

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Monday, 25th September 2017

The House met at 3:06p.m.

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

PRAYERS

(Hon. Peter Mweri rose on a point of order)

Hon. Peter Mweri: Thank you Mr. Speaker, I don't know if I should be guided whether it is okay we continue with the business while members do not have files to refer to.

COMMUNICATION FROM THE CHAIR
DELAY

The Speaker (Hon. Nduati Kariuki): First of all I wish on behalf of all the secretariat to apologize for the delays in starting the Assembly and the reason is like Hon. Mweri has said that the files were not ready; why were they not ready, because suddenly after the meeting, this meeting of the committee that was supposed to meet for the business of today, our printers failed to work and the technicians did all they could to see that you have those files and those copies.

Unfortunately even now they will not be enough due to that technical hitch so we beg for you to bear with us that you might have to share some of the files and some of the documents because of that technical hitch.

This was something that was unforeseen but the secretariat and the technicians worked very hard when they discovered that our printers were not working, these are some of the things that we would say are the acts of God, this is an incident that is not normal and we do beg that you forgive us and the secretariat for that delay and for lack of having the files in good time and in sufficient in numbers. Thank you.

SPECIAL SITTING

The Speaker (Hon. Nduati Kariuki): Honorable members, this is another communication from the chair which is being repeated now.

Honorable members, this is a special sitting which has been convened for the purposes of consideration and approval of nominees for appointment to the position of County Executive Committee (CEC) members, this is pursuant to Article 139(2) (b) of the Constitution of Kenya 2010, section 8 (1) of County Governments Act 2012 and section 7(1) of Public Appointment County Assembly Act 2017 whereby the Governor through a letter dated September 15, 2017 submitted a list of six nominees for appointment to the position of County Executive Committee members as follows :

1. David Waweru Wakaba –Finance and Development Planning
2. Sarah Thecla Masaki - Land Housing and Physical Planning
3. Eunice Wanjiru Macharia – Public Service
4. Joseph Mbai - Health
5. Paul Ng'ang'a Macharia –Water and Irrigation
6. Gerishon Nyagia Reuben–Education Youth and Sport

Honorable members, pursuant to section 7(4) and (5) of Public Appointment County Assembly Approval Act 2017, the clerk moved an advertisement on a daily newspaper on Sunday 17, notifying members of the public on the time and place for the approval.

By close of business 2nd September 2017, the committee had received one submission against the approval for the appointment of the following five nominees; the nominee for the finance and development planning, the nominee for land housing and housing physical planning, the nominee for health, nominee for department public service, the nominee for education youth and sport there was no memorandum submitted in respect but the nominee of water and irrigation.

Honorable members, pursuant to section 7 (3) of the public appointment, that is Approval Act 2017, the committee on appointments conducted the vetting approval and hearing of the nominees this morning in the chambers and in presence of the members of the public and compiled a report on the same for approval by this Assembly; the report is available in the members files.

The leader of the majority shall proceed to lay the report on the table of the Assembly, give notice and then move a motion for adoption of the report.

NOTICE OF MOTION

ADOPTION OF REPORT OF APPOINTMENTS COMMITTEE AND THE APPROVAL FOR THE APPOINTMENT OF PERSONS AS THE COUNTY EXECUTIVE COMMITTEE (CEC) MEMBERS.

Hon. Erick Kimani: Thank you Mr. Speaker, I would like to lay the special motion for the approval of appointment of county executive committee members, Thank you Mr. Speaker.

(Hon. Erick Kimani laid the document on the Table)

MOTION

ADOPTION OF REPORT OF APPOINTMENTS COMMITTEE AND THE APPROVAL FOR THE APPOINTMENT OF PERSONS AS THE COUNTY EXECUTIVE COMMITTEE (CEC) MEMBERS

Hon. Erick Kimani: Thank you Mr. Speaker, that was laying; I now want to move a special motion on the approval of appointment of County Executive Committee members.

That, this House adopts the report of the select committee on appointments and the approval herein for the appointment of persons as the County Executive Committee (CEC) members.

Pursuant to Article 179 (2) (b) section 35 of County Governments Act (CGA) no.17 of 2012 and section 4 of Public Appointment (County Assembly Approval) Act number 5 of 2017, approval on the appointment of:

1. David Waweru Wakaba- CEC member, Finance and Economic Planning
2. Sarah Thecla Masaki – CEC member, Land Housing and Physical Planning
3. Joseph Mbai – CEC member , Health
4. Eunice Nyambura Macharia-CEC member, Public Service
5. Paul Ng'ang'a Macharia- CEC member ,Water and Irrigation
6. Gerishon Nyagia Reuben- CEC member, Education, Youth and Sports

Mr. Speaker, the committee on appointments was approved by the House in the last sitting.

