# REPUBLIC OF KENYA

## COUNTY ASSEMBLY OF LAIKIPIA

### THE HANSARD

**Tuesday, 27th August, 2024 PM**

*The House met at the Assembly Chambers at 2.30 p.m.*

*[The Speaker (Hon. Lantano Nabaala) in the Chair]*

PRAYERS

**QUORUM CALL**

**Speaker:** Clerk confirm if we have quorum.

*(Lack of quorum confirmed)*

**Speaker:** Without quorum, I direct that the bell be rang for 10 minutes.

*(Quorum Bell rang for 4 minutes)*

**Hon. Nicholas Lempaira:** Mr. Speaker, I think we now have quorum.

**Speaker**: Clerk confirm if we have quorum now.

*(Clerk confirmed achievement of Quorum)*

**COMMUNICATION FROM THE CHAIR**

CASA GAMES 2024

**Speaker:** Hon. Members, the fifth edition of the CASA Games will be held from 18th to 27th October 2024. The theme of the fifth edition is *'Fostering inclusivity and diversity in county sports and cultural events.'* It is worth noting that Laikipia County has been selected to host this year's CASA games. Laikipia County playing host to this year's CASA Games will boost the economy and open up its doors to tourism activities.

Hon. Members, Laikipia County playing host to the CASA games this year implores us as a County Assembly to be proactive in all the disciplines that we will be participating in. It also requires us to be disciplined during training and also during the main event on the dates shared above. CASA has also mandated that Members of County Assembly **MUST** be participants in each and every discipline that a County Assembly registers for.

Hon. Members, outlined are the disciplines and the venues for training as shared by the Human Resource Department;

1. Golf - Nanyuki Sports Club
2. Squash - Nanyuki Sports Club
3. Volley Ball (both men and women) - Outside MCA ward Office, Nanyuki
4. Badminton - Assembly Hall
5. Darts - Assembly Gym Hall
6. Pool table - Assembly Hall

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7. Draughts - Assembly Hall
8. Ajua - Assembly Hall
9. Table Tennis - Assembly Gym Hall
10. Scrabble - Assembly Hall

The training schedule is as follows;

a. Monday to Thursday - 3.30 p.m. to 5.00 p.m.
b. Friday - 2.00 p.m. to 5.00 p.m.

Hon. Members, it is worth noting that we have received trophies in several disciplines like Badminton, squash, Ajua and darts in previous years which is quite commendable. It is my desire and wish that we continue with the same spirit of sportsmanship and scoop several more trophies in this year's games. Each one of us is obliged to join the members of staff in training in their various disciplines.

Hon. Members, I need to reiterate that Laikipia County playing host to the CASA games mandates us to be disciplined and proactive. I thank you.

## STATEMENT

STATEMENT ON DRILLING OF BOREHOLES IN LAIKIPIA COUNTY

**Hon. Catherine Kibue:** Thank you Mr. Speaker. I wish to make the following Statement on drilling of boreholes in Laikipia County. Pursuant to the Provision of Standing Order No. 45 (2/c), I wish to seek a Statement to the Chairperson Agriculture, Environment and Natural Resources Committee regarding to the above-mentioned subject.

Hon. Speaker, Article 43 (1/d) of the Constitution of Kenya, 2010 stipulates that every person has the right to clean and safe water in adequate quantities. In 2023/2024 Financial Year, the County Assembly Appropriated funds to a tune of Kshs. 25,000,000 for drilling, rig operation cost and fuel.

Hon. Speaker, I have received numerous concerns from my Constituents regarding to the pace at which these boreholes projects are being executed. My residents are still waiting for the promised access to clean water and there appear to be a lack of communication about the timelines for compression.

Hon. Speaker, I request the Chairperson Agriculture, Environment and Natural Resources Committee to inform this House on;

i. A detailed update on the progress of the said projects.
ii. How many boreholes have been drilled and fully operation per ward; and
iii. The measures in place to ensure that delays are minimized and expected completion dates of the said projects in each ward. Thank you.

