COUNTY ASSEMBLY OF LAIKIPIA

OFFICIAL REPORT

Wednesday, 8th August, 2013

House met at 2.35 p.m.

[The Speaker, Mr. Mariru is the chair]

PRAYERS

Speaker: Hon. Members, I think it is important to register the point that the Assembly this afternoon started slightly late. You all know this is not our tradition, we have been known to keep time but I think one of the Committees sought indulgence for them to complete a task that is part of the business this afternoon. So your indulgence is sought and it's a tradition we want to keep, that is, time keeping.

PAPERS

[Leader of Majority]

Hon. Wachira: Mr. Speaker Sir, I want to lay on the table the following report:

> ***THAT****, this House approves the report on the reworked Sectoral and Select Committees of the Assembly tabled in the House on 8th August, 2013.*

Speaker: Okay, so you want to lay that report?

Hon. Wachira: Yes.

Speaker: Please do.

(Paper laid)

Okay, is there any other paper to be laid? Yes, Hon. Kabaci.

Hon. Kabaci: Thank you Mr. Speaker, I would also wish to table the report of Finance and County Planning Committee on the conduct of Interim Principal Finance Officer tabled in the House on the 8th August 2013. Thank you.

(Paper laid)

NOTICES OF MOTIONS

[Leader of Majority]

Hon. Wachira: Thank you Mr. Speaker Sir, I beg to move the following motion...

Speaker: It's a notice...

Hon. Wachira: It's a notice of motion:

> ***THAT,*** *this House approves the report on the reworked Sectoral and Select Committees of the Assembly tabled in the House on the 8th August, 2013.*

Speaker: Okay, yes Hon. Kabaci.

Hon. Kabaci: I would also like to give a notice of motion:

THAT, this House approves the report of Finance and County Planning Committee on the conduct of the Interim Principal Finance Officer tabled in the House on 8th August, 2013. Thank you.

Speaker: Okay, Majority Leader you must have another notice on the recess.

Hon. Wachira: There is another notice Hon. Speaker Sir:

> ***THAT:*** *pursuant of Standing Order No.24 (3) this House approves the recommendation of the House Business Committee for the Assembly to proceed on a recess from 12th August to 2nd September, 2013.*

Speaker: Okay, thank you very much.

MOTION [1]

Clerk: We have a motion by the Chairman of the Finance and County Planning Committee.

Speaker: I suggest that motion comes last because we are still making copies of that. So let us start with the second.

Speaker: Yes, Hon. Majority Leader.

Hon. Wachira: Mr. Speaker Sir, the Committees had approved the report I have already laid on the table and we approved names to various Committees and on this we appointed the nominated Members who came recently to various Committees. As the report has been laid on the table, I want the Deputy Speaker to second this motion.

Speaker: Yes, Hon. Kimondo.

Hon. Kimondo: Thank you Mr. Speaker Sir, I rise to support the motion. Members you all know that the nominated Members came in last week and because of the gender balance, we actually sat and agreed with the Select Committee and what is laid in the table is what we actually agreed. Thank you Mr. Speaker Sir.

Speaker: Okay, thank you. Hon. Members, I would like to propose the question that:

THAT, this House approves the report on the reworked Sectoral and Select Committees of the Assembly tabled in the House on 8th August, 2013. It looks like... yes, Hon. Mwangi.

Hon. Mwangi: Thank you Mr. Speaker Sir, I wish to support the motion by the... this being that when they are trying to fill these Committees they were following the gender rule which is more than 30% and I agree with every Sectoral and Select Committee. Therefore, I support the motion, thank you Mr. Speaker.

Speaker: Yes, Hon. Kimondo.

Hon. Kimondo: Asante Bw. Spika, yangu ni kuomba waheshimiwa waunge mkono huu mjadala kwa ajili ni kazi ambayo mlikiwa mmepatia ile kamati ambayo ilikuwa imefanya ile kazi kwa hivyo nawaomba tuunge huu mjadala mkono. Asante.

Speaker: Okay, Hon. Kimondo you are the one who normally reads the chemistry of the House very perfectly. Does the chemistry tell that the Members are happy?

(Off record)

Speaker: Okay, leader for majority, you have an opportunity to reply.

Hon. Wachira: Thank you Members, I know when you are keeping quiet you are satisfied with the nomination. The Sectoral and Business Committee cannot just go on with the other Members just getting absorbed to it. You know we were waiting for these nominated Members of the County Assembly to arrive and the positions we had left behind were for them to join us so that we may carry the business of the day, enjoy our debates and work for the Laikipia people. Please I hope you will support the motion. Thank you very much.

Speaker: Yes, Hon. Jennifer.

(Off record)

Speaker: Yes, is it a point of order.

Hon. Kimondo: Is the Member in order after the mover of the motion has replied to continue contributing?

Speaker: I was wondering why the Members who have been here long enough are not noting that. Hon. Jennifer, that is also a point to learn and I think when I had opened up after the question had been proposed the procedure ordinarily is that, the mover moves the motion and then someone else seconds and after that the Speaker or the Chair proposes the question and then we open it up to the Members and then they discuss. After that, the mover is asked to reply and that closes the discussion and the next step is to put the question. So now you know, thank you very much. I think it is important for us even before we put the question to emphasize the importance of Committees in this Assembly. The business of this Assembly runs through these Committees and I would encourage those who have been...Hon. Kabaci you have been exiled, you may sit.

Okay so it's just to re-emphasize, if you look at our Standing Orders part eleven, it's all about Committees and I would like to encourage Committees to continue engaging because this business is going to be run through Committees and because those Hon. Members who joined us recently are now into Committees, please get into business and continue doing and executing your mandate accordingly and we wish you all the best. Members, I would like to put the question that:

> ***THAT,*** *this House approves the report on the reworked Sectoral and Select Committees of the Assembly tabled in the House on 8th August, 2013.*

(Motion agreed)

MOTION [2]

[Leader of Majority]

Hon. Wachira: Mr. Speaker Sir, although this motion would have come last, I don't know if Members would wake up and go. Please wait, you are not going. Yes, procedurally...

(*Laughter)*

Speaker: Procedurally... Order Member, order! There's a report on the first motion, Majority Leader you can't plead with the House to sit or to hang on. So, is the report ready so that we can then deal with the first motion on the Finance and County Planning Committee , Clerk?

***(Off record*)**

Speaker: Hon. Kabaci, you seem like you want to say something.

Hon. Kabaci: Yes Sir, thank you Mr. Speaker. I wanted to say that we had been waiting for more copies to come for the Hon. Members to see as we move the motion.

Speaker: Okay, that's fine. So I want to rule that we can continue with the leader of majority. In any event, you are asking us to go on recess from 12th of August. Today is not 12th, we will remain here but after 12th of August we will not come if we approve.

Hon. Wachira: Thank you very much Hon. Speaker, I knew if I moved this motion everybody would have woken up and moved.

Speaker: Not at all.

Hon. Wachira: This motion reads:

> ***THAT,*** *pursuant of Standing Order No.24 (3) this House approves the recommendation of the House Business Committee for the Assembly to proceed on a recess from 12th August to 2nd September, 2013.*

Members, this will be our first recess since we came into this House and this recess does not mean we cease to operate. We only cease to operate at the Assembly but we shall go to our Committees and work there and bring the reports here when the recess is over. Take time to visit your wards, work with them and other people. Work with your own Sectoral Committees and Business Committees so that when we shall be back, you come with so many ideas. Thank you Members, I hope you will contribute and I ask the Hon. Deputy Speaker to support the motion.

Speaker: Okay, thank you Members, I would like to propose the question:

> ***THAT,*** *pursuant of Standing Order No.24 (3) this House approves the recommendation of the House Business Committee for the Assembly to proceed on a recess from 12th August to 2nd September, 2013.*

Yes, Hon. Kimondo.

Hon. Kimondo: Thank you Mr. Speaker Sir, I rise to support the motion. Hon. Members, you actually know that we have been here long enough and we haven't gone to visit our various wards. I am asking every Member to go and consult. You know our mandate according to the constitution is that whatever we pass here we must go and tell our people. We have been here long enough, we have not been to our people and I ask you now Members so that we can fulfil the mandate we have been given by the constitution we go home and tell our people this is what we have done. What we are going to do is that the Committees will be meeting but let's go and tell our people what we have done for the last four months. Thank you, Mr. Speaker.

Speaker: Yes, Hon. Jacob and then Hon. Thomi.

Hon. Jacob: Asante Bw. Spika, ya kwanza ni kuunga huu mswada. Bwana Spika, ni vizuri sana kwa sababu tunataka kwenda kuona wananchi huko mashinani. Hii ni kwa sababu mnajua wananchi wamezoea 'County Rep' wanakaa na wao huko. Lakini saa hii wanapiga kelele na zile simu tunapata ni nyingi sana "mmepotelea Nanyuki, kwani tuliwaajiri muende Nanyuki". Kwa hivyo ninaunga huu mswada ndio hata wao wajue wako na viongozi na wanafanya kazi gani hapa. Kwa hivyo mimi ninaunga huu mswada, asante.

Speaker: Asante, Mhsw. Thomi.

