

MURANGA COUNTY ASSEMBLY THE HANSARD

Wednesday 11th February 2014.

1st Assembly, 3rd Session

The House met at 2:33 p.m.

(Temporary Speaker Hon. Bernard Kariuki in the Chair)

PRAYERS

PETITIONS

Honorable members, pursuant to Standing Order 204(b) I wish to communicate that on 22nd Day of December 2014, the assembly received a petition signed by 8 health workers previously employed by the Economic Stimulus Programme and seconded to the Murang'a County government. The Petitioners had sought the intervention of the assembly by involving the concerned parties, The Ministry of Health, Public Service and Finance through the respective Executives to

- a) Have the health workers absorbed in permanent and pensionable terms
- b) Have all; the pending allowances for those staff paid immediately
- c) Harmonize health Worker salaries as per their respective scales of the workers on permanent and pensionable terms

However, on February 3rd 2015, the committee invited the petitioners for hearing and established that the matter was subjudice hence could not be deliberated upon since the interim orders of Injunction had been issued by the employment and labor relations court of Kenya at Nairobi, petition number 12 of 2015, So Honorable members that is the communication I had to make in relation to that petition.

PAPERS

FISCAL YEAR 2014/2015 1ST QUARTER BUDGET IMPLEMENTATION REVIEW REPORT

(Hon. Peter Mweri was not in the Chamber)

Temporary Speaker: (Hon. Bernard Kariuki): Honorable member for Gitugi, you are a member of the budget committee, are you taking leave for the Chair

Hon Duncan Njuguna: Thank you Mr. Speaker, On behalf of the Chair budget and Appropriations committee, Mr. Speaker I beg to lay on the table the Fiscal year 2014/2015 1ST Quarter budget implementation Review report today 11th February 2015.

TRANSITION AUTHORITY ANNUAL REPORT FOR THE FY 2013/2014.

(Hon. Jesse Mburu was not in the Chamber)

Hon Dishon Wandia: On behalf of the Chair, I hereby lay the Transition Authority Annual report for the FY 2013/2014.

REPORT OF THE LAND, HOUSING, PHYSICAL PLANNING AND SETTLEMENT COMMITTEES ON A VISIT TO GAKUNGU MARKET IN MAKUYU WARD.

Hon Duncan. Njuguna: I beg to lay the following paper on the table of the House, the report of the Land, Housing, Physical Planning and Settlement committees on a visit to Gakungu Market in Makuyu Ward.

REPORT OF THE LAND, HOUSING, PHYSICAL PLANNING AND SETTLEMENT COMMITTEE ON A VISIT TO CIUMBU MARKET IN MAKUYU WARD

Hon. Duncan Njuguna: Once again, I beg to lay the following paper on the table of the House, the report of the Land, Housing, Physical Planning and Settlement committee on a visit to Ciumbu Market in Makuyu ward

STATEMENTS

Hon: Joseph Machiri: I hereby request for statement from the Chairperson Finance and Economic Planning on the following;-

1. When were the Contracts for FY 2013/2014 and 2014/2015 awarded by the county executive?
2. When did the contractors finalize their contracts and the certificates issued?
3. The dates when the contractors were paid or to be paid

(Hon Charles Kirigwi rose on a point of order)

Temporary Speaker (Hon. Bernard Kariuki): What is the point of order Member for Kinyona?

Hon. Charles Kirigwi: Mr. Speaker is it in order for the Hon .member for Kamacharia to insert words that are not in the order paper because I have heard words like certificates and I cannot find that from what I have.

Temporary Speaker: (Hon. Bernard Kariuki): The Honourable member for Kamacharia will be granted that leave because he is inserting words that are relevant to the question because when you talk of finalising a contract, you will accept a certificate, It is also not Mandatory that the statement is usually written, it is for the chair to write what is being sought, that is the liberty that the questioner will always have. Continue member for Kamacharia

Hon. Joseph Machiri: Thank you for covering that Mr Speaker, all the same we have to expound on the issues at the end of the day because we are not limited to the questions stated here

The fourth question is which criteria was used for payment, was it on first come first served basis. Thank you Mr Speaker.

