

**MURANG'A COUNTY ASSEMBLY****THE HANSARD**

Wednesday, 3<sup>rd</sup> September, 2014

The House met at 2:36 p.m.

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

**PRAYERS****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, on Monday this week, the County Assembly Forum held a meeting and formed a Technical Committee on Referendum Issues, which consists of 47 members from all the Counties to go and restructure the response of the County Assemblies on referendum matters.

I just want to inform the members that a committee of 15 members was elected. One of our members, Hon JK Ngugi, was among those elected from all over the Country to do this important task.

*(Applause)*

We expect the committee, together with the Executive, to present their response on the matter before us. In order to enrich the contribution, I request anybody with the views or a

matter that he/she thinks should be considered in changing the Constitution which does not necessary mean going for a referendum to present a memorandum.

It is felt that there are certain things in the Constitution that could be changed and this is the right time. Anybody with views particularly on matters that are necessary in order to enrich and support devolution should present a memorandum to the Speaker for onward transmission to this team so that his or her views can be included in the final document.

Hon. Members, I hope you will give Hon. JK Ngugi all the support required for them to come up with a document that the nation will truly be proud of.

Thank you very much.

### **NOTICE OF MOTION**

#### **RECRUITMENT OF FIRE FIGHTING PERSONNEL**

**Hon. Charles Karina:** Thank you Mr. Speaker. I wish to give notice of the following Motion;

**AWARE** that business people in Murang'a Town experienced a fire tragedy on August 22, 2014 leading to losses of millions of shillings, cognizant of the fact that the County Government is in the process of procuring fire fighting vehicles to manage such disasters; this House urges the County Executive Member for Public Service to conduct a recruitment and induction exercise for staff who will be competent to operate fire fighting machines upon acquisition by the County Government.

Thank you, Mr Speaker.

## FLOOD LIGHTS MAINTENANCE

**Hon. Charles Karina:** Thank you Mr. Speaker, I wish to give notice of the following Motion;

**AWARE** that infrastructure is a devolved function as stipulated in Part Two of the Fourth Schedule of the Constitution of Kenya, 2010, further recognizing that the Department of Infrastructure in Murang'a County is installing floodlights, cognizant of the fact that the lights are prone to malfunctions and vandalism; this House urges the County Executive Member for Infrastructure to establish a maintenance department to ensure that the installed floodlights are routinely serviced whenever they are faulty.

Thank you, Mr Speaker.

## STATEMENTS

### STATE OF COMMUNITY HEALTH WORKERS

**Hon. Mary Waithera:** Thank you Mr Speaker Sir. I wish to request for the following Statement;

Pursuant to the Standing Order 41 (2) (c), I hereby wish to request for a Statement from the Chairperson Health and Water Services Committee on the following:-

1. How many Community Health Workers are employed by the Department of Health Services and their distribution per ward?

2. Details of their terms and conditions of Service including salary structure and supervision.

3. Provide a copy of the Community Health Policy.

4. Provide a copy of the Community Health Plan.

Thank you, Mr Speaker, Sir.

**Hon. Speaker:** Hon. Njihia?

**Hon. Boniface Njihia:** Thank you Hon. Mary Waithera. On your concern regarding Community Health Workers, I have engaged the CEC and she has told me that they have not distributed the Community Health Workers per Wards, but she is working on it. She requests for seven working days so that she can respond to this Assembly.

Thank you, Mr. Speaker Sir.

**Hon. Mary Waithera:** Mr Speaker, Sir, I want to appreciate what the Hon. Member as the Chair for that Committee has said. I am ready to wait for the seven days bearing in mind there is a Statement I had given here on the same and from the answer that was provided, there was nothing of the sort on the ground.

I hope the answer that will be brought after the seven days is what is on the ground with the Community Health Workers.

RESPONSE TO A STATEMENT ON REHABILITATED AND CONSTRUCTED  
MARKETS IN FY 2013/2014

**Hon. Charles Kirigwi:** I wish to respond to a Request for Statement by Hon. Bernard Wanyoike on the following:-

He had requested for a Statement on the markets that have been constructed or rehabilitated in the financial year 2013/2014. Kahuro market was fenced with a perimeter stone wall and the following markets were also earmarked for rehabilitation. They include Ndunyu ya Chege, Muthithi, Maragua and Kahuro. They are awaiting award of tender.

Two, he had requested for the plans which the CEC has for markets in this financial year and he responded that in this financial year of 2014/2015, the budget for markets rehabilitation and construction is 70 million.

