

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KIAMBU

THE HANSARD

Tuesday, 18th September, 2018

The County Assembly met at the Assembly
Chamber at 2.30 A.M

(The Speaker of the County Assembly (Hon. Stephen Ndicho) in the Chair)

PRAYER

The Speaker,(Hon. Ndicho): Hon. Members, my attention is drawn to the fact that we have not reached the threshold of the quorum to start off our business and I wish to invoke Standing Order 45 and order that the quorum bell be rung.

(Quorum Bell Rung)

Members, I am informed that we have now hit the quorum and I call for the next order.

COMMUNICATION FROM THE CHAIR
PARTNERSHIP BETWEEN THE COUNTY ASSEMBLY OF KIAMBU
AND MOUNT KENYA UNIVERSITY ON HIGHER LEARNING

Hon. Members, the Assembly, on Thursday 13th September, 2018 sent a delegation of Members led by the Deputy Speaker, Chairperson of Education Committee, Chairperson Members' Services, Facilities and Welfare Committee, Hon. Jane Gathiga, MCA, Hon. Yvonne Waweru, MCA, Hon. Stephen Kahinga, MCA and the Clerk of the Assembly to the Mount Kenya University. The purpose this visit was to engage with the University Management on modalities of commencing classes for the interested Members of the County Assembly within the premises of this Assembly.

Hon. Members, I wish to report that the engagements were successful and yesterday Monday, 17th September, 2018, the University set a registration desk for the interested Members next to the Assembly's flag post. The desk will be operational tomorrow Wednesday, September 19 and on Thursday, September 20, 2018. Members are therefore encouraged to visit the desk and pick registration forms, fill them in and return so as to assist the University establish quorum for classes to commence.

Hon. Members, you remember that we promised when we sat last year that it is my duty to encourage Members who would like to further their education, those who do not have certificates can get certificates, those who would like to get diplomas can get diplomas and those with diplomas and want degrees can get degrees and those with degrees can master them in various disciplines and today that realization has been achieved and the ball is now in your court Hon. Members. So those who are interested to further their education, the opportunity is now ripe and they can register as from tomorrow as we have indicated and within an year or two or three, Hon. Members can get themselves those prestigious documents and they would be good to go in their lives. Thank you, next order.

PAPERS

The Speaker, (Hon. Ndicho): Chairperson, Implementation and Law Affairs Committee.

REPORT OF THE COMMITTEE ON IMPLEMENTATION AND LAW AFFAIRS ON THE VETTING OF MR. MAURICE WAITHAKA WANJOHI NOMINEE FOR THE POSITION OF COUNTY ATTORNEY

*(Paper Laid By Vice Chairperson, Implementation and Law Affairs
Committee Hon. Yvonne)*

The Speaker, (Hon. Ndicho): Very well, Members who are interested to know the content of that report may collect the copies from the office of the Sergent-At-Arms. It is good to equip yourself with the person or the character of the person that is being proposed to be the County Attorney and that information can be collected from the office of the Sergent-At-Arms.

NOTICES OF MOTION

APPROVAL OF NOMINEE FOR APPOINTMENT AS THE COUNTY ATTORNEY

The Speaker, (Hon. Ndicho): Chairperson, Implementation and Law Affairs Committee.

Vice chairperson, Implementation and Law Affairs, Committee, (Hon. (M/s.) Yvonne): Thank you Mr. Speaker, again I am doing this on behalf of the Chairperson. I beg to give Notice of the following Motion.

That this Assembly adopts the report of Committee on Implementation and Law Affairs on vetting of Mr. Maurice Waithaka Wanjohi nominee for the position of the County Attorney and in accordance with section 4(3) of the Kiambu County Office of the County Attorney Act, 2018, approves the appointment of Mr. Maurice Waithaka Wanjohi as the County Attorney. Thank you.

The Speaker, (Hon. Ndicho): Very well, next order!

STATEMENTS

ASSEMBLY WEEKLY BUSINESS

The Speaker, (Hon. Ndicho): Leader of Majority!

Kahawa Wendani MCA, (Hon. Omondi): Thank you Mr. Speaker Sir, on behalf of the Leader of Majority. Hon. Speaker, pursuant to Standing Order (62) on behalf of the Assembly Business Committee, I rise to give the following statement, regarding the business appearing before the Assembly, the week beginning Tuesday, 18th September, 2018.

Hon. Speaker, the Assembly Business Committee met on Monday, 17th September, 2018 in the morning to prioritize the business of the Assembly. Hon. Speaker, the following business for the week was approved.