Temporary Speaker: (Hon. Bernard Kariuki): Chair for Finance and planning

Hon. Samuel Wandia: I would appreciate that we be given 14 days in which we will respond.

Temporary Speaker: (Hon. Bernard Kariuki): Member for Kamacharia are you comfortable with 14 days?

Hon. Joseph Machiri: Yes, but for purpose of clarity i wish the committee can come to this house with a comprehensive statement on that matter.

Temporary Speaker: (Hon. Bernard Kariuki): Chair for Finance, 14days from now, you commit yourself considering the weighty issues that you are about to address.14days

Hon Samuel Wandia: Yes Mr Speaker, we will ensure that we give the House a comprehensive answer

Temporary Speaker: (Hon. Bernard Kariuki): Very well 14 days. Next order.

MOTIONS

ADOPTION OF THE REPORT OF THE WATER, ENERGY, FORESTRY, ENVIRONMENT, NATURAL RESOURCES AND COOPERATIVE MANAGEMENT COMMITTEE, ON VETTING OF THE NOMINEE TO THE POSITION OF CHIEF OFFICER, ENVIRONMENT AND NATURAL RESOUR.CES (DAMARIS WAIRIMU MAINA)

Hon Joseph Machiri: I beg to move the following motion that;-

That; this Assembly adopts the report of the Water, Energy, Forestry, Environment, Natural Resources and Cooperative Management Committee, on vetting of the nominee to the position of Chief Officer, Environment and Natural Resources (Damaris Wairimu Maina), laid on the table of this House today, February 10, 2015.

Mr Speaker, this committee is mandated to do the following by the Constitution of Kenya, the standing orders of this House and the copies of this report are in the files of the members if I am not wrong, I can be corrected and if they are not in the file, I think they were emailed to the respective members tablets.

Therefore Mr. Speaker, I would like to go to page 4 so that I can go through the mandate of the committee. On behalf of the departmental committee of Energy, water forestry, environment, Natural Resources and Cooperatives and pursuant to Standing Order number 46, sub article 1, 3, 4, it is my pleasure and duty to present to the Assembly

the committee report on the vetting of the Chief Officer for the department of Environment and Natural Resources.

The committee members were ten, and the mandate of the committee and if may allow me Mr Speaker are ten and if a can go through them; to deal with all matters related to implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution,

The other one Mr. Speaker because it is a key one is to vet and report all appointments where the Constitution or any law requires the County Assembly to approve except those under Standing Order number 188, committee of appointments.

Ten, is to make reports to the Assembly as often as possible including proposed legislation

Mr Speaker sir, pursuant to Section 45 sub section 1 of the County Government Act, the Governor through the County Secretary forwarded to the Clerk of the County Assembly the name of the following nominee vide a letter dated 22nd January 2015, for vetting by the committee of water, energy, forestry, environment, natural resources and cooperative management and consideration for approval by the County Assembly for appointment as a chief officer.

The committee had a rigorous vetting, almost about four hours which we went through, it was very comprehensive Mr. Speaker and we found that the academic qualifications of Damaris Wairimu were very much okay, employment record was okay, professional affiliations were okay, potential conflict of interest was okay, knowledge of relevant subject was okay, tax compliance was not okay because the certificate had already expired, integrity, on the issue of certificate of good conduct had also expired but there was anomaly on part of the service board whereby they never scrutinized the documents properly whereby there was an oversight on the issue on the certificate of good conduct and tax compliant certificate.

Therefore Mr. Speaker as a committee we found that Damaris Wairimu Maina who appeared before the committee on 4th February 2015 at 10:00 a.m. and submitted all the questionnaires (Annex 2 form), the chair informed her that the committee had not received any memoranda in her support or against her from the public.

