

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

19th April 2020

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.30 Am*

[The Speaker (Hon. D.J. Mbaya) in the Chair]

PRAYERS

Hon. Speaker: Honourable members let's get seated.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members good morning and welcome to this sitting. I do wish you all the best as you carry on with your constitutional mandate. Thank you.

STATEMENTS

Hon. Speaker: Yes, Honourable Godfrey Muchiri.

Hon. Muchiri: Thank you Honourable Speaker. Before I seek my statement, there is a day I brought a statement in this honourable house regarding demolition of kiosks and I don't think the Chair Urban ever brought a response this house concerning this report and honourable Speaker I think it is important to have orders when it comes to responses.

Hon. Speaker: Yes, honourable Chair for lands and housing.

Hon. Kithinji: Thank you Mr. Speaker, it is true that a statement was sought on demolition of kiosks in Chuka and Chogoria town and at that particular time I sought for indefinite time and of course the committee sat and we wrote to the Chief officer in charge of urban planning. As you know, we have allowed the Executive develop a culture of ignoring this house and they have that impunity. There isn't much that we can do because we allowed ourselves into those levels,

(Laughter)

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable member for Magumoni. When are you likely to file your response?

(Laughter)

Hon. Kithinji: Honourable Speaker there isn't much I will have to file. I will just say exactly what I am saying because they never bothered to respond.

(Interjection by Hon. Speaker)

Hon. Speaker: Yes, honourable Kinyua. You want to respond?

Hon. Kinyua: Thank you honourable Speaker. I think the standing orders are very clear. If you write a letter to a CEC member and he/she fails to respond, you are supposed to write the second time, the third time it should be a summon. Have you done that honourable Chair?

Hon. Kithinji: Thank you honourable Speaker for that information

(Laughter)

We have exhausted all the channels and avenues as a committee. As honourable Kinyua has said, summons have been given, then after that we have powers as a committee to draft a motion of impeachment towards the CEC who has failed to respond.

(Loud Consultations)

Hon. Speaker: Honourable members let me give directions on that issue. This is a house of order guided by the rules and the constitution and I do direct that the response that was sought by the honourable member for Karingani to be provided to this house next week. Let us proceed.

Hon. Muchiri: Thank you honourable Speaker for that ruling and I am happy that my people will get the best response ever. Honourable Speaker I seek a statement on issuance of farm inputs. I rise pursuant to the standing order number 55(1A) to seek a statement for the Chair person for committee on agriculture, livestock and fisheries. The department of agriculture has put in place to issue and distribute seedlings for planting during this season. During this period of the Corona virus pandemic, the County Government should put in place mechanisms for distribution of seedlings to farmers as budgeted for in the financial year 2019/2020 by ensuring that farmers are well equipped with farm inputs. In the statement, the Chair person should respond to the following;

1. Why has the department not issued farm inputs and the rain has already began.

Honourable Speaker as I confine myself to the statement, I want to put some words that were said by His Excellency the Governor that during this season, not only that the farmers will be issued with seedlings, the lower part will be issued with seeds for planting grass so that they can also benefit from the agriculture subsidies. Honourable Speaker, that is why I wanted some clarifications because already it is raining and our farmers are at home this particular time we have the Corona virus. So it is the high time they work on their Shambas so that they can not only be in their houses but they can also work in their farms.

2. What are the type of the seedlings to be issued if there are any.
3. How will be the distribution of the farm inputs be coordinated.

Honourable Speaker during the last season, some seedlings were issued. There are some areas that were requesting for seedlings for planting others had in excess. There are some areas that were issued with banana seedlings, others were issued with macadamia, others were issued with maize seeds .we need a very good coordinated formula so that all the farmers from Tharaka Nithi can benefit putting into consideration that this is something that has already been budgeted for and the financial year is ending in June.

4. What is the agriculture department doing to ensure that the County is not hit by food shortage during this Corona virus pandemic.

Honourable Speaker we must be very much prepared because even with the Corona virus, we must continue eating even as we stay in our homes. I also want to remind them that they should remember that the locusts are still with us.

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable member for Karingani, standing order No 57(1) is very clear. When the order for statement is read, a member whose request for a statement is published in the order paper shall confine himself/herself to text of the request of the statement as approved by the Speaker with such other variations as the Speaker will from time to time. In the entire body of this statement, the locusts are not there. Kindly proceed.

(Laughter)

Hon. Muchiri: Thank you Honourable Speaker for that note. That is why I had said,

(Interjection by Hon. Speaker)

Hon. Speaker: Our hands are tied by the standing orders.

