

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KIAMBU**

**THE HANSARD**

**Tuesday, 11<sup>th</sup> September, 2018**

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

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

**PRAYER**

**COMMUNICATION FROM THE CHAIR**  
**ACHIEVEMENTS OF THE SECOND ASSEMBLY FOR THE FIRST YEAR**

**The Speaker,** (Hon. Ndicho): Hon. Members, there is some communication from the Chair.

Hon. Members, Friday, September 7, 2018 marked the first year of the five year term of the Second Assembly. Before I enumerate the success made so far, let me begin by lauding you, Hon. Members for the commitment, team spirit and hard work that you demonstrated as you discharged your roles both in the Assembly and outside.

This has in return seen commendable job reflected in the work of the Assembly which to me is no doubt a mean feat! For that reason, I truly congratulate each Hon. Member for finishing strong in your first year in Office.

Hon. Members, Indeed the Assembly has made major strides in fulfilling its constitutional mandate of Legislation, Representation and as you know of late, I have added another role over you, which is development of your respective areas of representation.

Oversight over the County Executive during the first year of operation, you have successfully and commendably fulfilled this mandate from the Constitution. You, Hon. Members have ensured that the Second County Government is constituted and operational through vetting and approval of various nominees for appointment to county public offices. You also considered and passed the 2018/2019 County Government budget in addition to conferring status of a Municipality to six urban areas in the County. On the legislative front, you have also enacted ten (10) laws, debated and passed over a hundred and twenty (12) motions, considered eleven (11) petitions as well as processed twenty seven (27) statements.

Hon. Members, in that year, we have learnt a lot especially on the legislative processes that most of us had never experienced. I would wish to remind you that legislative success of this House will be measured by the quality of Bills and motions sponsored by the Members and passed by the Assembly, the quality of debates, the statements and petitions considered and the projects implemented in your Wards after you have lobbied for their inclusion in the County budget.

Hon. Members, you bear me witness that visible efforts have and continue being made to guarantee your welfare through provision of necessary services and facilities for efficient and effective function of this Assembly. Specifically, I am grateful that we now have a members lounge for your exclusive use and this is just but the beginning of progressive realization of the kind of facilities that should be provided in this Honorable institution. I urge everyone to be patient as we work towards realizing this dream.

Lastly, as your Speaker, I will continue to impartially serve and support all of you so as to ensure you efficiently and effectively execute your roles. I encourage that we keep our individual and collective light burning knowing too well that the only limit to the height of your achievements is the reach of your dreams and your willingness to work hard for them. I thank you.

## **MATTERS OF IMPORTANCE**

Hon. Members, may I also seek your indulgence to further address you on the following terms.

When we met here in this August Assembly, exactly 12 months ago, we hardly knew each other pretty well except in scanty knowledge of each other when we met during the August 2017 campaigns and during the bonding sessions prior to the swearing in of 7<sup>th</sup> October, 2017. One year down the line, we now know each other, at least to some considerable degree. We were not friends, now we are, we did not understand each other well, now we do, we did not know where each one of us came from, now we do, we were strangers to each other, now we are bird of the same feathers and the best of friends.

Hon. Members, by virtue of being Hon. Members of Kiambu County Assembly, we have become one people under one common denominator, the County Assembly of Kiambu. We are no longer the ordinary persons in this County, we are Hon. Members in the Society. Our utterances, speeches, words, actions and how we carry ourselves most, distinguish us from the rest of the citizens this Country.

According to the common wealth parliamentary practices all over the World that we are part of, we are wholly responsible for the accuracy of what we say. We are accountable for our actions, we are the leaders, whatsoever you say Hon. Member, must be loaded with truth, honesty, factual and beyond any questionable doubt and reproach. These are good Traits of leadership, which the great people of the great County of Kiambu, have bestowed upon you Hon. Members, either through election or nomination.

As your Speaker, I have always operated an open door policy on all issues and matters pertaining to our Assembly. My office is always open to all of you Hon. Members to come and engage me with virtually everything and anything that you feel you should want your Speaker, to hear, see or know. You are

witnesses, either individually or in groups that we have together addressed and resolved certain issues since we started off one year ago.

As we start the second year in the Assembly, I want to reiterate that I shall continue with the same open door policy on all matters concerning you Members and members of our staff. As a father figure, I will play my role to ensure fairness and justice to all. I urge all of you Hon. Members therefor, that if you have issues on matters you are not sure of, kindly call on me either in person or by telephone and we shall address it promptly and to your satisfaction.