The department has proposed to rehabilitate one market per Ward as circulated to all the Members of the County Assembly. I believe that all the members have seen it in their email. Each Ward has one earmarked market project as circulated. This will be done on need basis and three markets have so far been selected for the first phase as follows: Kangari, Kaguku and SabaSaba markets.

Three, he had also requested whether the CEC can allocate funds to every Ward to rehabilitate the abandoned markets. The CEC responded as follows; the issue of allocation of funds for every Ward has been captured in the plan for rehabilitation of markets in this financial year. We, therefore, have one market per Ward scheduled for rehabilitation as per the plan circulated to the members of the County Assembly through the email.

Four, is the CEC aware of the progress so far for establishment of Kariuwa Market and Ngurwe-ini Market?

The response is that for Ngurwe-ini and Kariuwa Markets, there were no proposals for rehabilitation. The plan was to allocate days for open air markets in both areas and this was done. But the response was poor even after giving them a three month incentive of operating without paying town market fees.

Thank you, Mr. Speaker.

**Hon. Speaker:** Next order!

CONTINUATION OF THE DEFERRED ORDER ON THE ANNUAL REPORT OF  
DELEGATED COUNTY LEGISLATION

**Hon. Joseph Ndung'u:** Thank you, Mr. Speaker, Sir. I am the MCA, Ichagaki Ward in Maragwa Sub-County.

Mr. Speaker, Sir, there was a time I was to read the annual report in the House. Unfortunately, I was cut short by time and I was to continue yesterday. It was, however, deferred to today.

I wish to, now, bring the Motion on the Annual Progress Report of the Delegated County Legislation.

The Delegated County Legislation is under Standing Order number 190 whereby we have been given the mandate of looking into the rules and regulations and the statutory instruments which have been delegated to our County. The committee has really worked on the same.

Amongst the delegated legislation which has been brought to us, Mr. Speaker, Sir, is on the Commission on Implementation of the Constitution (CIC), whereby there were some recommendations that we had made in the committee to be looked into by the Procedure and Rules Committee. They are in your files.

There was another legislation which had been brought to us for the bursary. We had found it good and proposed that, since the MCA had nothing else to do except coming up with the committee to look into the bursary matters in the Ward, to include that the MCA should be the patron of the Bursary Committee so that he/she can be in a position to work well in his or her oversight role in the running of the bursary issue.

The other issue that we had done is the issue of alcohol regulations. In your files, you will see some of the proposed matters, like that of hiking some of the fees, especially in the wines and spirits. It is there in your files, so I don't have to repeat.

Mr. Speaker, I will directly now go to the recommendations which we have made through the committee.

Recommendation number one is that, immediately after a Bill is accented to become an Act, the County Executive Member should formulate regulations to the Act and submit it to the Assembly as a paper upon which the delegated legislation will stand committed to the Committee on Delegated County Legislation for scrutiny.

Like now, you see that there were no regulations which were brought to us on the Murang'a County Ward Development Fund Act. That is why we recommended that there

must be regulations on any regulation that has been made so that we can check whether the directive that has been given is in line with the Constitution.

The other example is on the on-going projects by the Governor, like the Cow Ownership Program, and the Sports Buses, where we need to have regulations so that we check whether they are in line with the Constitution so as to work well without any conflicts.

The other recommendation was that the County Executive Committee Member and the Governor should make regulations for the projects. I have done that one.

Number three, the County Executive or the County Assembly Sectorial Committees should endeavour to come up with Acts with provisions of delegated legislation to provide a legal framework and regulations of various projects. For example, the cooperatives being supported by the County Government should have legislation and provision of delegated legislation contained in the Act to allow for regulations of cooperatives. I had explained about that one.

*(Hon. Charles Kirigwi rose on a point of order)*

**Hon. Charles Kirigwi:** Pursuant to some provisions of the Standing Orders, is it in order for the Hon. Member of Ichagaki to read the report that he is tabling in the Assembly?

**Hon. Speaker:** It is not in order! What you do is summarise from your own notes.

**Hon. Joseph Ndung'u:** Thank you, Mr. Speaker, Sir. I was just about to finish.

*(Laughter)*

Not really reading.



**Hon. Speaker:** You can use it as your notes.

**Hon. Joseph Ndung'u:** Yes. But now that you have this in your files, I really don't need to read what is written there. I request the Hon. House to adopt the Annual Progress Report as it is in their files.

I request Hon. Bernard Wanyoike to second the County Delegated Report. Thank you.