Hon. Muchiri: Thank you honourable Speaker for that clarification. That is the statement and I think the answer to this statement should be brought to this honourable house as soon as possible because it is already ready. Thank you Honourable Speaker.

Hon. Speaker: Thank you Honourable member for Karingani. Where is the Chair Agriculture? How much time do you require to respond?

Hon. Njagi: A span of 14 days is enough.

Hon. Speaker: Is 14 days okay with you Honourable Godfrey Murithi?

Hon. Muchiri: Mr. Speaker this is something that was budgeted for, this is something that should be in the process. I think the best thing is that it should be brought in this house during the next sitting. I request for that because already we have the rains with us.

Hon. Njagi: Mr. Speaker the reason I am saying 14 days,

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable Njagi Mucee, borrowing from the National Assembly and the Senate, the committees can still actively work

(Applause)

So allow me to direct that this response be filed to the assembly within the next seven days regard being taken to the fact that it is already raining and the nature of this statement is that it is urgent.

(Applause)

Hon. Njagi: Most obliged Mr. Speaker.

Hon. Speaker: Thank you. Kindly proceed. Next order.

MOTIONS

MOTION ON ALTERATION OF THE ASSEMBLY CALENDAR

Hon. Speaker: Yes Honourable Peterson Kathenya the Honourable Majority leader.

Hon. Kathenya: Thank you Mr. Speaker. motion on alteration of the Assembly calendar. That pursuant to provisions of standing order No 39(4), this house resolves to farther alter its calendar (regular session) for the fourth session 2020 as amended through the resolution of the Assembly on Tuesday 17th March 2020 so as to;

- a) Adjourn the sittings of the assembly from Wednesday 22nd April 2020
- b) Hold the next sitting during the first part of the session on Tuesday 5th May 2020 starting at 9:30Am.

Honourable Speaker I request Honourable Wilson Derebia to second.

Hon. Speaker: Yes Honourable Wilson Derebia.

(Honourable Wilson Derebia rose and bowed to second the motion)

Honourable members, I now propose the question That pursuant to provisions of standing order No 39(4), this house resolves to farther alter its calendar (regular session) for the fourth session 2020 as amended through the resolution of the Assembly on Tuesday 17th March 2020 so as to;

- a) Adjourn the sittings of the assembly from Wednesday 22nd April 2020
- b) Hold the next sitting during the first part of the session on Tuesday 5th May 2020 starting at 9:30Am.

Honourable members the floor is now open for debate. Yes Honourable Samuel Muthini.

Hon. Karangi: Mr. Speaker, I am very much willing to support this motion but going by your ruling for the 7 days' response by the Agriculture committee,

(Interjection by Hon. Speaker)

Hon. Speaker: I said that the statement be filed to the Assembly so there is no contradiction honourable Muthini.

Hon. Karangi: Okay. I support the motion.

Hon. Speaker: Thank you.

(Laughter)

Honourable members the floor is still open for debate. Yes Honourable Godfrey Murithi.

Hon. Muchiri: Thank you Honourable Speaker. I rise to support the motion on alteration of the Assembly calendar. I think as we go to our respective wards, and as we come back on 5th, Honourable Speaker we do not know how the situation will be regarding the Corona virus, it is important that the board and the leadership to sit so that we can have something paperless in this house so that we can avoid handling these papers

(Applause)

Because Honourable Speaker, a paper may be used by Honourable Kithinji or Honourable Mutwiri and later, I use it. It is the high time we digitalize this house.

(Applause)

That is my prayer Honourable Speaker as we go for these few days. The few days that we are going out, it is important also to have these microphones to be quite operational. I do not know whether we are all that poor that we cannot afford,

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable member for Karingani, I gave you permission to contribute to the motion before the house but that cannot be taken to be a platform to say anything. Let us confine ourselves to the rules.

Hon. Muchiri: Thank you Honourable Speaker but am still within the motion because that is why we are going out. The mover of the motion did not tell us the explanation as to why we are altering the calendar. He just said we are adjourning and coming back on 5th. we needed some clarification Honourable Speaker. that is why I am borrowing honourable *Cucu's* words to enrich.

(Laughter)

Hon. Speaker: Honourable member for Karingani. There is no member in this house by the name honourable *Cucu*. Kindly withdraw.

(Laughter)

Hon. Muchiri: I apologise Honourable Speaker but we need to recognize that even the Government is saying those people who are over 60 years should stay at home and work from there.

(Laughter)

So I wanted to borrow some words from him. I am also hoping that the Assembly leadership will sit down so that they can move some coins so that we can have masks in our wards and when we visit our people, at least we should be able to offer our people with some of these important masks even if we cannot afford other items. That is why I am supporting the alteration with my reserved reasons. Thank you Honourable Speaker.

