



**THE COUNTY ASSEMBLY OF THARAKA NITHI**

**THIRD ASSEMBLY – (SECOND SESSION)**

**VOTES AND PROCEEDINGS**

**TUESDAY OCTOBER 17<sup>TH</sup>, 2023 AT 9.30 A.M**

1. The House (County Assembly) assembled at thirty minutes past nine O'clock.
2. The proceedings were opened with prayer said by the Hon. Speaker.
3. Communication from the Chair;

The Speaker conveyed the following Communication from the Chair:

**“Honorable Members,**

As you are aware, pursuant to the House Resolution of 27<sup>th</sup> June, 2023 the House adjourned to reconvene on notice by the Honorable Speaker. On 12<sup>th</sup> October vide the letter **Ref TN/CA/ADM/3/VOL.II/500** I gave notice of today's sitting.

**Honorable Members,**

I wish to recognize the Presence of pupils from Consolata Primary and Junior Secondary School who are seated in the gallery. The pupils are accompanied by teacher Purity, teacher Pamela and teacher Anthony.

On behalf of the County Assembly of Tharaka Nithi I wish to welcome the pupils to the County Assembly and wish them a delightful stay as they get to learn on the conduct of business in the County Assembly.

**Honorable Members,**

The Speaker's Rules are made pursuant to powers conferred by Section 38 of the County Assemblies Powers and Privileges Act 2017. Members are strongly advised to be fully conversant with the provisions of the said Act –which among

other things defines certain powers, privileges and immunities of the Assembly, Committees and the Members of the County Assembly.

Standing Order 207 provides that the procedure in a committee shall be as nearly as possible the same as that in the Assembly.

Section 38 of the County Assemblies Powers and Privileges Act 2017 provides for the Speaker's orders. It provides that:

*(1) The Speaker may, from time to time, issue such orders as may be necessary or expedient for the better carrying out of the purposes of this Act.*

*(2) Without prejudice to the generality of the foregoing, the orders may provide for—*

*(a) the admittance of members of the public to the precincts of a county assembly;*

*(b) the deduction of any monies due to a member in respect of refreshments or other facilities made available to members within the precincts of a county assembly;*

*(c) the appropriate dress code for members.*

*(3) The Speaker may, from time to time as may be expedient, issue a Code of Conduct regulating the conduct of members of the county assembly whilst within the precincts of the county assembly other than the chamber.*

Further, Section 5(c) provides that:

*For the purposes of Article 94(6) of the Constitution the principles and standards applicable to the order and Code of Conduct made under this section are the usages, forms, precedence, customs, procedures and traditions of the Parliament of Kenya and other jurisdictions to the extent that these are applicable to Kenya.*

In light of the above and as per the County Assembly speaker's rules, Members of the County Assembly are expected to attend sittings of a County Assembly dressed respectably. In Parliamentary culture, men dress in full suit or broken suits with a tie while ladies put on decent official dress or suit.

Members of the County Assembly, members of the press and guests should not enter the Chamber, or Committee Rooms without being properly dressed.

The Honorable Members of the County Assembly are expected to dress in a dignified manner that preserves the standards and ensure decency within the precincts of the County Assembly and in a manner that demonstrates the respect of the Assembly and its eminence in the society.

I therefore direct that whenever the Members of the County Assembly appear in the County Assembly or its Committees to transact business, they should do so in a decorous attire befitting their stature as Members of the County Assembly and in keeping up with the dignity of the Assembly.

**Honorable Members,**

In addition to the Speaker's Rules, Members are advised to be fully conversant with all other laws which define the powers, privileges and immunities of the Members. Breach of the Speaker's Rules will usually result in the matter being referred to the Committee on powers and Privileges for consideration and action. The Members who continually dress improperly will be deemed to be disorderly and may be subject to applicable sanctions.

Honorable members I wish you all the best as you continue to fulfill your constitutional mandate.

I thank you.”