**Hon. Bernard Kariuki:** Thank you, Mr. Speaker. I wish to take this opportunity to second this Motion to adopt the Report of the Committee.

I inform this House that the recommendations by this committee are very important. They are very far reaching in that we have recommended that the Executive should make sure that they streamline the activities they are doing by way of bringing regulations to this House for adoption so that we, the Assembly, can also own what the Executive is doing.

So, with those few remarks, Mr. Speaker, I second. Thank you.

**Hon. Speaker:** Thank you. I will now read the Motion.

*(Question proposed)*

**Hon. Peter Kariuki:** Thank you, Mr. Speaker, Sir. I wish to contribute on the adoption of this report. I am supporting it because in order for the Members of the County Assembly and the Executive to work without any collision, we should have regulations which should be guiding us.

If we will not have the regulations, you will always hear of conflicts within the County. But when we have something which will be guiding us, things will work well. That is why even God, even though I am not preaching, gave us the 10 commandments to follow.

Thank you.

**Hon. Charles Kirigwi:** Thank you, Mr. Speaker. I also thank the committee for its good work. I also think that, as a government, we need to move forward on their recommendations, especially the one in bullet one; touching on ward development and the scholarship.

The other day I saw, and it was sent to all the members, the response from the County Secretary saying that the Ward Development Fund Act has not been accented to by the Governor because of some provisions. They were citing some conflicts. I think it is good that we let these recommendations go to them and they act fast so that everything is streamlined.

Thank you, Mr. Speaker.

**Hon. Speaker:** I ask the Mover to respond.

**Hon. Joseph Ndungu:** Thank you, Mr. Speaker and the whole House at large for supporting the Annual Progress Report. Mr. Speaker, as you have seen, members have not really contributed much on the same. It is because they have gone through the documents and I know they have seen the good work that we have been doing, especially on Alcohol regulations. With that, I wish to thank you all- the Hon. House members- because you have shown that you are going to support the report.

Thank you.

**Hon. Speaker:** I will now put the question.

*(Question put and agreed to)*

ADOPTION OF THE REPORT OF HEALTH AND WATER SERVICE COMMITTEE ON  
THE ELECTION OF HON. JAMES KAGONI AS THE VICE CHAIR

**Hon. Boniface Njihia:** Mr. Speaker, Sir, I beg to move the following Motion;

That the Report on the Election of Hon. James B. Kagoni as the Vice Chair of Health and Water Service Committee be adopted by this House.

Hon. Speaker, we have been operating with a vacuum in the Committee of Health due to lack of a Vice Chair in that committee. Whenever we are operating our business in the committee, it has become so hard to work without a Vice Chair who can act as the Chair whenever the Chair is not around.

So, the members of my committee felt it good to hold an election so that we could elect a Vice Chair who may be conducting the business whenever the Chair is engaged in another business of this House.

There was no other contestant who vied for the same. Members agreed unanimously that they were going to give that Chair to Hon. James Kagoni. I would like to thank the Office of the Speaker, and the Office of the Clerk for giving the committee that right to hold an election. I also thank the members of my committee for electing the Hon. James Kagoni.

I also urge the whole House to recommend Hon. Kagoni to be the Vice Chair of my committee. I do beg to table that Motion. I beg the Hon. Rosemary Njine to second my Motion.

Thank you Mr. Speaker, Sir.

**Hon. Rosemary Wakuthii:** Thank you Mr. Speaker Sir. I am the M.C.A representing Gatari Ward. I rise to second the Motion for adoption because we have a young person, who has stamina in himself; who has fully dedicated himself to this committee and has committed himself that he will be able to serve us well. I personally have observed that and I have recommended him for his commitment. So, I am here to second that.

**Hon Speaker:** I will now read the Motion; that the report on the Election of Hon. James B. Kagoni as the Vice Chairperson for Health and Water Service Committee be adopted by the House.

Hon. Members this is not an ordinary Motion; this is a recommendation by one of our committees to appoint one of their own as the Vice Chairperson. It is not normal to discuss Hon. Members in the Assembly. There will be no discussion on this Motion. It is for this House to either accept, or, refuse to adopt the recommendation.

So, I will go ahead and put the Motion.

*(Question put and agreed to)*

*(Applause)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business, the House is adjourned until tomorrow at 2:30 p.m. I would like to remind the Hon. Members of what I said during my Chair statement. I shall expect to get your inputs in the matters raised.

The House rose at 3:11 p.m.