

REPUBLIC OF KENYA
MURANG'A COUNTY ASSEMBLY
THE HANSARD

Monday, 7th May, 2018

The House met at 2:45p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSEMBLY FINANCES

The Speaker (Hon. Nduati Kariuki): Hon. Members, there is Communication from the Chair and this time, it is going to be a bit lengthy and you will bear with me. Recent incidences have taken place here that can put us back to where we were before the Mombasa reconciliatory meeting where we came out very encouraged that all the ugly things that had happened last year were behind us and that you are now ready to work and deliver on what you were voted in for. Unfortunately, ghost of disunity has struck us once again and until this week, something happened which has distressed me a great deal and I want to address it fully.

Hon. Members, there are three things I want to address. First of all, the financial position of the Assembly and the arrears/ allowances to Hon. Members, lack of House business and the letter written by the current Leader of Majority to remove certain Members from Committees.

Hon. Members, I dare say that most of the issues: infighting and fighting for positions and lack of enthusiasm in House business are all traceable to the financial position of our Assembly. I may be wrong but there are indications that this could be main cause and unless it is addressed conclusively, things may not change just because of a change in House leadership. I do not want to say much but Members have had adequate inductions to know of the chain of financial releases from the Treasury to when the money is credited to your bank accounts.

From the statements made by some Members, they seem not to be able to realise this and have resolved to find an easy target and blame the wrong people. It is also not true that the County Assembly leadership has been sitting idle and doing nothing about it. I want Hon. Members to know that we are very concerned. The Chairperson for the Budget and Appropriations Committee and myself have had several meetings with the County Executive Committee Member (CECM) in charge of Finance and Economic Planning who promised to give us figures of Exchequer releases to the County Government so that as we speak, we can speak authoritatively and with actual figures to establish where the financial hurdles are. Is it that the County as a whole is not receiving adequate and total funding from the Central Government? In this case, we can only blame the Central Government.

On the other hand, is it that the County Treasury does not release the disbursement of the Assembly? That is another question. The CECM in charge of Finance and Economic Planning has agreed to disclose to us such necessary information. This will happen in the next few days and we shall discuss the next steps, either with the Finance and Economic Planning

Committee and if necessary, in a *kamukunji* (informal meeting) when the House resumes after this adjournment. However, I have hope that as the CECM has stated and promised, this will be sorted out shortly. If it does not happen, we shall agree on what steps to take during that meeting using the legal provisions that the Assembly has because the Assembly has legal provisions to deal with such matters.

That is all I want to say as far as the Finance of the Assembly is concerned. According to the Order of Business, there will be a Communication from the Chair and there will be no interruptions.

REMOVAL OF SOME MEMBERS FROM COMMITTEES

There is also the big question of the letter written to me and copied to several other institutions and to some individuals about removal of some Members from the Committee. My position is as follows; first of all, let me just say that this is not a matter that is brought to the Speaker to approve or not to approve. The Standing Orders are clear; this is not for the Speaker to approve or not to approve. I will therefore not approve or disapprove it.

However, there are certain issues that come up out of this. When Hon. Erick informed me of the letter, and I was informed on Friday 4th I requested him not to send it until we meet and discuss it. But he told me he had already sent it to Jubilee headquarters and that it had been received.

Why did I want to discuss this letter before it was sent? It is because I thought it was a serious move and if it is not handled properly, it may jeopardise further efforts on reconciliation. I always want problems to be solved amicably and I have spoken to a few leaders from either side of the divide and they have also told me they would want reconciliation.

Secondly, I know our problems are fundamental and just a game of music chairs of changes in positions may not go deeply enough to address the changes that we have. I was also sceptical whether the Leader of the Majority has the powers to do what he did. I was sceptical and wanted to understand further. I was trying to understand all these things to see whether as a Speaker I can intervene in any of these matters. This is because if it is indeed the party decision then according to the Standing Orders, the Speaker has no role. The decision is effective when the letter is delivered to the Speaker. It does not say the Speaker makes a ruling or even tables the matter to the House. So the question that lingered in my mind was Hon. Erick, did he have the powers to be the communicator of the party decisions? I did not find any book or authority on that so I had to look for the facts themselves about how Jubilee party acts on these matters. Mark you it is not my job to interpret Jubilee constitution or challenge their procedures. I only want to know whether the letter I received was authorized by the party and if this indeed is the way the party operates.

