

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday April 29, 2015

Assembly Building

The House met at 2.40pm

[The Deputy Speaker (Hon. James Tuei) in the Chair]

PRAYERS

MOTION

CASUAL WORKERS TO OPEN BANK ACCOUNTS TO FACILITATE
TRANSPARENCE IN WAGE PAYMENT

Hon. Jane Ngugi: Thank you Mr. Deputy Speaker Sir, I beg to move the following Motion;-

THAT aware that recruitment and payment of casual workers in Nakuru County has faced major challenges; further aware that various persons affected (directly and indirectly) have launched complains and expressed dissatisfaction with cash- payment system, faulting it as non- transparent; Noting that the persistent challenges of casual workers have prompted this House to discuss the issues at length and derived disturbing findings; cognizant that the persons charged with the responsibility of paying the workers have taken advantage and instead, on several occasions become stumbling blocks thereby delaying the payments up to a period of three months; this House resolves that the casual workers be compelled to open Bank accounts and be paid their wages through their accounts to ensure transparency.

Mr. Deputy Speaker Sir, there is an outcry from almost all the casual workers in our County who are paid through individuals' bank accounts. The money is transferred to the sub-counties accountants' personal bank accounts and they pay the casual workers. Our casual workers suffer because the last time they were paid was January this year, and while other sub-counties have paid up to February, the rest including Gilgil where I come from have not been paid to date.

Mr. Deputy Speaker Sir, we the MCAs and the implementers get our salaries on time and when late it is for about five days but these humble workers are not able to get their salaries for up to three months so they keep on coming to the MCAs offices asking for food and other basic needs, while others are thrown out by their landlords because of failure to pay rent. I have brought this

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Motion because I would like this House to pass a resolution to have the casual workers open bank accounts and get their salaries on monthly basis. So the relevant department at the Executive should compel all the casual workers to open bank accounts and be remitting their wages in the said accounts every month. Also, I would urge this House to compel Finance Department that it should never pay casual workers' money through individuals' accounts and even in cases where they have to, it should be through the Sub-County administrator where the account is signed by three people. As we speak, most of the casuals have not received their February and March salaries and we are now going to April so they should be paid up to the current month, thank you.

The Deputy Speaker (Hon James Tuei): Thank you honourable Jane Ngugi, somebody to second; yes honourable Member for Molo.

Hon. Joseph Muigai: Thank you Mr. Deputy Speaker Sir, I rise to second this Motion and also to contribute towards the same. As it has been said, the casual workers in our various sub counties go for long without wages. And the reasons are purely laxity by the paying office at the headquarters. The accountants at the sub counties submit their returns quite early and most of the time they are told there are no resources to pay casual workers. If there are resources to fuel cars, to pay other permanent staff, I do not see why the casual workers should not be paid.

Mr. Deputy Speaker Sir, I would like to bring to your attention the fact that casual workers are the least paid and for that reason they should be paid promptly. The work that they do would even require more pay. Look at those that go into drainage systems and the side effects, yet they go for months without salaries.

Mr. Deputy Speaker Sir, I would also like to make an addition to the Motion that other than opening bank accounts, we also recommend to the executive that they confirm the casual workers because this far, we can confidently confirm that we need their services therefore no reasons why they should not be confirmed.

Mr. Deputy Speaker Sir, with the little that they are paid, if they are confirmed, they can walk into a bank and get some credit to better their lives which they cannot do under their current job status. Thank Mr. Deputy Speaker, I support the Motion.

The Deputy Speaker (Hon James Tuei): Thank you honourable Member for Molo; honourable Muriithi.

Hon. Joshua Muriithi: Thank you Mr. Deputy Speaker, I support the Motion. This people have families and therefore need their welfare looked into. Thank you, I support.

The Deputy Speaker (Hon. James Tuei): Thank you honourable Muriithi; honourable Chebichi.

Hon. Irene Chebichi: Thank you Mr. Deputy Speaker, I support this Motion. And as vice Chair of Labour Committee, our recent survey on casual workers in this County revealed that we have ghost casual workers. So if we introduce the issue of having the casual workers money deposited direct into their bank accounts, I believe we shall have considerably reduced the problem of ghost casual workers.