Hon. Members, the issue of one insurance company called Trident has been a flush point in many occasions especially when it was not working and some members of his/her family was in dispose and needed medical attention. Let me point out that I have had the occasion to personally engage the service providers several times for intervention measures, I must however, agree that Trident was not the very best insurance provider but that was the insurance company we found in place having been engaged and contracted to provide insurance services in August 2017, long before we came in on September 2017. But be as it may , today the same is providing services to Nairobi Women, Karen Hospital and AAR and Members and staff are being attended to, the latest one being Hon. Emma Wanjiku.

Two, I ordered sometime that any Member who has spent his/her own money to bring the receipts for claim of the refund. I am informed that money amounting to Ksh. 330,000 will be refunded sooner than later, as the Human Resource office has forwarded the claims to Trident. Going forward, we floated new tenders for supply of Insurance Services for the New Year, which I am informed is almost done and soon we shall have some other new providers. However, the contract with Trident is still active and expires in October this year and Members and staff can still access medical attention at Trident services in the three mentioned medical facilities.

Hon. Members, let me address myself to the issue of Foreign Travels. All was going on pretty well, until changes took place at the Ministry of Devolution with a new Permanent secretary in place. Today, I am informed that 22 Hon. Members, have not gotten any chance to go for a foreign trip. The issue of some Members having gone twice or more when others have not gone at all, have been brought to my attention which matter occasioned me to call for a crisis meeting yesterday and we resolved a matter of issues;

- i) That no Member shall either now or in the future be going for two trips while others have not gone;
- ii) We also resolved to engage the Executive that whenever they are travelling out, they be asking the Assembly, so that the next Member in line may travel with them if we are the ones meeting the travel expenses, per diem, etc. but if the Executive pays for the Member, who might have travelled earlier, then they can go with the Member of their choice, if they are the ones who are paying for the *per diem*;

For the past mistakes, I seek your indulgence to bear with us and assure you that it will never be repeated again. As for the remaining 222 Members, plans are in top gear and advanced stage to have them go for their trips abroad so as to complete the cycle before we start it all afresh.

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Hon. Members, on the issue of Members Lounge, I have heard so much talk about it, much of which is not factual. One, Hon. Members, you are the ones who passed the budget where the item that was allocated for the launch was Ksh.8 million shillings, this is in the budget that you passed.

Today I am informed that Kshs. 6.1 million has been spent with various items having been sourced, like seats from Kamiti prison but have not been supplied as yet for they are not yet completed and the payment not yet done. Any other figure being circulated as having been spent isn't factual at all, and these details can be availed from the Office of the Clerk as well as the procurement department.

Now that the lounge is almost complete, the Board has resolved that the recently formed Committee on Members Services Facilities and Welfare shall be the one to be responsible for its running. In this financial year however, we intend to put up a Members' state of the art canteen just outside the Chamber on your right as you go out.

Hon. Members you realize that the lounge was renovated, but this year you also remember that you voted Kshs. 55 million for development and part of that is going to do many other things, and one of them is to have a state of the art canteen for the Members where you can get your refreshments and get some rest near the Chamber so that when there is lack of quorum, you can easily rush back to the Chamber.

A staff canteen shall also be put up at the same time, and the current lounge still remains for exclusive use by the Members.

Hon. Members, these are just a few of the projects lined up to be effected in this financial year in line with our ADP and CIDP. Any matter that has not been addressed in this Communication will definitely be addressed in due course of our programs.

Hon. Members, I reiterate that I continue employing an open door policy, and any Member can access me at any moment at any time of the 24 hours of our clock.

Hon. Members, with these very few remarks, I seek your indulgence and say that it is important that when we are in this August House, as I have indicated, we are no longer the guys outside there in the streets. You are now the crème of society, you are the people that are expected to provide leadership, you are the people that society looks upon to issue statements that are factual, true, and honest and that are beyond reproach. You are the leaders of Kiambu; there are no other leaders that the people of Kiambu look upon to provide leadership and honesty. You are Hon. Members, the hall mark of the leadership of this County.

Hon. Members, I want to urge you; you have to carry yourself in that status and never allow yourselves to come below. The guys out there have no one to be responsible to, they have got nobody to respond to, and they have nobody that they can be accountable to. But you as Hon. Members and as leaders, remember that you are accountable to the people that elected and nominated you, the people of this County that you lead and also to God who sees in secret and who searches the heart and shall call you to account based on your honesty.

