. Erick would not even have brought the matter to the Committee. How I wish she apologized to the Committee we would not be talking about three months for sure. However Mr. Speaker every person must carry their cross and be responsible for their own actions.

We have said that we should remember that justice is a double edged sword. Where is the justice for the complainant here? Where is the justice when people storm your office one day and the next day someone comes and abuses you in full glare of other Hon. Members? Mr. Speaker let us be just to all parties justice is for all sides.

That is my response to the members vote with your conscience you are the one who is judging today, tomorrow you will be the complainant, tomorrow you are the one who will be responding. How would you wish to be treated? Thank you Mr. Speaker.

(Question put)

(Several members rose in their places seeking for a division)

(Division ordered)

(Division bell rung)

(Bars closed)

1.	Hon. Caroline Njoroge:	Yes		
2.	Hon. Erick Kimani	Yes		
3.	Hon. Peter Murigi			<i>Abstain</i>
4.	Hon. Peter Mweri			<i>Abstain</i>
5.	Hon. Alex Ndunda	Yes		
6.	Hon. Murigi Amos		<i>No</i>	
7.	Hon. Wangari Kigo:		<i>No</i>	
8.	Hon. Waithera Ndung'u:	Yes		
9.	Hon. Charles Kahoro:		<i>No</i>	
10.	Hon. Charles Mwangi	Yes		
11.	Hon. Daniel Chege Mwangi:		<i>No</i>	
12.	Hon. David Macharia:	Yes		
13.	Hon. David Ng'ang'a:	Yes		
14.	Hon. Dinah Muthoni:	Yes		
15.	Hon. Duncan Muturi			<i>Abstain</i>
16.	Hon. Eunice Kariuki:	Yes		
17.	Hon. Flasia Nduta:		<i>No</i>	
18.	Hon. Kibe Githuka:	Yes		
19.	Hon. Francis Kibe:	Yes		
20.	Hon. Gerald Wambugu:	Yes		
21.	Hon. Ibrahim Ngundo	Yes		
22.	Hon. Jacinta Ng'ang'a:	Yes		
23.	Hon. James Karanja:		<i>No</i>	
24.	Hon. Jeremiah Kongo		<i>No</i>	
25.	Hon. John Kairu:	Yes		
26.	Hon. Ruoho Wangechi:		<i>No</i>	
27.	Hon. Wambui Njoki:		<i>No</i>	
28.	Hon. Lilian Kabaya:	Yes		
29.	Hon. Lucy Ngugi:	Yes		
30.	Hon. Milkah Ngare:		<i>No</i>	
31.	Hon. Morris Thuku:	Yes		
32.	Hon. Moses Murigi:		<i>No</i>	
33.	Hon. Nahashon Gachuhi	Yes		
34.	Hon. Passy Njeri:		<i>No</i>	
35.	Hon. Pelagiah Muthoni	Yes		
36.	Hon. Mburu Muthoni:		<i>No</i>	
37.	Hon. Peter Githuka:		<i>No</i>	
38.	Hon. Ruth Wambui:		<i>No</i>	
39.	Hon. Waweru Mwangi:		<i>No</i>	
40.	Hon. Kihurunjo Mwangi		<i>No</i>	
41.	Hon. Simeon Wamwea:	Yes		
42.	Hon. Sospeter Nyoko	Yes		
43.	Hon. Stanley Muhia	Yes		
44.	Hon. Stephen Chege:	Yes		
45.	Hon. Zablun Nduati Machugu	Yes		

The Speaker (Hon. Nduati Kariuki): Hon. Members it seems like we are going to go beyond time and I would like us to pass a Motion. So I propose that we extend the time to six o'clock.

(Question Put ad Agreed to)

The Speaker (Hon. Nduati Kariuki): Okay members, that tallying has been done and signed by the agents and the results are as follows out of whole Assembly six members were absent, abstentions four, nays 18 and yes 23. The Motion has been carried. Next order.

