

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Thursday 20TH November, 2015

Assembly Building

The House met at 2.50pm

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

PRAYERS

COMMUNICATION FROM THE CHAIR

-REMINDER TO MEMBERS TO BRING LOGBOOKS

-JUBILEE MEMBERS MEETING

The Deputy Speaker (Hon. James Tuei): Thank you honourable Members, I have two Communications; one is about log books that we have been talking about for more than three weeks and so far we have only three Members who have brought theirs while the rest are yet to do so. So Members this is the last reminder because if you already took the money and you have not given out your log book, we are all the aware that the government will assume that the money went to the wrong hands so make sure you bring the log books. I request you bring them because the consequences are severe.

Another Communication is that all Jubilee Members at the County Assembly of Nakuru have been invited to an extra ordinary General Meeting that will be held the 23rd of November, 2015, at the County Assembly of Nakuru at 10.00am. Agendas to be discussed would be Jubilee leadership in the Assembly and the way forward. Thank you.

PAPER

COMMITTEE ON ROADS, TRANSPORT AND PUBLIC WORKS REPORT

ON STATUS OF COUNTY ROADS

Hon. Stephen Kihara: Thank you Mr. Deputy Speaker, I am not the Chair but was once a Chair and once a Chair always a Chair but am in for the Chair, honourable Kung'u Kariuki. I wish to lay a Report on Sectoral Committee on Roads, Transport and Public Works on status of the County Roads, Transport and Public Works.

Mr. Deputy Speaker, the Committee on County Roads, Transport and Public Works is established under the second schedule of the Standing Orders and comprises of the chairperson, vice chairperson and 15 Members.

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Mandate of the Committee

The Sectoral Committee on Roads, Transport and Public Works is established in the Second Schedule of the Nakuru county Assembly Standing Orders and is mandated to deal with all matters related to County transport, including County roads, street lighting, traffic and parking, public road transport and ferries and harbors, excluding the regulations of international and national shipping and matters related thereto; County Public Works and services including storm water management systems in built- up areas.

Membership

The committee comprises of the following:

1. MCA Ezekiah Kung'uKariuki- Chairman
2. MCA James Humphrey Mwaniki - Vice-chairman
3. MCA Stephen Wanyaga Kihara
4. MCA Paul Thuo
5. MCA Monicah wangari Gitau
6. MCA Joseph Ngugi Muigai
7. MCA George Mwaura
8. MCA Leah Chepkoech Serem
9. MCA Agnes Jerotich Salimu
10. MCA Peter Mureu Macharia
11. MCA Samuel Kipkemoi Tonui
12. MCA Irene Chebichii Cheruiyot
13. MCA Newton Kabuu Wauthi
14. MCA Peter Njenga Kang'ethe
15. MCA Peter Njoroge Muchiri
16. MCA Ruth Jeptarus Sang
17. MCA Hawa Ibrahim

Mr. Deputy Speaker, I take this opportunity on behalf of the Committee on County Roads, Transport and Public Works, to present before this House the Status Report for the various county projects that was conducted on **8th September, 6th October, 9th November and 10th November, 2015** respectively.

ACKNOWLEDGEMENT

I wish to thank the office of the Speaker and the Clerk of the Assembly for their facilitation during the exercise.

I also wish to thank Members of this Committee and staff for their commitment towards the achievement of the mandate of this Committee;

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Mr. Deputy Speaker, the Committee as part of their mandate resolved to carry out inspection on the following County projects following complaints that had been registered with the Committee by the respective area MCAs.

NJORO KWA LAITE - SIGOITIK ROAD PROJECT- IN NJORO WARD

Project Scope of Works:

Drainage and culvert installation along the Njoro- Sigoitik Road.

The area MCA highlighted that the contractor was incompetent citing that it had taken him more than the required time to complete the project.

The contractor was accused of not following the preset specifications on the drawing.

The MCA also complained that works on the project were being done during the rainy season making it difficult for the works to sustain.

The resident engineer was blamed for not guiding the contractor as per the drawing and BQs used during tendering process.

Committee Findings

Upon inspection, the Committee found that the project rests on black cotton soil which once it rains, absorbs water and tends to swell collapsing its banks. This makes it hard for the works to hold despite repeated repairs.

The area experiences frequent heavy down pours hence, the project is bound to be vulnerable since the concrete is not given time to dry. Consequently, water runs through the drain throughout sometimes with a lot of force washing down most of the works.