The committee met this morning to make some interviews to vet the six nominees forwarded by the office of the governor to be approved by this House to carry out the mandate that I have just read.

Pursuant to Article 179 (2) (b) of Constitution of Kenya 2010, section 8 (1) of CGA 2012 and section 7 (1) of Public Appointments Act 2017, the committee on appointments conducted vetting of six nominees for public appointment to the position of six CEC members.

Terms of reference of the committee are report findings of the vetting of the six nominees for public appointment the position of CEC members, to recommit the approval or disapproval of the nominees to the positions of CEC members. Those members who have the report with them can see the membership of the committee consisting of:

1. Leonard Nduati Kariuki
2. Erick Kamande Kimani

3. Sospeter Nyoko
4. Gerald Wambugu
5. Cathryn Wanjiku
6. Jane Wanjiru Muigai
7. Pelagiah Muthoni

Honorable Speaker, if you allow me I can go through the mandate of the committees stated in the standing orders 1 (2); the committee on appointments is in standing order 198 as follows:

1. There shall be a select committee to be designated committee on appointments to be appointed by the Assembly, consisting of the Speaker as the chairperson, leader of the majority party, leader of the minority party and not more than six others members nominated by the House Business Committee, on the basis of proportional party membership in the Assembly taking into consideration the numerical strength of the parties and interest of independent members.
2. The committee on appointments shall be appointed within seven days on assembly of a new Assembly and shall serve for period of three years and that appointed thereafter shall serve for the remainder of the term of Assembly.
3. In the absence of the Speaker, the committee shall elect a member, from among its members to chair the meetings.
4. The committee on appointments shall consider, for approval by the Assembly, appointment under Article 179 (2) (Members of County Executive Committees)
5. The quorum of the committee on appointments shall be one half of the members of the committee, but the speaker shall not be counted and shall not vote.

The committee on appointments upon approval went for the induction course so that they may learn how to carry out their mandate. After the induction of the committee, the committee sat today to vet the nominees who were forwarded by the office of the governor this morning.

I must thank the members of the committee for their commitment; they were here early in the morning. Members of the committee did an excellent job by vetting the nominees and coming up with a report that is in members files.

I must also salute your good office for the commendable work; you have been very concerned in ensuring that the Assembly meets the deadline today, this is because after the first sitting in the Assembly, after 21 days, the House must approve the CEC members who will carry the mandate of the executive.

I must also thank the office of the clerk because of their commitment; they prepared many documents and also the good keeping of the documents for the nominees; the members of appointments committee were able to go through the documents of the nominees this morning.

Mr. Speaker, the nominees who were vetted by the committee this morning were found to have more information and knowledge on the department they were nominated to carry out their mandate.

David Waweru Wakaba, the nominee in the department of finance where he was acting in the last government, the nominee convinced the committee on how best he will undertake his mandate in that department.

The nominee number two, Sarah Thecla Masaki who is nominee for the Land, Housing and Physical planning also convinced members fully. Also by the virtue of being a former CEC member in the previous county government, she convinced and satisfied the committee on how best she is going to improve services to the Wanjiku in our county; the members approved her at the committee level.

Joseph Mbai, the nominee member for Health department also convinced the committee due to his vast knowledge in the department of health as well as the virtue of being a Chief Officer for the health department.

The other one is Eunice Nyambura Macharia, an executive nominee for public service; she was also the CEC member for public service in the former government. She convinced the committee on how best she is going to carry out her duties. Her Curriculum Vitae and other document were also very clear; the said Eunice Nyambura is qualified for that position.

The nominee Paul Macharia, member for Water and Irrigation also satisfied the committee due to his vast knowledge on how best he can undertake issues of water and irrigation; to an extent he promised the committee he will give water to every household in this county; the members found him fit for that position.

Gerishon Nyagia, member nominee for Education, Youth and Sports also satisfied the committee by virtue of being a member of executive in the last government in the department of education.

I wish not to go through the report since members have the report with them, if there is any clarification members need, they can go through it. I do not want to go through the academic qualifications and profession.

After members went through the information given by those nominees, the committee came up with recommendations which are page in number 44 of the document.

