COUNTY COHESION, JUSTICE AND LEGAL MATTERS COMMITTEE REPORT

LAIKIPIA COUNTY TASKFORCE REPORT ON NYAHURURU TOWN BOUNDARIES

10TH APRIL, 2015

THIRD SESSION
1.0 PREFACE

Mr Speaker Sir, the County Cohesion, Justice and Legal Matters Committee was constituted by the house on 24th April, 2013 and comprises of the following five members:

- Hon Dann Ndegwa - Chairman
- Hon Elizabeth Paraiton - Vice Chairman
- Hon Jacob Endom - Member
- Hon Peter Thomi - Member
- Hon Rose Wangu - Member

The County Cohesion, Justice and Legal Matters Committee was established pursuant to the Standing Orders 191(5)

(5) The functions of a Sectoral Committee shall be to-
(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
(b) study the programme and policy objectives of departments and the effectiveness of the implementation;
(c) study and review all county legislation referred to it;
(d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
(e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
(f) to vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 184 (Committee on Appointments) ; and
(g) make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.
INTRODUCTION

On 1st August 2013, the County Assembly approved a motion on appointment of Nyahururu-Nyandarua taskforce and informed the County Executive Committee Member in charge of the office of the Governor and County Administration that there had been a motion to discuss various issues touching on the boundary of Nyahururu which is in Igwamiti ward in Laikipia West Subcounty. Media reports had indicated that there had been claims by Nyandarua County that a major part of Igwamiti, the ward that is home to Nyahururu town, is in Nyandarua County.

As a result, the County Executive Committee Member in charge of the office of the Governor and County Administration’s department undertook rigorous task on different dates within the county extending to national Government land offices.

The CEC sent a report to the County Cohesion Justice and Legal Matters committee concluding that Nyahururu Town is in Laikipia.

JOINT COMMITTEE
Members of the taskforce were appointed who comprised of:
2. Mr. Lantano Nabaala- Inter Governmental Liaison and Donor Coordinator.
3. Josphat Wasua- County physical planner Officer.
4. Lukas Kamau- County surveyor.
5. Manyara- Surveyor.
6. Charles Nderitu- County Development Planning Officer.
7. Samuel Mwangi- Sub County administrator, Laikipia West

The taskforce further convened a public meeting on 6th May, 2014 to elect a seven-member ground committee to join the technical committee from Nanyuki. They comprised of

- John Muthee-Business Community representative (committee chairman)
- Miriam Kirongo-Youth Representative (committee secretary)
- Francis Ngatia- Jua Kali Representative
- Irene Wachuka-Community Representative
- Grace Kinyua- Women Representative
- Fr. James Nduati-Clergy
- Jonah Munga-Community Representative
Their duties were to:

1. Undertake a fact finding mission in Nyahururu.
2. Collect and collate supportive evidence
3. Prepare a report to the Assembly

How they conducted the mission

1. They held two sittings at Nyahururu where members of the public were invited to give their views.
2. Visited institutions to get first-hand information on the history, e.g. they visited Survey of Kenya for maps and other technical details.

Findings

The working team was mandated to look for evidence to support the position that Nyahururu town wholly lies in in Laikipia County. Upon making enquiries they found out the following:

a. Development planning

The maps for the two neighbouring counties present a jigsaw puzzle along the south western boundary of Laikipia County.

During the 2009 Kenya Population and Housing Census Volume tabulates the population distribution by administrative units. It captured Nyahururu division under Laikipia West, which it comprised of Maina Location, Nyahururu Location, Igwamiti Location and Mutitu Location.

b. Electoral processes

Elections in Kenya are preceded by the delineation of boundaries. An extract from I.E.B.C of Kenya records for Igwamiti ward compiled after registration of voters in 2012 shows that the registration centers which later were designated as polling centers for Igwamiti Ward lie squarely in Laikipia County.
c. Physical planning; Relocation of planning functions of Nyahururu town from Laikipia district to Nyandarua District

Records held in the office indicates that in the year 2003 director of Physical planning was prevailed upon by the local leaders to transfer physical planning services of Nyahururu Municipality from Laikipia (Nanyuki) to Nyandarua District Physical Planning officer whose offices were located in Nyahururu town due to distance travelled looking for services. The director physical planning via memo (Ref. No PPD/14/CONF/II/120) dated 4th November, 2003 granted the request. Files and plans for Nyahururu Municipality via a memo, (Ref. No. PPD/NKI/316/Vol.3/107) dated 10th February, 2004 were transferred to Nyandarua District Physical Planning Office.