Committee Recommendations

The committee recommended that the contractor be given a warning letter to complete the project within the next two months after which the Committee will be back for further inspection failure to which, his contract would be terminated.

It was proposed that the Sub county Engineer guide the contractor as per the drawings and other specifications.

TOMBO - NYAKINYUA ROAD PROJECT IN SIRIKWA WARD.

The area MCA complained that the works done on this road were inferior.

Projects Scope of Works:

The earmarked road was 11.5 km of 6metres wide

Grading, Gravelling, Drainage and Culvert installation were supposed to be done on this road project.

Committee Findings

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Upon inspection, the Committee found that the earmarked road for works was about 11.5km of 6metres wide, however, only 7.3km was done and very narrowly.

The gravelling quantity used was not enough. Despite 215 Lorries of 20 tonnes having been apportioned; only 142 Lorries of gravel were used.

Culverts were poorly done. Most of them without the headwalls and wings, six of them had already broken down. The drainage was too shallow and not well done on both sides of the road.

Compaction was also not well done.

Committee Recommendations

The Committee recommended that the culverts be redone again with headwalls and wings.

That compaction was poorly done and should be redone.

That the drainage be redone

That the final inspection on the road be carried out to identify the defects and be corrected.

That the area MCA be involved in all site meetings and the final handing over of the project.

That the contractor should not be paid before the area MCA ascertains the works are complete and satisfactory.

SUBUKIA VALLEY DAM - IN SUBUKIA WARD

Mr. Deputy Speaker, having received complaints from the area MCA that there was a dam that was filled to capacity and that it was posing a great danger to the community, motorists, school going children and their livestock, the Committee resolved to carry out an investigation to ascertain its status.

Mr. Deputy Speaker, the history of the Subukia Valley dam runs way back during the colonial years when several dams were constructed by the white farmers to enable them irrigate their coffee farms. Five dams were constructed to this effect starting with Maombi Dam at the upper side of Subukia, followed by Kenda Dam, Subukia Valley and Gatongu dam at the lower parts of Subukia. All the four dams were connected to each other through outlets that allowed spills to the next dam whenever one filled.

Committee findings

In 2013, the mother dam Maombi broke its banks causing the Kenda and Subukia valley Dams to also burst their banks.

Subukia Valley dam was the most affected where it broke its banks washing away a semi-permanent bridge that passed besides it.

This bridge connects over 300 households, including Ndemu coffee factory, Kieni primary and Kieni secondary school.

The Committee was informed by residents that three people have lost their lives, five injured to disability and livestock lost as they tried to cross the swollen dam. A boda boda rider fell after slipping and was hospitalized for months. All this happened within a span of one year the most recent being three weeks ago.

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Residents find it hectic to cross over the dam when it rains.

Motorists have to use long routes to get to their destinations.

School going children are also endangered as they have to cross this broken bridge to access the learning facilities.

Since the water flows throughout the year, the dam runs dry during the dry season leaving the residents without water for consumption as well as for processing their coffee in the factory.

The area MCA has tried to make life easier by spending his own cash to purchase materials for a makeshift bridge.

The MCA had also gotten a dozer to repair the dam but it was not possible as it was sinking and had to be withdrawn.

His Excellency the Governor has visited the bridge together with the Roads, Transport and Public works Ministry and Environment Officials and directed that the bridge be repaired.

It's now over two years, and nothing has been done, while residents continue to face the wrath of the dam.

Mr. Deputy Speaker, the Community has also decried over the deplorable state of the two Gatongu dams. The Gatongu A is completely silted and has overgrown seaweed such that it is hardly noticeable.

Gatongu B is also silted and completely covered by vegetation.

One person is said to have been washed away in Gatongu A leaving the Community in bewilderment.

Committee Recommendations

The Committee recommends that the Subukia Valley dam be excavated and the bridge build afresh as soon as possible to avert disaster.

The Committee recommends that the Gatongu A Dam be excavated to create more room for water, and the road that passes by be raised a little higher.

The culvert at Gatongu A be enlarged and raised.

The Committee also recommends that Gatongu B be de-silted.

BURGEI BRIDGE - IN VISOI WARD

Mr. Deputy Speaker, the Committee received news from the area MCA that a bridge had been washed away due to heavy rains, and that it was posing a great danger to life of the Community, motorists, and livestock, the Committee then resolved to carry out an investigation to ascertain its status.

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Mr. Deputy Speaker, this bridge serves up to over 3000 households including Burgei primary school, Burgei secondary school, and Burgei milk cooler plant and Burgei shopping Centre.