**Speaker:** I cannot see the Chair of Agriculture but the Members are here. Can one of you give a plausible date or a probable time of response?

**Hon. Simon Kanyutu:** Thank you Mr. Speaker. On behalf of the Chairperson, we can be given two weeks on the same.

**Speaker:** Hon. Kibue, are okay with that?

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**Hon. Catherine Kibue:** Yes, Mr. Speaker, I am okay.

**Speaker:** Thank you. I direct that the response be prepared within two weeks. Thank you.

## MOTION

REPORT ON THE ACTING STATUS OF CHIEF OFFICER IN THE DEPARTMENT OF AGRICULTURE

**Hon. Nicholas Mwaniki:** Thank you, Mr. Speaker. On behalf of the Chair, Labour Committee and I being a Member, I have a report on the Acting Chief Officer in the Department of Agriculture. Thank you, Mr. Speaker. I have been corrected on the same and I beg to move the following motion;

> THAT, this Assembly adopts the report by the Sectoral Committee on Labour Social Welfare and Community Services on the Acting chief officer in the department of Agriculture on the Acting chief officer in the Department of Agriculture dated 21st August 2024.

The Committee as currently constituted, comprises of the following members;

1. Hon. Irene Wachuka - Chairperson
2. Hon. Eunice Salaten - Vice-Chairperson
3. Hon. Catherine Umija - Member
4. Hon. Caroline Kihika - Member
5. Hon. Nicholas Mwaniki - Member
6. Hon. Stephen Ndiritu - Member
7. Hon. Paul Leshuel - Member

The Committee held two Sittings to deliberate on the matter; one to review all the responses received from the Executive and another to deliberate and compile this report on the Acting Chief Officer in the Department of Agriculture.

Mr. Speaker, Sir, a statement was tabled in the Assembly by Hon. Catherine Kibue on 21st May, 2024 requesting for a response regarding the statement on the acting Chief Officer in the Department of Agriculture, Ms. Elizabeth Wangari Mwangi.

Mr. Speaker Sir, Section 34(3) of the Public Service Commission Act, 2017 provides that, an officer may be appointed in an acting capacity for a period of thirty days but not exceeding a period of six months. The Department of Agriculture, has had an acting Chief Officer, Ms. Elizabeth Wangari Mwangi since inception of the third County Government which is in contravention of the above-mentioned section of the Public Service Commission Act.

Mr. Speaker, Sir, the statement was committed to Committee on Labour, Social Welfare and Community Services headed by Hon. Irene Wachuka requesting that she informs the Assembly on why the Chief Officer, Ms. Elizabeth Wangari Mwangi has been acting for such a long period of time and what the County Government is doing to ensure such officers are answerable during such periods.

Mr. Speaker, Sir, the Committee sent a letter to the County Executive Committee Member for Agriculture, Livestock and Fisheries Vide letter REF: CGL/CA/CM/001/Vol.1/019 dated 3rd June, 2024 asking his office to respond thereof. On 12th

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June 2024, the Committee received a response from the Department of Agriculture, Livestock and Fisheries through a letter REF: CGL/DALF/ASM/01/VOL.1(15) dated 10th June 2024.

In the letter the CECM indicated that the matter should be addressed either by the Governor's office or County Secretary who is in charge of County Public Service Board which is mandated to vet the County Chief Officer. Mr. Speaker, Sir, a letter REF: CGL/CA/CM/001/Vol.1/021 dated 19th June 2024 was sent to the County Secretary inviting him to attend a committee meeting scheduled for Wednesday 26th June 2024. On 24th June 2024, the Committee received a letter from the County Secretary pointing out that pursuant to Section 45 of the County Governments Act no.17 of 2012, the responsibility to appoint Chief Officers falls under the purview of H.E the Governor.