Hon. Thomi: Thank you Mr. Speaker Sir. Mr. Speaker, I stand here not to support the motion that we proceed on recess unless Mr. Speaker, it is made clear to us Hon. Members or to me personally whether we have anything in our accounts. Mr. Speaker Sir, I don't see how we will proceed on recess without pay. Mr. Speaker these people we are going to see in the areas we represent are people we share with whatever we get here. So if I happen to be there for three weeks without salary, Mr. Speaker we better remain in Nanyuki until we get money. Thank you Mr. Speaker.

Speaker: Yes, let's start from that end with Hon. Kinyua.

Hon. Kinyua: Asante sana bwana Spika, langu hata mimi ni kukataa huu mjadala kwa sababu tukiambiwa twende nyumbani

tukapumzike na ni muda Mr.efu hatujatembelea watu wetu na uhakika hatuna kitu kwa mfuko. Hata wengine wamejaza madeni, tunakunyua mafuta ya magari kwa madeni na tunaambiwa twende tupumzike, tutakuwa na shida nyingi sana. Wakati wananchi watasikia niko nyumbani napumzika, wakati mwingine unasikia mwingine anasema anataka chai, wakati mwingine wanapata nafasi ya kuleta kadi za harambee, wakati mwingine unaenda kuwatembelea na kusema kweli huwezi kutembelea mtu mkono mtupu. Kwa hivyo mimi ningeomba ya kwamba kwanza tuhakikishiwe ya kwamba akaunti zetu ama 'wallet' zetu zitaingia 'kakitu'. Asante.

Speaker: Yes, let's have Hon. Wakahiu and then Hon. Paul, Majority Leader you can hear there are issues to respond to so you better have answers.

Hon. Wakahiu: Thank you Mr. Speaker, I also rise to oppose the adjournment of this House. The reason being that when we were elected, we were promised offices and I personally have an office. I believe that when I go out to meet my people, most of the time I will be in the office. I only have a stool and a table as furniture; I cannot even share my secretary's seat with her. If we are to go for this recess, I request Mr. Speaker that we be assured that our offices are furnished and they have everything that we need so that we can serve our people. Thank you, Mr. Speaker.

Speaker: Majority Leader, just listen first before we come to you. It is good to hear what the Hon. Members have to say. Hon. Paul.

Hon. Leshuel: Asante sana Bw. Spika, mimi ninasimama kuunga mkono mswada huu kwa sababu kama vile tunapojua, tumekuwa hapa kwa muda Mr.efu na ukweli kabisa bado tuko na kazi nyingi ya kufanyia wananchi. Hata yale tunakuja kujadili hapa, tunafaa tuwe tumeangalia kwa kijiji na tujue zinakaa namna gani lakini tutakaa hapa kwa muda Mr.efu na dakika ya mwisho itakuwa hata yale tunajadili sio yale yanayofanyika pale mashinani. Vile vile kuna wengine wamechaguliwa na labda tangu wachaguliwe hawajarudi hata kusema asante kwa wananchi. Kwa hivyo ni muhimu sana tukirudi kwa wananchi na vile vile tuwaelezee ni nini tumekuwa tukifanya. Kwa huo muda wote kwa sababu tukikaa hapa hata saa hii hawajui tunapitisha nini hapa na tusiporudi pale kuwaambia tumepitisha bajeti, hawataelewa na wakituchukua vibaya haitakuwa vizuri kwa hivyo mimi nina amka nikiunga mkono lakini ningependa 'Majority Leader' awaelezee waheshimiwa wanachouliza. Hii ni kwa sababu ni muhimu kwa sababu kurudi bila kitu cha kugawa na hawa wananchi itakuwa ni shida, lakini ninaunga mkono mswada huu kwa sababu ni muhimu tupumzike na tuwasalimie. Hata wengine karibu waache kina mama nyumbani, hata siku hizi watoto hawatambui wengine tukikaa hapa, ni muhimu turudi hata watoto watujue na wasitusahau.

Speaker: Okay, yes Majority Leader, just take notes but let's hear Member for Olmoran, Hon. Dann.

Hon. Dann: Thank you Mr. Speaker Sir, as much as I would like to support the motion Mr. Speaker, I fear because for the last four to five months I have worked along the corridors of the shops in Olmoran Ward. Mr. Speaker, I don't think it would be very wise if I continue working along the corridors of Olmoran Ward especially Sipili Town for twenty days. Mr. Speaker, if I had an office, I

would be happy to work in that office for these twenty days. I therefore see no urgent necessity to go on recess Mr. Speaker while we do not have offices. Mr. Speaker. I think I oppose this motion. Thank you.

Speaker: Yes, Majority Leader you have been asked to give an undertaking. Please.

Hon. Wachira: Thank you very much Mr. Speaker, mine is to assure Members that as far as the County is concerned, you know what the County is going through. It not only this County but all counties, money has been released from Nairobi but it has not reached this stage and when we are asking for our recess, we are asking for it so that we may go and familiarize ourselves with our own County. I don't know where Hon. Shuel comes from, I want to visit that ward, I don't know where Hon. Kabaci comes from and I would like to visit that ward. Let us use this time to visit each and every ward when we are in a group so that when we are speaking about Laikipia here, you will know what we are talking about. By so doing, Members agree to go on recess.

On this subject of remuneration, I hope everybody has got his own pay slip in his pocket, if you have not visited your banks you have to go right away but because we are here I know that money is in your bank. You don't have to have a payslip which has nothing; it means you have money in your bank. Before you get your payslip, the money should have been there.

The other thing Mr. Speaker, when we got to our wards as one Member has said here and especially myself, I get very little time to be in my own ward because of the volume of work that we are having here. Members, we have a lot of work to do here and three weeks is not a very long time to be with your own Members, just meet them and do whatever you can do with them. Hon. Maruga, please give me time...

Speaker: Yes...order, order Member! Are you on a point of order?

Hon. Maruga: Yes, Mr. Speaker.

Speaker: Yes, order Majority Leader.

Hon. Maruga: Thank you Mr. Speaker. Is the Hon. Leader for majority in order to mislead the House by bringing stories here? You have been asked through the Speaker to clear the air whether the Members will have whatever they want or they will not. Thank you, Mr. Speaker.

Speaker: Yes, Majority Leader.

Hon. Wachira: Thank you very much Mr. Speaker. The allowances that Members get here after plenaries will be given after this plenary sitting plus other previous sittings, so Hon. Maruga don't worry.

Speaker: It is not Hon. Maruga, it is this House.

Hon.Wachira: The other thing Hon. Speaker is that one Member is asking about this money to renovate our own offices in the wards. Hon. Speaker, I would say that when this House goes on recess and money comes, let the money follow these Members in their own wards so that when they come back they will have settled in their own offices and leave everything in order. We employed the ward secretaries, personal assistants, and watchmen; I don't know whether you have put their salaries in their own accounts because you brought these names? I don't know why Members are getting worried if they went there and employed people; they are going to get frustrated. Members, the Clerk will take care of that and he is here to hear that. When we are there we don't want these complaints, so Members accept to go on recess.

(*Laughter)*

Speaker: The floor is still open. Hon. Mwangi, had you spoken earlier on this motion?

Hon. Mwangi: No.

Speaker: Okay because you can't speak twice.

Hon. Mwangi: Thank you Mr. Speaker, as much as we would like to go even without that money, remember from July we hired offices, we employed some secretaries and Personal Assistants. We on our side might be able to wait, what about those people? Is the House Business Committee doing its work properly, Mr. Speaker? Thank you.

Speaker: I don't want to put the question if anyone wants to speak. Hon. Mukuria, it's like you want to say something.

Hon. Mukuria: Thank you Mr. Speaker. It was my concern as the Majority Leader was saying, we would like to go for recess but make sure that we are facilitated as we go on this recess because we need to go to our wards. I support this motion but make sure as we have been promised by this House, we are going to be facilitated after this session. Make sure that we also get our salaries by the end of next week, before we go Mr. Speaker. The Leader of Majority assures the House that we are facilitated so that we are able to visit our wards. Thank you, Mr. Speaker.

Speaker: Okay Members, I would like to ask and would probably not presume that what the Leader of Majority said was a reply. Maybe for the benefit of doubt, let me give you a chance to reply.

Hon. Wachira: Thank you very much Mr. Speaker. Although some other people have spoken of the contrary, they are not refusing to go on recess and everything has been put in order for them. For those who have contributed constructively and positively, thank you very much and for those who are opposing, please join us to go home.

Speaker: Okay Hon. Members, I would like to put the question:

> ***THAT,*** *pursuant of Standing Order No.24 (3) this House approves the recommendation of the House Business Committee for the Assembly to proceed on a recess from 12th August to 2nd September, 2013.*

(Motion agreed)

Speaker: Hon. Members, I think it is important for the Majority Leader even when that question was put, to take seriously what the Members have said and the office of the Clerk too. If there is need for consultations before they go on recess today, it is important for you to facilitate some consultation so that the Hon. Members are not on recess but are on stress. The first motion, I think we can go back to that.