Also some of the sub counties accountants are reluctant in requisitioning of the casual workers money, maybe because they receive their salaries on time and do not feel the casual workers pain. I just cannot imagine a person working for more than three months without pay and still expect the same person to meet his or her family's basic needs. We should make sure as a House that this Motion is passed and also implemented as soon as possible so that by next month, the casual workers will start receiving their money through their bank accounts, thank you Mr. Deputy Speaker.

The Deputy Speaker (Hon. James Tuei): Thank you honourable Chebichi; honourable Mureu.

Hon. Peter Macharia: Thank you Mr. Deputy Speaker, I rise to support the Motion and strongly condemn the Finance Docket for subjecting the casual workers to this agony yet they are the only people we rely on to restore the County's lost glory of being the cleanest in East and Central Africa. They earn as little as Kshs.11 000 which is not even equivalent to a MCAs per Diemand little as it is they are still denied that. This is a big shame to the County whose head is his Excellency Honourable Kinuthia Mbugua. And if these people cannot handle small issues, I do not know how they can be trusted with big issues facing this County.

Mr. Deputy Speaker, this is one issue that should be followed up as soon as next week and have their arrears cleared. I receive so many of casual workers at my home who come with different problems like lack of food, a sick wife or child, no school fees and many more which is too much for me to handle.

The issue of having their pay pass through someone else's bank account should never happen and just like the contractors working in different areas of this County do not have their payments pass through the Governor's bank account. Their money is sent direct from the Central Bank to their accounts and whoever came with this weird idea of individuals' bank accounts is just encouraging corruption. So let us all support this Motion because the longer we take the more these people suffer.

The Deputy Speaker (Hon James Tuei): Thank you honourable Member for Sirikwa; honourable Member for Kivumbini.

Hon. Vitalis Okelo: Thank you Mr. Deputy Speaker, I rise to support this Motion but would also like to put one amendment on the fourth line from the bottom i.e. "on several occasions become stumbling blocks thereby delaying the payments for up to a period of three months; this

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house resolves that the casual workers who have worked for more than three months be compelled to open Bank accounts and be paid their wages through their accounts to ensure transparency”. Mr. Deputy Speaker, I am saying from three months because we do have casual workers who get engaged for short periods like few days or a week and asking them to open a bank account would not be fair. It is a big embarrassment to our County to have casual workers earning very little and still go without pay for months. It puts the character and integrity of this institution into question.

Mr. Deputy Speaker, on the issue of ghost casual workers, the relevant Committee in this House must look into it because it is very common and rampant especially at the Executive and it needs to be addressed. Thank very much.

The Deputy Speaker (Hon. James Tuei): Thank you honourable Member for Kivumbini; honourable Rosemary.

Hon. Rosemary Okemwa: Thank you Mr. Deputy Speaker, I rise to support the Motion and I would like to thank the Member who has thought it wise to bring it into the House, in fact it is long overdue. I would like to support the Motion because it is a big shame for our County and especially when we consider the people who we are talking about, the casuals, the casuals we must say that they are our employers because most of them are the ones who made sure that we are in this House. They are the people who woke up early in the morning to go and vote for us and they are the same people who are suffering so much at this time, I remember there was a time we were paid late, personally I was very affected because I could not meet my obligations and imagine what we are being paid.

Now you can imagine what a casual is getting and everybody at home is waiting to be fed by the same person. There is one casual who is a new mother, she came to my house the other day crying, the child is only four Months and she told me that she has stopped breast feeding and since she cannot afford milk to feed the baby she is using strong tea and bread to feed the baby, she deeps the bread in the strong tea and feed the four month baby because she has no otherwise.

When the Executive keep their money upto six months, surely with all fairness what do you think? And we are the people who are there to speak for them and I think it is the right time we acted on their behalf because the executive has taken us for granted, they have taken everybody for granted because for example how can they channel money through somebody's account? Supposing that money went into the account and found that there was a loan and the whole money is chopped off, will they complain? Who will be accountable for that, it is a very sad affair and I think we should do a lot of oversight on that.

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I am supporting what the honorable Members have said that they should have their own bank account so that the money can be channeled through their own account but then that is not enough, we should do a lot of campaign and make sure that they are paid every month, what is ten thousand to be delayed for even upto seven months. If an executive member is drawing about a half a million shillings per month how many casual can be paid with that, and then we continue keeping these money for this poor people, it is very unfair and I think it is high time that we acted and it is very shameful to our county, thank you.