He indicated that he was of the view that only H.E the Governor is in a position to respond to the said statement and that the statement should have been addressed to the said office. Mr. Speaker, Sir, a letter dated 1st July 2024 was sent to the County Executive Member in the Office of Governor requesting a response to the Statement. On 9th July 2024, a response was received from the CECM for County Administration, ICT, Coordination and Public Service.

She indicated that Section 45(1) of the County Governments Act, 2012 provides that appointment of the Chief Officers is the prerogative of the Governor as provided inter-alia;

(1) The Governor shall-

(a) nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board; and

(b) with the approval of the County Assembly, appoint County Chief Officers.

Further, Section 44(3) and 45(2) of the same Act stipulates that the Chief Officers are members of the County Public Service which is under the management of the office of the County Secretary as provided inter-alia;

Section. 44(3) The County Secretary shall;

(a) be the head of the County Public Service;

Sec 45(2) The office of a County Chief Officer shall be an office in the County Public Service.

She indicated that, from the above provisions of the law, it is the view of her office that the statement on the Acting capacity of the Chief Officer in the Department of Agriculture, ought to be directed for guidance in the Executive Office of the Governor.

COMMITTEE OBSERVATIONS

Mr. Speaker Sir, the Committee made the below observations, that;

1. Despite the many attempts by the Labour, Social Welfare and Community Services committee to get a satisfactory response from the Executive, the Committees' efforts has proved futile. The Committee has been taken in circles by the Executive in their quest for a response to the statement. The Committee has consistently been frustrated by the above responses from the Laikipia County Executive in their pursuit to getting a comprehensive response to the statement.

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2. Ms. Elizabeth Wangari Mwangi has been in acting capacity as the Chief Officer in the Department of Agriculture, since inception of the third County Government.

3. The maximum period for an acting appointment in Laikipia Public Service is six months as provided for by Section 34(3) of the PSC Act of 2017. Pursuant to section 64(2) of the County Government Act of 2012 on acting appointments.

4. The lawful appointing authority for County Chief Officers is H.E the Governor with the approval of the County Assembly as provided for by section 45(1) of the same Act.

COMMITTEE'S RECOMMENDATIONS

Mr. Speaker, Sir, the Labour, Social Welfare and Community Services Committee recommends that;

1. The Acting Chief Officer in the Department of Agriculture, Ms. Elizabeth Wangari Mwangi is dismissed from the position with immediate effect.

2. H.E the Governor nominates and forwards to the County Assembly a nominee for appointment to the position of Chief Officer, Agriculture within 14 days.

On acknowledgement, I take this opportunity to thank all Members of this Committee for their input and valuable contributions during the vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and that of the Clerk of the County Assembly for the support accorded during the vetting exercise. Thank you, Mr. Speaker. Mr. Speaker, I call upon Hon. Kibue to second this.

**Hon. Catherine Kibue:** Thank you, Mr. Speaker. I rise to second, and I want to commend the committee for the good job that they have done. Thank you. I second.

**Speaker:** Hon. Theuri, just hold on.

*(Question proposed)*

**Speaker:** Hon. Members, I now open the floor for Members who may be prepared to contribute, and allow me to begin with Hon. Daniel Mugweru.

**Hon. Daniel Mugweru:** Thank you, Hon. Speaker for recognizing me and calling my name so that I can make my contribution. The Deputy Speaker said in the morning that I am good at holding grudges.

**Speaker:** I called you in the morning but you had left. Proceed.

**Hon. Daniel Mugweru:** Maybe I felt that and it is the reason I left. Before I make my contribution on the report, I first want to mention something in regards to the communication that was made in the morning because I was so much interested in airing my opinion. It was so unfortunate and the unfortunate thing is the one that the committee is still reporting. When we are talking about acting chief officers, I was expecting that they will not be retained or that we will get an opportunity to get substantive chief officers.