MOTION [3]

[Hon. Kabaci]

[Chairman of Finance and Planning Committee]

Thank you Mr. Speaker, I would wish to move the following motion:

> ***THAT,*** *this House approves the report of Finance and County Planning Committee on the conduct of the Interim Principal Finance Officer tabled in the House on 8th August, 2013.*

Mr. Speaker, I am glad this afternoon to bring this report of the Finance and Planning Committee as they had been

mandated by this House to go and investigate the said officer who is the Chief Finance Officer in our County. Mr. Speaker, after the County went almost to a standstill, the Hon. Members inquired to know what was happening and that is the reason why they thought of bringing the motion in the House then Mr. Speaker, we were given that task as the Finance and Planning Committee. We have done our best to investigate the officer, we went ahead to summon him. He came before our Committee and we questioned him and other staffs from the County Treasury like the Finance and Planning Executive Officer.

We also went ahead and summoned the Controller of Budget in our County, that is, Mr. Njihia, and we have a report which we have made. In our investigations Mr. Speaker, we realised that the man, Kimanga, failed to report to his working place severally Mr. Speaker and that was a convention from the Controller of Budget who has visited his offices various times and he failed to meet him. We also learnt that he doesn't have a good relationship with his seniors who are the Secretary to the County, the Governor and also the Finance Executive Officer.

After interrogating those other officers Mr. Speaker, we came to realise that he was called even through the pHon.e and failed to respond putting in mind that he was supposed to notify his seniors that he could be outside. Mr. Speaker, we also have noted that when he is in his working place, he regularly visits Rumuruti and there are some shoddy jobs done by him and other officers who are in Rumuruti which was his former working place. We called Njoki who is the Assistant Revenue Collector in Rumuruti and we realised that there are very many people employed there without the knowledge of the County putting in mind that we are still waiting for the Public Service Board to be constituted to continue with that activity Mr. Speaker. So as a Committee we came to realise that he should not be in that office for this County to move forward. Mr. Speaker, the whole report is here and the Members have and I beg not to read all of it but to read the resolution with your permission Mr. Speaker:

1. The Committee resolved that his past and current operation within the County be immediately investigated by a relevant authority.

2. The public accounts and any other relevant organs to take up the matter for further investigations.

3. He was involved in the irregular employment of workers in Rumuruti Township.

4. He was also involved in irregular allocation of public land in Rumuruti Township.

5. The Public Accounts Committee also resolves that this officer be immediately relieved his duties as the Principal Finance Officer.

6. This Assembly shall not admit any matter from this officer henceforth.

7. It was resolved that his Excellency the Governor makes sure that the officer hands over all the assets and liabilities to the finance docket

8. It was also resolved that Mr. Kimanga be deployed to the devolved ministry through the Transitional Authority.

9. It was also resolved that Josephine Njoki be deployed to another station within the County and she should be served with a warning letter of gross misconduct.

10. That Mr. Mureithi the sub-County administrator of Rumuruti be transferred to another station within the County.

11. The Committee was also informed that there was a secret account operated by the Chief Finance Officer of the Assembly which needs to investigate.

12. The Committee would like to meet the County Secretary so as to align the County system as there seems to be communication breakdown and lack of coordination in the County system.

13. That the Committee recommended that capacity building needs to be done on all the staff within the finance docket and an audit process be done to check if they are understaffed.

14. The Committee need to check the agreement between the former council and auctioneer agencies which collects revenue on behalf of the council.

Mr. Speaker, those are the resolutions and I would like to tell the Members as they deliberate this motion that the person named has also failed to submit very important documents which led to delay of the salaries in our County Mr. Speaker. We got the report from the auditor general, controller of budget, Mr. Speaker that there were some requirements which were expected by him to release the salaries of this County Mr. Speaker like the expenditure returns, monthly revenue returns, bank statements of monthly business among others Mr. Speaker and so I kindly request the Hon. Members as they debate the motion I would like them to Hon.our the resolution of this Committee as they contribute. I suggest Mr. Suge who is the Hon. Member for Rumuruti to second the motion Mr. Speaker. Thank you Sir.

Speaker: Yes, Hon. Suge.

Hon. Suge: Asante sana Bw. Spika, ninasimama kuunga mkono ripoti ambayo imepeanwa katika bunge hili kupitia mwenyekiti anaye ongoza kamati inayohusika na fedha. Hapo jana Bw. Spika tuliweza kukutana kulingana na maagizo ya bunge hili kwamba kamati inayohusika na fedha iweze kumchunguza huyu afisa ambaye anasimamia idara ya pesa katika kaunti hili. Kwa ukweli kabisa tuliweza kufanya mkutano ambao ulifaulu na tuliweza kumchunguza yeye kwa undani zaidi na ripoti ambayo tuliweza kupata imeweza kufikia bunge hili siku ya leo.

Hata leo vile vile asubuhi tuliweza kufuatia kwa kikamilifu kwa sababu tuliweza kumwita ofisa mwingine ambaye anaangalia matumizi ya pesa katika kaunti ya Laikipia na vile vile aliweza kutupa ripoti ya kamili. Kulingana na ripoti ile bwana Spika ni kwamba afisa huyu Kimanga amekuwa nje mara nyingi ndiposa tumekuwa na shida nyingi, kwa ajili ya kutojali. Nilipata habari ya kwamba kumekuwa na mikutano ambayo ingefanywa na wale wanahusika na matumizi ya pesa lakini hiyo mikutano haikuweza kukamilika na haikuweza kufanyika kwa sababu ya huyu afisa ambaye anaitwa Bw. Kimanga.

Vile vile Bw. Spika ni kwamba tulipomhoji jana kulingana na habari yake ambaye alitupatia ni kwamba kuna zile pesa ambazo alipewa lakini asubuhi ya leo tulipoziitisha zile stakabadhi ambazo zilipigwa sahihi kule Nairobi, tuliona ya kwamba hiyo ripoti ilikuwa tofauti. Bw. Spika tuliona kuwa huyu afisa haielewi kazi yake ambayo anafaa kufanya katika idara ya pesa.

Jambo lingine Bw. Spika ni kwamba kuna mambo mengi ambayo yamekuwa yakifanyika na inaonekana ya kwamba huyu afisa amekosa heshima hata katika ofisi ya Gavana wetu wa Laikipia kaunti. Ndiposa kumekuwa na shida nyingi. Kwa hivyo ninaunga mkono ya kwamba kama yeye amechoka na kufanya kazi katika kaunti ya Laikipia aweze kutumwa katika wizara ya ugatuzi na aweze kupewa kazi mahali pengine ambamo atafanya na ataweza kufurahia. Kwa sababu kila wakati tumesikia mambo mengi yamefanyika pia hapa katika 'County Headquarters' hata kule mashinani. Kuna mambo mengi ambayo huyu afisa amekuwa akifanya na sio mambo ambayo yanafurahisha, ni mambo ambayo imerudisha sifa ya kaunti yetu nyuma na imedunisha heshima ya kaunti yetu ya Laikipia. Kwa hivyo mimi ninaunga mkono aweze kutumwa nje ya Laikipia aweze kufanya kazi kwingine.

Na kulingana na maoni ya kamati, imeona ya kwamba kwa sasa ile nafasi amekuwa akishughulikia iweze kupewa mtu mwingine kabla hatua nyingine iweze kuchukuliwa. Kwa hivyo Bw. Spika ninaunga mkono ripoti kutoka kwa mwenyekiti. Asante sana.

Speaker: Okay, Members, I would like to put the question:

> ***THAT,*** *this House approves the report of Finance and County Planning Committee on the conduct of the Interim Principal Finance Officer tabled in the House on 8th August, 2013.*

Yes Hon. Mukuria.

Hon. Mukuria: Thank you Mr. Speaker, I want to contribute in support of this motion concerning Kimanga. I happened to be in that Committee and through our investigation, we found that Mr. Kimanga was not relating well with the finance docket. It seems there is communication breakdown between Mr. Kimanga, the Minister, the Governor and the whole treasury. Therefore due to that problem, we realise that our County of Laikipia can be sabotaged or can have a big finance problem. Due to that challenge therefore Mr. Speaker, I urge the Members to understand that this CFO member needs to be somebody who is very much committed because he signs almost very document but if this member is not available in his office, then the whole County of Laikipia will be held hostage.

Therefore, Mr. Kimanga should be released off his duties due to that problem of not having a good relationship with that docket. We also realised that most of the time he is out of office without authority form the Governor, the Minister or the County Secretary. We also realised that in his docket, he was daring to do things without consultation. Therefore Mr. Speaker, through this docket we need a lot of consultation from other Members of the treasury. So we realised Mr. Speaker that we need someone who is very committed to consult with each member from this County. That's why we are asking Hon. Members to support this motion because we have a problem.

Mr. Speaker we also realised that he also lied to the Committee and this docket

being a docket that needs transparency and accountability. He lied to us yesterday that he was having a cheque of Kshs. 105 Million but this morning we realised from the County Budget Officer, Mr. Njihia, that the only money approved for this County was Kshs. 83 million. We realised he is not someone we can rely on to give correct information. Mr. Speaker, we need someone who is very serious in this County, we also realised from the Controller of Budget that he is somebody who does not pick his pHon.e and that there is communication breakdown between the Minister, Controller of budget, the Governor and the rest of the people from treasury.