The nominee informed the committee that one; she holds a master's degree in environment science in pollution control monitoring and management from university of Venda in South Africa.

Two, she holds Bachelor of science degree in biology and chemistry from Moi University. Three, she is currently working with NEMA as environmental officer I based in Nairobi.

Four, previously she worked with ministry of water and irrigation as a water quality and pollution control officer. She worked as a research assistant in the department of ecology and human management at the University of Venda in South Africa from May 2005 to December 2007.

She worked as quality control / assurance chemist with Infusion Kenya limited from October 2000 to September 2004. She has several years of experience in environmental monitoring, conservation and management.

She was awarded an excellence award by Kenya Chemicals Society in Moi university branch for her exemplary performance in chemistry as a course unit.

She was a lead environmental expert with NEMA in 2010.

She published a report on occurrence and fate of trade metals in and around treatment and disposals sites / facilities in Limpopo province in South Africa.

Eleven, she has never been dismissed or otherwise removed from office for contravening of provisions of Article 75 of the Constitution.

Twelve, she has never been adversely associated with practices that depict bias, favouritism, nepotism, in discharge of her public duties.

She has no deferred income/ delayed income. Gross salary was 103, 000 shillings her sources in one year consolidated NEMA salary for 2014. She is tax compliant (annex 10), she is valued at 3 million. She had not conducted any pro-bono or charity work and donations, she has never been charged in a court of law.

After a thorough vetting exercise the committee came up with the following recommendations and observations for Damaris Wairimu Maina.

She is well-qualified and knowledgeable but lacks leadership qualities. Two, she does not seem to be passionate on matters of environment but with enough support and guidance from the concerned County Executive Committee member she can perform.

She is humble and not ignorant as she advocates and believes in dialogue especially in matters relating to environment.

Four, her compliance certificate from the CID had expired for a period of one year as she got it on June 6, 2013 and she has not renewed the same since then, the committee notes lack of vigilance on the part of County Public Service Board as they did not note this anomaly.

Five, her clearance certificate from Ethics and Anti-Corruption has also expired as she got it on June 19th 2013 and has not renewed the same since then. This anomaly should have been noted by the County Public Service Board while interviewing the nominee.

Six, she needs further training and exposure in matters of leadership and management.

Pursuant to Article seven of Public Appointments County Assembly Approval Act, the committee found Miss Damaris Wairimu Maina suitable and recommended her to be appointed as the chief officer department of environment, natural resources in the county government of Murang'a.

I do request this hon. House to approve Miss Damaris Wairimu Maina for this position though there was a bit of anomalies about the expiry of the certificate of good conduct but she had a receipt for the same though she applied late. The other one was certificate for ethics but she will bring that one later. I request this Hon. House to approve that lady for that position.

Temporary Speaker (Hon. Bernard Kariuki): seconder

Hon. Joseph Machiri: Seconder is Hon. Duncan Mwangi.

Hon. Duncan Njuguna: I do second appointment of Damaris Wairimu Maina, thank you.

(Question proposed)

Hon. James Kagoni: Thank you Mr. Speaker, I stand to support the approval of Damaris Wairimu Maina to the office she has been nominated to.

I have previously interacted with that lady and true to what the chairman of the committee has said she is a very technical person specifically in that area of environment, pollution management and related areas.

She has quite a wide exposure her personality might depict her like a very aggressive person but the moment you work with her you realize she is actually cool someone whom you do not push to work.

She is very cautious when it comes to the environmental management, sometime back when I was speaking with her she was very keen on how we were handling our waste and litter bins. She was really keen and sometimes she would move to the neighbours and just request them to be a bit conscious about how they are handling the waste. It tells you what kind of a person she is.

The good thing about her is that even when she was working with NEMA she has worked in Murang'a and so since she is been nominated to be a chief officer she is not new in this place, she is able to work from day one and she is able to coordinate very easily, she is not someone when you mention Kangema or Kangari and she does not really connect where is that. This is someone who has worked with NEMA and she knows NEMA very well.