The Burgei bridge cuts across Molo River in Burgei village, Visoi ward, Rongai Sub County.

The bridge was built during the colonial era and has been in good condition until it was washed away three weeks ago leaving its top cover hanging beneath the pillars with pole shafts protruding sideways and downwards. This has left the residents of Burgei and the entire Rongai in great distress.

Motorists have to alight from their vehicles to cross the bridge on foot for fear that the vehicle may curve in due to weight, owing to the weak condition of the bridge.

Not so long ago, a cow fell over the bridge, broke its limbs and had to be pulled out by residents.

Mr. Deputy Speaker, the Committee was a victim as we had to disembark to cross over on foot as the bridge could not carry much weight.

Committee Findings

Mr. Deputy Speaker, this bridge poses a grave danger to the people of Burgei, the school going children and their livestock; and has hampered the movement of people and livestock in the area.

It is a sight not to behold, as it makes you gape with awe how the residents make it over the bridge, not to imagine when it rains and the river is swollen to capacity.

There are open spaces in between the wooden makeshift top cover which is rotten and one can easily cave in as they walk past the bridge.

This bridge is indeed in a deplorable state and calls for urgent redress.

Committee recommendations

Mr. Deputy Speaker, the Committee recommended that Burgei Bridge be build afresh as soon as possible to avert the looming danger. If not build on time, transportation and communication will be cut off completely in this area.

NGESUMIN BRIDGE - IN VISOI WARD

Just like the Burgei Bridge, Ngesumin Bridge was put up during the colonial era, just a few Kilometres from the Burgei Bridge. It cuts across Rwanake River in Ngesumin village. The bridge connects more than 3000 households including Ngesumin Primary school and Muricho dispensary to the Rongai town.

Committee findings

The bridge is quite narrow.

The bridge is slippery once it rains,

The bridge has no guard rails to prevent people and livestock from falling over to the river,

The Committee found out that people and livestock have been victims falling over the bridge.

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The bridge pillars are still very strong and that the top cover has since been eroded exposing the wooden poles that are already showing signs of decay.

There are huge and visible spaces in between the wooden top cover exposing residents to life threatening danger as they could easily slip in between the spaces.

The Chief Whip (Hon. Leonard Korir): Thank you Mr. Deputy Speaker, one of our colleague is not in decorum

The Deputy Speaker (Hon. James Tuei): Honorable Mureu please, he is has gone out.

Hon. Jonathan Warothe: (On point of order) The Standing Orders are very clear, that whenever you are doing any contributions is ten minutes and for Members is five minutes, I have seen he is almost a half an hour, let him sum up.

The Deputy Speaker (Hon. James Tuei): Thank you honorable Warothe for that reminder, honorable Steven you have two minutes.

Hon. Steven Kihara: But Mr. Deputy Speaker, with all due respect this is a Report that has to be read, this is not contribution, it is a Report that has to be presented, we are not debating and I want to sum up but it should be noted that this is not a debate. The Committee findings for Ngesumin bridge in Visoi ward is as follows.

Committee recommendation

The Committee recommends that;

The top cover be replaced since the pillars are still very strong and in good condition.

The bridge be installed with guard rails.

That the works should be implemented as soon as possible before the problem escalates further owing to the on-going El-Nino rains.

Honorable Deputy Speaker, On behalf of the Committee I wish to table the Report, thank you very much and may God bless this County.

The Deputy Speaker (Hon. James Tuei): Thank you very much honorable Steven and the entire Committee on Transport and Public Works for the good work.

REQUEST FOR STATEMENT

CLOSURE OF COUNTY PUBLIC SERVICE BOARD OFFICES AT GIDDO PLAZA

Hon. Peter Palang'a: I wish to request a Statement in relation to the County Public Services Board offices which have been closed for three to four months. I wish to request that the Chairperson for the Committee on Labour and Social Service to furnish us with a Statement why the offices at Giddo plaza are closed and the officers are still earning money and we also expecting a lot of services from that office.

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Just to mention we expect the advert that was done by the public service board in relation to hiring of enforcement officers and nurses, this has not been done these people are not in any office and are operating in corridors.

So I wish to seek this Statement so that we can know whether there is value for our money. Thank you.

The Deputy Speaker (Hon. James Tuei): Chairman for labour? If he is not available Members of labour Committee can take up the request and submit in seven days because we are going on recess in the next two weeks.