When I received this letter this morning, I called very senior persons in Jubilee leadership and he confirmed that the party did in deed authorize the letter and that the Leader of Majority was empowered to write it. But I still wanted more information and I called officials in parliament and wanted to know how they conduct this matter. It is always helpful to follow guidance from the senior brothers, and that is the parliament. I was once again told that in cases in Jubilee and ODM where members were removed from their positions this was

communicated, I do not know which procedure they had followed before, but this was communicated by the Leader of Majority and Leader of Minority in the case of ODM.

To be honest Hon. Members, I was surprised that an institution can have an official so powerful to be able to do this. So out of curiosity and this is for academic purposes only, I wanted to know how it works in the rest of the world and in the other democracies and this has nothing to do with the present case, it is just for my own education.

We copied our presidential system from one large democracy in the world, the United States of America. Out of my own curiosity because I wanted to get to the depth of this matter I googled and Hon. Members may also want to google the powers of the head of majority in congress, that is what I put. Hon. Members I was shocked on Wikipedia page on this item when I learnt that the Leader of Majority in congress after consultation with party leaders can demote any member who does not support party position in any vote deemed crucial to the party. I am not saying that this has any relevance to what we are doing here or what we are talking about. I was just educating myself. So I saw, no wonder there seem to be such a competition for this seat.

So where does that leave us? The fact is, and I want the Hon. Members to listen carefully. The Speaker cannot comment on it and I am not commenting on it. I am giving facts, I cannot comment whether it is right or wrong. I am not addressing the issue and only the party can address it. That is for you to peruse maybe in your party caucus.

I am however aware that members have issues and this cannot be wished away, this one cannot be wished away and I would wish the party to address this issues with the members directly so that you can give your views because maybe they are hearing views from one side.....(*technical hitch, no recording*)..... Although it is not my role to invite the party to address the members but as the Speaker, I know for us to run smoothly, it is important for us to understand issues and also ask questions and also contribute ideas. In fact when we were doing consultations about inductions, I should have included the party also.

I have therefore requested for a date, as soon as possible between the Assembly Members only and the national party officials and I will communicate with you when they setup a date, they are very agreeable. So if you ask me about if this decision by the party is reversible I can say yes. The party can reconsider its decision if you convince them. Meanwhile, let us take the matter coolly and you should not prejudice our respective positions with emotional outburst until you meet the party leaders. That is as much I would like to say about that issue.

LACK OF HOUSE BUSINESS

I would like now to address another very crucial issue, the lack of business in the House. Honourable members like I said we have problems, financial and political, but that should not stop us from working for what we said we would deliver to our electoral. It is in the public domain now, so there is no need hiding it; that we have recessed for lack of business and this I must say, this does not give us very good reflection, we have to correct this.

Fortunately, as from when we resume there will be a lot of business, a lot of business has been structured to address a number of things which are the hearts and the minds of your voters. There will be motions about *Nyumba Kumi* and how it can enhance security. Interest

motions on use of bodaboda as first aid ambulances. Motions about goat milk farming for people with tiny pieces of land. We have to enact a law about the landfill which we are going to see. We have to enact a law on local development of industries in Murang'a and where we shall have the industries.

We have to pass a law or a motion on the collection of data on unemployment in the County and what kind of people do we have with skills. What skills do they have? And to devise on how they can get the employment, and analyse the skill requirement of the County. Things like ICT parks to make call centres for the employment of youths. A policy on the cottage industry and industrialization of rural areas. We should have a policy on that. I have always talked with you about the vision we have of establishing about 4000 greenhouses. On the 1000 acres of land the County is trying to get from somewhere. Let us start preparing for that, honourable members.

Fish ponds and this will be addressed when you go to Yatta; those of you that will go to Yatta on Thursday. Industrial park law and industrial competitiveness, how do we make ourselves competitive to attract industries?

Urban development, about housing to enhance business and enhance communication. Murang'a should have an investment conference so that we attract visitors and business people to come and start industries to enhance employment. I have done a lot of research on this matters and Honorable members when we meet I want us to address these issues. Even as we fight for our rights on other things let us seriously address these issues.

I said today I am not going to spare people, when we say that we have important business in the House I was very disappointed. Last week when I had invited a very important person here to come and address members on a very important issue for themselves and for the wards only to find some people had chosen to be away from the Assembly, I don't know where they went ,they just disappeared from the Assembly, is that right Honorable members, is it? It is not, you may not answer me because some of you are guilty but I know it is not.

On the other hand I will not spare those ones who were here, when I asked them whether to hear that man who had come, for their own benefit, I was arrogantly told, no! We do not want to hear him. That is also shameful because he was not coming there because of the Speaker, he was coming here because of himself, we were not doing him a favour to come here. He was coming to assist you and your members in the wards that is your constituents.