We also realized he does not know what he is supposed to do. He also knows how much money is in the account and therefore he produced a document of Kshs 85million whereas he knew that he cannot withdraw all that money from the account and therefore that made the delay of the salary. Mr. Speaker, we need somebody serious in this docket. I rise to support this motion knowing that we need a person who will be available in this County. We also realized that we had some challenges with his ways of communication to other Members. He is arrogant in the way of answering questions to his seniors and his juniors. Mr. Speaker, we need to discipline this person in this docket because if we do not do so we are going to have a lot of problems in future because we will not have salaries in this County due to incompetence.

Therefore Mr. Speaker, for the last one month we have not received the salaries because the Controller of Budget did not receive the required document at the required time. Again Mr. Speaker, we also need take consideration that he lied to his ministry concerning availability. He said that he had Members in his office and through investigation no member was there, that is last week on Monday. Mr. Speaker we need to take people who are serious in their jobs to make sure that this is also a warning to other Members who work in this County to take their work seriously. Therefore Mr. Speaker we need people who know what they are required to do at the required time and in the required place. Therefore Mr. Speaker, I support this motion knowing very sure that I have done this according to our docket. Thank you.

Speaker: Hon. Kimondo.

Hon. Kimondo: Thank you Mr. Speaker, I would like a bit of clarification on the side of resolutions. Resolution No. 5: that the Public Accounts Committee also resolves that this officer be immediately relieved his duties as Principal Finance Officer. Is it the Public Accounts Committee which was doing it or which Committee was doing it? Also No. 8, it was resolved that, Mr. Kimanga be deployed to the devolved minority through the transitional Authority. It is not clear.

Speaker: Yes, the chair.

Hon. Kabaci: Thank you Mr. Speaker, it is just a typing error, it should be the Finance Committee which has resolved that and also No.9, it is also a typing error it should be the devolved ministry. Thank you.

Speaker: That then means it should be effected. It is not a substantive amendment but it is a technical error that needs to be effected.

Am deliberately leaving it open for anyone who want to contribute before I put the question. Yes, Hon. Mwangi.

Hon. Mwangi: Thank you Mr. Speaker Sir. I wish to abstain from voting and

request the chair to direct for more investigation. Kimanga should step aside and pave way for more investigations because as we understand that if we go to resolution no.3, he was involved in irregular employment of workers in Rumuruti. I can remember Mr. Speaker; you told the House that there is a Committee dealing with that. So the Committee went on taking the duties of another Committee and again the Committee concentrated on Kimanga but as we understand we may not punish Kimanga by saying that he leaves the County. This is just Kimanga, but who else is working in that docket? It needs thorough investigation and I will request the chair that more investigations may be done not only to Kimanga but the whole department. Thank you.

Speaker: Hon. Member, just a matter of direction before we get to the Member for Olmoran, it is not for me to direct, I think you need to look at the resolutions and see whether there are some parts of the report that need amendments and propose to accommodate what you are saying and I will subject that amendment to the discussion of the House. So just take some few minutes to see what in specific terms you would like to be amended to accommodate what you are saying. Hon. Dann.

Hon. Dann: Thank you Mr. Speaker. I support this motion because the motion only requested us to discuss about only one person and that is the person who has been discussed in this motion and we all agreed Mr. Speaker that Mr. Kimanga had become a liability in Laikipia County due to his negligence, malice and mischief. I think it is the high time Mr. Speaker, I urge the Hon. Members to support this motion because if at all irregular employment of workers in Rumuruti Township is clear, they were posted in our Wards, in fact we complained in this House, I rose on a statement and we resolved that we chase those newly employed workers from our wards to go back to Rumuruti. We did state Mr. Speaker, in Rumuruti there is irregular allocation of public land and numerous cases Mr. Speaker and he is not alone. They worked in a cohort Mr. Speaker and because the motion requested us to discuss only one person, Mr. Kimanga, I think that we deal with him today and not tomorrow because today is tomorrow of yesterday and it is yesterday that we said of tomorrow, we shall deal with this motion.

In this report, I can read that it is clear that he has a secret account being operated by Chief Finance Officer of the Assembly which need to be investigated Mr. Speaker. This is serious, if he has a secret account Mr. Speaker, it means misappropriation and pocketing money belonging to the County, Mr. Speaker, and therefore I ask Hon. Members to have no mercy to any person who is being an obstacle to Laikipians. I think we were elected to remain with truth and truth shall remain truth and Mr. Speaker I think we have a lot of work to do in this House not only discussing one person Mr. Speaker and I beg that we do not waste another day discussing this Mr. Richard Kimanga. Thank you.

Speaker: Is it a point of order?

Hon. Kimondo: Point of clarification. Through the chair, the Hon. Member for Olmoran said that this particular officer is operating a separate account and the resolution does not say that. So you got to be clear what terms you are using. This is a serious matter, a critical discussion on what we saying.

Speaker: Hon. Paul.

Hon. Lebeneiyo: Thank you Mr. Speaker. I just have some questions to ask the chair of the Committee. I know Mr. Kimanga must be having somebody who is reporting to him and since three months ago, nobody has complained about Kimanga and according to me it is not now that Kimanga is doing so many things and we did not receive any complain just because of the salary and other things. Who will assure this House that whenever we give another person that chance, that person will not again mess the way Kimanga has done. So I want to know, who did Kimanga report to and what is the role of that person and what is he / she doing when Kimanga is not in the office? When he is doing other things, why didn't that person report? Did you ask that person about the weakness he is doing? Again, is there a sub-County administrator? In your report you said that that person must be transferred to another area, why? Will that person fit in that area you want him to be transferred to? If he is doing unnecessary things there, why should we transfer him to another area? Is it on discipline?

Speaker: There is a point of order.

Hon. Dann: Thank you Mr. Speaker, I said that in the motion we had only one person to discuss. Is it in order for the Member to request that we discuss more people than the motion had intended and more over the motion indicated very well that Mr. Kimanga was unreachable? How therefore Mr. Speaker, through the Chair do they expect that Kimanga be reachable yet he is unreachable? Thank you.

Speaker: I think the Member is asking for clarification on an issue that is on the paper.

Hon. Leshuel: Mr. Speaker, if you read the findings on the resolutions No. 10, Mr. Mureithi the sub-County administrator to be transferred to another station within the County.

Speaker: Order Member! I think it is clear that you were just seeking a clarification and you will get it. Hon. Mukuria, are you responding to the same the Chair wants to respond to. Yes, Hon. Kimondo, is it a point of order?

Hon. Kimondo: It is a point of clarification. Point No. 10, that Mr. Mureithi, a sub-County administrator. We do not have a sub-County in Rumuruti; we only have three sub-counties in the Laikipia County. We have sub- County administrator in Laikipia East, Laikipia West and Laikipia North. I need a bit of clarification.

Speaker: Just respond and then give it to the chair to substantively respond to the issues. After the chair has responded, the Committee Members of the Committee have liberty to add to what the chair says.

Hon. Kabaci: Thank you Mr. Speaker, I stand to clarify what the Hon. Members are seeking to know, they wanted to know about the employment of workers in Rumuruti. Mr. Speaker, it was said that we interfered with the work which was assigned to an Ad hoc Committee but there came some issues where we noted misappropriation of funds whereby the money was withdrawn from the account of our County and given to the people of Rumuruti who had been employed irregularly as they were deployed in various stations Mr. Speaker. So it is not that we interfered with the work of that Committee.

I would also like to clarify that it is not Rumuruti sub-County administrator, he was a former administrator of Rumuruti Township and now he is on leave, we never reached him. Otherwise we wanted to know more about Rumuruti but we

failed to meet him. From that very source we came to realize that he is very corrupt; paying those officers in Rumuruti together with Madam Njoki who is working as an Assistant Revenue Collector Mr. Speaker. I would also like to respond to No.18, he said that he had not received a certificate of voucher of the County as required by the law.

Mr. Speaker, we came to realize that there were requirements which were supposed to be submitted to the Controller of Budget and this being one of the requirements, he failed to submit it to the relevant person. All the accounts of the local authority after June, that is, the end of the year which ended, 2012/2013, were supposed to be closed and the certificate of that closure submitted to the Controller of Budget which to date in August the Chief Finance Officer has not yet submitted. Mr. Speaker, I would also like to say that we interrogated these people and we hope that you will go through the report and see it.

Speaker: The Members are free to say or add something.

Hon. Mukuria: Thank you Mr. Speaker, I just want to tell this House that we realized Mr. Kimanga was a regular visitor of Rimuruti that is why we need to remove him. We did not lock him because we found mistakes we thought that maybe he might have interfered with people's minds in Rumuruti. I remember asking Madam Njoki a question yesterday if she was aware of Kshs. 10,000 paid by each member. She said she was not aware; she was just delegated from the CFO's docket. Then I asked Mr. Kimanga why he paid some people from this sub- account. He said he paid Kshs. 700, 000 without proper investigations. Can you imagine Mr. Speaker, Hon. Members and the Chair, somebody just paying Kshs.700,000 without knowing who is being paid? It means that we have been losing money from our accounts without proper clarification.