Hon. Speaker: Thank you Honourable member for Karingani. Yes Honourable minority leader.

Hon. Derebia: Thank you Honourable Speaker. I rise to support the motion on the alteration of the Assembly calendar. I am a worried person Mr. Speaker and I also want to correct Honourable member for Karingani. It is well stated here that, "Farther alter the assembly calendar as amended through the resolution of the Assembly on Tuesday 17th March. So we are continuing with what we already passed here Mr. Speaker. I also remember we approved the supplementary budget here, and we allocated money for fighting Corvid-19. We have not heard anything happening in our wards Mr. Speaker.

(Applause)

Mr. Speaker we have the committee on implementation and they are saying that they are working through the Osmosis or through the Zoom technology. What is happening to that money that we passed here Mr. Speaker. Our electorate are on our necks on daily basis Mr. Speaker.

(Point of information by Hon. Susan Ngugi)

Hon. Speaker: Yes Honourable Susan Ngugi.

Hon. Susan: Mr. Speaker I want to inform the honourable member for Muthambi ward that the core mandate of the committee on implementation is to follow on implementation of the Assembly resolutions. This should take effect 60 days after the resolution has been made. so we are going to follow this 60 days after the resolution was made Mr. Speaker Sir.

Hon. Speaker: Yes Honourable Nyaga Derebia.

Hon. Derebia: Thank you Mr. Speaker. Corvid-19 is not waiting for 60 days.

(Applause)

This is a disease, it is a pandemic and we should not be following law here Mr. Speaker.

(Point of information by Hon. Anita)

Hon. Speaker: Yes Honourable Anita. You would like to stand on what?

Hon. Anita: I want to seek clarification Honourable Speaker and inform my Sister that we are on quarantine and we are watching what is happening. I want to tell her by telling us a pandemic can wait for 60 days so that the committee can follow on the issue, it is like laughing on the face of our people. We have not seen masks, we have not seen sanitizers, we only saw a few soaps being issued in few shops in a few shopping centres . Then a committee member stands and tells us to give the committee 60 days ,

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable Anita I will give you time to contribute. Yes Honourable Wilson Nyaga.

Hon. Derebia: Thank you Mr. Speaker.

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable members let us observe the standing orders.

Hon. Derebia: Thank you Mr. Speaker. That is why I had said that I am a worried person when I observe incidences occurring in our wards. We had a special sitting that was gazetted because it was emergency. We passed the supplementary budget. I am requesting that Tharaka Nithi people be provided with these items. i.e. the masks and the sanitizers from our County Government Mr. Speaker. I support the adjournment Mr. Speaker.

Hon. Speaker: Thank you Honourable Wilson Nyaga. Yes Honourable Karen Karimi.

Hon. Karen: Thank you Mr. Speaker. from matters arising Mr. Speaker, I am not supporting this alteration because we need to get back to this house and have more statements and motions on issues raised by my leader for the minority party so that we can be able to follow on the money we passed. I am not supporting. Thank you.

Hon. Speaker: Thank you Honourable Karen. Yes Honourable Erastus Kinyua.

Hon. Kinyua: Thank you Mr. Speaker. I rise to support the alteration of the Assembly calendar in the sense that even if break, we can still meet through a special sitting if need arises. We can gazette a special sitting and still meet and discuss the matter that arises Mr. Speaker. I support the alteration of the Assembly calendar Mr. Speaker.

Hon. Speaker: Thank you Honourable Erastus Kinyua. Yes Honourable Justin Kithinji. Honourable Susan I thought you contributed?

Hon. Susan: Honourable Speaker I was just informing the honourable member.

Hon. Speaker: okay I will give you time to contribute. Proceed Honourable member for Magumoni.

Hon. Kithinji: Thank you Mr. Speaker. Again, I want to state categorically that I support the motion on adjournment but now issues are coming out on the oversight of what the County Government is doing whereas Mr. Speaker, we have been here and nobody brought a statement to seek to know what they are doing. We did our work to give them money. They bought motor cycles

(Laughter)

I saw some honourable members very happy in the villages distributing 20 litres drums of soap manufactured from Embu County. Those are the kind of issues they could have brought here in form of statements. There is nothing that stops the operations of the committees to move on their own motions seeking to know what is happening with the money that we passed. We have a responsibility to ensure our people are safe but when you look at what is happening Mr. Speaker, you will realise that we are just engaging ourselves in useless works. Mr. Speaker,

(Point of order by Hon. Karangi)

Hon. Speaker: Yes Honourable Samuel Muthini. You would like to stand on what.