Let us not see such things happening, let us be serious Honorable members. When I invited people here to come and talk about cottage industries and industrialization of rural areas in agricultural industries and I asked those people who can come and listen to that and I got a shock response and I will do it again. Please Honorable members when I invite this people and I will be inviting many more please I beg you do not let me down. That is as far I am concerned about plenary business; there will be a lot of business. I am hopeful, I am not hoping, I am sure you are all up to the task.

Honorable members that is all I wanted to say in my communication from the Chair. We can go to the next order.

PAPERS
THE MURANG'A COUNTY GOVERNMENT QUARTERLY
REPORT AND FINANCIAL STATEMENTS FOR THE PERIOD
ENDED MARCH 31, 2018

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

Hon. Nahashon Gachuhi: Thank Mr. Speaker. I am aware that you are aware of that letter you have told us about and until that issue is resolved, the Honourable member who was the Chair of Finance committee ceased to be a member of that committee so it is in that request that I ask that he does not Table the motion. Thank you

(Loud Consultations)

(Hon. Chege Mwangi rose on a point of order)

Hon. Chege Mwangi: Thank you Mr. Speaker. as much as there is a letter that was written to you and the said members, you have repeatedly told us that this House is guided by rules and procedures and if we are not very careful to the kind of rules and procedures that are laid for us to follow, we can be easily my friends be interfered with and strongly misled by people who are even outside this Assembly.

I want to bring to your attention that in our standing order 165 it clearly stipulates discharge of member from a committee; it clearly states that the Assembly party that nominated a member to a select committee may give notice to the Speaker when the member is to be discharged from a select committee.

Honourable Speaker, even if my word select committee or sectoral committee applies here to this particular standing order, the said member, the Finance Chair was not nominated by the said party that wrote that notice to you. He is an independent candidate and he is not nominated by any party to any committees in this Assembly and the same case applies to Hon. Samuel Kihurunjo. May be we can discuss and argue about Hon. Amos Murigi who was sponsored by Jubilee but for the case of these other two it is not arguable to the extent of our standing orders. Thank you Honourable Speaker.

The Speaker: Wait a minute, I am going to make up a ruling on this, just now, there are certain matters that I have stated but I am not going to dwell on small issues. Anybody who wants to bring the matter when the Paper is being laid on the Table, to argue that it was not properly laid should be free to do so. Since I do not want to dwell on small issues I will allow Mr. Kiiru to lay it but like I said anybody can argue later on that the Paper was not properly laid thereafter but I do now want us to spend time on this.

Hon. Kiiru Mwangi: Thank you Mr. Speaker, I am MCA Gaturi ward and Chairperson Finance committee and thank you Mr. Gachuhi. Mr. Speaker I beg to Table the Murang'a County Government Quarterly Report and Financial Statements for the period ended March 31, 2018 on the Table of the Assembly today 7th May, 2018.

I will advise Hon. Nahashon Gachuhi to read standing order 167 and 202 and the Jubilee constitution Article 19, 2 (2) -----

The Speaker (Hon. Nduati Kariuki): Point of order. You are supposed to lay the Paper. I will not allow any further discussion on that. Next

(Hon. Kiiru Mwangi laid a document on the Table)

THE MURANG'A COUNTY INTEGRATED DEVELOPMENT PLAN
(CIDP) FOR THE PERIOD 2018-2022

Hon. Kiiru Mwangi: Thank you Mr. Speaker I beg to table the Murang'a County Integrated Development Plan (CIDP) for the period 2018-2022, be laid on the table of the Assembly today 7th May 2018.

Thank you.

(Hon. Kiiru Mwangi laid a document on the Table)

THE MURANG'A COUNTY GOVERNMENT BUDGET ESTIMATES OF
REVENUE AND EXPENDITURE FOR THE FY 2018/2019

Hon. Francis Kibe: Thank you Mr. Speaker, I beg to lay the following Paper on the Table of the Assembly-

The Murang'a County Government Budget Estimates of Revenue and Expenditure for the FY 2018/2019, be laid on the Table of the Assembly today Monday, 7th 2018. Thank you.

(Hon. Francis Kibe laid a document on the table)

NOTICE OF MOTION

REPORT ON ENHANCING CULTURE AND MUSIC FOR
SOCIO-ECONOMIC DEVELOPMENT

Hon. Stephen Chege: Thank you Mr. Speaker, I beg to give Notice of the following Motion;-

That this House adopts the report of the Youth, Culture, Gender and Social Services Committee on enhancing culture and music for socio-economic development laid on the Table of the House on April 17, 2018.