Therefore, Members we have done this in a transparency and Hon.est manner knowing that some of these Members we have mentioned in our resolution, we found out that if we leave these people in that docket, when Ad hoc Committee goes there, there might be some alterations done. That's why we said they needed to be deployed there so that they do not interfere with the statements or records of Rumuruti. We are not deploying these people because they have mistakes but there is that fear to this investigation because they might interfere with those statements and records of Rumuruti.

When it comes to the record of land, he also confessed they have shares, that is, four people per share. Therefore this is an urgent matter, it is not something to joke around with but can interfere with this County and records can be sabotaged. When somebody is being investigated and you let that person continue in that docket, before the Ad hoc Committee goes there many things will have changed or altered. Therefore Hon. Members, take this thing very serious knowing that we are doing this for the sake of this County and without proper coordination from the County Secretary… that's why we are saying we need a report from the Chief Finance Officer. We are calling him so that he can put up things in record so that there is a lot of conviction on who is supposed to do what and at what time. Therefore, Hon. Members, the Chair, we need to understand that these are resolutions to help us and we do not want to go to the problem that we had. Thank you, Mr. Speaker.

Speaker: Yes, Majority Leader.

Hon. Wachira: Thank you Mr. Speaker, mine is to support this motion and as I do this, I say that we should have one collective voice. When this House speaks, it is the Laikipia people who have spoken. When the motion was introduced here last night we were speaking in one voice, let us not have diverting views. This House is the Great House of Laikipia. When somebody has diminished this House…

Speaker: Is it a point of order Hon. Wakahiu? Order Majority Leader!

Hon. Wakahiu: Is Hon. Majority Leader in order to tell us that we should speak in one voice when we are discussing such a serious issue?

Speaker: Hon. Member, Majority Leader is right to persuade his Hon. Members, he is persuading not forcing.

Hon. Wachira: Hon. Speaker has just said what I was saying, but Members as I am calling this House great, it is you people who are great. We do not need to have two Governors in this County. We know we only have one Governor and a Deputy Governor and these are representatives of this County. When we have only one fellow diminishing us; calling us names, poor councillors not even Hon. Members, I want to finish these Councillors with one blow, and you know what this one blow means, and here you say we protect one member who is making you to stay without earning your salaries. You have been complaining here one minute before that you have been going home without your salaries; do you think it is Hon. Majority who is refusing with your own money? It is that one Hon. member who is the Chief Finance Officer, and if he has been doing his work properly everyone else is now complaining here and now you are shielding mistakes…

Speaker: Order! Order Majority Leader, there is somebody on the floor on a point of order. Hon. Maitai is it a point of order?

Hon. Maitai: Yes, Mr. Speaker Sir, it is a point of order. The Leader of Minority and I fear the people might be referring to that person as Hon. Member, I would really wish to know if he has acquired that title.

Speaker: Majority Leader, I think you are being reminded that no one is Honourable except the Members here.

Hon. Wachira: Hon. Speaker I cannot call…

Speaker: Hon. Beth, is it a point of order? Order Majority Leader!

Hon. Beth: Point of procedure; is it in order for Hon. Maitai to call Hon. Ephraim Wachira, Leader of Minority?

Speaker: He is definitely not Leader of Minority but Majority.

Hon. Wachira: It is very sad Hon. Speaker and thank you very much Hon. Beth.

(Laughter)

Am not persuading you to do whatever you want to do but take a precaution, here we are dealing with a situation that we want to wipe. We are not dealing with a situation that we are sympathetic. If you are sympathetic with a situation that will kill you in the future, why don't you finish it here? If you are sympathetic you will still be having that problem tomorrow, we are raring a disease that will never end. If that fellow has a mistake and he has been doing so severally, we want to teach everyone in our system that the broom is coming. The broom is here; you cannot stay here and watch this County getting diffused to ashes just because you are taking sides. Thank you very much, Mr. Speaker.

Speaker: We will be getting to the closure of this debate shortly. Hon. Catherine.

Hon. Catherine: Thank you Mr. Speaker Sir, the Hon. Ladies and Hon. Gentlemen in the House. I wish to stand and support this motion.

- First, I want to bring to our attention that Mr. Kimanga served in Rumuruti Town as the former clerk and being a clerk means that he was a very powerful person in eras that have already gone. This guy was in charge of the money that was being collected in Rumuruti.

- He is very aware of all the land and the plots that were being sold in Rumuruti. He was aware of those people who were employed in Rumuruti and those people who were hired and fired.

- This gentleman is aware of all the connections he had with the councillors he had in Rumuruti Town. He knows all the accounts that are running in Rumuruti Town and I want to bring to our attention that Mr. Kimanga is full of himself because he was a clerk who was promoted to be a Chief Finance Officer and among the people who are reporting today, are people who are new in his offices and he feels he was there during the former regime and was absorbed and given a very senior post.

- I want to bring to the attention of this House that the reason why I went to listen to this person when he was being grilled, and I personally asked him why he could not appear in Sportsman's Arms Hotel when he was summoned by his bosses, that is the Governor and the Minister of Finance. He said that he was not given a notice and I brought to his attention that when your boss calls upon you, whether you have been served with a notice, an Email, or called by pHon.e you appear. This person cannot submit to any authority as far as Laikipia County is concerned.

- I also wish to bring to our attention that when he was promoted to be Chief Finance Officer, he was supposed to work with us at the County Headquarters. What is this that Mr. Kimanga is hiding in Rumuruti Town? Why is he not joining us here? Why is it so difficult for him to leave Rumuruti? What is this that he is eating in Rumuruti that he cannot afford to leave it there?

- I also want to bring to our attention that this guy is not a HR in Rumuruti. He has a good team that he is working together with. Njoki is the acting treasurer and noting that this guy is a former clerk of Rumuruti. Njoki is only 6 months old in her office. There are some people who had been employed before Njoki and others after and their salaries were backdated. My question here is one, Mr. Kimanga is here, and together with him there are others he has been working together with. If we are not careful we are going to have one giant who is corrupt in

Laikipia County and we preserve other people who still have problems. Why I am saying that, is because there is nothing less than total corruption and a good example is what has been happening in the former regimes in our council.

- What is eating up Mr. Kimanga, is that he cannot agree that we went digital. He cannot accept that the country called Kenya, is digital.

  You know Mr. Speaker, I want to inform you that these people who have been employed in Nyahururu town are not in the payroll, they are just paid in the analogue way and that is why they can hardly advertise jobs in Rumuruti.

- I concur with Mr. Kimanga who said, 'If you meet someone who is eating a cow and you are given a chance to eat the tail, will you not eat?' The reason why I am saying this is because this guy has employed several people from Kisii land and for your information even Njoki has employed a relative from Rumuruti.

Mr. Speaker Sir, the Hon. Members who are sited in this House, we want to be put in the record that starting with this day, by the time we are done with this motion, that it will not be mentioned again because we are no longer in councils. It will not be mention again in Nanyuki, in Nyahururu, Kinamba or Rumuruti or wherever ward that we have people who are new in their offices and yet they cannot submit themselves to the authority. That is why even up to this minute Mr. Speaker Sir, all these people have not been paid and that is the reason that they did not want to go for recess.

Mr. Kimanga said that were it not that Committee that had kept him there, we could have received our salaries by the end of the day and I wonder how many people who are here will object that in their bank accounts that they have money because there are some fishy things which are still going this way and that way. I want to wish these Hon. Members of this House to make sure that a public servant employed in the office and is corrupt, whether it is from the previous regime or those people who have been hired recently…; we are not going to tolerate any corruption. If people are going to be employed let jobs be advertised because Mr. Speaker, this gentleman together with the team that is working in Rumuruti employed more labourers and they could not sustain these people in this small town of Rumuruti. That is why they were deployed in other wards. For instance, if I refer to Hon. Member for Nanyuki, Mr. Kimondo, if people have been pulled from Kisii Land or from Rumuruti town and they have come to be employed in Likii to do some cleaning there, whereas you have so many people who live in Likii who want to be employed, and they cannot be given a chance to be employed because a certain person is sited in a certain office and he feels he is not answerable to any person or feels he is untouchable, then we are losing track and we are not a Model County at all.

Finally as I sit, Laikipia County is a County on its own, we have the Executive and now we are here as a County Assembly. It has taken the intervention of the County Assembly for us to come and take the one and only Mr. Kimanga. That is why I said last time he must go. This means, this is a problem the Executive

could not hold out there and that is why this guy has been brought here so that we can work on him. This means H. E the Governor together with the Minister of Finance could not put this guy in his proper line so that he can work together with the rest of us to bring this County to achieve the goal that we have set.

I wish to appeal with the Hon. Members, before we get to the second thought of giving this guy a second chance, you need to realize that this guy had been given a second chance by the Executive before this guy was brought to the floor of the House and he could not change. It is only yesterday and let me bring it to the attention of those Members who were not there, he agreed he is going to avail himself in the office and he agreed that he is going to work with his juniors and the seniors who are working in the County and that he will be picking up the pHon.e calls. That only means that this is a guy who knew exactly what he was doing and did it with a motive. I wish to rest my case.