ADOPTION OF REPORT OF THE POWERS AND PRIVILEGE COMMITTEE ON
THE BREACH OF PRIVILEGE BY HON. WAMBUI NJOKI

Hon. Pelagiah Muthoni: Mr. Speaker Sir, I beg to move the following Motion;-

That this House adopts the report of the Powers and Privilege Committee, on the breach of privilege by Hon. Wambui Njoki, laid on the Table on Wednesday August 22, 2018.

Mr. Speaker, on August 2, 2018. The office of the Hon. Speaker received a letter dated Thursday August 2, 2018 from Hon. Simon Wamwea the Whip being a complainant on abuse and assault by Hon. Wambui Njoki. Following the receipt of the complainant, and pursuant to the Standing Orders 203, the Committee held four meetings on 14th, 17th, 20th and 22nd August 2018, to sit and consider the matter at hand.

Further, let me mention here that the Committee conducts its proceedings in accordance to its normal judicial principles, including standing on proof and admissibly scrutiny of the evidence in the scope of the enquiry, investigation of the witness and testimony, documentary evidence and as of many other rules of procedure as maybe necessary and adopted generally, in its judicial enquiry and findings. The Committee is also guided by the rules of nature, justice and the constitution principals of a fair hearing emulated by the ethics in Article 50 of the Constitution of Kenya.

Particularly the Committee held meetings on August 17th and 18th 2018 to hear submissions under oath from the complainant Hon. Simon Wamwea and the respondent Hon. Wambui Njoki and their witnesses. Mr. Speaker, I will not read all the submissions of the Committee as they are already contained in the report that the members are holding this afternoon.

Having taken evidence, the Committee was to determine the following issues as alleged in the complaint by Hon. Simon Wamwea (1) whether the actions by Hon. Wambui Njoki amounted to breach of privilege and code of conduct by the Hon. Member.

The Committee observed that the members of the Assembly as legislators must be disciplined since the Assembly had suffered similar incidences which had destroyed its image in the eyes of the public and injured the dignity of the Assembly. The Committee further observed that the Assembly was committed in matters discipline. And the recommendations of the Committee should send a strong signal to other members of the Assembly on consequences of such incidences of indiscipline in the future.

1. The Committee observed that the members did not uphold their dignity as leaders having exchanged abusive words in front of children and members of the public present at the hotel at the time.
2. The Committee noted that there was proof that there was remorse by Hon. Wambui Njoki since it had been corroborated by the witnesses that she apologized to Hon. Simon Wamwea when they signed a consent letter before the Officer Commanding police Division (OCPD) at Kasarani police Station on July 27th 2018. The management of Sports View Hotel had informed the Committee that Hon. Wambui Njoki had called him and the Hotel and apologized for the actions on that day.

The Committee also noted that during her appearance before the Committee, Hon. Wambui Njoki showed an attempt to reconcile since she had apologized to Hon. Simon Wamwea who was present in the Committee room during her submissions.

3. The Committee noted with a lot of concern that Hon. Wambui Njoki was a repeat offender as emulated by the Ethics and Anticorruption letter ref. EAC/10/1 VOL8 of 30th May, dated March 6th 2018 sent to her and copied to the Hon. Speaker. They highlighted in paragraph 91 in the report.

After lengthy scrutiny of the evidence presented to the Committee, it was evident that there was enough proof that Hon. Wambui Njoki breached the privileges and the code of conduct since she acted contrary to;

1. Chapter six in the particular article 73, 1(a) and 3. Article 75, 1(a) of the constitution of Kenya 2010.
2. Section 26 of the County Assembly powers and privilege act 2017.
3. Section 7 of the leadership and integrity act 2012.
4. Section 12(J) of the code of conduct for the state officers in the County Assembly of Murang'a.
5. Standing order 203(5) of the Murang'a County Assembly.

Mr. Speaker Sir, the Committee has got the following recommendations;

1. That having been satisfied that Hon. Wambui Njoki breached privileges and the code of conduct contrary to;
 - a) Chapter six of the constitution and in particular 73, 1(a) and 3. Article 75, 1(a) of the Constitution of Kenya 2010.
 - b) Section 26, 1 of the County Assembly powers and privilege act 2017.
 - c) Section 27, 1 (a) of the County Assembly Powers and Privilege Act 2017.
 - d) Section 7 of the Leadership and Integrity Act 2012.
 - e) Standing Order 203(4) of the Murang'a County Assembly.