- 1) **Tuesday**, 18th September, 2018, the Assembly will transact preliminary business;
- 2) **Wednesday**, 19th September, 2018, in the morning session, the Assembly will debate a Motion for the approval of Appointment of County Attorney;
- 3) **Wednesday**, 19th September, 2018, in the afternoon session, the Assembly will transact preliminary business;
- 4) **Thursday**, 20th September, 2018, the Kiambu County Enforcement Bill, 2018, will be read a second time; and
- 5) **Tuesday**, 25th September, 2018, the Assembly will consider the Kiambu County Enforcement Bill, 2018, in the Committee of the Whole Assembly.

(Statement Laid)

The Speaker, (Hon. Ndicho): Very well!

May I now call upon the Chairperson of the Committee on Finance, Budget and Appropriations to give the status of a request to Statement by Hon. Taki Julius, MCA, pertaining to the status of pending bills in the County. There was an earlier response that was given but it was not satisfactory, hence the Committee was to make a follow up and provide a comprehensive Report on the matter.

PENDING BILLS IN THE COUNTY

Chairperson, Finance, Budget and Appropriations Committee, (Hon. Karuga): Thank you Hon. Speaker!

Hon. Speaker, The Member for Witeithie Ward, Hon. Jlius Taki, sought a Statement from the Finance, Budget and Appropriations Committee regarding pending Bills to which the CEC responsible for Finance, ICT and Economic Planning replied that the Department needed more time to submit the response sought.

Hon. Speaker, it is however worth noting that the response by the Department of Finance, ICT and Economic Planning did not give timelines within which the response will be submitted to the Committee.

Nonetheless, I have personally been following up on this matter, and as late as today, the Chief Officer (CO) Finance gave an undertaking that the response will be submitted by Thursday, 20th September.

Hon. Speaker, this is therefore to request this Hon. Assembly for additional time till next week Tuesday, 25th September for the Committee to have received the Statement, and for me to respond to the Statement on the floor of this House.

Thank you Mr. Speaker!

The Speaker, (Hon. Ndicho): Hon. Members, you have heard the response of the Chairperson Finance Committee. He is seeking indulgence of the House, that the same be availed next week on Tuesday 25th September, 2018.

What is the mood of the House?

Hon. Member for Ndiya!

Ndiya MCA, (Hon. Gacharah): Thank you Mr. Speaker!

My opinion is that it has now reached a time where as an Assembly and you as the Speaker, you give guidance. I think the timelines are well stipulated, and when a statement is sought, the Chairman also commits and says that within this time, I will have...

(Interruption)

The Speaker, (Hon. Ndicho): Can you repeat. I was consulting something with *Mheshimiwa* here.

Ndiya MCA, (Hon. Gacharah): I was saying that the timelines on when to respond to a Statement is very clear. Also, when a Statement is sought, the Chairman also commits that within this period of time, I will have obtained a response from the relevant department.

The first Statement did not satisfactorily respond to the issues raised. The time that was given does not seem to be adequate. We really want to know what is happening to that department because they know very well, that among many other things, they are supposed to furnish this Assembly with information, which now they are not able to.

We need to give a directive on such an occurrence so that at least we do not have this happening in other departments, if we agree to adding timelines. I chair a Committee and currently I have two responses which I know I am going to respond to within the required time. We need to give a directive or guidance on such a matter in case one is not able to respond; what we should do to that department.

I feel for the Chair; he does not respond directly. He gets responses for the department. What is happening to the Finance Department, because there seems to be more than meets the eye.

The Speaker, (Hon. Ndicho): Hon. Lawrence!

Specially Elected MCA, (Hon. Lawrence): Thank you Mr. Speaker!

Mr. Speaker, I also wish to echo the same words. This Hon. House would wish to know what is happening because when Hon. Taki raised the issue, it was almost emotive, when the Chairman could not, even then, manage to accept that 21 days was adequate time. It raised some issues, and this being a second time asking for the same and receiving the same answer, that they are not ready to respond, that is a waste of time to this House.

Mr. Speaker, bearing in mind that we have so many other Statements, if that is the trend, I think for the purpose of moving forward we wish to request you to give direction on that issue of dodging answering issues like this.

The Speaker, (Hon. Ndicho): Hon. Member for Kiganjo!

Kiganjo MCA, (Alex): Thank you Mr. Speaker for giving me this chance.

On my side, I would like to say that in as much as the Members are not convinced on giving the department more time to answer that Statement, it is good to understand, and it is well known to us that a lot has happened to that department including our very own Committee in this House. It is barely a week when I was asking whether it is possible for us to give him a week as he has requested to answer to that Statement.

Thank you!

The Speaker, (Hon. Ndicho): Is there any other Member who will like to ventilate on this matter?

POINT OF INFORMATION

(By Specially Elected MCA, Hon. Lawrence)

The Speaker, (Hon. Ndicho): Who do you want to inform?

Specially Elected MCA, (Hon. Lawrence): The Hon. Member who has just spoken.

The Speaker, (Hon. Ndicho): Do you want to receive the information?