Therefore Hon. Member, it is my wish that if there is any issue, bring it up. Don't talk about it there because it will not help. Bring it up with the Speaker; take it to the Clerk or the relevant offices. I would like to implore upon you to invoke the access to information Act which gives you the right to access any and every information that you may wish to know from any public office, including the Speaker's and the Clerk's offices, including the procurement or finance offices and all Committees. Any information that the Hon. Members may need, you have been given a right by the law under the Access to Information Act to access it. Once you get it, process it, get the facts, and after you get the facts, you can now talk from the facts and from there, we shall be good to go and provide leadership.

Hon. Members, with these very many remarks, thank you and may God bless you!

## **MESSAGES**

### **NOMINATION OF PERSONS FOR APPOINTMENT TO THE COUNTY EXECUTIVE COMMITTEE**

Honorable Members, there is also a Message here from the office of the Governor. Message no. 55 of 2018 under Standing Order 53 (1) relating to Messages from the Governor.

Honourable Members, Standing Order 53 (1) relating to Messages from the Governor provides that: *"The Speaker shall read to the County Assembly any Message from the Governor or Senator of the County delivered to the Speaker for Communication to the Assembly"*.

In this regard therefore, I wish to convey the following Message from H.E. the Governor received by the Office of the Clerk on Monday, September 10, 2018: (and I read)

*"I wish to draw your attention to the earlier letters ref: KCG/ADM/VOL.1/9 and KCG/ADM/VOL.5 dated 2<sup>nd</sup> November, 2017 appointing Dr. Isabel Waiyaki as the County Executive Committee Member in charge of the department of Trade, Tourism, Cooperatives & Enterprise Development and Dr. Joseph Ng'ang'a Murega as the County Executive Committee Member in charge of Health Services respectively.*

*Dr. Murega has failed to offer the necessary leadership, supervision and administration in the department of health services thereby occasioning unsatisfactory performance. On the other hand, Dr. Isabel Waiyaki has been performing her duties and responsibilities with disregard to accountability.*

*Further to this, the two have been dismissed forthwith.*

*In the foregoing, Article 179 (2)(b) of the Constitution of Kenya, 2010 read together with Section 30 (2)(d) of the County Governments Act, 2012 confers on me the powers to nominate persons for vetting and approval by the County Assembly for purposes of constituting the County Executive Committee. Pursuant to this provision, I hereby nominate*

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*the below persons to the County Executive Committee. The name of each nominee and the portfolio to which I propose to appoint them is as follows:*

	<i>Name</i>	<i>Cell</i>	<i>ID. No</i>	<i>Department</i>
1.	<i>Dr. Juliet Gathoni Muhoro Kimemia</i>	<i>0722 793912</i>	<i>10152405</i>	<i>Health Services</i>
2.	<i>Hon. Francis Kigo Njenga</i>	<i>0722 100625</i>	<i>4300397</i>	<i>Trade, Tourism, Cooperatives &amp; Enterprise Development</i>

### *(Loud Consultations)*

Order Members!

This is a Communication that has been brought by the office of the Speaker from the office of the Governor and the work of a Speaker is like that of a megaphone. You broadcast that which has been brought to you under the Standing Orders.

I want to repeat that the Speaker receives this information according to the Standing Orders and the law from the Governor, the Senator and also from the party leadership. When the Speaker pronounces this, it is exclusively from the source, and the Speaker ends his role there.

*This I have done pursuant to provisions of section 30 (2) (e) of the County Government Act, 2012 in order to effectively respond to the functions of the County Government and the need to ensure efficient service delivery.*

*I have confidence that the above set of carefully selected individuals will successfully undergo vetting and approval of the County Assembly and subsequently help my Government achieve its legal and constitutional mandate to the benefit of the people of Kiambu County."*

Honorable Members, Article 179 (2) (b) of the Constitution provides that *"The County Executive Committee consists of members appointed by the County Governor, with the approval of the Assembly, from among persons who are not members of the Assembly."*

Honorable Members, Section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 provides for the exercise of powers of appointment and it states that (and I quote) *'An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.'*

Section 9 (1) of the same Act further provides that: *‘Unless otherwise provided in any law, a committee shall consider a nomination and table its report in the County Assembly for debate and decision within twenty-one sitting days from the date on which the committee first sits to consider the nomination.’*

In this regard, Honorable Members, I wish to guide the Assembly as follows-

1. In accordance with Section 7 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 64 (2), the above notification stands committed to the Committee on Appointments;
2. In accordance with section 7 (2) and (4) of the same Act, the Committee on Appointments through the Clerk should notify the nominee and the general public of the time and place for holding the approval hearings, at least seven days prior to the hearings. Further to this, the approval hearing shall be held not later than fourteen days from the date of this notification;
3. The Committee may therefore commence the approval hearings any day from Tuesday, September 18, 2018 and not later than Monday, September 24, 2018. In line with section 7 (3) and (6), the hearings shall be open to the public; and,
4. Thereafter, the Committee is expected to table its report by Tuesday, September 25, 2018 for consideration.

