

MURANGA COUNTY ASSEMBLY

THE HANSARD

Thursday, 2nd June 2016

The House met at 2:47 p.m.

(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) REGULATIONS

The Speaker: Hon. members, the Ethics and Anti-Corruption Commission (EACC) which is established with the mandate to combat and prevent corruption and unethical behavior, vide legal notice no. 13 of 2015 of the EACC and pursuant to section 54 of the Leadership and Integrity Act no. 19 of 2012, published the Regulations in the Kenya Gazette. The said Regulations are now operational, after their approval by the National Assembly on 26th February 2016. The Regulations require the Assembly to, among other functions:-

1. Open and maintain a register of gifts received by the Members of the County Assemblies.
2. Open and maintain a register of gifts given by the public entity to other state officers or public officers.
3. Open and maintain a conflict of interest register where you register every activity that may be construed as having a conflict of interest with your job as a Member of the County Assembly.
4. Inform all the Members of the County Assembly to seek the approval of the EACC before opening or operating a bank account outside Kenya.
5. Develop a specific leadership and integrity code for the Members of the County Assembly and submit it to the EACC for approval.
6. Ensure all Members subscribe to the specific leadership and integrity code.
7. Undertake investigations into ethical breaches.
8. Take disciplinary action for violation of the Act and, where appropriate, refer the matter to the EACC or other relevant agencies.
9. Submit the annual report to the EACC on the status of implementation of the Act and Regulations in the prescribed manner.

Pursuant to section 37 of the Leadership and Integrity Act, this House adopted a specific leadership and integrity code for Members of the County Assembly. The said code was adopted by the Assembly and submitted to the EACC for approval. The EACC approved the code whereupon the Assembly published it in the Kenya Gazette volume 18 No.55 Gazette Notice No. 3677, dated 20th May 2016.

Members of this Hon. House are now required to subscribe to the specific leadership code within seven days of its publication in the gazette. The code was gazetted on 20th May 2016. As you can all see, the seven days' deadline has already passed. I now request you to subscribe to the specific code for state officers in Murang'a County Assembly and the General Leadership and Integrity Code.

A copy of the same is going to be given to all members for them to sign and then forward to the Office of the Clerk so that it can be witnessed by an advocate of the High Court and thereafter, be submitted to the EACC. This will be done within the next two or three days; by Monday, we should have all these forms returned.

Thank you.

PETITION

PETITION FROM KANGEMA TEA AND HORTICULTURAL FARMERS COMMUNITY BASED ORGANIZATION

The Speaker: Hon. members, I have received a Petition from Kangema Tea and Horticultural Farmers Community Based Organization.

Pursuant to Standing Order No. 204 (2) (d), I wish to report that on 30th May 2016, the County Assembly received a Petition from Kangema Tea and Horticultural Farmers Community Based Organization by the residents of Kanyenya-ini, Kangema and its environs, who are organized and registered tea growers and shareholders of various tea factories within Kangema.

The Petitioners draw the attention of the Assembly to the matter of termination of green leaf supply to Ngorongo Tea Factory by the Tea Directorate. I wish to state that the Petition is signed by 82 members of Kangema Tea and Horticultural Farmers Community Based Organization.

The petitioner's pray as follows:-

1. THAT, the Assembly summons the Tea Directorate and the Kanyenya-ini Tea Factory to appear before it or its relevant Committee of Agriculture, Food and Fisheries to substantiate the allegations of tea hawking by Kangema Tea and Horticultural Farmers Community Based Organization.
2. THAT, the order to Ngorongo Tea Factory by the Tea Directorate of Agriculture Foods and Fisheries Authority (AFFA) to stop receiving the Petitioners leave, is suspended indefinitely.
3. THAT, the Cabinet Secretary for Agriculture mediates the dispute between Kanyenya-ini Tea Factory and the Petitioners in accordance with the law.
4. THAT, the Petitioners rights and fundamental freedoms as enshrined under Articles 36, 43, 47 and 50 of the Constitution of Kenya, be recognized, protected and promoted by the Tea Directorate and the Kanyenya-ini Tea Factory at all times.
5. THAT, any violation of the existing agreement between the Petitioners and the Ngorongo Tea Factory Limited because of the legal actions of the Tea Directorate of AFFA or by the Kanyenya-ini Tea Factory, or both, be compensated in full to the Petitioners.
6. THAT, the County Assembly finds the illegal action of Kanyenya-ini tea factory limited of refusing, neglecting or declining to buy tea from Mutunguru tea buying centre during the period December 1st 2014 to February 28th 2015 that occasioned massive losses to the petitioners was a violation of Article 36, 40 and 43, 47 and 50 of the Constitution of Kenya and thus the said Kanyenya-ini tea factory should compensate the petitioners in full.

Pursuant to the provision of standing order 206 (1) the petition is hereby committed to the sectoral committee on Agriculture, livestock and fisheries.