Hon. Speaker, for this House to understand, an acting Chief Officer is not responsible in any way. Even if funds are misappropriated, you cannot handle an acting chief officer responsible. So, those acting chief officers are so dangerous to the entire county. My feeling was that the Governor would bring their names to be confirmed so that they can be accountable

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in the departments that they are running. Someone who is an accounting officer should be held responsible for any misappropriation of funds.

For the last two years, we cannot do anything to those two departments that have been having chief officers. You cannot jail or take them to any court of law because it is deemed that they are acting, so it is as if they are helping. It is not their responsibility; they are just there to help us, so you cannot hold them accountable. That was one of my observations on that matter.

Secondly, it was so disheartening to hear that a Chief Officer whom we had tried our best to help understand how her department is run could not even understand. We went to an extent of removing all the money from her department. Moving such a person to another department which has more funds, a department that is more serious than the one she was handling previously, is really disheartening. That is especially when it is a department such as education which involves young children, is touching on our future and concerns the less privileged students in this county. To take such a person to run that department was really a big joke.

Hon. Speaker, this is the time for you as the leader of this House to stand firm in order for this House to be respected. Anytime we see the President announcing his Cabinet Secretaries or Principal Secretaries, we usually see the Deputy President and Chief Cabinet Secretary standing next to him with Members of Parliament behind them. All that is because it is a serious thing that touches on the whole country. It is also important that in future, as a County Government; because the Governor is the county president, the Deputy Governor should stand next to him and behind them should be Members of County Assembly because those are the people who are representing the entire county.

Hon. Speaker, it is unfortunate because you were not there and neither were we. In fact, Mshamba is more informed than any one of us in this House. It is very unfortunate. In future, because we are leaders of this county, we need to discuss why we removed the budget for sports from one department to another. We need to discuss and agree that it is because so and so cannot manage the fund.

This House needs to be taken seriously in future. When it is not taken seriously it is you, the Members of this House and the institution itself that are not taken seriously. We need to stand firm and ensure that even the young people of Laikipia recognize us as their representatives. If it is failures who represent them in this Assembly, then they cannot have trust in it. How can they trust people who are engaging a failure to run a department that concerns them?

Hon. Speaker, we need to be very serious. My opinion was that the Acting Chief Officers are supposed to either be brought here to be confirmed or new names be brought here to be confirmed. Secondly, failure should not be transferred from one department to another. That is just a transfer of problems. We need to wake up and provide the right direction for this county. I hope that you will take the opinions we are giving in this House seriously and also provide input on the same because you are also a member of this House as its leader. You can then from there tell the Governor that this is the feeling of this House.

When I am speaking here, I am not doing so as Daniel Mugweru. I am speaking even on behalf of other Members who will not speak. It is our Assembly which is at risk. I also wish to congratulate the Labour Committee. It is rare from me to make such a declaration.

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I wish to recommend that committee with the most beautiful terms possible. They have done us proud. What they are doing it is not the Labour Committee, it is redeeming the image of this House. They are reviving me from the dead. They are now giving us a new name. We will walk in this town proud because of that committee. What they have done, they have stamped authority and said that we are the Assembly, we are independent, we have our own mind and we know what is supposed to be done.

We know what the constitution says about acting Chief Officers and it is not just for them, it is for us all. It will be very unfortunate if any Member of this House moves out there pledging loyalty out there claiming that I am not part of it. We are part of that. I am not a member of Labour Committee but what they have done, they have done on my behalf. So, I will proudly walk out there being associated with the committee.

I will move out there shoulders high telling the community that committee represents me and what they said is exactly what I would have said. It's only that we cannot be members of one committee all of us. So Honourable Members who are in this House, it will be so unfortunate if any of us goes there pretending as if they are not part of the decision. We are part of it. It is the decision of this House and for me, I will support this report. I will adapt it, in fact before Hon. Nicholas Mwaniki reads the entire report.

