

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday, 23RD February, 2022

Assembly Building

The House met at 11.00am

[The Temporary Speaker (Hon. Alfred Mutai) in the Chair].

PRAYERS

The Temporary Speaker (Hon. Alfred Mutai): Clerk kindly take us through...

(Hon. Stanley Karanja stood in his place)

The Temporary Speaker (Hon. Alfred Mutai): Yes, what is it Honorable Karanja?

Hon. Stanley Karanja: Mr. Temporary Speaker sir, I do stand here on Standing Order number 2. Yesterday there was a communication that was made by the chair regarding resignation and the interpretation of the Constitution. According to my understanding there was that Bill that was passed that regulates Political Parties Act amendment Bill. I do request that before the effect of the communication on House through your chair to organize for a lawyer so that we can be able to get the interpretation of what the Constitution says and what the Political Parties Amendment Bill says on resignation.

According to my layman understanding, is that from the time politicians start paying for nominations fees, and the date of nomination is quite interpreted and it is quite clear that maybe by 28th of February and when persons should have been in a political party that is on 26th March. According to my own interpretation, the period in between is a transfer window such that, by 26th you have joined a political party and by 28th you must have recognized a party on which to run with. So, I am seeking a legal interpretation of the communication because as a member, I need to know because to me that communication was unorthodox, it was rushed, it was for personal political favors other than the good of the members of this House.

We do follow the precedence of what the Senate does and what the National Assembly does. If so, we ought to have seen Hon. Muturi who is also the Honorable Speaker of the National Assembly, also resigning. So, the chair yesterday, either for political gratification or for something else, I consider it unorthodox, rushed and for political self-expediency. I do not want to use harsh words but it was not well guided.

The Temporary Speaker (Hon. Alfred Mutai): Thank you Honorable Karanja. Honorable Philip, Mauche.

Hon. Philip Rotich: Thank you Mr. Temporary Speaker sir, I also rise here to second my brother Honorable Karanja, and we need to know as to why the Speaker was rushing to communicate before the other 47 County Assemblies. Nobody has even mentioned such a thing, the National Assembly has not, the Senate too. So, what my brother has said we also think it was somehow malice or intimidation to the members of this County Assembly. So, we as Members need to get proper interpretation. Thank you.

The Temporary Speaker (Hon. Alfred Mutai): Okay, Honorable Lakeview.

Hon. Simon Wanyoike: Thank you Mr. Temporary Speaker sir, I want to support my point, (inaudible)...*Sababu sisi wote* we are in Kenya...(inaudible)... *tunafuata siasa za nchi siku baada ya siku. Na juzi kuna Member wa Assembly from Kiambu who decided to resign sababu anataka ku vie for MP. But after two days, Chebukati alifanya communication very clear ya kwamba* there is no MCA *anastahili kuresign kwa sababu anataka kiti Fulani, uko kwa kile kiti mpaka tarehe tisa mwezi wa nane*, so whoever advised the Speaker *hatujui ni nani* or the Chair *anaserve nani*, we need him to come back *atuelezee vizuri*, we do not need intimidation now because we are past that, *na wakati huu amabo tunaelekea uchaguzi* we need to be sober. As my colleague has said we need a lawyer to interpret to this House what we need to do, because we cannot have Kiambu County doing this, Nyeri doing this and even the National Assembly and *sisi hufuata chenye wanafanya*. We have seen Speaker Justine Muturi *juzi ametoka Jubilee akaingia DP, hatujaona akiambiwa aresign, kwani Nakuru County are we sitting in Somalia not in Kenya?*

The Temporary Speaker (Hon. Alfred Mutai): thank you, honorable Kamau from Shabaab.

Hon. Daniel Githengi: Mr. Temporary Speaker sir, I think the communication which was made yesterday was violating our fundamental rights, if we scrutinize Article 102 of our Constitution it states very well. The term of each House of parliament expires on the date of the next general election. I just wonder where our speaker got this information and yet if we scrutinize Article 177 (4) it says a county Assembly member is elected for a term of five years and It is well noted in our Constitution.

Now I just wonder why the Speaker can come in this House and tell us that we are supposed to resign while our time has not yet expired. It should be noted very well, when we joined UDA that was our right in the Political Parties Act, as per stated in Article 38 of our Constitution.

Anybody has a right to join whichever party you admire to join. There is no single person who has that right of dictating the party we are supposed to join. I think the Speaker who communicated the same is supposed to come in this House and apologize for making a statement, which is unworthy, a statement which at the end of the day is of total discrimination.

I would also like to quote Article 186 which is State very well the functions of the county assembly and the functions of the National Assembly are all set in the fourth schedule. And even in the National Assembly members are not resigning, I do not see the reason why we as MCAs should be requested by our Speaker to resign.

Just to mention, the Speaker who communicated the same should know he is the moderator in this House and he is not supposed to pretend or behave like a judge. We should leave judges to do their job and we as members of the County Assembly should perform our duties. Thank you.

The Temporary Speaker (Hon. Alfred Mutai): Thank you Honourable members for your concerns, since what you have all raised goes along the line of the legal, I will now for record purposes I will task the Assembly to come up with a legal interpreter on yesterday's communication. Also, I know you Honourable members you are also members of County Assemblies Forum. If you will also engage your legal team also for the interpretation of the same then I think you will get the best advice on the same.

Clerk next order!