Thank you.

MOTION

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

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

That pursuant to Standing Order 30 (3) and 54(b) this House adjourns from Tuesday May 08, 2018 to Monday May 14, 2018 to enable the Members of the County Assembly attend a consultative meeting with the County Executive Committee Member in charge of Finance and Economic Planning on Tuesday May 08, 2018 on the submitted FY 2018/2019 Budget estimates and the County Integrated Development Plan (CIDP) for the period 2018 – 2022, further to allow Members of the County Assembly undertake a benchmarking visit to Arusha in Tanzania on the proposed development of Mitubiri Sanitary Landfill to be held between

May 09 – May 12, 2018 and finally to allow Members of the County Assembly undertake a benchmarking visit to Yatta on May 09 – May 10, 2018 on poverty eradication, the Assembly sittings will resume on Tuesday May 15, 2018 at 9.30 a.m.

I call on Hon. Stephen Chege to second.

Hon. Stephen Chege: Thank you Mr. Speaker, I rise to second the Motion to allow members organize themselves and participate in the said events. Thank you.

(Question proposed)

Hon. Mburu Muthoni: Thank you Mr. Speaker, the dates are conflicting: the date for Arusha is 9th to 12th and that for Yatta is 9th to 10th same month, targeting the same group people. What will happen? Thank you.

The Speaker (Hon. Nduati Kariuki): The intention is that those people who will go to Arusha there are still some people who will remain and these people will go to Yatta. When the people from Arusha come back a date will be set for them to go to Yatta. Thank you.

Hon. Murigi Amos: I am the Leader of the Majority party, as I support this motion, and being a member of the House Business Committee, I think I find it outrageous that the member who have seconded is not even a member of the House Business Committee, we are here as members and very eager to second but I wonder why, Hon. Chege is not a member of the House Business and even when we were discussing that, he was not even there in that particular meeting. As I support, I think that is irregular.

The Speaker (Hon. Nduati Kariuki): Yes he supports and says that this motion requires no calling for the mover to respond, that topic is carried. Next order

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Do you want us to go into small issues. Yes, what do you want to say?

Hon. Stanley Muhia: As much as we want to ignore what is going on within us, I think avoiding a problem Mr Speaker is not actually solving it; it is actually postponing it for another day

The Speaker (Hon. Nduati Kariuki): What is the problem you want solved?

Hon. Stanley Muhia: Mr Speaker, what I want to point out here is that our president Hon. Uhuru Kenyatta is one man who is known for obeying laws and courts in this country. All of us are cognizant of the fact that there was a court ruling that was done on a day that I cannot very well recall and it is very important for you Mr Speaker, as a member of this House and our leader to guide us properly, if there is anything that can make us have two majority leaders in this House, you are the person not to avoid it but to solve it, if there is any order restraining the judgement of the court Mr Speaker, I think it will only be honourable for you Mr Speaker to read the letter that you have to guide us as members of this Assembly.

We are not in any way advocating quarrels in this House, but we want to be guided, we are adults, we are Hon. Members and we want to be guided by the laws of this country, so if you have anything that can guide this Assembly, as much as we want to avoid to go for recess, Mr Speaker, guide us and let us know who is our majority leader and know what has being going

on in the courts because we only read it from WhatsApp, I beg to sit down and support the recess, but only as we know the fate of our majority leaders. We do not want to have two members, thank you Mr Speaker.

The Speaker (Hon. Nduati Kariuki): Hon. Member, this should have come as a substantive question, for the Speaker to pronounce himself, but what I know as of now, it is true there was a court order but I am also informed that there was a stay order, I do not go carrying all correspondences, what I am telling you is that there was a stay order, ok, from the courts

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): There was a stay order, and in any case----

(Loud consultations)

The Speaker (Hon. Nduati Kariuki): Order! Order! It is the Speaker who is addressing not anybody; I do not want anybody to speak on behalf of the Speaker

(A hon. Member rose)

The Speaker (Hon. Nduati Kariuki): Just seat down first I was talking, Hon. Member, what I understand at the moment is that the matter is subjudice and should not be discussed in this House and anybody who wants to check whether it is subjudice should go to the courts and find out. Thank you, next order

ADJOURNMENT

The Speaker (Hon. Nduati Kariuki): There being no other business Honourable members, the House is adjourned until 15th of May, thank you.

The House rose at 3:27p.m.