STATEMENT

MISSING BABY

Hon. Joseph Langat: On 12th November, 2015 Hon. Jostine Kihumba sought for a Statement from the Chairperson of the Committee on Health Services concerning a newly born baby that went missing at Provincial General Hospital Nakuru on 5th November, 2015

In response to this, the Committee wrote a letter to the Chief Officer, Health Services, requesting for the Statement. The Chief Officer responded by submitting a detailed report as requested.

MISSING INFANT AT PGH NAKURU ON 5TH NOVEMBER 2015.

BACKGROUND INFORMATION

PATIENTS NAME: ELIZABETH OWINO

AGE: 24 YEARS

ID NUMBER: 645256

DATE OF ADMISSION: 24TH SEPTEMBER 2015.

DIAGNOSIS: SEVERE ANAEMIA AT 33WEEKS GESTATION (SEVEN MONTHS)

This is a lady who was admitted to PGH having been referred from Bondeni Maternity with severe Anaemia (low blood level-6.4 g/dl). She was examined and admitted then underwent some tests.

- i. Hemoglobin 6.4 g/dl(blood level)
 - ii. Obstetric ultrasound- normal pregnancy at 28/40 (seven months pregnancy)
- The patient underwent blood transfusion 2units and several medication and was stable
 - On 5th October, 2015 she was discharged from the hospital to continue medication at home but she did not leave the hospital due to financial constraints and continued on medication.

OBSERVATIONS

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The Deputy Medical Superintendent invited the infant's mother, her husband, the mortuary attendant, the nurse who handled the baby and a cousin to the baby's father for a consultative meeting on 5th November, 2015 3:00 pm in the absence of the media.

In the meeting all the parties were given an opportunity to give their side of the story.

The infant's mother stated that the infant was taken from her without her consent, and that the dead baby shown to her was not her baby.

Her husband was concerned that the baby was alone while the mother was washing clothes outside at 6.00am during the morning visiting hours. He stated that he was not shown the body when he first visited the mortuary. Although the body shown to him during his second visit the body had burst which is not normal since the child was only dead for only one day. This prompted him to report the matter to Bondeni Police station. He acknowledged that there was a misunderstanding between him and the hospital staff and requested a waiver from the Hospital management since his finances were completely exhausted.

The mortuary attendant confirmed that the baby's father had visited the mortuary and requested to view the body but upon enquiring the mother's name he gave the name Beatrice Awino instead of Elizabeth Owino. He removed the baby with that name and when the father and the 2 other people accompanying him saw the baby, they declined the baby since it was male. He then requested for their death permit and noted the name given by the father was wrong. He then went and removed the correct body which had the label intact.

The mother on seeing the child confirmed that it was hers, but the husband and cousin were forcing her to say it's not hers. The husband then threatened the mortuary attendant that he was going to call the media.

The mortuary attendant confirmed that the cuts on the baby's body observed by its father and relatives are normal cuts for embalming the body using formalin.

The Sister who handled the baby stated that on 5th November 2015 during a handing over report, the infant's mother reported to her that the infant had not breastfed the whole night. This warranted her to inspect the baby and found out that the baby was pale with no breathing movements. She noted that the baby was dead but could not confirm it at the bedside because they were sharing the bed with another mother. She took the baby in the company of her mother to the nursing station for examination. Upon examination the baby was certified dead. She then requested the mother to provide a shawl to wrap the baby and for easy identification.

The cousin to the baby's father stated that there was a misunderstanding due to failure to see the corpse the first time he visited the mortuary caused suspicion and the fact that the patient had informed them that she did not see her baby when the nurse handed over the baby's clothes and shawl.

FINDINGS

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- The patient was admitted at PGH on 24th September 2015 having been referred from Bondeni Maternity with severe Anemia.
- She was discharged from the hospital to continue medication at home on 5th October 2015 but did not leave the hospital due to financial constraints and continued on medication.
- On 3rd November, 2015 the patient went into labor and delivered at about 7.00 am on 4th November 2015 to a living female baby in good condition (Apgar score 8,9/5 10/10) with a birth weight of 2kgs.
- On the 5th November, 2015 during a handing over report, the mother reported that the baby had not breastfed the whole night. This warranted the nurse to inspect the baby and found the baby was pale with no breathing movements.
The nurse took the baby accompanied by the mother to the nursing station for examination.
- On examination there was no a spontaneous movement or heartbeat and was certified dead. The mother was informed on the same.
 - The body of the baby was labeled and taken to the mini morgue and mother gave out a piece of cloth to wrap the baby.
- After the mother had calmed down she was asked to inform her husband.
- The husband came to the hospital at 9:30am and was received by the nurse on duty. He was assisted to process the discharge summary and death permit. He exhausted his finances and requested for assistance from the hospital including the disposal of the body.