Honorable Members, pursuant to the provisions of paragraph (3) (c) of Standing Order 53, I now therefore refer the Message from H.E. the Governor containing the names of the nominees together with their Curriculum Vitae to the Committee on Appointments for consideration in accordance with the Public Appointments (County Assemblies Approval) Act, 2017.

I thank you!

## **NOTICES OF MOTION**

### **ALIGNMENT OF THE DIRECTORATE OF JIJENGE FUND WITH THE COUNTY DEPARTMENT OF TRADE, TOURISM, COOPERATIVES & ENTERPRISE DEVELOPMENT**

**The Speaker,** (Hon. Ndicho): Hon. Member for Ndenderu?

**Ndenderu MCA,** (Hon. Kinuthia): Hon. Speaker, I beg to give Notice of the following Motion that aware that section 14 of the Kiambu County Jijenge Fund Act, 2018 establishes a Directorate of Jijenge Fund whose functions include among others; development and implementation of programs to sensitize and promote the Jijenge Fund amongst residents, collecting data of beneficiaries, recommending loan products to the Executive Member as well as advising the Executive Member on any matter related to the Fund;

Noting that Jijenge Directorate is currently domiciled in the Department of Youth Affairs, Sports, and Communication whose main focus is promotion and development of youth affairs and sport as well as communication. Given the critical role that the Directorate plays in the administration and operations of Jijenge Fund in terms of ensuring coordinated economic development and provision of flexible loan



products in order to harness entrepreneurship among youth, women, vulnerable persons and persons with disabilities (PWDs); its continued placement in the Youth Docket is misplaced from the functions of the said Docket;

Deeply disturbed that the preceding “Biashara Fund” previously administered under the Youth Docket performed dismally as it primarily focused on lending loans and neglected key empowerment initiatives on enterprise development for sustainable economic growth. Such initiatives include; provision of coaching, mentorship and networking platforms to the loan beneficiaries, creation of value addition programs through strategic partnerships with other key stakeholders in the production value chain, monitoring loan repayment through efficient loan recovery mechanisms for sustainability and supporting innovators to pilot or scale up proven job creating concepts;

Fully believing that placing the Directorate of Jijenge Fund under the Department of Trade, Tourism, Cooperatives and Enterprise Development will create positive synergies and enhance coordination of related functions with the other directorates such as; Trade, Tourism, Cooperatives and Enterprise Development;

Appreciating that section 46 of the County Government Act mandates the County Executive Committee with the responsibility of determining the organization of the County and its departments; this Assembly therefore urges the County Executive Committee to:

- (i) Align the newly established Directorate of Jijenge Fund with the Department of trade, tourism, Cooperatives and enterprise development in order to create positive synergies and enhance coordination of the functions; and,
- (ii) Facilitate mandatory training and mentorship programs for all the beneficiaries of the Fund so as to ensure they operate efficient and effective business ventures in line with section 8(3) of Kiambu County Jijenge Fund Act. Thank you.

**The Speaker,** (Hon. Ndicho): Hon. Member for Witeithie?

## **CREATION OF SPECIAL ECONOMIC ZONES IN THE COUNTY**

**Witeithie MCA,** (Hon. Taki): Thank you, I beg to give notice of the following Motion on creation of special economic zones in the County.

That, aware that a Special Economic Zone (SEZs) is a designated geographical area where business-enabling policies are implemented and sector-appropriate on-site and off-site infrastructure and utilities are provided for.

Further aware that, SEZs are categorized in to agricultural and livestock zones, industrial parks, tourist and recreational zones, and science as well as technology parks among others.



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Recognizing that, establishment of the SEZs in the County will attract both local and foreign investments, expand and diversify produce of goods and services for domestic and export Markets, promote value addition, enhance technology development and innovation and promote rural and regional industrialization by exploiting comparative advantages of local resources.

Deeply disturbed, that there is only one Special Economic Zone in the County, Tatu City, which is currently being developed and is under the management of the National Government?

**The Speaker,** (Hon. Ndicho): What is your Point of Order Member for Kihara? We have four microphones where are the other two?

**Kihara MCA,** (Hon. Muthondu): Mr. Speaker, I do not know what the member is reading, so I do not have it. It is not in the order paper.