Kiganjo MCA, (Alex): Yes!

Specially Elected MCA, (Hon. Lawrence): Thank you once again Mr. Speaker!

I wish to inform the Hon. Member that we are not demanding the request we demand from the Chair. The responses come from the Department. So, whatever the answer, it should have come from the department. If there is nothing that has been answered, we are not blaming the Chair, but we are asking him to read the answer from the Executive or the Department itself.

Thank you Mr. Speaker!

The Speaker, (Hon. Ndicho): very well, Hon. Member for Witeithie a couple of days ago you requested for a statement from the department of Finance Budget and Appropriation Committee on the issue of pending bills. The statement that the Chairman has just informed the House is that the responsible respondents are pleading for more time up to next week on Thursday the 25th of September, 2018 to bring a comprehensive statement and reply. What is your take about that because this is your question?

Witeithie MCA, (Hon. Taki): Thank you Hon. Speaker and thank you Committee for Finance...

(Interruption)

The Speaker, (Hon. Ndicho): May be before the Speaker allows you to address the House your neighbour should have told you that you are not properly dressed. Proceed!

Witeithie MCA, (Hon. Taki): Thank you she was more concerned that today I did not come colored and how I put a tie but I told her that it was sunny outside and I was driving.

Thank you Hon. Speaker, first is to appreciate the committee for the finance for the response they may have given in my absentia, more important so is the delay bearing in mind that when they give us on Thursday, my humble request is if they can do it on Wednesday so that we can ventilate it and if it is not according to our satisfaction we be able to proceed up to Thursday. So on Thursday in most cases as I have come to realize does not augur very well with the so many Members. So my request is for Hon. Chair to do it on Wednesday and it should be well detailed and according to my request it was per Ward so that is my humble request.

The Speaker, (Hon. Ndicho): very well, any response from Hon. Members? The Hon. Member for Ndumberi? May be the last one.

Ndumberi MCA, (Hon. Kamaguru): Thank you Mr. Speaker Sir, on my contribution concerning the pending bills in my opinion the body has many parts but there are some parts which are more important than the others like the heart is more important than the finger. What I am trying to portray is this the finance department is the corner stone of all other departments because we depend on it.

So when a statement concerning the pending bills and the work done may be construction and th pending bills that have been portrayed during our tenure and I know we even met some others which

were there before us. So we would like to know about the payments because there are still some work going on, we are having pending bills and if you want to construct another road which we know it is going to consume money again we are going on with the same trend never knowing our budget has constraints. We might find ourselves in a state of quagmire like the one being faced by the national government.

So as we are budgeting we should put into consideration how we are going to make payments to the pending bills that we are having. According to the finance department the pending bills, it is more important that we have the knowledge of what we want and what is happening in our Wards, that is my opinion Mr. Speaker Sir thank you.

The Speaker, (Hon. Ndicho): Okay Hon. Members I think we have ventilated enough and if I may start responding from the latest contributor, the Hon. Ranji, I will rule you out of order because the issue before the House is about the pending bills not actually what is happening in Wards although it is important.

The Member for Ndeiya raised on a point of order seeking directive from the Chair on the issue of timelines that are not honoured by responsible respondents from various department from the executive.

The Hon. Lawrence also requested for a ruling from the chair on the same and the Hon. Member for Kiganjo, Hon. Kabuu in a bid trying to save his colleague the chairman pleaded with the chair and the House that since the chairman is barely a few weeks old as the chairman be given more time.

The Hon. Lawrence again sought indulgences to inform the Hon. Kabuu that it is not the chairs responsibility to give statements his is only to inform the House and read the statement but the same sought information is from the responsible department which is going on and which is alive. Therefore the issue of the Chairman being new in this particular case does not arise.

The owner of the statement the Hon. Taki Macharia from Witeithie Ward is not impressed at all by the response and feels that the sought date of 25th September, 2018 is far away from today and it is opinion that the said sought statement on the issue of the pending bills be given on Wednesday the 24th September, 2018 so that the House can have enough time to ventilate and that is a ruling by the chair. That the department of finance be informed that this House is a House of serious business and the period of time that they sought to respond to that statement was enough time to make that response. They were not able to do it within that stipulated time however.

Never the less the chairman of the Committee that oversight up to 25th of this month ts that department has sought more time but the response or the questioner or the Hon. Member who is the owner of the statement sought be reduced by one day.

The ruling of the chair is that time is reduced by one day and go by wish and prayer of the owner of the statement that the statement shall be expected to be given to this Hon. House on Wednesday 24th September, 2018 at 2.30P.M that is the ruling from the chair.

ADJOURNMENT

The Speaker, (Hon. Ndicho): There being no other business to transact this House stands adjourned until tomorrow Wednesday 19th September, 2018 at 10.00 A.M.

The House rose at 3.04P.M.