RECOMMENDATIONS

- Post mortem to be done to ascertain the cause of death.
- DNA test to ascertain the identity of the infant.
- The infant's body not to be released until conclusion of the DNA test.
- The hospital management to keep in touch with the OCS Bondeni Police Station on the outcome of their investigations.

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Mr. Speaker I want to inform this House that postmortem has been done and the report will be released soon. I beg to table the Report

The Deputy Speaker (Hon James Tuei): Thank you hon Lang'at. Order! I hope that the sponsor for this Statement is satisfied. I am seeing you have already stood up.

Hon Justine Kihumba: (on a point of information) I am not sure about certain facts raised in the Report that Chairman Health Committee has submitted before this House. I am sure he is not aware that postmortem was done yesterday and there were new facts that emerged during the process. This is a matter of urgency that I wanted addressed when I submitted a request for this Statement. I remember that I sought for appropriate action be recommended and be submitted in this House. I think the Chairman of Health Services Committee is really failing us especially to us who are mothers and Members of this Assembly and I request that the Committee to relook at this matter.

The Deputy Speaker (Hon James Tuei): Point of Correction hon Justine; from what I heard from the Chair, he mentioned that already the postmortem has been done and that they were awaiting the results. So I believe the chairman Health Services upon the outcome of the results, you will inform the House. Order! I give direction that the Report be tabled next Tuesday.

STATEMENT

STATUS OF SMOKING ZONES IN NAKURU COUNTY

The Deputy Speaker (Hon James Tuei): Next is a Statement addressed to Health Services responding to a Statement requested on 13th August 2015 on smoking zones in Nakuru County; Chairman can you proceed

Hon Joseph Lang'at: Thank you Mr. Deputy Speaker, Sir, on 13th August, 2015 Hon. John Gicamu sought for a Statement from the Chairperson of the Committee on Health Services regarding the implementation of smoking zones in Nakuru County.

In response to this, the Committee wrote a letter to the Chief Officer, Health Services, requesting for the Statement. The Chief Officer responded by submitting a detailed Report as requested:

IMPLEMENTATION STATUS OF THE SMOKING ZONES IN NAKURU COUNTY

Smoking is harmful to public Health and is one of the contributing factors to non-communicable diseases in developed and developing countries Kenya included.

On 22nd February, 2007 the Nakuru Municipality by-law to bring about smoke free public places was approved and it became operational on 5th April 2007, making Nakuru the first town in Kenya and the wider East African region to ban smoking in public places.

This is still in force although enforcing has been the challenge. It preceded and was superseded by the National Tobacco Control Act which came into effect throughout Kenya on 8th July 2008.

STEPS UNDERTAKEN

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On the implementation of smoking zones in Nakuru County the department of health services has undertaken the following steps:

- Three Public Health Officers namely George Mwangi, Ms. Margaret Mogaka and Ms. Jennifer Babu have been taken for two (2) days training on Tobacco Control Act 2007. The training was undertaken by officers from Director of Public Prosecution and Ministry of Health division of Tobacco control.
- The three public health officers are awaiting gazettelement as public health prosecutors by the Director of Public Prosecution (DPP). After gazettelement they are expected to coordinate the implementation and enforcement of the said Act
- All public places that is hospitals, schools and Public Offices have been declared non-smoking zones and warning signs erected in those arrears.
- All bars or restaurants have areas marked smoking zones where smokers use. This will also be enforced during licensing of bars and other business premises to adhere to the said Tobacco Control Act.
- The Sub County public Health Officers have been instructed to implement the smoking zones in their arrears and enforce the same during licensing

RECOMMENDATIONS

- The Health Department is preparing a Tobacco Control Bill which will comprehensively prohibit smoking in public and work places and extended to prohibiting smoking on streets. It will require the owner of a public place to make provision for an outdoor “smoking zone”. This means that the law will be more protective than the subsequent Tobacco Control Act.
- Lastly the County will factor in its 2016/2017 financial year a budget for smoking zones and health promotion on dangers of tobacco use.

Thank you Mr. Deputy Speaker, I beg to table the Report on behalf of Health Services Committee.

The Deputy Speaker (Hon James Tuei) Thank you for that Report.

There being no other business the House stands adjourned until Tuesday at 2.30 pm.

(The House rose at 3.30pm)

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