**4. PAPERS LAID**

The following papers were laid on the table of the House

- i. The Tharaka Nithi County Agriculture Policy, 2023  
*(Hon. Marengo Luke Nyaga, MCA – Leader of Majority Party)*
- ii. The Report of the Select Committee on Finance, Budget and Appropriations on The Intergovernmental Participation Agreement Between the National-Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP)  
  
*(Hon. Muchiri Godfrey Murithi, MCA- Chairperson, Committee on Finance, Budget and Appropriations)*
- iii. The Report of the Committee on Finance, Budget and Appropriations on

The Annual Development Plan for The Financial Year 2024/2025

*(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)*

- iv. The Report of the Committee on Water Environment and Natural Resources on The Tharaka-Nithi County Climate Change Action Plan 2023-2028.

*(Hon. John Joseph Njeru, MCA -Chairperson Committee on Water, Environment and Natural Resources)*

- v. The Report of the Committee on Agriculture, Livestock and Fisheries on the Itugururu Agricultural Training Center Bill, 2023.

*(Hon. Kiriko Jacob Murimi Ndeke, MCA – Chairperson Committee on Agriculture, Livestock and Fisheries)*

## **5. NOTICES OF MOTION**

The following notices of motion were issued: -

- A. **APPROVAL NOTICE OF MOTION- ADOPTION OF THE REPORT OF THE COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS ON THE INTERGOVERNMENTAL PARTICIPATION AGREEMENT BETWEEN THE NATIONAL- GOVERNMENT OF THE REPUBLIC OF KENYA AND THE COUNTY GOVERNMENT OF THARAKA NITHI ON IMPLEMENTATION OF NATIONAL AGRICULTURAL VALUE CHAIN DEVELOPMENT PROJECT (NAVCDP)**

*(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)*

**THAT;** that the County Assembly adopts the Report of the Committee on Finance, Budget and Appropriations on The Intergovernmental Participation Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of

National Agricultural Value Chain Development Project (NAVCDP) and approves The Intergovernmental Participation Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP).

**B. NOTICE OF MOTION- APPROVAL OF THE MEMBERS OF THE BOARD OF KATHWANA MUNICIPALITY**

*(Hon. Marengo Luke Nyaga – Leader of Majority Party)*

**THAT;** Pursuant to provisions of Section 14 of the Urban Areas and Cities Act of 2011 the County Assembly approves the following nine Members to serve in the Board of the Municipality of Kathwana:

1. Eng. Julius Giti -County Executive Committee Member Lands, Physical Planning and Housing, Roads, Infrastructure, Public Works, Urban Development.
2. Ms. Faith K. Kyunga -Chief Officer Roads, Infrastructure, Public Works, Urban Development.
3. Ms. Eunice Kanono Ndirangu
4. Mr. Festus Njagi Charles
5. Ms. Mary Mumu Gitonga
6. Mr. Patrick Kirema Nthiga
7. Ms. Bonifacia Njeri Kigwari
8. Mr. Paul Kinyua Sebastian
9. Fr. Gerald Mugendi Mbuba

**C. NOTICE OF MOTION- ADOPTION OF THE REPORT OF THE COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS ON THE ANNUAL DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2024/2025**

*(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)*

**THAT;** Pursuant to provisions of Section 106 of the Public Finance Management Act 2012, Section 113 of the County Governments Act, 2012 and Standing Order 243 as read together with Standing Order 241 of the Tharaka Nithi County Assembly Standing Orders the County Assembly adopts the report of the Committee on Finance Budget and Appropriations on the Annual Development Plan for the Financial Year 2024/2025 laid on the Table of the Assembly on 5th September, 2023.

**D. NOTICE OF MOTION- ADOPTION OF THE REPORT OF THE COMMITTEE ON WATER ENVIRONMENT AND NATURAL RESOURCES ON THE THARAKA-NITHI COUNTY CLIMATE CHANGE ACTION PLAN 2023- 2028**

*(Hon. John Joseph Njeru, MCA -Chairperson Committee on Water, Environment and Natural Resources)*

**THAT;** that the County Assembly adopts the Report of the Committee on Water Environment and Natural Resources on the Tharaka Nithi County Climate Change Action Plan 2023-2028 and adopts the Tharaka Nithi County Climate Change Action Plan 2023-2028 laid on the Table of the House on 13th June, 2023.