The Deputy Speaker (Hon. James Tuei): Thank you honorable Okemwa, Majority Whip.

The Majority Whip (Hon. Leonard Korir): Asante sana Mheshimiwa naibuspika kwa kunipahuu wakatini patekuchangia hojahi, miminaungamkonona pia natakakumponge zamheshimiwa ambaye aliletahojahi kwa wakati ilitupateku jadiliana. Kusema ukweli wanafanyakazikatika hii Kaunti ya Nakuru wamekuwanashida sana tukikumbukayakwambapesazile ambazowanazipatanipesakidogo sana na pia inakawia kwa sababu nimegundu ayakuwawakatichura anapokuwandaniyamajihakumbukimtu yule ambaye akokuleturka mahalikunaki angazina hakunamaji kwa hivyo anastahilikukumbushwa.

Vile tujuavyohaowafanyakazihuwawanapatapesa ambazoniyakiasiyachini sana na imepata kuchelewa kwa miezikadhaanahii imekuwamchezo kwa sababu huyumtuanategemewakuletamkatenyumbani, kulipakarona pia kununuasabuni.

tukikumbuka ilekazi ambayowanafanyanikufagia, koukotatakataka, uchafuhuowotenakukosasabuni nishida sana. Kila asubuhi wanakuja kwa maofisizetu wakisemayakuwatume kataakushughulikia matatizoya oyakutolipwa, ningependakusem ayakwambawatuamba wanahusikanakazi yakulipawafanyakazi wahakikishewamefanyakazikiling anana vile walipewakazi, kwa hivyo naungamkonowafanyakazi walipwe kwa wakati unaostahili, asante.

The Deputy Speaker (Hon. James Tuei): honorable Gichangi and the Member from Maai Mahiu

Hon. Moses Njiiri: Thank you Mr. Deputy Speaker...

Hon. Irene Njeri: Point of order

The Deputy Speaker (Hon. James Tuei):Point of order allowed

Hon. Irene Njeri: Mr. Deputy Speaker, honorable Gichangi is not in decorum, he is in untucked shirt which for sure he is not disciplined and he does not respect this House.

The Deputy Speaker (Hon. James Tuei):Thank you very much, honorable Gichangi can you go out and tuck in your shirt and then you come and contribute, honorable Member from Maai Mahiu. Order honorable Gichangi

Hon. John Chege: I rise to support the Motion, it is about putting our priorities right, and we are leaving in a free world where the culture of free enterprise must be embraced. With this I mean it is about innovation and creativity, the other day I impressed the need to have a casual and this casual happens to be an orphan, I come from a place whereby I have so many orphans with me and due to the fact that it is a highway and I have so many trucks with me, it is a craft area and on behalf of this orphan, she has not been paid, she works in Longonot dispensary and she has not been paid since November.

Performance is tested and proven, it is a function of three things, natural capabilities, motivation and environment and when we are talking of corruption it beats logic that a worker can go for seven months without pay, automatically they have to navigate their way to make sure that at the end of the day they put food at the table. We have encouraged corruption, no wonder the County is crying foul that there is massive corruption and little are they doing and I know we have the human resource expert with us, in the traditional manner of doing business they invested more on the business level output instead of the human resource input, nowadays in the transformational world it is the vice versa, it is tested that the much you invest in human resource will automatically transform or it is directly proportional, it is automatic that you will get superior results, so what we are talking about, let us not waste time because this is an illegality and we are used to saying this things and there is no follow up, this is a grave issue and I beg that you charge

the Committee on Implementation to ensure that the same is implemented. It is about motivation and nothing else, if one is not motivated, automatically you will expect vague results

The Deputy Speaker (Hon. James Tuei): Thank you honorable Member from Maai Mahiu, honorable Member from Lake View.

Hon. Simon Ngigi: Asante sana Bwana

Naibuwa Spika, nimesimama kuungamkonohuumjadalanakusemayakuwaumechelewa, natakakuse mayakuwawakatimwingitumekuwatukiongeakuhusuwafankaziwamudakatikahiiNyumbanawakatiumefikahiiNyumbakutekelezawajibu wake kwa sababuhatutakuwatukiimbakamawimbokilawakati.