Recently when we had the issue of the Northern Water Tunnel when the members wanted to make their objections to the NEMA she is the lady who assisted us to receive the objection on December 23rd 2014 in Nairobi because that is where she is working.

She is very passionate about issues in Murang'a and how Murang'a can really grow and for that reason I am standing here to support her and to support the motion that she be nominated, thank you Mr. Speaker.

Temporary Speaker (Bernard Kariuki): Hon. Kirigwi.

Hon. Charles Kirigwi: Thank you Mr. Speaker I also stand to support, though the chair did not tell us where are we in terms of complying, in terms of regional balance, whether she is from within the county, we need to know because there is a requirement we need to have 30% of those we are engaging coming out of the county and also the gender. How are we in terms of the gender in those positions?

Mr. Speaker I think what I am hearing from the members if she is that good, we expect to have the end of the problems with this water service providers. I believe now being the biggest shareholder in all those five water service providers we expect change even if it means clustering them as soon and as tomorrow and we also want to give targets to those who call themselves managing directors in terms of water connectivity.

In recent past I have seen the county government has put a lot of energy in water distribution and pipes and those should lead to connecting more water to Wanjiku than before.

I would also at this point urge the County Public Service Board before giving her the letter of confirmation and offer make sure she is not earning any other salary from another source. We do not want to be featured in the papers like we saw another case the other day

of somebody who was engaged in county government and he is still earning salary from national government. So Mr. Speaker I support.

Hon. Mary Waithira: Thank you Mr. Speaker, I also rise to support Damaris Wairimu Maina for the position of chief officer environment and natural resource.

As the chair said, we really did a lot of vetting to Damaris because we wanted to see her fitness in that docket bearing in mind that environment has many aspects and if they are looked at properly our people will benefit so well.

One thing I liked so much about her is that she has passion to the docket she was applying for and she had a lot of experience in working in the same and from what we have been told we have heard how much she has worked with the ministry of water and she has also worked with NEMA where she is working currently.

The other thing that touched me was the passion that she had to work in her own County. So, I want to tell my Hon. Member that Damaris is one of our own from Murang'a County, from Theeri and she was telling us that she had the feeling that if at all she is working in her own County, what she has and all the ideas that she wants to implement, what it would feel if at all she is doing them and applying them in her own County. That was the drive that made her to apply for this, and we really felt that one could come out of her without a lot of struggle.

When we looked at the qualifications, we saw that this is the lady that we really need because she had all it takes as far as the papers were concerned and more so, a time when we are saying that we really want to look at the woman or the female gender. So, we were happy that in our committee, that time we were vetting, the gender that we were saying we really need to look at so that we also look to be compliant with the Constitution.

From her ID, we could see that this is a lady who is young, energetic, and has a lot of enthusiasm to be given the docket and to work with it. And we were trying to look at the knowledge she has and what this position of the Chief Officer has; she would tell it and we would see that she is not coming to be told how she is expected to work but she already has the self-drive and the content of what will be expected of her.

There were a few or some elements that we could see but we said that all of us are not 100%. We looked at the advert and we saw that as our Public Service put the advert, it was a bit silent in some areas. So, even as we pushed, we could also tell from the advert that was put that some areas were missing. But out of her own initiative, she had the receipt to show that she was still in the process because she knew these are documents that are required.

So, after looking at all these we saw as if we are going to have someone who will really give us the service that we will require and the moment we will be through with the issues dealing with the environment, and even the natural resources, not forgetting the issue of water that we have, we also saw that we had someone who would advise accordingly and someone who would also give a bit of some knowledge that she has. So, we felt as if we were at rest with some of the problems that we would want addressed as far as this County is concerned.

So, Mr. Speaker sir, as a committee we recommended and that is why we are standing and requesting this Hon. House to support us so that we can have the nominee, Damaris, given this docket of the Chief Officer to continue with the rest and with our support, we know we will realise a positive change. Thank you, Mr. Speaker sir.