Mr. Speaker the Committee recommends the following sanctions by adoption by the Assembly;

1. That pursuant to section 17, 3(c) of the County Assembly Privilege Act 2017, Hon. Wambui Njoki writes an apology letter through the office of the Speaker Apologizing to the Members of the County Assembly for her actions, behavior and words she uttered while at Sports View Hotel Kasarani.
2. That pursuant to section 17, 3(g) of the County Assembly Privilege Act 2017, as read together with Standing Order 203, 9(g) Hon. Wambui Njoki be suspended from the Assembly for a period of two months. During the suspension as pursuant to section 17, 6 of the County Assembly Privilege Act 2017, the member shall leave the precincts of the Assembly and shall not during that period unless with a written permission by the Speaker;
 - a) Enter the precinct for whatever purpose
 - b) Participate in any activity of the County assembly or the Committee of the County Assembly.
3. That the Committee further recommends that in exercise of its mandate and in pursuant to Section 15 (5) of the Act and the Standing Order 205(5), the Committee on its own motion further investigates Hon. Simon Wamwea on his role during the commotion and whether he restrained as a leader during the scuffle at Sports View Hotel. Subsequently whether there was breach of privilege and code of conduct.

Mr. Speaker, I as the mover of the Motion, I want to call Hon. David Irungu to second the Motion. Thank you.

Hon. David Irungu: Thank you Mr. Speaker, I rise to second the Motion. Thank you.

(Question proposed)

The Speaker (Hon. Nduati Kariuki): Just as the previous case, in light of the constitutional provisions which are the respect to a fair hearing and Article 50 of the Constitution, I will grant the respondent short time to make a statement and submission before we proceed. Hon. Wambui Njoki, if you wish.

Hon. Wambui Njoki: Thank you Mr. Speaker. On the 17th after a commotion with Hon. Simon Wamwea, I would like to bring to attention to these Hon. Members that we proceeded to Kasarani police station with the witness of a few members whereby I apologized to Hon. Simon Wamwea and we wrote consent that we had ended the matter at the police station. Later I was invited to the Committee on Powers and Privilege and I met Hon. Simon Wamwea. I apologized to him again in the same Committee and I requested him to forgive me at the Committee level.

Yesterday when the Paper was laid, I talk to my fellow members and I sent them Hon. Murigi to still go and request forgiveness to Hon. Simon Wamwea. Under Article 159 of the Constitution and allow me to quote. Because I believe the Powers and Privilege is like the high court, it has the same powers. Article 159 states, "Alternative forms of disputes resolution including resolution, mediation, arbitration and traditional dispute resolutions mechanisms shall be promoted." I request Hon. Simon Wamwea through reconciliation to forgive me. I would like him to state before the Committee of whole, whether he forgives me.

Thank you.

The Speaker (Hon. Nduati Kariuki): Thank you, although this matter is no longer between the two of you, it had been seized by the House. The House will consider all those points that you have made and that which will be made by other to make a decision. Taking into consideration what you have said, but we cannot tell Hon. Simon Wamwea to make a decision now. It is a matter of this House. Like you have heard he is also going to be investigated on the same.

Hon. Milka Ngare: Thank you Mr. Speaker, I stand to strongly oppose. As I do that I would want the mover of the Motion to explain to me why Hon. Wambui Njoki asked for forgiveness not once, twice or thrice, but that was not considered by the Committee. Thank you.

Hon. Mburu Muthoni: Speaker I stand to beseech the members once more to consider not to adopt this Motion as it is and to make sure that we channel our grievances in a way of dialogue in a way that we can sit and talk to one another. I stand to oppose Mr. SpeakeR.