Nikitoamfanowa Naivasha, wafanyikazi wale wako Naivasha, asilimiasabinatanoniwafanyakaziwamuda, walewanaokotatakakanausafiwa Naivasha woteniwamuda. tunatarajiakusafishamjiilhalihawanamalipowanayopata, watafanyakaziganibilama lipo?

Mimi

natakakusemayakuwawakatitulikuwatukilaumiwakuwahuatujapitishabajeti, wakatihuowaziriwafed haalikuwanawakatimzuriwakutembeahadingambonamagaritunaonayakitembeahukunakulekuman ishawakonashughiliminginawatuwetuwanaumia, miminaombaNyumbahiikuwenawakatiambaotutapitishakamayalemagariyasimamehata kwa mudawa wiki mojanazilepesaambazozingekuwarzamafutazitumiwekuwalipawafanyakaziwamuda, kamani safari zangambozisimamishwenawafanyakaziwamudawalipwenatenaniaibukama vile hizipesazawafanyakaziwamudakuupitiaakauntiyamtubinafsialafuzinatolewanakulipawafanyakazi wamuda, huyumtuanayewekahizipesaanastahilikufungwajela kwa sababuhuuniufisadiwahaliyajuu.

TulipitishahojawakatiwamfanyakaziambayealikuwaakiitwaMasakunaikatekelezwamaramojanaha tihiiyawafanyakaziwamudatunatakaitekelewemaramojailikamatiyautendanjikufuatilianakuakikis haumetekelezwavilivyo, asante.

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The Deputy Speaker (Hon. James Tuei): Thank you very much, I think I will put into question because we have exhausted all the points and before that there was an amendment for confirmation, I will ask the member to check the Standing Order number 58, that the substantive issue on the Motion is payment for casual workers and not confirmation, honorable Member you can come up with that Motion separately and then we can assist you.

(Question on the Motion put and agreed to)

MOTION

COUNTY GOVERNMENT TO CATEGORIZE PROJECTS AND DEVELOP A POLICY ON IMPLEMENTATION TIMEFRAME

Hon. Eunice Muriithi: Thank you honorable Deputy Speaker, I beg to move the following Motion;-

THAT aware that this Assembly appropriates funds for various development projects every financial year; Further aware that such projects often take too long to be implemented due to lack of clear guidelines on the implementation timeframes ; Noting that the continued absence of this guidelines has resulted to contractors taking too long to complete projects and as a result spilling over to the subsequent financial years; Appreciating that each project is unique in terms of the technical input and other significant considerations ; This House resolves that the County government categorize projects and come up with a policy on the implementation timeframe.

Mr. Deputy Speaker, it is very devastating for us as Members of the County Assembly, many times we have sat here and passed many projects but you will realize that the projects that we are doing now are for previous financial year, meaning that a lot of projects have stalled because of lack of proper guidelines, we have been putting these projects but there is a lot of bureaucracy in the Executive where by before a clearance comes from one office to the other it takes too long and you find so much time is wasted and you realize we are already in 2015.

In the list that was in today's newspaper, Nakuru County did not appear anywhere, many Counties appeared including our neighboring Counties because their projects have been done on time.

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Ranking is done on what has been done on the ground and in our case you find that the projects that are being implemented are for 2013/2014 and we are now in 2015.

Our 2014/2015 projects have not kicked off some of them even the LPOs have not even been given meaning they will spill to the next year. We are only a month and a half to start budget making process.

Again our oversight role is very distorted because if we go on the ground to look at the projects that have been done it is not clear which financial year these projects belongs.

The budget making process is starting and we shall again go to our people to ask them what projects they want done and I can tell, we will face a lot of problems because they will start asking us questions regarding projects that they passed earlier.

I urge this House that we pass this Motion so that it can also give us an easy time as Members of this House and we will not be burdened with chasing the Executive to implement projects. Thank you.

The Deputy Speaker (Hon James Tuei): Thank you Hon. Eunice, Hon. Beatrice please

Hon. Beatrice Wambugu: Thank you Mr. Deputy Speaker sir, I support the Motion and want to thank the mover of the Motion, I am a Member of the Budget Committee and we have been going round the County and it has been very bad. You realize the projects that were proposed during the year 2013/2014 most of them have not reached half way. I have heard Members of this House complaining about projects that are still not finished.