Speaker: Hon. Mwangi.

Hon. Mwangi: Thank you Mr. Speaker, earlier long I said I will abstain and given that this is a very serious matter I would like to stand with the Standing Orders No. 49 on amendments. Now that we are about to adopt this report, if we go to No. 8, of the resolution, it was also resolved that Mr. Kimanga be deployed to the devolved ministry through the Transitional Authority.

According to acts of Kimanga, it clearly shows that he is not fit to hold any office and by adopting this report it will mean that we give him a chance somewhere else. So I would like to move an amendment and seek your indulgence Mr. Speaker, whether it is right to move an amendment on that phrase as follows;

- **Mr. Kimanga be forced to step aside to pave way for investigation.**

Speaker: Hon. Dann let Hon. Mwangi move his motion. Just take us slowly. What are you saying Hon. Mwangi?

Hon. Mwangi: What am proposing is that resolutions No. 8, states that;

It was also resolved that Mr. Kimanga be deployed to the devolved ministry through the Transitional Authority.

It is clear that Kimanga has conducted a sabotage which is unforgivable in this Country. So if we adopt this report we will be giving him to serve some other place whereby we are not sure whether he is going to commit the same crime. So I wish to move the amendments, we delete completely clause No.8 and insert, **Mr. Kimanga be forced to step aside to pave way for investigation** and by this amendment, I think we will have reliable information from some other people who may not speak knowing that Kimanga is there or took another position somewhere else. Given that there is also other matters touching him in Ad Hoc Committee we need information concerning him and again there was an Audit report that was brought here on the table, still there was another mischief that he did and by giving him a chance somewhere else, he may not even respond to some of the questions that we might be asking in those Committees. I remember one of the former presidents said, 'Ukitaka kuuwa nyoka unauwa pamoja na mayai yake' so if we…

Speaker: Point of Order?

Hon. Kabaci: Point of clarification, Mr. Speaker.

Speaker: Let him just finish, am sure he is concluding because he is moving a motion.

Hon. Mwangi: Thank you Mr. Speaker, as much as we would like to sack Kimanga, there will be some elements there which will remain and we may not clear our system very well without this information. For the purposes of investigation let him be given a compulsory leave to allow investigation and I wish to allow Hon. Michael to second the Motion.

(Hon. Dann stood in his place)

Speaker: Let's hear before the seconding, Hon. Dann, is it a different matter?

Hon. Dann: I was on a point of order because I thought Hon. Mwangi decided not to be part of this motion Mr. Speaker. When you say you will not vote you will not do it, I think you should let those who are opposing or supporting the motion deal with this Motion perpendicularly. Thank you, Mr. Speaker.

Speaker: Hon. Members, I see the shooting out. I think Hon. Mwangi has the right to because we have not yet voted. It is a good practice to take a position but Hon. Mwangi it is possible he heard something and decided to change his position. Hon. Mwangi you do not need to respond because we do not want an exchange. Hon. Suge and then Hon. Mukuria.

Hon. Suge: Thank you Mr. Speaker, Sir; mine was just a point of Order. Is it in order for Hon. Mwangi to say that the Committee has recommended that the CFO, Mr. Kimanga be sacked? I think that Hon. Mwangi is misleading the House because the only recommendation as per the report of the Committee is that the officer should be redeployed through the T.A (Transitional Authority) to the Ministry and then be taken somewhere else Mr. Speaker, Sir. So there is nowhere we have recommended that Mr. Kimanga should be sacked. We are not the sacking authority Mr. Speaker, Sir. Thank you.

Speaker: Hon. Mukuria, must I allow you really because I feel we are getting to the substance of the motion of the amendment.

Hon. Mukuria: Mr. Speaker is it in order to amend this motion before *…(off record)* has taken place?

Speaker: He is in order, he has quoted a very silent section Standing Order No. 49 (a), noting that the report just came when were already in session and even if you go to Standing Order No. 52 (2) he is totally in order. But Hon. Mukuria and Members have a right to respond to that amendment and I will certainly give you a right to respond to the substance of that amendment. Allow me Hon. Members and I hope this will be quick to give the seconder. I will subject that to the motion and then we will vote and then go to the Mother Motion. Hon. Kinyua.

Hon. Kinyua: Asante sana Bwana Spika, langu ni kuunga mkono huu mjadala ya kwamba Kimanga apewe ruhusa ya lazima ili aweze kupumzika ili utafiti uendelee vizuri. Kwa sababu akiwa kazini ama akiwa na ruhusa kuna wengine ambao wataogopa kusema yote ambayo yalifanyika hapo mbeleni kupitia kwake. Lakini akiachichwa kazi kwa muda na wawe mbali wote ambao wataitwa na wenye walifanya kazi na wao, walioajiriwa wakiitwa watasema mambo yote ya ukweli. Kwa sababu nakumbuka ya kwamba wakati Kamati ya Ad Hoc ilikuwa ikiwahoji wale waliokuwa wameajiriwa na bwana Kimanga, wengi ilionekana ya kwamba wamefunzwa waseme ya kwamba wengine waliajiriwa miaka miwili ama miezi sita iliopita ili ionekane sio yeye aliwaajiri.

Kwa hivyo mimi ningeonelea ya kwamba aweze kupewa ruhusa ya lazima. Akienda

nyumbani ile mambo mengine ambayo haijachunguzwa kwa sababu ni mambo mengi ambayo haijachunguzwa, Kamati ya Ad hoc iko ikichunguza hayo mambo ya uandikanaji. Kuna PAC nayo inatakiwa ichunguze vile pesa zimepotea na kama kuna pesa zimepotea na kama kuna pesa zimetumiwa vibaya. Ninaona kama kuna wakati mwaka uliopita ripoti inasema ya kwamba kuna pesa za LATF zilikuja na hizo pesa sikumbuki zilikuja milioni kumi na ngapi. Lakini zile pesa zilitumika ni milioni tu tano peke yake. Kwa hivyo, ni vizuri akipewa ruhusa ya lazima ili akihitajika na kamati yoyote, anaweza kuitwa na kujibu maswali ambayo atakayoulizwa ili tuweze kujua ukweli mahali ulipo kwa sababu hii ni mambo ya ufisadi na ya kuharibu na kutumia pesa za uma vile ambavyo haifai.

Na hii mambo inafaa ichunguzwe vizuri na kwa makini sana na pia wale wote walikuwa kwa hiyo laini kwa sababu Kimanga hakuwa akifanya kazi peke yake. Kimanga anafanya kazi hapa Nanyuki, ako Nairobi na ako Rumuruti. Huko Rumuruti inaoneka ako na timu yake ambayo inamfanyia kazi. Leo tu asubuhi kwa ile kamati ambayo ilikuwa ikimhoji alisema ya kwamba ako na siri ingine ambayo amepata kujua ati kuna 'account' ambayo haijafungwa katika Rumuruti ambayo pesa za Rumuruti zikiokotwa zinapata kuwekwa. Na yeye hajapata kujua hicho kitu, wala kushauriwa ama kuambiwa. Alikuja kujua hicho kitu wakati pesa zingine zilipotolewa zikawekwa kwa Central Bank na wakati huo ndio alikuja kuuliza na akaambiwa kuna 'account' iko lakini haijui. Hiyo mambo Bwana Spika inafaa ichunguzwe vizuri na kwa sababu ni mambo mengi muhimu na itaokoa Kauti yetu tena mambo ya ufisadi na upoteaji wa pesa. Mkiangalia katika bajeti yetu tuko na upungufu (deficit) na hatujui vile tutaifanya na pesa zikiendelea kupotea kusema ukweli, hatutafikia ile mafikira yetu ambayo tulikuwa tukiwaza kwa ile bajeti yetu. Kwa hivyo ningeomba…

Speaker: Yes, Point of order, Hon. Mukuria.

Hon. Mukuria: Point of information.

Speaker: Yes, information.

Hon. Mukuria: Yes.

Speaker: Hon. Kinyua, do you want that information from Hon. Mukuria? It may help you.

Hon. Kinyua: Not now.

Speaker: You may continue. It is good to get information but it is ok.

Hon. Kinyua: Asante sana. Kwa hivyo ningeomba na nikiunga huu mjadala mkono ya kwamba Bwana Kimanga aweze kupewa likizo ya lazima ili mambo yote iweze kuchunguzwa na tupate kujua vizuri yale mambo iliokuwa ikiendelea hapo mbeleni. Asante Bwana Spika.

Speaker: Ok. Hon. Members I would like to propose the question:

> ***THAT,*** *resolution No. 8 of this report of the Finance and County Planning Committee of the conduct of Interim Principal Finance Officer be deleted and the following clause to be inserted; that Mr. Richard Kimanga be forced to step aside to pave way for investigation.*

I will give a few Hon. Members so that I put the question and then we go to the substantive business. Yes, Hon. Thomi has not spoken. Hon. Thomi.