Hon. Murigi Amos: Thank you Mr. Speaker. One thing as I stand, is one, to note that in the previous issue that we had, I think the Committee had issues and they were morally relying on that. Hon. Cathryn never attempted even to apologise but in this particular case there is not even once, twice, thrice that she is saying I am very remorseful and sometimes we are Christians, sometimes we don't forgive and I am pleading with you Honorable members because sometimes when we come to a case like this and especially when Hon. Wamwea-- yesterday I talked to him, I had talked with him severally even before that. I remember I was in Kasarani but I never wanted to take sides at that particular time because I regard Hon. Wamwea as my friend, even Hon. Wambui as my friend and sometimes I would plead with you colleagues and sometimes we vote, even if we are to vote let us vote with our conscience because Hon. Speaker I see this House has been divided and there have been two camps. There are those people who belong to the system and non- system and sometimes-----

(Members consulted)

The Speaker (Hon. Nduati Kariuki): I think you should withdraw that, you cannot substantiate it, you cannot divide a House. I think you withdraw that.

Hon. Murigi Amos: Honorable Speaker yes, I withdraw. Why I am saying so when we came along, we have four years in this Assembly we have not even accomplished may be even five per cent and we would like this Assembly to go down in history. Because what we are doing today, it is on the record and those who will come here even 40, 50 years they will still get to know the way we are carrying ourselves.

Hon. Speaker I do not have any particular issue with Mr. Wamwea, yesterday he really pleaded and he said, he is ready and they are ready to talk with Hon. Wambui so that they can have an amicable solution. You know this issue Mr. Speaker, if we are to refer these issues to the Powers and Privileges Committee this one now is a learning call Mr. Speaker. I know from now going on, actually there will be a change and in demonstrations that we are Christians and we are human. I will plead with this members because the affected member said sorry not twice not thrice I think I beg that, I oppose this Motion and please do consider this particular case. Thank you.

Hon. James Karanja Kabera: Thank you Mr. Speaker Sir. I just want to go by the Bible, forgiveness, forgiveness, forgiveness. The said Hon. Wamwea the other day called me “nyang’au” I forgave him immediately and he stood up and he said he never called me “nyang’au.” A man of over 50 years “nyangau?”. If I brought my strength and whatever it could be another case. Please, forgiveness, forgiveness, forgiveness that is what the bible says. Thank you.

Hon. Nahashon Gachuhi: Thank you Mr. Speaker, I rise to support this Motion and as the respondent has reiterated that, we have the powers of a High Court and if you go and plead guilty you must be sentenced or a verdict must come out of it. It is not like you say that forgive me----

(Hon. Joyce Wambui rose on a point of order)

Hon. Joyce Wambui: I would like to bring Hon. Gachuhi attention that I did not say that I am guilty.

Hon. Nahashon Gachuhi: Thank you Mr. Speaker, I think I used a deeper word instead of saying that *mheshimiwa* Wambui Njoki accepted and that is why she was apologizing. When such a matter comes to the Floor of the House it becomes the mandate of the whole House to decide on the way to take upon this matter. The reason why I am contributing so much about this it is because I would want to see order, sobriety and respect amongst members. If we do not take actions upon these issues they will still come back again and again. What I am saying and what I am pleading with these members is that we adopt this to set precedence for the House for the next four years for us to have respect amongst ourselves. Thank you Mr. Speaker.

Hon. Ruoho Wangeci: Right now I am making my submissions, one as a Christian and I have heard a lot of goose bumps when I have listened to the contributions that there was apologies. I apologise and based on that if I apologize I am apologizing so that I can be forgiven. I think I will concur with those in support of forgiveness.

I want to allude to a case number 86 of 2011, that was in reference to our Constitution Article 89 (1) where Lady Justice, Rosslyn Lagat Korir set a man free when that man was brought before her accused of murder. The reason why Lady Justice, the learned Judge Rosslyn Lagat released that man is because outside the court the traditional law had taken precedence and she decided that now that the two of you have decided to settle the matter. I may not be in a position to now continue being a second judge.

