

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Thursday, 17th November, 2016

Assembly Building

The House met at 2.40pm

[The Temporary Speaker (Hon. Stephen Kiarie) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Stephen Kiarie): I have three Communications;

TRAINING

1. There is a training program for the Whole House that will start on Saturday in Nyahururu. Reporting is on Saturday 19th and training starts on Sunday. Payment will be done on Saturday.

RETURNED BILL

2. We had a Bill on Women Empowerment and the Bill was returned to the Committee because it has certain issues that arose from the floor of the House. We are requested that if there are any issues or proposals for amendments, they should be given to the Clerk by Tuesday next week.

WHIP'S OFFICE

3. The Majority leader also says, it has been noted with a lot of concern that the office of the Whip is failing this House on several occasions and the Whip who is Leonard Korir and the Deputy Virginia Wamaita and tell them that if they do not pull up their socks, this House might consider otherwise.

PAPER

BUSINESS FOR THE WEEK

The Majority Party Whip (Hon. Leonard Korir): Thank you Mr. Temporary Speaker, let me just say something about a problem that I have been undergoing.

You know Mr. Temporary Speaker, I have been working alone without my Deputy, therefore from today onwards...

The Temporary Speaker (Hon. Stephen Kiarie): You are out of order!

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The Majority Party Whip (Leonard Korir): Okay. Let me just inform the Members of the Business of this Assembly for the Week commencing Tuesday 22nd November Afternoon; there will be a Committee of the Whole House about the Nakuru County Urban Agriculture Promotion Bill 2015.

There will also be a Notice of Motion by honourable Moses Ndung'u about the CEC Lands, Housing and Physical Planning to be compelled to be tabling Quarterly Reports before the House.

On Wednesday 23rd November morning, we will debate on the Motion by honourable Moses Ndung'u.

In the afternoon, there will be a Committee of the Whole House about the Nakuru County Flag Naming and Emblems Bill 2016.

On Thursday 24th November afternoon, there will pending Statements.

Thank you Mr. Temporary Speaker. That would be the Business of this Assembly next week.

The Temporary Speaker (Hon. Stephen Kiarie): Thank you honourable Whip.

REQUEST FOR STATEMENT

COUNTY POLICING AUTHORITY

Hon. Stephen Kihara: Thank you Mr. Temporary Speaker, I am standing in for honourable Gitau and on his behalf, I want to request for a Statement pursuant to Standing Order 47(2) (c) from the Chairperson for Committee on Labour, Gender, Youth and Social Welfare concerning recruitment of the County Policing Authority members by the County Public Service Board.

Mr. Temporary Speaker, Section 41(1) and (2) of the National Police Service Act 2011 requires that each County to form the said authority and a further guideline has been given on the modalities and the persons to serve in the County Policing Authority.

Mr. Temporary Speaker, it is important to understand that there are some Transitional laws that were created and among them is the National Police Service Act 2011 which talked of the County forming the County Policing Authority. And I remember sometimes back we passed a Motion in this House that was sponsored by the honourable Member for Kapkures Joseph Langat urging the Governor to speed up the process of fast-tracking the formation of this County Policing Authority to enhance security issues in the County.

Mr. Temporary Speaker that mandate lies squarely on the County Public Service Board and they did an advertisement but to date we have not seen the outcome. People applied but we have not seen any interviews being conducted. Therefore the Chairperson of this respective Committee should be in a position to update this honourable House on why and when these Members are going to be appointed and when the Board is going to be formally constituted to enable it deliver on its mandate. Thank you.

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REQUEST FOR STATEMENT**MEMBERS CONTRIBUTION TO LAPFUND AND GRATUITY**

The other Statement is pursuant to Standing Order pursuant 47(2) (c) from the Chairperson for Committee on Members Welfare and Catering Services concerning Members contributions on Lapfund pension scheme and on gratuity

Mr. Temporary Speaker, as you may be aware that all elected and nominated Members of this Assembly are at the verge of exhausting their term of office, it is therefore important that Members are informed on the modalities of and time frame for receiving their gratuity benefits ,and the Lapfund savings(for Members of the scheme.)