**6. MOTION – ADOPTION OF THE REPORT OF THE COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS ON THE INTERGOVERNMENTAL PARTICIPATION AGREEMENT BETWEEN THE NATIONAL- GOVERNMENT OF THE REPUBLIC OF KENYA AND THE COUNTY GOVERNMENT OF THARAKA NITHI ON IMPLEMENTATION OF NATIONAL AGRICULTURAL VALUE CHAIN DEVELOPMENT PROJECT (NAVCDP)**

*(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)*

Order read;

Motion made and question Proposed;

**THAT;** that the County Assembly adopts the Report of the Committee on Finance, Budget and Appropriations on The Intergovernmental Participation Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP) and approves The Intergovernmental Participation Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP.

Debate arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT;** that the County Assembly adopts the Report of the Committee on Finance, Budget and Appropriations on The Intergovernmental Participation

Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP) and approves The Intergovernmental Participation Agreement Between the National- Government of the Republic of Kenya and the County Government of Tharaka Nithi on Implementation of National Agricultural Value Chain Development Project (NAVCDP).

**6. MOTION – APPROVAL OF THE MEMBERS OF THE BOARD OF KATHWANA MUNICIPALITY**

*(Hon. Marengo Luke Nyaga – Leader of Majority Party)*

Order read;

Motion made and question Proposed;

**THAT;** Pursuant to provisions of Section 14 of the Urban Areas and Cities Act of 2011 the County Assembly approves the following nine Members to serve in the Board of the Municipality of Kathwana:

1. Eng. Julius Giti - County Executive Committee Member Lands, Physical Planning and Housing, Roads, Infrastructure, Public Works, Urban Development.
2. Ms. Faith K. Kyunga - Chief Officer Roads, Infrastructure, Public Works, Urban Development.
3. Ms. Eunice Kanono Ndirangu
4. Mr. Festus Njagi Charles
5. Ms. Mary Mumu Gitonga
6. Mr. Patrick Kirema Nthiga



7. Ms. Bonifacia Njeri Kigwari

8. Mr. Paul Kinyua Sebastian

9. Fr. Gerald Mugendi Mbuba

Debate arising;

A Member was of a different opinion on the procedure of submission of the notification list for approval and moved an amendment.

**THAT;** pursuant to provisions of Standing Order 119, the debate be now adjourned”

Order for adjournment read;

Motion made and question Proposed;

Debate arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and a Member claimed a division. Four Members rose in their places to support the Member claiming the roll call division.

The Speaker directed the roll call vote be taken and the Division Bell rung for ten minutes;

The names of the tellers for Ayes and Noes submitted to the Speaker and directed to take seats at the designated places;

Doors locked and Bars drawn;

Question put and the Clerk called out the names of Members in alphabetical order in the presence of the tellers.

Votes taken in a manner “I vote yes” or “I vote No” or “I Abstain”

Results announced;

Ayes -four (4) votes

Noes- eleven (11) votes

Abstain-five (5) votes

The motion for adjournment **Negatived**

The House reverted back to the original Motion;

Debate arising;

**THAT;** Pursuant to provisions of Section 14 of the Urban Areas and Cities Act of 2011 the County Assembly approves the following nine Members to serve in the Board of the Municipality of Kathwana:

1. Eng. Julius Giti - County Executive Committee Member Lands, Physical Planning and Housing, Roads, Infrastructure, Public Works, Urban Development.
2. Ms. Faith K. Kyunga - Chief Officer Roads, Infrastructure, Public Works, Urban Development.
3. Ms. Eunice Kanono Ndirangu
4. Mr. Festus Njagi Charles
5. Ms. Mary Mumu Gitonga
6. Mr. Patrick Kirema Nthiga
7. Ms. Bonifacia Njeri Kigwari
8. Mr. Paul Kinyua Sebastian
9. Fr. Gerald Mugendi Mbuba

Question put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT;** Pursuant to provisions of Section 14 of the Urban Areas and Cities Act of 2011 the County Assembly approves the following nine Members to serve in the Board of the Municipality of Kathwana:

1. Eng. Julius Giti - County Executive Committee Member Lands, Physical Planning and Housing, Roads, Infrastructure, Public Works, Urban Development.
2. Ms. Faith K. Kyunga - Chief Officer Roads, Infrastructure, Public Works, Urban Development.
3. Ms. Eunice Kanono Ndirangu
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5. Ms. Mary Mumu Gitonga
6. Mr. Patrick Kirema Nthiga
7. Ms. Bonifacia Njeri Kigwari
8. Mr. Paul Kinyua Sebastian
9. Fr. Gerald Mugendi Mbuba