Further pursuant to standing order 206 (2) the committee shall in not more than 60 calendar days from today respond to the petitioners by way of a report addressed to the petitioners and laid on the table of the Assembly.

Thank you hon. members

PAPERS

COUNCIL OF GOVERNORS' REPORT FOR FY 2-14/2015

Hon. Joseph Njoroge: I rise to lay on the Table the Council of Governors' statutory annual report for financial year 2014/2015 on June 2, 2016.

(Hon. Joseph Njoroge laid the paper on the Table)
 REPORT OF HEALTH SERVICES COMMITTEE REPORT ON ELECTED
 MEMBERS OF HEALTH FACILITIES COMMITTEES

Hon. Boniface Njihia: I beg to lay the following paper in the Assembly today Thursday June 2, 2016;-

The report by Health Service committee on elected members of health facilities committees.

(Hon. Boniface Njihia laid the paper on the Table)

REPORT OF HEALTH SERVICES COMMITTEE ON STATE OF KAMAHUHA
 DISPENSARY

Hon. Boniface Njihia: I beg to lay the following paper on the Assembly today Thursday June 2, 2016;-

The report of Health Services committee on state of Kamahuha dispensary NFL number 10441.

(Hon. Boniface Njihia laid the paper on the Table)

NOTICES OF MOTION

ADOPTION OF REPORT OF HEALTH SERVICES COMMITTEE REPORT ON
 ELECTED MEMBERS OF HEALTH FACILITIES COMMITTEES

Hon. Boniface Njihia: Hon. Speaker I beg to give notice of the following motion;-
 That this Assembly adopts a report by Health Services committee on elected members of health facilities committees laid on the table of the assembly on Thursday June 2nd 2016.

ADOPTION OF REPORT OF HEALTH SERVICES COMMITTEE ON STATE OF
 KAMAHUHA DISPENSARY

Hon. Boniface Njihia: Hon. Speaker I beg to give notice of the following motion;-
 That this Assembly adopts the report of Health Services committee on state of Kamahuha dispensary NFL number 10441 laid on the table of the Assembly on Thursday June 2, 2016.

Thank you Hon. Speaker.

STATEMENTS

RESPONSE ON STATUS OF MITHIINI –MUTITHI AND MITHIINI-KINOO
 BRIDGE AND KIYO NAMA-MUGUMOINI ACCESS ROAD

Hon. John Kiarie: Thank you Mr. Speaker, on behalf of the chair and the committee. I wish to give a response on the statement asked by Hon. Danson Mburu MCA Makuyu ward.

This statement was requested on November 10, 2015. The committee subjected the said statement to the County Executive Committee (CEC) and here is the response as it is contained on the file. Each member has a copy of the response in their file.

The committee received a copy of response from the CEC member in charge of transport and infrastructure development on April 27, 2016 after reminding the CEC on several occasions, the following is the response as per the questions posed. Is the chairperson aware that Mithiini- Mutithi bridge is completely damaged?

The Speaker: Can you go ahead and give the response; there is no need to repeat the question

Hon. John Kiarie: The response is, the said bridge is not completely damaged as stated (inaudible).....

The Speaker: Hon. Kariuki it is like you are going for sports

Hon. John Kiarie: The current status is that the structure surface has potholes. The second question on whether the CEC is aware that Mithiini-Kinoo bridge is in a dilapidated condition, thus hindering vehicles from accessing Kinoo primary school, yes he is aware.

The third one on whether he is aware that Kiyo Nama Mugumo-ini road is in deplorable condition, yes, the chair is aware.

On the fourth question, can the chairperson inform the Assembly when the two bridges and the said road will be repaired? This is the response, that the county executive member has requested for an imprest from the department of finance and economic planning to initiate repair of Mithiini-Mutithi and Mithiini Kinoo bridges, in regard to Kiyo Nama road, the CEC indicated that plans are underway to grade the roads once the ongoing rains subside.

In conclusion, the committee conveys its sincere apologies to Hon. Danson Mburu Muchoki for the unresolved long standing matter. This follows a long process in obtaining a satisfactory response from the CEC member transport and infrastructure. The committee is however appealing to the hon. member to patiently wait for the CEC transport and infrastructure as raised in the statement. Thank you Mr. Speaker.

Hon. Danson Mburu: As the response has been forwarded to me, I have been told to wait and an apology has been given, but Mr. Speaker the damage is still there. They have not told me when they are going to do the works in repairing the bridges in question and therefore I am not satisfied with the responses given. Thank you

Hon. John Kiarie: I would like to inform the House that the CEC member has actually requested for an imprest to do the repairs and now that the rains have subsided, we believe that the grading will be done. The only thing we can now do is give it sometime and in due time we will get some work done. Thank you Mr. Speaker

Hon Danson Mburu: Thank you Mr. Speaker, I will wait to see this happen

ADJOURNMENT

The House is adjourned until Tuesday 7th June at 9:30a.m.

The House rose at 3:09 p.m.