I want to plead with the House; this matter is not like the first matter that we have just handled. Speaking to Hon. Wamwea, speaking to Hon. Joyce Wambui both of them have

had sittings and I am not saying that the Committee took this matter from nowhere, that is your responsibility to deal with this matters. But the two of them have decided to forgive each other. In that question that will be put here, let us follow the desire of the two of them to forgive each other. Therefore I oppose the adoption of this Motion.

Hon. Lilian Kabaya: Thank you Mr. Speaker. I stand to support the Motion, one, as a member of the Committee and two as a member of this House.

We have talked of reconciliations and forgiveness, I believe 99 percent of us here are Christians and thus we understand the concept. Indeed the respondent Hon. Joyce came before the Committee and admitted to having uttered words that she regretted and regretting her actions as well and pled for forgiveness. Hon. Milkah had raised the question as to whether or why the Committee did not consider that. I wish to state that the Committee considered that, she was apologetic and that is why she was given the sole reason a less harsh sentence than Hon. Cathryn and thus I wish to state on behalf of the Committee that we considered that.

Mr. Speaker, I just want to point out, that this was not just between the two members it was also an issue that affected the dignity of the House as a whole. We not only had witnesses who were members, the hotel staff came to testify before the Committee and you can check your records they said that they had called the police on the two members after the scuffle started.

Mr. Speaker we have a very bad reputation as a House, every time there is a fight in Tanzania somebody will ask what were the Murang'a MCAs fighting about this time? We have not fought in Tanzania but it will be presumed that it was Murang'a MCAs who were fighting. This is a repeat offence; there was another incident where members were thrown out of another hotel for differences between them again. That time it was more aggravated.

Mr. Speaker there are pending criminal cases, the Ethics and Anti-Corruption Commission (EACC) has taken up investigations on members of this House on one or more occasion. Mr. Speaker that is why we ask, for how long shall we continue?

(Hon. Stanley Muhia rose on a point of order)

Hon. Stanley Muhia: Mr. Speaker, I just wanted to inform the House that the two Honorable are first time offenders and for Hon. Kabaya to purport that it is a repeat offence, I do not think it is true.

Hon. Lilian Kabaya: Mr. Speaker, I am simply reading from the Committees report, I am not purporting. This is a letter that came through the Speakers office from the EACC warning Hon. Joyce Wambui that in case she repeated her conduct, she risks being stripped off her seat as a member of this House. Mr. Speaker I believe that is the Committee's report, it is not an allegation.

Hon. Stanley Muhia: Mr. Speaker what I want to bring to the attention of the members, in contribution to this Motion is that the two Hon. Joyce and Hon. Wamwea are actually very respectable and mature people. One time in our lives Mr. Speaker-----

The Speaker (Hon. Nduati Kariuki): What is your point of order? You are bringing your point of order not an argument. You will talk when your time comes. If you do not have a point of order sit down, you raise your hand to talk.

Hon. Stanley Muhia: I raised my hand Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Yes but on a point of order, at the time being you cannot.

Hon. Stanley Muhia: When can I speak Mr. Speaker?

Hon. Lilian Kabaya: Yes I am on the Floor.

The Speaker (Hon. Nduati Kariuki): You cannot speak

Hon. Lilian Kabaya: I sat for you to raise your point of order.

The Speaker (Hon. Nduati Kariuki): Just to make that clear, you can raise a point of order when on something she has said but you should not make that point of order your contribution. Okay, are we together? When she finishes you can raise your hand to be allowed to talk, is that clear?

Hon. Lilian Kabaya: Thank you Mr. Speaker, as I was finishing what I was trying to say was that while we are talking about reconciliation and mediation and other means of resolving cases we have to remember that there is a reason why this is not just a Committee made by the Standing Orders, this is a Committee made by law, by statutes.

It is the only Committee made by statutes and there is a reason that law is in place and it is because it is expected that once in a while members may be in situations where they may conduct themselves in a way that is not becoming. While we accept Hon. Joyce's attempts of reconciliation, it is a very good thing indeed and would encourage it among all members of this House, we have to remember that there are laws in place we have to enforce them, we need to set a good precedence as somebody said, we will be judged in future and what will we be judged for? How we conduct ourselves, what measures did we take to protect this House, what measures did we take to protect our image, What measures are we taking as members to restore our dignity? I support the Motion Mr. Speaker.