The report that is in the gadget does not have recommendations. That is why I was consulting Hon. Nicholas Lempaira and I was telling him, in my report, from page 4, page 5 is not there then page 6. The page five that has recommendations is not here. So, I was saying I will not support this report because how can members of a committee say that they were taken round in circles then they don't give serious recommendations. Then Hon. Nicholas Mwaniki read the recommendations I felt that truly that committee is part of us.

I felt that we are truly represented. If there are presents given to the best committees, give that committee. It has done us proud. You know, sometimes we need to take things seriously. They are redeeming us. Recently in the National Assembly, when the Cabinet Secretaries were dropped and then new names were there, I expected at least they will shoot down one name down to redeem themselves. So, this is redemption. As a House, if you move out there, they have been saying that we are toothless mammals.

They have been calling us names. At least today, the topic of today is that the Honourable Members of Laikipia County have started realising themselves and their independence. They are speaking their mind and now we have representatives. This is something that can make us come back to this House in the year 2027. So Honourable Speaker and Honourable Members, let's take this thing seriously. Let us appreciate the members of that committee because they have proved that they are not cowards, they have their own minds and they are not puppets in this County.

Even if we can have a song to sing for them to celebrate the, I would be the first one jumping here celebrating that committee. Other committees, this is an example that they have sent. Let us stand firm and speak the truth. Let us speak for our people, we were elected by our people to represent them here because they cannot come here. We are here on their behalf. Thank you, Honourable Speaker. I am so happy. Today I will walk shoulders high, proud that I am a Member of County Assembly of Laikipia led by Hon. Lantano Nabaala.

**Hon. Simon Kanyutu:** Thank you, Hon. Speaker. I stand to support the report but with some reservations. I can't just put my head under the table pretending that I don't know the sincerity of the matter. My concern is, we have got two Chief Officers who are acting for that duration. On my part, I like when we are dealing openly with issues because I finished my

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Secondary School just recently. I did literature a book by the name Animal Farm, that all animals are equal.

I would wish as we implement this, we ensure that we are clear. That is my problem. I'd wish even if this is a single case and because we have two cases in this County. I would not wish to be told that now we are pushing for one agenda. I would wish both of the cases to be brought in the forum of this House and substantive CEO's to be vetted and passed in this Assembly. I support the report awaiting the next case to come over so that we deal with it. I support this awaiting the next. I can see a red signal.

**Speaker:** Now that I see that you have noticed the signal, what is it Hon. Daniel Mugweru?

**Hon. Daniel Mugweru:** It is just a clarification and also information on the same as a House because we have said they have set a good example. We would ask Hon. Simon Kanyutu tomorrow to bring a statement on the next person because now we have trust in the labour committee.

**Hon Simon Kanyutu:** I am sure the Honourable Member is aware that I said I support the report from the committee. I would wish I should not keep my head under the table because all of us are aware that we have two acting Chief Officers. That is why I would support that both of them will get the similar report so that everything will move together. So, I support the report awaiting the next one for me to support. Thank you, Mr. Speaker.

**Hon. Catherine Umija:** Thank you, Mr. Speaker. It is just a point of clarification to Hon. Simon Kanyutu. The one for the next Chief Officer is already on our desk which is being worked on. So, do not worry we will follow the due processes.

**Speaker:** I can confirm what the Honourable Member said it is on process, it will land here. Hon. Simon Kanyutu.

**Hon. Simon Kanyutu:** Thank you, Mr. Speaker. May I congratulate if that is the case I am comfortable now. That is why I stated that all animals are equal. None that is more equal than others.

**Hon. Anthony Theuri:** Thank you Mr. Speaker, I had stood on a point of clarification but I had referred to the standing orders. I really wanted to know whether the same report should be seconded but indeed it is in order. I want to congratulate the Members. I am pinching myself, is it the same House where I have been? I also want to do the devils work because I am the one who brought the two statements and I am proud of them. Now they are doing what we have been saying. Two weeks ago, we were on zero and I cannot believe that today we are almost 99%.