The finance department of this County is failing us a lot and I think something needs to be done and you realize how hot it has been when we go for public participation. The public thinks it is us MCAs who are not doing our work.

I think we need to give time frames so that projects can be done at the right time, right now we are going to the third year of budget making process 2015/2016 yet 2013/2014 which is pending, I wonder what will happen to these projects when we complete our term. Definitely the money that people have contributed as revenue becomes a waste.

I urge Members to support this Motion so that the guidelines are put clearly because we know there is money in the County. Thank you.

Hon. Joseph Muigai: Thank you Mr. Deputy Speaker sir, any road if you do not know where you are going it will take you to a destination probably not of your choice. In our oversight role if we do not have clear guidelines we will always be at loggerheads with the contractors and the Executive but if we have guidelines as suggested by the mover of the Motion we will have an easy time doing our oversight role.

I also suggest that the Committee that is involved in following the implementation of projects do it fast because we are going for recess and I believe that is the best time we can exercise our oversight role and if the Executive do so we will not mind even being recalled to come pass the regulations.

I would also wish to pass, get well messages to Hon. Wanyoike because I have seen he has an injured hand.

Thank you.

Hon. Joseph Waithaka: Thank you Mr. Deputy Speaker sir, I also support this Motion because I believe it is the responsibility of this Assembly to ensure budget is implemented. I also want to remind Members that we had a recommendation on the previous year that requisition for money from the National Government project money be given a priority, whereby the first and second quarter will be having project money being requested but it is surprising The Chairman Implementation did not follow up on that implementation and this is maybe what has brought up the current Motion.

In this County, projects are implemented in the last quarter, we were requested to give priorities of our projects in January and second priority in March and this means if the projects will not have been awarded by July, chances are these money will be taken back to treasury and by this trend we are doing our people a disservice and it is high time that we request that project money be requested in first and second quarter so that implementation can be done in the remaining six

months of a financial year, and by that we will be making sure all projects have been implemented by the end of every financial year.

In my ward there is a contractor who was given work for five classes and he did the work halfway and I believe that is a breach of contract in terms of timelines and in this County someone is reluctant to push contractors to do their work.

I wish to request that the policies we are talking about be effected in every financial year and by the time we get into the month of June all projects are implemented.

I support, Thank you.

Hon Stephen Kiarie: Thank you Mr. Deputy Speaker sir, I also support this Motion but I would like to remind this House that the problem is much deeper and what I think is that the problem is not honoring the time frames but it is with the procurement and unless we devolve procurement this problem will still persist.

Some projects for 2013 are still pending, the reason being some of the contractors who were awarded these contracts did not have the capacity to complete the projects. We have to devolve procurement to sub-counties and only then will timeframes work because we will be in control as MCAs as we oversight but right now you find the Chief Executive Member Committee, Chief Officer and Members of parliament have interest hence it is difficult to follow up. Thank you.

Hon. Vitalis Okello: Thank you Mr. Deputy Speaker sir, I want to appreciate and congratulate the mover of the Motion because it is very timely.

The question is, what is the willingness of implementation this issue? Previously we have passed Motions and which have not been implemented. It is upon Implementation Committee to really come out and do their oversight role.

There are so many projects that have not been completed I actually thought it was only in my ward because I come from the opposition coalition, but one of the Members mentioned that even at Hon. Waithaka's place things are not working properly. We have to come up with a plan.

If the Executive is not putting up timetables on deadline then I think that this is a direction towards failing. Even the budgets have a plan and there are timelines that are supposed to be followed. For example in April we have the budget summaries and estimates in June we have appropriation Bill, County Finance Bill, and annual cash flow.

I urge you to come up with a Committee that will come up with implementation of projects in different Wards. I am saying so because it is said that you cannot use the same mindset that has created a problem to solve the same problem. So if we task the Executive to come up with a timetable I am afraid this will not work. Thank you.

Hon. Jane Ngugi: Thank you Mr. Deputy Speaker sir, I rise to support this Motion because for sure we need timeframes, I concur with my colleagues that there are still pending projects and now we have a month to go to the next financial year. I m a supporting that we should have a timeframe because what we are doing is that we wait for a list of shame in the newspapers after 30th June that Nakuru County did not exhaust their money but was taken back to treasury.