Hon. Karangi: Mr. Speaker I am seeking your directions whether Honourable Kithinji is right to say we are doing useless work in this house.

Hon. Speaker: Honourable Justin Kithinji even before you reply, the word useless is not parliamentary especially when it refers to members of this house. Kindly withdraw.

Hon. Kithinji: Mr. Speaker they never cared to listen to what I was saying. I was not referring to these Honourable members.

(Interjection by Hon. Speaker)

Hon. Speaker: Now that the Chair has directed, just withdraw and proceed.

Hon. Kithinji: Why should I withdraw and it was not directed to Honourable members.

Hon. Speaker: So the word useless was referring to who?

Hon. Kithinji: It was used in a sentence.

(Laughter)

Hon. Speaker: Every good sentence must have a subject verb. So the word useless was being referred to who?

Hon. Kithinji: Mr. Speaker let me repeat what I said. I said, "some of the measures that we are taking assuming that we are fighting Corvid-19, they are useless."

(Loud Consultations)

Hon. Speaker: Kindly let us proceed.

Hon. Kithinji: Thank you. Therefore ,

(Point of Information by Hon. Karen)

Hon. Speaker: Yes Honourable Karen Karimi. You want to stand on what?

Hon. Karen: Mr. Speaker I would like to inform Honourable Kithinji may be it will help him on the meaning of the word useless.

(Loud consultations)

Hon. Speaker: I have already ruled on that Honourable Karen

(Laughter)

Let us proceed.

Hon. Kithinji: Thank you Mr. Speaker. The use of the word was not aimed at anybody. It was just used to express my feelings and therefore Mr. Speaker, we need this time so that we can go and interact with our people in whichever way we will do it, so that at least we get to know what are their problems. We are really expecting very many statements when we come back on 5th. It is not very far. I support.

Hon. Speaker: Thank you honourable Justin Kithinji. Yes Honourable Susan Ngugi.

Hon. Susan: Thank you Mr. Speaker Sir, I also rise to support the adjournment motion. We have heard statements from honourable members, they have all pointed on committee on health and committee on implementation Mr. Speaker. Honourable Nyaga just said that the committee on implementation is doing meetings through osmosis. Even as we adjourn, it is important that some committees like the committee on health and the committee on implementation are put on the essential service providers. We are being told that we cannot move around and do county visits. Mr. Speaker Sir, for example if we question on water tanks, for example we are told all the markets have enough water tanks. How do we confirm if we are not allowed to move around.

(Applause)

As the house leadership sits, let them allow

(Interjection by Hon. Speaker)

Hon. Speaker: Honourable Susan Ngugi, I know I am not part of this debate but you are aware and indeed you are correct that the committee on health wrote to the Speaker seeking permission to continue doing the oversight job as a committee and that request was granted. How can you now blame the board or the house leadership.

Hon. Susan: Mr. Speaker Sir probably it was not very clear through our Chairs. We thought we can only do meetings but we cannot move around. So if we are free to move around, in our next sitting as the vice Chair for health committee, I want to promise this house that we will bring a very reliable report. Thank you Mr. Speaker.

Hon. Speaker: Kindly withdraw the part that you blamed the board.

(Laughter)

Hon. Susan: Mr. Speaker Sir, I withdraw.

Hon. Speaker: Thank you. Honourable members the floor is still open for debate. Yes Honourable Gitonga Leonard. Honourable Jones Kabii I will give you time after Honourable Gitonga.

Hon. Gitonga: Thank you Mr. Speaker. I rise to support the adjournment and the alteration of the assembly calendar motion. This will also give us time to move around our wards and visit our constituents to find out on the problems that are ailing them so that we can enrich the Assembly with business once we come back. Honourable Speaker, one honourable Wilson mentioned about the implementation committee where I am the Chair. It is important I comment on the same though honourable Susan also tried to explain. The mandate of the implementation committee is very clear and very well stipulated in our standing orders. As it is the implementation committee does not follow up on the actual status of the implementation of things on the ground. The actual follow up should be done by the respective committees. Ours is to follow up on the status. The status means to find out from the Executive how far they have implemented that resolution. The fact of the matter is as the standing orders stipulates, we are supposed to do that follow up after the expiry of about 60 days. That is two months and the implementation committee is well versed of the matter of what is supposed to be done once a resolution has been made by this house. We will do a follow up and give a status report of the implementation of that resolution. Even before we do that Mr. Speaker, it's common knowledge that part of that resolution is being implemented by the Executive. One Honourable Kithinji has already said that part of the money that was granted by this house has been used to purchase motor cycles, water tanks, and many other things are happening even before we get to the 60 days. It's upon each one of us as honourable members if one has an issue to seek clarification through a statement so that some of these things can be answered by the respective department. Having said that Mr. Speaker, I support the alteration of the Assembly calendar and the implementation committee is very active. We do our work, we do follow up on status of implementation Mr. Speaker. thank you.