Hon. Thomi: Thank you, Mr. Speaker Sir. I do not support the amendment of this motion. Mr. Speaker, I will request the Hon. Members to support the motion the

way it was read to us. Mr. Speaker, if the motion goes through, Mr. Kimanga will go back to the Transitional Authority. That means that he will not be in Rumuruti or Laikipia County hence there will be no hindrance to any investigation. Mr. Speaker, I would request the Hon. Members to act on this motion so that we prove to the people we represent that we are monitoring what is happening in this County. Mr. Speaker, it would be very sad for these Hon. Members if we come into this House with information that is clear in our minds that the Assembly and the County almost came to a standstill because there was no money. Today Mr. Speaker, after we raised this motion then we got information that there is money. Mr. Speaker, let the Members know that there is somebody playing around with us. This motion should not be amended but we should deliberate on it and pass it as it was. Thank you, Mr. Speaker.

Speaker: Ok. Hon. Dann, then Hon. Mukuria.

Hon. Dann: Thank you Mr. Speaker. I stand to oppose those amendments and bring attention to this House that by amending this motion we shall let the cat loose. Mr. Speaker this motion will give Mr. Kimanga….

Speaker: Is it a point of order, Hon. Majority Leader?

Majority Leader: Yes, I want the Member to clarify who cat is.

Speaker: Who is the cat here?

Hon. Dann: Mr. Speaker, it is the queen's language and it goes like that. By amending this motion we shall let the cat loose Mr. Speaker. We shall give Richard Kimanga a playing ground Mr. Speaker, and this is sabotage. Somebody is trying to create a wider playing field for Mr. Kimanga. Mr. Speaker, we shall not allow. The mover of this motion and his seconder did lobby from that corner to this one for the amendments and I would like when he stands up to tell us what interest does he have in this motion Mr. Speaker because..

Speaker: Yes, point of order Hon. Mwangi.

Hon. Mwangi: Thank you Mr. Speaker. It is on a point of order. Is it in order for the Member for Ol Moran to imply that I have some interest when the report itself declares that there is interest? You do not want this guy to lose the job. You are deploying him somewhere else. So you just want him to go. Mr. Speaker, the Committee did not have the mandate to deploy Mr. Kimanga somewhere else.

Speaker: Hon. Dann, Hon. Mwangi as a Hon. Member has the right to propose an amendment and that is why we are discussing it. It is also within the right of a Member to lobby and persuade but not to force. So Hon. Dann just proceed.

Hon. Dann: Thank you. Mr. Speaker, therefore I call Hon. Members to think deeply while discussing this motion. By amending this motion Mr. Speaker, it concerns our lives, money, children and it will guard us for five years. I call the Members to oppose the amendment, Mr. Speaker, thank you.

Speaker: Hon. Mukuria.

Hon. Mukuria: Thank you, Mr. Speaker. I want to make the House aware who a financial officer is because may be they do not understand the situation. When he is on leave he also goes on leave with the signature. Hon. Members, therefore you should know that unless he is relieved his duties, as a County we are going to be on the ground because if the Chief Finance Officer does not sign any document there

will be no money that will be released in this County. That is why we were saying that he should be relieved all his duties. As per point number one, we are doing our investigations *(Resolution No. 1).* If you look at what you are saying, the Public Account and any other relevant organs to take up the matter for further investigation *(Resolution No. 2).* We shall be doing investigations while he will be away and he can be called. He can be in a court of law if he has done mistakes. Therefore, I want to make the Members aware that being a Financial Officer is a very serious docket and when you say that he goes on leave and then be investigated, I want to make these Members aware that until the issue is over, that is when the County will proceed.

Therefore, Mr. Speaker Sir, let us not amend but delink all his duties then he can be recalled later. He will wait for a report either to be recalled but not to hold the County hostage because of his signatory. There are two signatories for that account, one for the treasurer and the other one for the CFO (Chief Finance Officer). Therefore Hon. Members be serious, be focused and ensure that we are not sabotaged because of one signatory. There are problems because he is here, he is in Nairobi and nobody is there to sign. That is why I was saying, this delaying of cheques and when he does not sign he holds the County hostage, the finance docket and everything else in this County. If somebody is committed he has this County at heart and we need to take this thing seriously and have no mercy because this is a docket that needs also to give warrant to the previous regime and we are in the new regime they are not used to be called by the discipline Committees. They should know that they have to be responsible for any work done in this County.

When he was being employed he said he is somebody who has a high foresight for this Country. Look at this matter he did not have a foresight, that one day this County will not have money. He should have submitted the document early. It seems that during his vetting, he was not well investigated and he does not take his work seriously. He takes people for granted. Therefore, that is why I am saying Members, let us focus and release him of his duties then the investigations will go on. If we need to call him, he is there in this Country and he will not run away. Let us not fear that he is going and leave another stone unturned. We are making sure that after this, we are going to call all the offices concerned to shed more light but be aware of where he will be deployed.

Therefore Hon. Members, I rise to oppose this motion because I have seen what Members expect but he did not understand the seriousness of the matter; the signatory of this Mr. Kimanga. Hon. Members, please I beg you to oppose this motion or the amendment because you see how serious the matter is. It seems that when he goes out; a hindrance of not signing this document means that Hon. Members will not receive salaries and Hon. Members will not proceed to the next section because of his signatory. Therefore, Hon. Members I beg that you help us pass this motion the way it is and that would be better for this County. Thank you, Mr. Speaker.

Speaker: I will only allow Hon. Paul and then I will put the question on amendment so that we proceed on this matter.

Hon. Leshuel: Asanti sana Spika,mimi nasimama kutounga mkono hio ‘amendment’ na kwa sababu ya vitu kadhaa. Kwanza ukweli kabisa hatuwezi kukaa hapa na tukubali mtu mmoja aweze kuajiri watu mia moja na ilhali wale watu

sisi tunawakilisha wanangoja sisi tuwapatie kazi. Huyu mtu ndiye anafaa kuwa anapatia Kauti mzima mawaidha kwa mambo ya pesa na kama yeye atakuwa mmoja wakupatia Kauti mawaidha ya kwenda chini na hatuwezi tukakubaliana. Sasa mimi nasema hivi, wengine hapa sana sana wale waliokuwa wanafanya kazi kwa 'Municipal na County Council' wamekuwa na hio tabia ya kwamba yeye ndiye kila kitu na tunataka kuonyesha leo hii ya kwanba hii nyumba ama hii Bunge iko na nguvu sio kama zile 'councils' za zamani ambazo tunapitisha kitu mtu anabeba hivi. Kama hatutafanya hivyo hawa watu watakalia sisi. Hapa hakuna kazi tutafanya na hatuwezi kukubaliana namna hio. Sasa mimi nakubali hivi, huyu mtu arudi mahali ametoka ile 'godfather' alikuwa naye arudi ampatie kazi mahali pengine na tumalize hio hadithi ili tuweze kuingia mambo mengine kuliko tushinde hapa. Naunga mkono.

Speaker: Hon. Mwangi, just reply very briefly then I put the question.

Hon. Mwangi: I think I will reply by quoting my friend, Hon. Major General Ali who said one day "Jamii inayowaficha wahalifu, itahatarishwa na hao wahalifu mnaowaficha." By hiding Mr. Kimanga to the devolved ministry you are causing a hazard to the lives of Kenyans somewhere else.

Speaker: Is it a point of order Hon. Dann? Yes, let it better be a point of order.

Hon. Dann: Mr. Speaker is it in order for Hon. Mwangi to tell us we are hiding that person yet he is an employee of the Transition Authority. Hon. Mr. Kimanga is not an employee of Laikipia County but he is an employee of the Transition Authority. Thank you.

Speaker: Hon. Mwangi is now advised. Please proceed.

Hon. Mwangi: Thank you for your advice, my brother. When we talk about sabotage, which is a capital offence. That man belongs to jail and that is why we are moving this amendment. He does not fit even in that devolved ministry if he cannot fit in Laikipia County where else you do want him to work? That man has done wrong and I am not denying that fact but there is one thing, if you hide him there, will you be able to question him or will you be able to arrest him when the time comes? Thank you, Mr. Speaker and thank you Hon. Members for contributing to my motion.

Speaker: Thank you Hon. Members, I will like to put the question:-

> ***THAT,*** *this report be amended by deleting resolution number 8 and in its place substituting with, that Mr. Kimanga be forced to step aside to pave way for investigation.*

(Motion negatived)

I think I will give at most two or maybe one or two Members to contribute.

Hon. Maitai: Thank you Mr. Speaker Sir, I rise to support the motion. Mr. Speaker the Bible says money is the mother and the father of all evils. Mr. Speaker Sir, I concur with Hon. Mukuria and other Members of this House who have tried to emphasise the significance of the matter that we are dealing with Mr. Speaker Sir. I like going to primary schools when the children are closing school because it is at that point especially in public schools I have seen most schools have the tendency, they have a field or under a tree or in a certain room or class where they gather to close school. Mr. Speaker Sir, why I like going to closing days of primary schools is

because to me that is the point at which you meet with real Kenyans. That is the point you meet who we really talk about when we say and claim that are we are leaders of this nation. Mr. Speaker Sir, when you meet the children at nursery school, in class 1, 2 and 3 all the way to class 8, you identify with the issues they go through. You hear parents talking about their children and teachers talk about the challenges they go through as they try to make the lives of our children better. That is the point at which you truly identify with real Kenyans that we claim and really do represent in this House and many other people represent them in other Houses.