**7. MOTION- ADOPTION OF THE REPORT OF THE COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS ON THE ANNUAL DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2024/2025**

*(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)*

Order read

Motion made and question proposed;

**THAT;** Pursuant to provisions of Section 106 of the Public Finance Management Act 2012, Section 113 of the County Governments Act, 2012 and Standing Order 243 as read together with Standing Order 241 of the Tharaka Nithi County Assembly Standing Orders the County Assembly adopts the report of the Committee on Finance Budget and Appropriations on the Annual

Development Plan for the Financial Year 2024/2025 laid on the Table of the Assembly on 5th September, 2023.

Debate arising;

There being no other member wishing to contribute;

Mover Replied;

Question Put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT;** Pursuant to provisions of Section 106 of the Public Finance Management Act 2012, Section 113 of the County Governments Act, 2012 and Standing Order 243 as read together with Standing Order 241 of the Tharaka Nithi County Assembly Standing Orders the County Assembly adopts the report of the Committee on Finance Budget and Appropriations on the Annual Development Plan for the Financial Year 2024/2025 laid on the Table of the Assembly on 5th September, 2023.

**8. MOTION- ADOPTION OF THE REPORT OF THE COMMITTEE ON WATER ENVIRONMENT AND NATURAL RESOURCES ON THE THARAKA-NITHI COUNTY CLIMATE CHANGE ACTION PLAN 2023-2028**

*(Hon. John Joseph Njeru, MCA -Chairperson Committee on Water, Environment and Natural Resources)*

Order read

Motion made and Question Proposed;

**THAT;** the County Assembly adopts the Report of the Committee on Water Environment and Natural Resources on the Tharaka Nithi County Climate Change Action Plan 2023-2028 and adopts the Tharaka Nithi County Climate

Change Action Plan 2023-2028 laid on the Table of the House on 13th June, 2023.

Debate arising

There being no other Member wishing to Contribute;

Mover replied;

Question Put and **agreed to.**

**RESOLVED ACCORDINGLY**

**THAT;** the County Assembly adopts the Report of the Committee on Water Environment and Natural Resources on the Tharaka Nithi County Climate Change Action Plan 2023-2028 and adopts the Tharaka Nithi County Climate Change Action Plan 2023-2028 laid on the Table of the House on 13th June, 2023.

**9. THE ITUGURURU AGRICULTURAL TRAINING CENTER BILL, 2023**

*(Hon. Kiriko Jacob Murimi Ndeke, MCA -Chairperson Committee on Agriculture Livestock and Fisheries)*

Order for the Second Reading read;

Motion made and Question proposed;

**THAT;** the Itugururu Agricultural Training Center Bill, 2023 be now read a Second Time.

*(Chairperson, Committee on Agriculture, Livestock and Fisheries)*

Debate arising;

Question put and **agreed to.**

Thereupon, the House Resolved into a Committee.

**10. NOTICE OF AMENDMENTS**

The Chair gave the following Notice of Amendments on The Itugururu Agricultural Training Center Bill, 2023

**THAT;**

**NOTICE** is given that the Chairperson to the Sectoral Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Itugururu Agricultural Training Center Bill, 2023 at the Committee Stage—

- i. **That the short title** of the Bill be amended by deleting the word 'Itugururu' and replacing it therefor with 'Tharaka Nithi County'
- ii. **That clause 1** be amended by deleting the word 'Itugururu' and replacing it therefor with 'Tharaka Nithi County'
- iii. **That Clause 10** sub-clause (2) be amended by deleting '3 (three) years' and replacing it therefor with '5 (five) years'
- iv. **That Clause 10** sub-clause (4)(h) be amended by inserting the word 'other' between the words 'any' and 'function', deleting the word 'signed' appearing between the words 'be' and 'by' and replacing it therefor with the words 'assigned' and insert the word 'board' between the words 'the' and 'from'.
- v. **That Clause 11** sub-clause (1)(f) is amended by deleting the words 'physical or' and 'and' where they appear.
- vi. That Clause 15 (1) be amended by inserting the words 'there is established a fund to be known as the Tharaka Nithi County Agricultural Training Center Fund' before the words 'the Funds of the Centre'.