Pursuant to Article No. 179 (2) (b) of the Constitution and standing order 198 (4), that the County Assembly adopts the report of the committee and approves the

nomination of the person nominated by His Excellency the governor for the CEC members of the following departments:

1. David Waweru Wakaba- CECM, Finance and Economic Planning
2. Sarah Thecla Masaki – CECM, Land Housing and Physical Planning
3. Joseph Mbai – CECM, Health
4. Eunice Nyambura Macharia-CECM Public Service
5. Paul Ng'ang'a Macharia- CECM water and Irrigation
6. Gerishon Nyagia Reuben- CECM Education, Youth and Sports

Mr. Speaker, before I call one member of appointments committee to second my motion, it is also good to state there was an affidavit that was presented by one member of the public.

After his presentation on the issues that were related to every nominee, the nominees were given sometime to clear the air on the issues that were raised in the affidavit. After that, the committee found no grounds pertaining to the issues that were raised by that member of the public, the committee went ahead and came up with those resolutions.

I call upon whole House to approve the nominees so that we can keep the county running for the benefit of the people who elected us. I now call upon hon. Pelagiah Muthoni to second the motion. Thank you.

Hon. Pelagiah Muthoni: Thank you Mr. Speaker, I would want to take this opportunity to thank the committee on appointments for their time and the work they did this morning.

It was not easy to vet the six nominees, but they did a good a job, the reason we are having the report before us.

We need men and women of substance to serve our county and take it to a higher level. That is why we have a report for the six nominees for the betterment of our county. I would like to second the motion.

(Question proposed)

Hon. Caroline Njoro: I rise to support the motion before us. I wish to congratulate the committee on appointments for their commitment in undertaking such a tedious task to have the nominees vetted and for us to have a report at this time of the day.

We are told that experience is the best teacher, having been a member of this House; I have worked with almost all the CEC's that were being vetted, I can tell that the county will run well with such people in the executive. For the county to run well, we need to have the executive in place.

As a former ward representative, I know the members are being asked by the members of the public to work for them regarding bursaries, roads and water. The money will continue lying in the executive when we do not have people to execute this work.

I want to stand here in front of this House and tell these members that if we want to work for our people, we must have the members of the executive in charge, we must have the members in charge of education who ensured that in the past regime, and it ran well being a humble man. I am sure some members here are aware of how committed Mr. Nyagia is and with this department combined with youth and sports, I am sure it will run well.

It is commendable that there are gender considerations, there are ladies of substance; Sarah Masaki is a lady that I know who is committed on issues to do with land. When the governor came for the Assembly opening he looked at the issues that she had addressed.

Eunice Nyambura Macharia is a committed lady with experience, she offered a lot of support to the former regime, I was a member of the committee and I can attest to that.

Joseph Mbai, Mr. Speaker, we are lucky to have this man in place. In the last Assembly we lobbied and requested the Governor to have the Chief Officer in charge of the department because the one who was in charge of the department of health was not able to offer us support like the way this man committed himself. I can attest that this man offered a lot of support.

I remember one of us lost a loved one over the weekend, I referred her to this man and he assisted. I am sure such a person in the department will help; he ensured we had a dispensary in my ward and is always willing to respond at any time.

Paul Ng'ang'a Macharia is a young man from our county, he has worked with the Chairman Equity Bank, he delivered. The Beyond zero initiative that he initiated in the county went on very well.

David Waweru Wakaba, it is until he came to this department of finance that we were able to get our funds in good time. We cannot run the county without money; he was able to deliver without any financial complaints.

If we want our county to move ahead, I urge the members to put everything aside and have the members in place so that we will be able to execute what we promised our people. Even the governor cannot execute anything without the executive in place.

I request the members to support this report. I recommend the work done by the appointments committee. I support.

Hon Lilian Kabaya: I wish to congratulate the committee on appointments for the detailed report that they have presented, however, as you can see, this is a 46 page document, in future we would request to have time to peruse the report so that if there are any questions we can have enough time to question the committee. Thank you Mr. Speaker.

Hon. Peter Mweri: I stand to support the report and congratulate the majority leader and the entire committee for a very good detailed report.

During the last Assembly we did not have such good reports. As the majority had said we had a deadline after the swearing in and it is good that we have met the deadline. As the honorable member has said, I think there was some rush, we need enough time for members to peruse and raise issues.

I have worked with most of the members who were vetted, I know they are good people especially people like Mbai who are available every hour and Ms. Masaki who has done a very good job. It is also good that the governor has promoted them from within.

I remember Ms. Masaki was promoted within and so is Mbai, however, it is good for the majority leader through consultations with the governor, since these are not the only departments that we have, there is trade, environment and others, and we need the gaps filled to ensure all the departments kick off.

Mr. Speaker, I happy that the committee on appointments had gone for induction and I request the other members to be inducted since they do not know how to transact this business

(Applause)

This is the high time to induct the members before the 4th to ensure the members are well informed. It is good that we will have these members starting off the department so that we can keep running.