I am citing this Mr. Speaker because it is necessary as leaders and more precisely the County Assembly of Laikipia to realize that our interest is to serve that very vulnerable 'mwananchi' who has nobody to protect him or her, Mr. Speaker Sir, and not an individual who is so learned and even when it comes to a Committee he can almost justify all his actions because he is a smart man. He is learned, he has papers, he knows the law, understands rules and even what he does. Whatever he does wrongly he does it so strategically and in such a planned manner that when he explains things to you, you may think he is an angel to a point Mr. Speaker Sir, I got amazed. When the Committee sat down and some of us visited the Committee , some Members of this House were swayed away by his sweet talking and his art of convincing unless you really understand and remained focused on what you are up to, you can be easily be swayed away from the real focus.

Mr. Speaker Sir, because I think as a House and the Leader of Majority has tried to emphasis this we must remain very strong if we are truly to represent the people of this Country and of this County and do it right Mr. Speaker Sir. It is good that it is known to us and it should be known that it is not everyone that means good to this County and the rest of the Kenyans. Mr. Speaker Sir, I agree with Hon. Waruguru, some people have not admitted yet that we are no longer living in the Kanu era. Mr. Speaker Sir, we have many people in the government who think that when you are given a position it is time to enrich yourself and I think Mr. Speaker Sir, we need to declare and let our position be known both to ourselves and to the people of the County what we truly stand for.

The principles that guide this Country and as entrenched in our constitution Mr. Speaker Sir, are necessary as we make tough decisions. I remember Hon. Mukuria challenging us and challenging me at some point as we talked. That to make and to take some of these decisions; there are broad decisions, there are painful decisions that will affect individuals and their career might be affected but at the end of the day, Mr. Speaker Sir, we must think of that child so vulnerable whose money is being misused and they will not access education. Mr. Speaker Sir, or that mother who may fail to access the health facilities as required and as they are entitled to simply because somebody somewhere feels nothing for them and they feel they can do whatever they want with the money that they have been entrusted to.

Mr. Speaker Sir, I want to challenge this House to rise up to the occasion to decide who they really want to represent in this County and truly support this motion. I believe Mr. Kimanga even if he is to lose his job he can do some other jobs like business and farming unlike most of us. The kids out there who if they drop out of school because money has been

misappropriated they have no other chance in this world. A mother out there or a man out there, who will lose a job, will have no other opportunity but their lives will come to a standstill. Mr. Speaker, I repeat it is important we have the broad picture of Laikipia and not an individual who is a strategist and a planner because they have been empowered by the very same system that they are trying to bring down.

Mr. Speaker Sir, as I conclude, it is commonly said that two wrongs do not make a right. I agree, I truly agree and as mentioned earlier that money is the mother and father of all evil I am convinced and it has come up from other Hon. Members. Mr. Kimanga is not the only culprit or person who is misbehaving with money and it came out clearly. For example, a few Members have highlighted that we are talking of illegal employment. He is not the employer or the human resource manager neither in Rumuruti Town Council nor in the County.

For sure Mr. Speaker Sir, we know for sure there are other people who are equally misbehaving in different departments and collaborating with him to enrich themselves and to serve their own interests, Mr. Speaker Sir but again two wrongs do not make a right. It is a fact there are other people who are on the wrong does not mean that we should be soft or handle Mr. Kimanga with caution but I feel we should first fulfil our duty; do what is right with Mr. Kimanga and am sure there are Committees in this House. We have the Finance Committee , Public Accounts Committee and the Investment Committee that will for sure look into those other issues that are on-going. It became clear yesterday when the Committee was sitting down that there are many other individuals in other departments that are not doing their things right at the moment. Mr. Speaker, I support the motion as we look into this matter and see that everybody does everything right. Thank you, Mr. Speaker Sir.

Speaker: Okay Jennifer, I am going to give you a chance? I am sure you will be extremely brief on this matter and you will be the last one.

Hon. Jennifer: Thank you Hon. Speaker. As you have told me I would be very fast. We have heard from yesterday about Mr. Kimanga, I think we have agreed that he should go and looking at number 11 there is a serious urgency that the Committee on Finance should ensure that Richard moves away and some people to operate the account because there is this part number 11 that says there was a secret account being operated by the Chief Accounts Officer of the Assembly which needs to be investigated. If there is a secret account then there is some danger somewhere. We must be very fast. We have talked. We have understood and Members of this House have expressed their dissatisfaction on this officer so I think we must move fast. I support the motion. Let us work and be fast. Thank you.

Speaker: Okay, I would like to call upon the mover to reply.

Hon. Kabaci: Thank you very much Mr. Speaker. I must start by saying am much grateful to Hon. Members for supporting the motion and debating well on the same motion. I am also happy that Hon. Members have realized that Mr. Kimanga wanted to sabotage this County. Mr. Speaker, it also important that this House has noted that it is important to relieve this officer all his duties in Laikipia County. Mr. Speaker it is also our wish that we will have somebody in that docket who will

hold on, who will in fact have Laikipia County at heart hoping he will serve this County well. Mr. Speaker, it is painful that some families are sleeping without food and I am clear on that putting in mind that it is the eighth day of the month and the salary is not yet given to the servants or the staff. I am sure some of them have been threatened by the landlords due to delay of payment of rent.

It is clear as we heard from the Controller of Budget, the person who is now Mr. Kimanga since he failed to submit the Requisition Form A, B and C in time and in fact submitted those forms on Tuesday at 10.00 am. That is from the words of the Controller of Budget and he still failed to submit one statement which was submitted to the Controller of Budget by 3.00 p.m that is on Tuesday. The Controller of Budget confessed that when they reached him within 2 hours he had done away with them. It is clear that it was Mr. Kimanga who had held this County hostage, Mr. Speaker. He is the person who has delayed those salaries to date Mr. Speaker and for that for the business of this County to run smoothly Kimanga must go. It is also clear Mr. Speaker, for the salaries and wages of this County not be delayed any longer Kimanga must go and for the House staffs not to be locked out by their landlords also Mr. Speaker due to delay of payment of House rents, Kimanga must go. Mr. Speaker, it also clear that for this Assembly's business to continue running smoothly, Kimanga must go. Thank you Hon. Members and I thank you all who have contributed. May God bless you. Thank you Sir.

Speaker: Thank you very much Hon. Members. I would like to put the question,

> ***THAT,*** *this House approves the report of Finance and County Planning Committee on conduct of Interim Principal Finance Officer tabled in the House on 8th August, 2013.*

(Motion agreed)

I would like in light of that, to direct that because the resolutions of this House must be taken very seriously as one of the Hon. Members said this is the House representative of the people. I would like to direct that the Finance Committee picks up the resolutions of this House as well as of the Public Accounts and Investment Committee but the office of the Clerk will communicate the resolutions of this House to the office of his Excellency the Governor, Transitional Authority and the relevant organs. If it is a criminal investigation the department of the anti-corruption, the Auditor General that the Public Accounts and Investment Committee can pick up as well as we await the report of the Committee of this House on the irregular staff employment.

COMMUNICATION FROM THE CHAIR

Hon. Members because we are the people's representatives, I wish to make the following communications: I would like to remind this House that in line with the constitution, the Public Finance Management Act as well as the Standing Orders, the Assembly has an oversight role over the executive on all matters - financial. This role which the Assembly has been given by the people of Laikipia should be played out robustly and diligently.

Secondly, I would like to point out that the budget as well as the Appropriation Act passed by this Assembly a while back provides for both the Executive and as well as Assembly Budget lines. This distinction must remain in terms of financial autonomy and separation. The

Assembly should never suffer prejudice on its financial resources and allocation. This matter hinges the independence of the Assembly. When the financial independence of the Assembly is not guaranteed, the oversight role of the Assembly automatically gets comprised.

Hon. Members in light of this, I would to give the following direction:

1. That all measures be taken to ensure that the financial independence of the Assembly is always secure.

2. It is the role of Finance and Planning Committee and by extension this Assembly to proactively engage with the Executive on the fiscal fidelity as well as prudent application of finances in our County.

3. On the immediate term, the Finance and Planning Committees should sermon the Executive Committee Member in charge of finance and in deed the County Treasury to ensure that the July allocation from all monies approved by the Controller of Budget to the Assembly is adequate and within the law. Hopefully this step will set a good tradition of proper allocation and application of all monies received by the County moving forward.

4. The Executive Treasury and the Assembly Treasury should work together to ensure that no administrative hitches hamper the operations of the Assembly in any way.

5. The Finance and Planning Committee and indeed any Member of this Assembly is at liberty at any time to invite this House to make any interventions as may be necessary as part of its oversight role. Thank you.

ADJOURNMENT

Speaker: Okay Hon. Members, I will remind you that earlier you did approve a recess we meet on the 3rd of September 2013 which is on a Tuesday at 2.30 p.m. I guess if there are any administrative issues they can be discussed now after this session. The House is adjourned.

The House rose at 5.15 p.m.