Hon. Speaker: Honourable members, the floor is still open for debate. Yes Honourable Anita Karimi.

Hon. Anita: Thank you Mr. Speaker. I rise to support motion. Even as we go for the recess to come back on 5th, the committee on health should give us a status report on what is happening because if I my mind serves me well, one honourable Margaret tabled either a

motion or a statement on what is being done to tackle this Corona virus the committee of health should have given us a status report on what is going on. As honourable Godfrey Murithi has said, we need to be a bit serious. I believe if the committee sat online, the office of the clerk is not closed. They are in to offer essential services. I believe the CEC health and the Chief officer concerned are very busy in the ground so we need a status report. Mr. Speaker, I don't want to talk about a special sitting because I don't believe that money should be used to pay us our salaries because it is a lot of money and we all know what we are going through.

(Laughter)

So Mr. Speaker, I am supporting this motion and it is not only the committee on health because I also believe the Committee on Agriculture and the Public service also have a lot to do. If you organize for us to get budget for essential services, because may be we might have a meeting and we need these services I believe it would be better for us so that we can continue delivering our services. It is the other day I was looking at the letter we received from our Clerk when we were adjourning. Mr. Speaker as you have said very clearly, I am not saying that we are going for quarantine without working. It stated that we can only work within the precincts of the County Assembly. Even after Corona virus, the people of Tharaka Nithi County expect services, they will still be there and I pray that God keeps us safe from death and we will keep to tell our children about this issue. I believe we need to continue offering our services. For instance I don't know if we have a budget that is coming. If we have it, we still need to see the implementation, we need to do our oversight so that the people of Tharaka Nithi County with or without Corona virus they get services. People are getting food supplies in other Counties and wherever but I have not seen it in Tharaka Nithi County. So even as we adjourn, I believe that essential services needs to continue being given to Mwananchi and we need to keep our toes on the ground. This is the time the People of Tharaka Nithi needs us more because it is the time that we are all suffering. Thank you Mr. Speaker and with that, I support the motion.

Hon. Speaker: To close that debate honourable members, allow me to give directions. That Corvid-19 is a pandemic that has affected the entire world and the last time that the world has ever experienced such a magnitude pandemic, was way back in 1918 and 1920. So there is need that all the committees in this Assembly take an active role because the committees are the turbines of the engine that drives the Assembly, I am urging the committees specifically the committee on health and the committee on implementation to be really very active during this time because the people of Tharaka Nithi have not needed you more than this particular time.

(Applause)

Honourable members, allow me to remind the members of the implementation committee that their mandate under standing order No 222. It states,"(i) There shall be a select committee to be known as the committee on implementation. (ii) The committee shall consist a Chair person and not more than six other members. (iii) The committee shall scrutinize

resolutions of the County Assembly (including adopted committee reports, petitions and undertakings given by the County Executive committee) and examine (a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent which they have been implemented and whether such implementation has taken place within the minimum time necessary. (b) Whether or not legislation part by the County Assembly has been operationalized and where operationalized, the extent which such operationalization has taken place within the minimum time necessary.

(iv) The committee may propose to the County Assembly sanctions against any member of the County Executive committee who fails to report to the relevant select committee on implementation status without justifiable reasons.

Honourable members, I have taken pain to go through standing order No 222 so that you understand and know the limitation on the 60 days.

(Applause)

That is according to Standing orders No 222. What I am urging the committee , I know the committee has that maximum number but going by standing order 222, there is nothing that stops the committee from monitoring whatever implementation within the shortest time possible regard being taken to the fact that 60 days is a lot especially when we are dealing with a pandemic. Honourable Chair, I know you are mandated under the law to report back after 60 days but the 60 days cannot apply in exceptional situations like this when we are dealing with a pandemic. Kindly and urgently monitor implementation when it comes to matters relating to Corona virus. Thank you Honourable members. Honourable members, allow me again to refer you to standing order 39(1) as far as the assembly is concerned. Standing order 39(3) On a day when the Assembly needs to adjourn to a day other than the next normal sitting day in accordance to the Assembly calendar, the leader of the majority party or the leader of the minority party or another member of the Assembly business committee shall move a motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put. Therefore, regard being taken to that provision and there being no other business, the house stands adjourned until Tuesday 5th May 2020.

*****The House Rose at 10:08 Am*****