BILL

THE NAKURU COUNTY SUPPLEMENTARY APPROPRIATION BILL NO. 1 OF 2022

(FIRST READING)

The Temporary Speaker (Hon. Alfred Mutai): Honourable Members, I will commit this Nakuru County Supplementary Appropriation Bill number 1 of 2022 to the Committee on Budget and Appropriation.

Hon. Joel Karuri: Thank you Mr. Temporary Speaker sir. Yesterday, we did our report to give the basis for the usage of monies as recorded in the report. It is always the procedure in commonwealth states that there must be a law to be able to make available the monies and to give authority in the usage of monies as it is in the report. I want to table the Bill; that is the Nakuru County Supplementary Appropriation Bill number 1 of 2022. I beg to table.

(The Bill was laid on the table)

PROCEDURAL MOTION

HOUSE RESOLVES TO REDUCE THE PUBLICATION PERIOD OF THE NAKURU SUPPLEMENTARY APPROPRIATION BILL NO. 1 OF 2022 TO ONE DAY

The Temporary Speaker (Hon. Alfred Mutai): I call upon the Chair of Budget to kindly step forward.

Hon. Joel Karuri: Thank you Mr. Temporary Speaker sir. I want to move a procedural Motion in regard to the Bill that I have just tabled; -

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THAT notwithstanding the provision of standing order 119 that this House resolves to reduce the publication period of the Nakuru County Supplementary Appropriation Bill number 1 of 2022 to 1 day. It is clear and as the procedure of this House and this House runs on the premise of Standing Orders and the premise of the Constitution and the Acts and the County Government Acts. We are supposed to debate a Bill in 7 days but then I must be able to inform the House the reason for this procedural Motion were done with the report yesterday and what is remaining is for the report and the monies to start being used and being available for service delivery and implementation of development projects and other services. It is only this Bill. If we are going to wait up until next week, it would mean that we are going to spend another whole week that those 7 days would have been used for the accenting of this Bill by the Governor so that now we can be able to finish this process. The rationale for this supplementary is that the Honorable Members together with the people that they represent in this House wanted to have an opportunity to change some of the projects that they felt that at the time they were making the Budget, the needs and the objects have changed and so they wish to change some of the projects to suit their needs currently. Members of the public were given that opportunity together with their representatives who are the Members of this County Assembly and that has happened so that our people cannot be denied that right, they cannot be denied that opportunity because it is theirs for the taking. The sovereignty of this nation belongs to the people and that is one of the reasons that this supplementary came. The other reason is that there were issues surrounding the money for the roads that had been appropriated elsewhere. That money was needed to be reinstated in the roads department so that they can be able to undertake the roads and development project that they had started and others that they had mapped. When we come to the Department of Health, they also had issues that they wanted to move one vote or the other within their department so that now they can be able to put their needs correctly and so Mr. Temporary Speaker those were the reasons. So, as you can see, if we are going to be late, that would mean the issues of procurement, the issue of getting projects done they are scanty. As much as we are doing these projects for posterity and for the future, we know that we are politicians and so if there is anything can be done between now and the time that rains comes, some of the roads have to be done between now and when rains start and that would be a welcome move. So, this is the reason why I am moving this procedural Motion on behalf of the committee on Budget and Appropriation so that the members can allow that we resolve that we debate the Supplementary Appropriation Bill in one day instead of doing that in seven days. Mr. Temporary Speaker I am going to invite Hon. Kirieth Ndigirigi to second that we reduce the publication period of the Nakuru County Supplementary Appropriation Bill No. 1 of 2022 to one day. Mr. Temporary Speaker I beg to move the Motion.

Hon. Daniel Kirieth: Mr. Temporary Speaker I second the Motion. As you know the Supplementary Budget is long overdue it was supposed to come somewhere around December and now we are in February. I support and second and I request your office Mr. Temporary Speaker to liaise with the Governor's office to fast Track the procurement process because it is taking so long for them to procure any project. You can also use your office to talk with the Governor's office to

come out from the centralized process of procurement and take procurement process back to the CO's so that it can have all projects rolling before we go to party nominations in April. I second the Motion Mr. Temporary Speaker.

The Temporary Speaker (Hon. Alfred Mutai): Thank you Honorable Members. I propose the question

(Question proposed that notwithstanding the provisions of the Standing Order 119 this House resolves to reduce the publication period of the Nakuru County Supplementary Appropriation Bill No. 1 of 2022 to one day.)

Honorable Members the Motion is now open for debate. Hon. Karanja from Naivasha East

Hon. Stanley Karanja: Mr. Temporary Speaker let me first of all thank the Budget Committee led by Hon Karuri. We have been waiting for this budget the way the followers of Jesus waited for the Holly Spirit to come. We have been asking the chair what was wrong but was also not in a position to understand. I think the circumstances were beyond his touch. Therefore, when now it does come, we do not want to waste time but also what Hon. Ndigirigi was asking, you know some of these things is very hard. You move from what was illegal, the centralized, he is asking when it is too late and the only thing that I can ask him is to persevere. He decided to hang himself let him die a slow death

(Laughter)

So, Mr. Temporary Speaker let us go on and let us do this one very first unless he changes the government of the day. I support

The Temporary Speaker (Hon. Alfred Mutai): Thank you.

Hon. Members silence means consent.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Honorable Members this House stands adjourned until today 2.30 in the afternoon.

(The House rose at 11.25am)