The Chairperson for the Committee on Members' Welfare should appraise the House on the following

1. What plans does the concerned offices dealing with Lapfund and gratuity have in terms of finalizing the deductions before the end of Members term
2. When are they planning to pay such benefits accrued to Members in both Lapfund and in gratuity benefits
3. What is the formula used to calculate Members benefits in the two and how much is each individual Member entitled to

Mr. Temporary Speaker, you are aware that the Sarah Serem circular did indicate as it was doing the reviewing of salaries and other personal emoluments that we were entitled to a 31 percent gratuity that this House and Members feel they need to be updated on.

The Members also need to know when and where we are going to get this money owing to the fact that we are very close to the electioneering period and some of us would want that money for election purpose.

Mr. Temporary Speaker, we also need to understand how much we are entitled to because what is in the Sarah Serem circular is the 31percent gratuity, but what has been deposited in that account per individual Member we are not aware and it will be prudent to be told in advance for proper planning and to be able to organize ourselves.

The other thing is concerning the Lapfund that each Member is voluntarily deducted; we want to know when we are getting this money, whether the remittance has been up to date so as to avoid any delays when we will be badly needing this money

Thank you Mr. Temporary Speaker.

The Chief Whip (Hon. Leonard Korir): Thank you Mr. Temporary Speaker, I have realized that some Members are not in decorum and because my office has already been blamed, I do not want to be blamed on minor mistakes like these ones. Honourable Waitthaka and honourable Musa you do not have neck ties.

(Applause)

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Hon. Stephen Kihara: Thank you, the Whip *ameamka!*

REQUEST FOR STATEMENT

PROJECTS BUDGETED FOR IN THE RESPECTIVE WARDS SINCE FY 2013 TO DATE AND THE CONTRACTORS INVOLVED

Hon. Hawa Ibrahim: Honorable Temporary speaker my name is Hon. Hawa Ibrahim a nominated Member of this House, I beg to request a statement pursuant to Standing Order 47(2) (c) from the chairperson for Committee on Early Childhood Education and Vocational Training regarding the status of all projects budgeted for in the department of education since financial year 2013/14 to date.

The constitution under the fourth schedule gives the counties powers to be fully in charge of the early childhood education, county polytechnics and home craft centers. This is the sole reason this county prioritizes projects and allocates funds every financial year for infrastructural development of such institutions.

It cannot be over-emphasized that early childhood education is a crucial foundation in the development of a child and as such, the county government endeavors to create a conducive environment for the development of our young kids.

I appreciate the efforts made by this county in terms of bringing up several ECD Classrooms in various wards. However, we cannot miss to mention the challenges that we have faced in the course of implementing ECD Projects, ranging from poorly constructed classrooms, flawed procurement processes, delayed payments and sometimes blatant runaway corruption.

It's based on this that I deem it necessary that we take stock and have an inventory of all the projects that have been implemented in the department of Education, in specific:

1. All projects budgeted for in the respective wards since FY 2013 to date and the contractors involved
2. The status of projects referred in (1) i.e. the implementation stages
3. The cost of each project and payment status where applicable

Thank you,

The Temporary Speaker (Hon. Stephen Kiarie): Thank you Hon. Hawa. Next.

REQUEST FOR STATEMENT

CONSTRUCTION OF MUKUNGUGU CATTLE DIP

Hon. Hezekiah Kariuki: Thank you Mr. Temporary Speaker I rise to request for a statement pursuant to Standing Order 47(2)(c) from the chairperson Committee on Agriculture with regard to funds allocated for the purpose of constructing Mukungugu cattle dip in Njoro Ward.

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Honorable Temporary Speaker;

During the FY 2014/2015, funds were allocated for the purpose of constructing the said cattle dip. I am informed that a contractor had been engaged to carry out the project but the said contractor visited the construction site only once and that the project has never kicked off.