Hon. Stanley Muhia: Thank you Mr. Speaker and sorry for the misunderstanding. What I wanted to bring to the attention of the House is that we have laboured too much to bring this House to order and actually to bring this House to an understanding, to a point where members of this House can be able to talk.

It has been demonstrated very well that the two Honorable members have maturely sat down and decided to talk to each other and actually reconciled. By bringing them to the table again because we can actually continue and interrogate Hon. Wamwea for the same offence. Actually Mr. Speaker we are not healing the wounds that have been bleeding for so long.

It would be my request that, now that these members have agreed to set a pace and show us that actually members can differ and reconcile and talk. In our lives Mr. Speaker all of us have had an occasion whereby we have been offended and behaved in a way that did not please another person. This is not something that is strange and it is not something that is going to end because we punish this two Honorable members. We will continue to hurt each other and actually continue to forgive each other and this is the best way forward.

Now that we have a situation where members have agreed to settle their differences amicably let us give them an opportunity to forgive each other and demonstrate to us, as the members of this Assembly that despite the fact that we have actually been quarrelling for a long time we have an opportunity to settle our differences that have lasted so long more than an year and actually started a new life.

Therefore I beg to actually ask the members to drop the Motion for this time and give an opportunity to the members. Thank you Mr. Speaker.

Hon. Peter Mweri: Thank you Mr. Speaker for giving me the opportunity. I would like to thank the Committee for the job well done and as I stand here Mr. Speaker, I stand to support the Motion on condition that, even if these two members did talk outside and agreed to forgive each other I must say, we are in public domain of having issues in this Assembly.

It is very unfortunate for such an incidence to happen to a hotel that we normally go for the meetings. I must appreciate the Committee because they have interrogated several witnesses and the two members and ended up with this report and considered giving a lesser penalty to Hon. Joyce because she had attempted to apologies. But with all said we must have actions on what we do like going to an extent of slapping somebody I think it is not a good issue even to us. If it were me I think it would have been another case because my tempers are normally very high. Mr. Speaker I support, let us have something, let us have a start and

the Committee must show that it is working and the public will also know that we are also working. I support, thank you Mr. Speaker.

The Speaker (Hon. Nduati Kariuki): Mover to respond:

Hon. Pelagiah Muthoni: Thank you Mr. Speaker. I wanted to respond to why we never took the apologies, we did and I do not want to repeat what Hon. Kabaya has said. I want to say that further the Committee observed that the members did not uphold the dignity as leaders, having exchanged abusive words in a hotel, in front of children and the members of the public.

I want you to check the words that the hotel repeated; I would not want to repeat the words myself hoping that they are in the files. Such words are not honourable and are not of any dignity and they were repeated by the hotel management themselves.

I want to say that the members were driven out of the hotel because of being disorderly and because of using such words. It is very regrettable that honourable members can use such words in public, in-front of our own children who were having swimming lessons in that hotel.

I want to say this that the reputation of this House is very bad in the public, it is in the public domain and we have to protect this House. I want to say this that one day....

The Speaker (Hon. Nduati Kariuki): Can you respond please?

Hon. Pelagiah Muthoni: The time for that is gone, Mr. Speaker that one day it was a slap, another day it was an insult another day blood was shed, what else are we waiting for in this House? Blood has been shed are we waiting until one is killed? No we cannot do that. I believe that from today members are going to behave honourably. I believe that, we cannot sit and watch until one is killed, we have poured blood, we have insulted, we have slapped, I don't think we can do that. We have to protect this House and I have to say we have to protect the dignity of this House and it has to start now. Thank you so much, thank you Mr. Speaker.

(Question put)
(Division)

The Speaker (Hon. Nduati Kariuki): Is anybody requesting for a division?

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Okay division.

.....*(inaudible)*.....

Hon Milkah Ngare: *(inaudible)*..... Mr. Speaker please, why is the *ney* so loud but we still go for a division?