Temporary Speaker (Hon. Bernard Kariuki): Member for Muthithi?

Hon. Samuel Wandia: Thank you, Mr. Speaker. Well, I rise to support the appointment of that proposed officer but I would appeal to the Chair and his committee to ensure that this potential employee is properly trained in leadership. If I heard well, they found out that she has fallen short of leadership qualities. I wonder if they would follow up and ensure that she is trained because, actually, Mr. Speaker, this person is going to take the leadership, she is going to be an executive and she is going to work with people like Wandia and others.

Mr. Speaker, if somebody lacks leadership qualities and is left alone as she is without some training; I wonder how she can lead the people to greater heights. So, I would appeal to the Chair and his team to touch the Executive and ensure that the good lady who is as qualified as she is; is properly trained in leadership so that whenever I walk into her office, she will not look down upon me. She will always laugh and smile. Thank you, Mr. Speaker.

Hon. David Muhoro: Thank you very much Mr. Speaker. I also rise to support the nominee and the report of this committee, and support the approval of this House for the nominee. I would urge this House that we have been able to approve many CEOs and Executives but there should also be a job evaluation to see whether those whom we have been able to approve and to take this thing are meeting the expectation of this House and County.

Mr. Speaker, I would urge the chairs and all the committees to come back to this House and start a process of firing some of them who have changed their character; who are not performers; who we thought would do a lot for this County; and we fire them with the same strength and have people who can work and lead this County somewhere. Thank you, Mr. Speaker.

Hon. John Kiarie: Thank you, Mr. Speaker sir. I represent Kakuzi/ Mitumbiri ward. As I support this motion, I would like to say that it is almost like Hon. Muhoro knew what I was actually thinking about and I would just echo his words.

Mr. Speaker, for the last one or two years, we have actually been approving several positions in this County and every time or in most of the times, when a name is brought here, the qualifications are read and we give praise to the person. We say he is qualified, he is competent, and he has all the papers. Once that person is given the job, and the same name was brought back to this House several months down the line, and we evaluate the performance, the question is, would this House still use the same terms to praise the performance of the person?

For that reason, Mr. Speaker, we would wish just like how we the Members of the Assembly from the day we were elected or nominated work with zeal and determination to serve our people, we would equally like to see that with our staff because it is only then that we can deliver to our people. There should be that evaluation to the people who are given the jobs. They should work hard day in and day out and they also note that if that exercise was to be repeated, we would still have the same zeal to appreciate and praise their work. I support. Thank you, Mr. Speaker.

Temporary Speaker (Hon. Bernard Kariuki): I ask the mover to respond.

Hon. Joseph Machiri: Mr. Speaker sir, I sincerely thank the Members of this House for their deliberations and approval of Damaris, but all the same, I thought Muhoro and the Hon. Member is from Kakuzi, and you are not supposed to shout from the chair, that is behaving in an odd manner

(Laughter)

Though that is for the Speaker to comment on.

Anyway, what I was saying is that I thought Hon. Muhoro could have said that in future, it is pertinent that even the people and the employees who are working to date can be interviewed and those who have the papers can be promoted. I thought you were fighting for that because there is no need of bringing people on board while at the same time, we have qualified people in the County. It is therefore, my pleasure, Mr. Speaker, in future that we can even promote the existing employees of the County Assembly and the County Government.

The other issue, Mr. Speaker, it is not the mandate of the vetting committee to interview the nominee. It is the moral obligation of the Murang'a County Service Board to interview. And there is a difference between vetting and interviewing the nominee. Ours was just to vet and that was what we did. Thank you, Mr. Speaker. I take this golden opportunity to thank the Hon. Members for doing that and deliberating on that issue of Damaris. Thank you, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, there being no other business, the House is adjourned until tomorrow in the afternoon at 2:30. Thank you.

The House rose at 3:13 p.m.