The principle of accountability provides that in leadership roles, accountability is the acknowledgment and assumption of responsibility for actions, products, decisions, and policies including the administration, governance, and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable.

It is based on this that I request for a statement seeking to know:

1. Why the project has never kicked off.
2. How the funds allocated to construct Mukungugu Cattle dip were applied by the accountable officer. Thank you.

The Temporary Speaker (Hon. Stephen Kiarie): Thank you Hon. Hezel,. Next order.

REQUEST FOR STATEMENT

STATUS OF NYAKINYUA MWEWA CATTLE DIP

Hon. Jane Ngugi: Thank you Mr. Temporary Speaker Sir, I am Jane Ngugi representing Gilgil Ward. Pursuant to Standing Order 47(2) (c) from the chairperson Committee on Agriculture regarding the status of Nyakinyua Mwewa cattle dip in Gilgil ward.

In the financial year 2014/15 funds were appropriated for the purpose of renovating the said dip, to date no renovation has been carried out. As a leader I owe my constituents and the public at large a duty to demand accountability of the public resources in a transparent manner.

Honorable Temporary Speaker;

It is this premise therefore I ask Committee on Agriculture to provide a comprehensive report on the floor of the House on the following

1. How much was appropriated for the renovation of Nyakinyua Mwewa cattle dip in Gilgil ward.
2. The reason as to why renovation have not been carried out.
3. What became of the funds appropriated for the said project?

The Temporary Speaker (Hon. Stephen Kiarie): Thank you Hon. Members, those are the requests of statements.

For all those statements we are giving you two weeks to respond bearing in mind that the House is going on recess.

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Thank you. Next order

REPORT

CONSTRUCTION OF FAITH KITUR ECD CLASSROOM

Hon. Stephen Ng'ethe: Thank you Mr. Temporary Speaker sir, I am delighted this afternoon issuing a statement which was sort sometimes back on April by one Hon. Member from Kabazi

Mr. Temporary Speaker sir;

Hon. Joseph Waithaka sort for a statement from the chairperson of the committee on Early Childhood Education and Vocational Training regarding construction of Faith Kitur ECD Classroom. In his statement, he requested to know the following:

1. How the site for construction of the ECD classroom was identified and who were in the inspection meetings where it was alleged that the area MCA Hon. Joseph Waithaka.
2. Why there was poor supervision leading to shoddy work
3. Was it by design or default that the area chief who also doubles as the church pastor was indicated as the project chairman in the alleged site minutes

In response to this, the committee did write to the County Executive Member (CEC) to forward a statement. In his response, the Chief Officer noted the following:

1. The ECD was funded by the County Government of Nakuru at a cost Kshs. 1,196,343.08
2. The ECD is situated on public land, a portion of which was donated to Faith church which shares a name with the school. This was done to assist in eradicating drug abuse menace which is rampant in the area.
3. The site for the location of the church was done by the Community leaders in conjunction with the area MCA as evidenced from the letter from the Contractor and the area Chief(annexed)
4. He (Chief Officer) had visited the site and found the class to be neat.

The committee further conducted a site visit to the ECD to ascertain the facts.

Objectives of the Visit

- a) To establish whether Faith Kitur Classroom is constructed on public/private land.
- b) To establish how the site for construction was identified

OBSERVATIONS AND FINDINGS

The committee interviewed members of the community as follows:

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1. **Mrs. Rose Koskei-** stated that she has resided in the area since 1996. She submitted that prior to construction of Faith church, ECD pupils were learning from a mud classroom that was miles away. The pastor Faith Church requested the community to allocate him a parcel of land where he could construct a church which would also double up as an ECD classroom during the weekdays.
Further, she stated that prior to construction of the class the area MCA in the company of community elders visited the said site on various occasions, and even pointed out the site to the contractor. She concluded by refuting claims that the classroom is on private land.
2. **Mrs. Ann Sigilai** – a resident of the area since the 80(s), in concurring with her counterpart submitted that it was the area MCA who proposed construction of the ECD classroom on the said site. She stated that he promised to secure funding of the said construction from the County Government and was in the company of the contractor when measurements were taken. She was categorical that both the church and ECD classroom are constructed on community land. Further, she concluded by submitting that the community has greatly benefited from the church since pupils no longer have to walk for long distances to access school unlike before.
3. **Mr. John Kipkemboi Sigilai-** the farm manager Kitur farm stated that he settled in the area in 1970. He confirmed that he was actively involved in the sub division of the farm which was previously approximately 35acres.

He stated that, sometime back the pastor Faith Church approached the community and requested for a parcel to build a church where members of the community would worship on Sundays and also serve as an ECD classroom during the weekdays.

Upon consultation with the community, they resolved to adjudicate one acre for the said purpose and Faith church was constructed. He confirmed that indeed ECD pupils use the facility on weekdays whereas the congregation utilizes it on Sundays.

Further, he emphasized that the proposal to construct the ECD was made by the area MCA who assured them that he would pursue funding from the County Government. He refuted claims that the MCA was not actively engaged in all the processes and submitted that he was the one who identified the site to the contractor.

He concluded by denying allegations that the classroom was constructed on private land.

The second respondent was Ann Sigilai, a resident of the area since 1980. In concurring with her counterpart who is Mrs. Koskei, she submitted that it was the area MCA who proposed construction of ECD classroom on the same site. She stated that he promised to secure funding of the said classroom from the County government and was in the company of the contractor when measurements were taken. She was categorical that both the church and ECD classroom was constructed on community land. Further she concluded by submitting that the community has

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benefited from the church since people no longer travel long distance to access school unlike there before.

Third respondent was Mr. Joseph Kipkemoi Sigilai; the farm manager at Faith Kitur stated that he settled in the area in 1970. He confirmed that he was actively involved in the subdivision of the farm, which was previously approximately 35 acres. He stated that sometime back, the said church approached the community and requested a parcel to build a church where the members' of the community would worship on Sunday and also serve as ECD classroom during week days. Upon consultation with the community, they resolved to adjudicate one acre for the said purpose and the said church for construction. He confirmed that indeed ECD pupil's use the facility on weekdays. while the congregation utilizes it on Sundays. Further he emphasized that the proposal to construct ECD was paid by the area MCA who assured them that he would pursue funding from county government. He refuted claims that the MCA Hon Waithaka was actively involved in all processes and submitted that he was the one who identified the site to the contractor. He concluded by denying allegations that the classroom was constructed on private land.

Conclusion

From the submissions by the area residents, the committee concluded that Faith Kitur ECD classroom was constructed on community land. Secondly, the area MCA was actively involved in the construction of the said classroom and even went ahead to identify the site to the contractor. Thirdly, the MSCA Statement is therefore misguided and an abuse of the process. I beg to table the report.

(The Report was laid on the table)

The Temporary Speaker (Hon Stephen Kiarie): Thank you; honorable Members, what is it Hon Waithaka?

Hon Joseph Waithaka: Mr. Temporary Speaker, I am the Member who sought the statement and I would wish first of all to fault a number of answers given in regard to the questions that I sought.

The Temporary Speaker (Hon Stephen Kiarie): Honorable Member are you stating that you are not satisfied

Hon Joseph Waithaka: Yes, Mr. Temporary Speaker, I am not satisfied at all.

The Temporary Speaker (Hon Stephen Kiarie): All right go ahead

Hon Joseph Waithaka: Mr. Temporary Speaker I had also sought as to why my name was included in the site visit meetings minutes that were used to pay the contractor; that question has not been responded to. I would also wish to know where on earth an area Chief has ever become a project chairman where he also doubles as a church pastor for the very church where the classroom was constructed

(Applause)

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I also want to know, it is alleged that the committee visited the site. I have all the information that it is only three Members of the committee who visited the site namely the Chairman, Vice Chairman and Hon Mwanjo, all other committee Members did not visit the site. Lastly the respondents that were met on the ground is one John Sigilai and Ann Sigilai who happen to be a husband and wife.