I want to encourage them that you can still do your work and be the Governors friend at the same time. It is called professionalism. Just that I can be Umija's colleague here, do everything but still remain good friends and cannot get intimate. It is called professionalism. We had gone to an extent that the Assembly had become intimate with the Executive. Now we were going to get rich in mind but not physically and we are going to see money in our people.

Now, I can see that the county is heading where it is supposed to be. This is just the begging, let us wait for the supplementary budget and we are going to see the Hon. Mwaniki from Tigithi Ward because he is going to be on top of his game. Right now, the routes are impassable.

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Each and every night we are receiving calls from everywhere but I am assuring them that we have got the best Chairman for Budget, Hon. Mwaniki and he is going to give us more than Kshs.100 million per ward for doing roads. Now the task is up to you and I want to assure you of my full support in the morning and night. You can count on my support. I will be with you in this and forever. Let us keep the pace. Thank you.

**Hon. Nicholas Lempaira:** Thank you, Hon. Speaker. I also rise in support of the report and I want to thank Hon. Theuri for stepping in for me in the morning. I have a bit of flu and that is why I wasn't there in the morning.

When I hear some Members speaking, it raises a lot of eyebrows and sometimes it is good not to speak too much because you will cause people to know a lot of things. We are not here to set any scores. If you have got any political differences with anybody out there, we are not here to support it but we are here to do what is right. When we see that it is illegal for somebody to act for more than six months, it is the law and not my will. It is also not the will of the committee to come and defend what is illegal.

Mr. Speaker, I am reading some of the changes that have been done on Chief Officers. I don't know the roles were mixed up because I can see two roles and two CO's. Indeed, we need some clarification on the same. This kind of communication from the Executive especially this one of county interest, we need to be given an opportunity to discuss it especially on the floor of the House so that whatever we feel is right, it can be taken into consideration.

Therefore, I support the report and it is in order that in the next 14 days we get a substantive Chief Officer on the same. In the issue of Health CO, I think that the committee will also respond to us so that we can discuss and get the report. Thank you.

**Speaker:** Thank you, Hon. Lempaira. Did you forget something? Kindly proceed.

**Hon. Nicholas Lempaira**: I forgot to say something. I thought that Hon. Mugweru was here because now this CO, Jecinta has been transferred to Education where he sits as the Chairperson. So, it is his role to ensure that Jecinta delivers. It is his role to ensure that if she does not deliver, she is to be brought into this House so that we can discuss it and make it clear on what we feel and think about it. Thank you.

**Speaker:** I now take this opportunity to call upon the mover of the motion to reply.

**Hon. Nicholas Mwaniki:** Thank you, Mr. Speaker. I thank the Members for the robust discussion that we have had. On the issue of representation in the Executive by the CECM's and CO's, it is a matter of concern in this House and service delivery in Laikipia County. As Hon. Lempaira has echoed, having a CO whose budget was cut off from the previous dockets and she is still being transferred to another docket that is financially stable and well equipped, it speaks volumes on service delivery in Laikipia County.

Having such an individual in the government and we have discussed this issue in the House where all the Members passed the budget, plus the recommendations that were sent through the memorandum that was sent in this House by the Governor, the committee stood by the law, having such a transfer to another docket. It is as if we are transferring incompetence in this government. That is something that will inhibit service delivery in Laikipia County and those are my sentiments as a representative of Tigithi Ward, as a Chairman Budget. I also congratulate the Members for supporting this motion because it is timely and they have aired their views.

*(Question put and agreed to)*

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## ADJOURNMENT

**Speaker:** The sittings of this House now stand adjourned until tomorrow Wednesday, 28th August, 2024 at 10.00 a.m.

The House rose at 3.19 p.m.

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