Mr. Deputy Speaker sir, what we are requesting is for the Implementation Committee to ensure projects proposed in the last two years are implemented before 30th June. I think at times the executive's priorities are not right and do not have Wanjiku at heart. We are now going for recess we want you to delegate the Motion to the relevant committee and when we come back we have projects completed

The Deputy Speaker (Hon James Tuei): Thank you very much, before I give hon Karuri then I give three more members. Let me also say sorry to hon Wanyoike for the injury and I wish him a quick recovery.

Hon Joel Karuri: It is a very demoralizing situation where money has been allocated to projects and at some point contractors run away. That means our people are not getting value for their money, it is unfortunate because if it is a County project the person in charge is the MCA. It is assumed that the MCA has squandered the money and this bad situation has affected our integrity amongst our people. I want to pray that the recent procurement Act provides for certain guidelines, but you wonder if the CEC or chief officers are aware of that law. When you go to report that a certain project is incomplete, they seem not to be aware and then you wonder what their work is. When we pass budget in this honorable House, the projects we proposed is not in vain because we want to improve our people's lives and if the project is under certain CEC and is

not complete for two years, that CEC is an enemy of the people or they are sabotaging the government. We need to put this CEC on a list of shame. If it is a road or water project, we put them on notice and then hold them accountable based on that report. We have an able chairman of Implementation and his committee, when we go for recess can invite us for special session so that we discuss the report, otherwise we may go up to 2016/2017 budget for the projects to be done.

The Deputy Speaker (Hon James Tuei): Hon Members let me request that for the next speakers, please try to use only one minute.

Hon Stephen Ng'ethe: I rise to support the Motion because I share concerns as regard to this Motion. It is about putting our priorities right. There is a problem and for one, there is a lot of amateur contractors and have an issue with flagship projects of construction of polytechnic rolled out in every constituency. I realize from a reliable source that for a contractor to undertake these projects, they are required to have Kshs 50m in their bank accounts. This is money guaranteed by certain banks that in any case they will commit themselves if need be, that money will be availed. I think the same should cut across by ensuring that the contractors are held responsible. People need to have value for money; the leaders should not be held responsible for such mess by contractors. I want to propose that contractors should be vetted and ensure they have capacity notwithstanding that they have money or not. Let there be seriousness with contractors. We need seriousness with priorities, let us be proactive to avoid such inconvenience.

The Deputy Speaker (Hon James Tuei): Honorable Member of Sirikwa; just one minute

Hon Peter Macharia: This is a very sensitive issue in Nakuru County. The issue is not about constrictors but it is about the Executive who once the contractors have been prequalified, it means he or she has the capacity to deliver. You realize that though there are slots of 30 per cent for the youth but most of them do not have capacity to have huge amount of money to do a contract. For example in Nakuru most of the contractors have secured loans and it is very clear in procurement process that when you have started works you should be paid a certain amount based on the level of work done to enable the contractors to move on and finish project. However, you realize that in our county there is no seriousness in facilitating the contract. Once the contractor has done like 25 percent of the job, when he or she approaches the engineer to assess the work, they never facilitate the contractor to get prompt payment. I would like to say there has been delay in such payment up to four months and such delays inconveniences the constructor. The payment that would be done within one week, takes up to four months to be processed. It is not possible for money meant for development to be diverted when a contractor has been issued with an AIE and if such a thing happens, it obviously the office of finance that is to blame for slow completion of projects in the County. We therefore as a County Assembly should come up with a policy to ensure the contractors are promptly paid to enable them to complete projects.

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Also there has been a trend where Engineers are demanding Kshs 100,000 to supervise projects and a case in point is at my Ward in Sirikwa where the Engineer charges Kshs 60,000 to supervise a classroom and I think such issue is among factors derailing infrastructural development in our county. If the Engineers have been facilitated with vehicles as well being paid salaries why should they charge such fees. The CEC should be compelled to explain the criteria used to come up with such a policy. What I would suggest is that the contractors should be paid on stages based on the level of work done.

The Deputy Speaker (Hon James Tuei): I now put it to question that this House resolves that the County Government to categorize projects and come up with a policy on the implementation timeframe

(Question put and agreed to)

The Deputy Speaker (Hon James Tuei): The House stands adjourned until 2.30 pm tomorrow

The House rose at 4.00 pm