**The Speaker,** (Hon. Ndicho): What is it Majority Leader?

**Leader of Majority,** (Hon. Ikonya): Mr. Speaker, let me do it on behalf of the House Business Committee I want to inform the Hon. Member the said Motion would be coming tomorrow in the afternoon and therefore it will appear in tomorrow's order Paper. This is just a Notice of Motion, thank you.

Ideally the practice is you normally put what is due for the next session so we have tomorrow session in the morning and then we have one in the afternoon. You can also give notice on what will be coming on Thursday, not necessarily being on the order paper. That is the practice and the Standing order. Thank you Mr. Speaker.

**The Speaker,** (Hon. Ndicho): It is good we are still in the learning process, you have taken it in the second year or you must agree that which you did not learn in the first year we can still learn it in the second year, so no problem. You are right Hon. Muthondu to inquire about that. Proceed.

**Witeithie MCA,** (Hon. Taki): Thank you Hon. Speaker and majority leader, thank you Hon. Alex for now you have proved beyond any reasonable doubts we really need a workshop for understanding Standing Orders.

**The Speaker,** (Hon. Ndicho): Order Hon. Member! Proceed by giving the notice of your Motion.

*(Laughter)*

Noting with deep concern that, the County Government has no legal frameworks, including a spatial plan, supporting the establishment of SEZs despite being mandated with the roles of county land use, which includes zoning and spatial plans.

Appreciating that, section 110 of the County Governments Act provides for development of spatial plans by the county which shall contain strategies and policies identifying programs and projects for the

development of land within the county. This Assembly therefore urges the County Government to identify and establish Special Economic Zones within the County. Thank you Hon. Speaker.

**The Speaker,** (Hon. Ndicho): Very well. Next Order

**The Speaker,** (Hon. Ndicho): Hon. Members, before the Majority Leader gives the Statement I must apologize for the faultiness of our sound system. I have been informed that it broke down on Thursday and the person who provided this service is being sought so that he can come and rectify it.

Our IT department tried all they could and see what they can make interventions measures for it to work. It has defeated their technology and so the person who provided this service is being sought to come and rectify it, may be in the next one or two days.

For the mean time let us bear with ourselves to use what is available but also to bring to your attention that the improvement of the sound system is also one of the areas we have aligned for improvement through a procurement plan for the year 2019 and I believe in the due course of our time we shall have the best state of art of our communication system, thank you .Proceed leader of Majority

## **STATEMENTS**

**Leader of Majority,** (Hon. Ikonya): Thank you Mr. Speaker for that information and I know the Hon. Members of this House will agree that the days of lifting up palms are long gone in the assemblies and Parliaments.

We live on those days when we press a button and the Speaker can tell who has pressed first from where he is seated so we look forward to better days of this Assembly as far as systems are concerned.

Thank you Mr. Speaker and I rise to give this statement that pursuant to Standing order 62 on behalf of the House Business Committee I wish to give the following Statement regard the business appearing the Assembly the week beginning Tuesday 11<sup>th</sup> September, 2018.

So Hon. Speaker the House Business Committee met on Monday 10<sup>th</sup> September, 2018 in the morning to prioritize the Business of this Assembly for the entire week.

The following Business was approved by the members of the Assembly Business Committee.

Today Tuesday, 11th September, 2018 the Assembly will transact the preliminary business which we have ably done.

On Wednesday that is tomorrow morning, 12<sup>th</sup> September, 2018 in the morning the assembly will debate a Motion for the alignment of the Directorate of Jijenge Fund with the department of Trade, Tourism and Enterprise Development by Hon. Solomon Kinuthia MCA, Member for Ndenderu.

On Wednesday afternoon 12<sup>th</sup> September, 2018 the Assembly will consider a Motion on creation of special economic zones in the County by Hon. Julius Taki MCA, Witeithie Ward.

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On Thursday 13<sup>th</sup> September, 2018 the Assembly will transact business as follows:

One it will debate a Motion to reduce the publication period for the Kiambu County Cooperative Bill, 2018 and number two we will have the Kiambu County Cooperative Bill, 2018 read a first time.

On Tuesday 18<sup>th</sup> September, 2018 the Assembly will transact the preliminary business. Hon. Speaker I wish to lay the statement on the table of the Assembly thank you.

### **ADJOURNMENT**

**The Speaker,** (Hon. Ndicho): There being no other business to transact this Assembly stands adjourned until tomorrow Wednesday 12<sup>th</sup> September, 2018 at 10. A.M.

The House rose at 3.13P.M.