Hon. Sospeter Nyoko: I stand to support, we came here early, vetted these people, we say they are qualified, they have the experience, and I would humbly request the honorable members to support.

Hon. Daniel Chege: I, like most members of this House have no background in legislation; consequently, I am finding it hard to engage effectively on the motion on the floor of this House, the motion of approving the members of the county executives.

I commend the job done by the appointments committee for meeting the deadline.

I express my concern; in your speeches to this Assembly, which are endowed in wisdom, you have brought it to our attention that this House has earned a rare reputation because of how it conducts its business. Lacking any background in

legislation, if the House approves the members as stated and we do not have skills, it will put a dent to our reputation.

We need time to investigate the list so that we can come up with the quality of work that the House has been associated with. I urge that we borrow a leaf from our national counterparts who have conducted a comprehensive training this month, they named it, 'setting the stage for the 12th parliament in preparation for a smooth take off.'

I humbly request we copy them so that we can make decision based on information not ignorance. I come from a society that has an old proverb that says knowledge before strength and I would like we borrow from that, therefore, in those wise words and therefore recalling from the speech of our Honorable Governor Mwangi Wa Iria when he was addressing this House last week, he stated that he need not to start the House on the wrong foot, therefore, with these wise words, I would humbly urge the leader of majority, the clerk of the Assembly, our Speaker and any other administrative relevant body in this Assembly to organize for a comprehensive induction of all the members in this House so that we may be taken through the relevant constitution mandates that are required such as House business, committee, standing orders and how to formulate laws so that whatever we will produce will be of quality.

I have seen in the past the product of the assemblies being exposed to the public and be overturned by the court of law for being termed as unconstitutional hence not meeting the thresh hold required by the legal department.

I would like to express my concern if there exists any law that is providing for an extension of this approval that it be invoked from your docket Mr. Speaker to allow the members to effectively peruse through this well prepared document of 46 pages. Therefore, my vote for this is I beg for postponement of the approval.

Hon. Gerald Wambugu: Honorable members, being one of the appointed committee member, we were here very early in the morning and we met all the nominees who went through legal process and actually from the list that we were given from the office of the governor all the names were the names of the executive members that were in place during the last government and I would urge members because the supreme power belongs to the people and the same Wanjiku re-elected the government of Mwangi wa Iria and because of the good work, we must put into consideration that the work was done correctly by those members. So I would urge this House to adopt this report as it is for the continuity of this county. Thank you.

The Speaker (Hon. Nduati Kariuki): Some points that are important have been raised by certain members and due to legal limitations of this procedure, I will ask the mover to respond so that we can also respond to the points that has been raised.

Hon. Erick Kimani: First I would wish to respond to the issues that were raised by Honorable Chege from Ruchu; the committee on appointment which was put in place and was approved by this House last week was given the full mandate to vet the nominees and come up with the report.

I understand that there is a need for all members to be inducted so that they can as well learn how to run the business of the Assembly, however, having in mind that the Assembly wished not to bend any law and after 21 days after the first sitting of the Assembly we need to come up with the nominees, vet and adopt them in the House and today being the last of the 21 days since the first sitting of the Assembly, we need to pass this and I would plead with all Honorable members and I am very sure that many will agree with me like; Honorable Mweri, Carol that even during the last Assembly, even if we went for several inductions trainings, not all members were able to know how to run the business of the Assembly, even in the third year.

I would encourage Honorable members been very happy that some of the members who haven't been inducted are able to catch up, I think that's the best education and training that we are undergoing right now.

If we can pass this nominees so that we can kick off and start the running of the executive so that in near future because I'm very sure we might not have any sitting in a week or three weeks to come and we still need to have the county running, I plead and request Honorable members we pass these nominees to undergo inductions and training.

We have other nominees as Honorable Mweri has just raised that issue, it is a concern for me to respond to, I'm sure the Governor will bring the other nominees to be vetted by the Assembly. We are not doing this under ignorance and I very sure that will undergo inductions, pass motions, participate in making bills etc. and Honorable Chege trust me as you have requested that we will organize for the induction courses ,that will happen msheshimiwa and every member will have information how to run this business.

I am very grateful for those members and I know all of you members you have agreed with the report and will pass the report. We will make sure that before long we are going to have the inductions and workshops for members to learn on how to go about or to do businesses in the House. Thank you members and God bless you.

(Question put and agreed to.)

ADJOURNMENT

The Speaker (Hon. Nduati Kariuki): There being no other business, the House is now adjourned until further notice but the secretariat will be in touch with Honorable members on various activities that will be conducted for the time being until the House reconvenes. Thank you very much

The House rose at 4:09p.m.