Changes arising from Devolution

The C.E.C in charge of Lands, Housing and Infrastructure wrote a memo dated 7th November, 2013 (Ref. No. NKI/273/III/37) to Nyandarua County Physical Planning officer to hand over all records and plans of former Nyahururu Municipality to Laikipia County of which the Nyandarua Physical Planning Officer declined based on instructions from the Governor Nyandarua County
d. Survey

According to the surveyors’ records, Nyahururu town is in Laikipia town. Supported by the following facts:

- According to the Kenya administrative boundaries map, Nyahururu is in Laikipia County.
- According to Nyandarua District administrative boundaries, Nyahururu is not in Nyandarua County.
- According to Laikipia district map showing district boundary and provincial boundary, Nyahururu lies in the former Laikipia District now Laikipia County.
- As per the Gazetted Kenya Counties Map, Nyahururu town is within Laikipia County.

Institutions’ history

The working team found out that the following institutions had issues:

- Nyahururu High School is a provincial school admits students largely from Nyandarua County yet it’s a school much within boundaries within Laikipia County. The school changed its name from Laikipia High school in 1969 to Nyahururu high school.
- Nyandarua Boarding primary school: the school was started by the residents of Nyahururu Municipality as Nyahururu Boarding primary school but due to existence of another school with the same name it had to be changed to Nyandarua Boarding Primary School.
- Mathingira Girls Secondary school is also administered from Nyandarua County even when land it occupies is registered in Laikipia County.

Conclusion

Nyahururu town lies in Laikipia County as reflected by the maps. Nyandarua County has taken the absence of Laikipia administrative to convert institutions into Nyandarua names in order to claim legitimacy.
**Recommendations**

The task force recommended the following:

- All plans, records and reports for the former Nyahururu municipality held by the Physical planning department Nyandarua County to be surrendered to the Physical Planning Department, Laikipia County.
- All schools falling within the jurisdiction of Laikipia County be administered from the County i.e. Nyahururu High School, Nyandarua Boarding to be moved to Laikipia County.
- Nyandarua County should pay all the pending rates owed to Laikipia County.
- Nyandarua County to release all the offices that are not in use to allow Laikipia County to use them.
- Doctors and nurses residing within the Nyahururu Hospital facilities to surrender them for use by the staff of Laikipia County.

**RECOMMENDATIONS OF THE COHESION COMMITTEE**

The report was discussed and the following recommendations were arrived at:

1. That the County Government do ensure that Laikipia County boundaries are beaconed and that all plans, records and reports for the former Nyahururu municipality held by the Physical planning department in Nyandarua County be surrendered to the Physical Planning Department, Laikipia County.

2. That the County Government do ensure that all schools falling within the jurisdiction of Laikipia County be administered from Nyandarua County i.e. Nyahururu High School, Nyandarua Boarding to be moved to Laikipia County.

3. That the County Government do ensure that former provincial offices currently being occupied by Nyandarua officers be vacated forthwith.

4. That the County Government do ensure that the C.E.C in charge of Agriculture writes to the CEC in charge of Agriculture in Nyandarua County withdrawing the inspectors in the slaughter house from Nyandarua so as they can be manned by meat inspectors from Laikipia.

5. That the County Government do ensure that Nyandarua County do pay all the pending rates owed to Laikipia County.

6. That the County Government do ensure that the Agriculture, Transport and Public works, and health ministries do follow up that the above recommendations are taken up by each ministry concerned to completion.
AKNOWLEDGEMENT

Mr Speaker Sir, on behalf of the County Cohesion, Justice and Legal Matters Committee I wish to extend my gratitude to the members of the Committee for their dedication and commitment to their work.

The committee also extends its appreciation to the office of the Speaker, Office of the Clerk of the County Assembly of Laikipia, as well as the members of staff that were involved in compiling of this report. Their support enabled the committee to participate in this duty and steered it on the path to accomplish its mandate.

Signed on this day………………..of December 2014

Hon. Dann Ndegwa Chairman

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