- vii. That Clause 15(3) is amended by deleting the word ‘center’ at the end of the Clause and replacing it therefor with ‘development and maintenance of the Centre as prescribed under this Act’
- viii. That Clause 15(4) is deleted and replaced therefor with ‘all monies due to the Fund shall be received and paid into the Fund in Full and shall be collected and accounted for through the established accounting system’

## **11. COMMITTEE OF THE WHOLE**

Clause 2 - agreed to

Schedule - agreed to

Title - agreed to

Clause 1 - agreed to

Motion made and question proposed;

**THAT;** the Committee do Report to the County Assembly its consideration of The Itugururu Agricultural Training Center Bill, 2023 and its approval thereof with amendments.

*(Chairperson, Committee on Agriculture, Livestock and Fisheries)*

Question put and **agreed to.**

**HOUSE RESUMED** - Hon. Speaker on the Chair

## **THE ITUGURURU AGRICULTURAL TRAINING CENTER BILL, 2023**

Bill reported with amendments;

Motion made and Question proposed;

**THAT;** the Assembly do agree with the Committee of the Whole in its consideration of the Itugururu Agricultural Training Centre Bill, 2023.

*(Chairperson, Committee on Agriculture, Livestock and Fisheries)*

Question put and **agreed to.**

Motion made and Question proposed –

**THAT;** the Itugururu Agricultural Training Centre Bill, 2023 be now read a Third Time.

*(Chairperson, Committee on Finance, Budget and Appropriations)*

Question put and **agreed to.**

The Itugururu Agricultural Training Centre Bill, 2023 was read a Third Time and passed.

## **12. STATEMENTS:**

A. Hon. S. Nderi Justin Kithinji, MCA Magumoni Ward sought a statement from the Committee on Agriculture, Livestock and Fisheries pursuant to the provisions of Standing Order 55 (a) on implementation of the Tharaka Nithi County Tea Act of 2020. In the Statement the Chairperson Committee on Agriculture, Livestock and Fisheries is to respond to the following:

- i. Has the Tharaka Nithi County Tea Advisory Committee been established pursuant to the provisions of section 3 of the Act? If not, why has it not been established three years after the Act was passed by the County Assembly?
- ii. Has the factory been deducting the tea cess from the growers?
- iii. Has the Tharaka Nithi County Tea Cess Committee been established pursuant to the provisions of section 19 of the Act? If not, why has it



not been established three years after the Act was passed by the County Assembly?

B. Hon. Muchiri Godfrey Murithi, MCA Karingani Ward sought a statement from the Chairperson Committee on Water, Environment and Natural Resources pursuant to the provisions of standing Order 55 (a) on the Staffing of Nithi Water and Sanitation Company. In the Statement the Chairperson Committee on Water, Environment and Natural Resources is to respond to the following with respect to the Nithi Water and Sanitation Company:

- i. What is the number of employees in the Company?
- ii. How many of the employees are on permanent terms, on contract and how many are casuals?
- iii. How many employees were engaged when the company was incorporated in 2006? How many are permanent, contract or casual as per now?
- iv. What is the criteria used in promoting employees and engaging employees on permanent or contractual terms?
- v. Provision of data on employee recruitment and promotion since 2006.

C. Hon. Rael Fatuma Murungi, MCA sought for extension period on behalf of the Committee on Transport, Public Works and Infrastructure to respond on a statement on grading of roads across the County. The Committee was granted a fortnight to respond to the House by 1<sup>st</sup> November, 2023.

D. Hon. Frankline Mawira, the Chairperson Youth, Sports, Culture and Social Services responded on the Statement on Kenya Youth Inter-County Sports (Kyisa) Games held on 23rd-30th April, 2023 in Tharaka Nithi County.

13. **COUNTY ASSEMBLY ROSE** - at thirty minutes past twelve O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on the day to be reconvened on notice by the Honorable Speaker pursuant to the House Resolution of 27<sup>th</sup> June, 2023.*