(Applause)

How did you expect a couple to represent members of a community? The other Rose Koskei is the wife of the other person who is alleged in the site visit meetings as the headmaster of the nursery school. I would have wished the committee to table the documents proving ownership of the land where the ECD classroom was constructed. Mr. Temporary Speaker this is an abuse of the process of the House by tabling minutes of a husband and wife instead of tabling documents proving the ownership of the land. I also want to know why my name was included as having visited the site with the contractor. Mr. Temporary speaker I never visited the site nor been in company of the contractor or area chief to that site. The committee never invited the Chief Officer to come and sit in the committee but rather the CO wrote to the committee requesting them to visit the site where they had stage managed the respondents who are Mr. and Mrs. Sigilai.

Mr. Temporary Speaker I wonder whether this committee or this House is going to be taken for a ride by such a committee. It would be my humble request that if I was to get a satisfactory answer it be sought by another committee.

(Applause)

Lastly I want to cite that all these people who are alleged to have responded to the committee are members of the same church where the ECD was constructed. There is an attachment here from a government office the ministry of Interior and Coordination of National Government but those who have signed are the said Ann Sigilai, John Sigilai and Rose who are not government officials. How on earth can a member of community write on a government letterhead responding to a committee and the same committee does take that as a valid document to be tabled in this House.

The document is not signed by the chief but by four members of the community. This is a joke Mr. Temporary Speaker and I would wish maybe a more serious committee takes up the matter and gives us a satisfactory response otherwise I doubt whether an ordinary person who is a Muslim from Kabazi would take her child to an ECD that is constructed in a church compound.

This is public funds that is supposed to benefit all members of the community regardless of their religious affiliation. And for that reason the land in question houses a church and ECD and land ownership documents have not been brought before this House. I request your humble authority to order or direct another committee like Implementation to go and verify the facts that have been tabled here. I would also wish that when they will be going, they just involve the whole committee not Hon Korir and Hon Muriithi. They are implicating that the entire committee went and the Clerk to the committee can as well prove that its only three members who went. This is an abuse of House privileges and it should not be condoned. Thank you Mr. Temporary Speaker.

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The Temporary Speaker (Hon Stephen Kiarie): Thank you Hon Waithaka, the chairperson on Early Childhood Education, it appears the work was not done to the satisfaction of this House or as to the person who requested for a statement. There is also a request by Hon Waithaka that this work be done by another committee. And it is very serious allegation that if there is malpractice by the Hon Waithaka. If there is impunity or misuse of powers, I would suggest that we request the chairperson Committee on Implementation to take up that matter and we are giving you one month. You try to involve the community as much as possible, thank you. So that work will be repeated by committee on Implementation to conduct its finding.

(Members consulting loudly)

COMMUNICATION FROM THE CHAIR

WHOLE HOUSE TRAINING AT PANARI-NYAHURURU

The Temporary Speaker (Hon. Stephen Kiarie): Order Members! Honorable Members before we adjourn, there is some Communication; the following Members to see the Secretary to the Speaker. Hon James Mwaniki, Hon Moses Gichangi, Hon Ng'ang'a Ngware, Hon Peter Kang'ethe, Hon Paul Chebor., Hon Peter Mureu, Hon Peninah Sortum, Hon Simon Molok, Hon Moses Gitonga, Hon Samuel Tonui and Hon Ngarama. The communication I had earlier that training for the Whole House starts on Saturday. So the bus leaves here at 4pm departing for Nyahururu. The meeting will be at Panari Hotel, Nyahururu.

Thank you, the House stands adjourned until Tuesday at 2.30 pm.

(The House rose at 3.20 pm)