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Order! Order! Whenever a member request for a division the Speaker can agree or not agree to a division. A member has requested for a division and the Speaker has agreed.

(Tellers moved to the Table)

		Yes	No	Abstain
1.	Hon. Isaac Mwangi Kamote Waciama	Yes		
2.	Hon. Caroline Njoroge:	Yes		
3.	Hon. Erick Kimani	Yes		
4.	Hon. Peter Mweri	Yes		
5.	Hon. Alex Ndunda	Yes		
6.	Hon. Murigi Amos		No	
7.	Hon. Ann Wangari Kigo:		No	
8.	Hon. Beth Waithera Ndung'u:	Yes		
9.	Hon. Charles Kahoro:		No	
10.	Hon. Charles Mwangi	Yes		
11.	Hon. Cathryn Wanjiku Mwangi		No	
12.	Hon. Daniel Chege Mwangi:		No	
13.	Hon. David Macharia	Yes		
14.	Hon. David Ng'ang'a	Yes		
15.	Hon. Dinah Muthoni	Yes		
16.	Hon. Duncan Muturi	Yes		
17.	Hon. Eunice Nduta Kariuki:	Yes		
18.	Hon. Flasia Nduta		No	
19.	Hon. Francis Kibe Kamau	Yes		
20.	Hon. Gerald Wambugu Mwangi	Yes		
21.	Hon. Ibrahim Ngundo Maina	Yes		
22.	Hon. Jecinta Wangari Ng'ang'a	Yes		
23.	Hon. James Karanja Kabera		No	
24.	Hon. Jane Wanjiru Muigai	Yes		
25.	Hon. Jeremiah Kongo Kihara		No	
26.	Hon. John Mwangi Mungai			Abstain
27.	Hon. John Ruoho Wangechi		No	
28.	Hon. Wambui Njoki:			
29.	Hon. Lilian Kabaya:	Yes		
30.	Hon. Lucy Nyambura Ngugi	Yes		
31.	Hon. Milkah Ngare		No	
32.	Hon. Morris Thuku	Yes		
33.	Hon. Nahashon Gachuhi	Yes		
34.	Hon. Passy Njeri Kangatu		No	
35.	Hon. Pelagiah Muthoni Maina	Yes		
36.	Hon. Peter Mburu Muthoni		No	
37.	Hon. Peter Muiruri Githuka		No	
38.	Hon. Ruth Wambui Karanja		No	
39.	Hon. Sammy Waweru Mwangi		No	
40.	Hon. Samuel Kihurunjo Mwangi		No	
41.	Hon. Sospeter Nyoko	Yes		
42.	Hon. Stanley Muhia:		No	
43.	Hon. Stephen Chege:	Yes		
44.	Hon. Zablon Nduati:	Yes		

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

Hon. Erick Kimani: I wish to move a Motion of adjournment of the House pursuant to Standing Order 30(3). Mr. Speaker Sir, that pursuant to the provisions of Standing order 30(3) on adjourning to a day other than the next normal sitting day and in accordance with the calendar of the Assembly that is regular sessions this House adjourns until Monday October 1st 2018 to allow members and staff of the County Assembly to participate in the County Assembly Sports and Athletics (CASA) Sports and Games scheduled from August 26th 2018 to September 1st 2018 at Kasarani Sports Stadium Nairobi. Regular Assembly sittings of the will resume on Tuesday October 2nd 2018 at 9.30am.

I request Hon. Charles Ng'ang'a to second the Motion.

Hon. Charles Ng'ang'a: Thank you Mr. Speaker Sir. Murang'a County Honorable members and staff have different talents when it comes to sports. It is in this due regards I call upon all the Honorable members to make sure that we adjourn and support the Motion on adjournment as we proceed to the sports and also exercise our abilities when it comes to sports as sports may help us even in health and will also in making the County prosper and make us be known within the republic of Kenya. Thank you Mr. Speaker Sir, I second the Motion.

The Speaker (Hon. Nduati Kariuki): So Honourable members this House is now adjourned until Tuesday 2nd October 2018 at 9.30 am.

ADJOURNMENT

The House rose at 6:05p.m.