
REPUBLIC OF KENYA**NYANDARUA COUNTY ASSEMBLY****1ST ASSEMBLY- 4TH SESSION****OFFICIAL REPORT**Tuesday 6th December, 2016*The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2:30 P.M**The Speaker, Hon. Ndegwa Wahome, in the Chair***PRAYER****QUORUM CALL AT THE COMMENCEMENT OF THE SITTING***(There is quorum as confirmed by the Clerk-at-the-table)*

Speaker: Quorum having been recognized, let us proceed with the business of this session.

First order.

PAPER(S) LAID**PETITION BY NYANDARUA CONTRACTORS ASSOCIATION ON PENDING BILLS**

Very well, Member for Weru and Chairperson, Committee on Roads, Public Works and Transport, Hon. Kimani Gachuhi.

Hon. Kimani Gachuhi: Thank you Mr. Speaker. I beg to lay a Progressive Report by the Committee on Roads, Public Works and Transport on the Petition by Nyandarua Contractors Association on Pending Bills.

I table.

Speaker: Very well, the report is duly tabled. I think this is a preliminary report and as an expectation, you shall also come up with the final report. Therefore, I am not very sure to what length the preliminary report has been able to address the issues or prayers in the petition and further, the length of the time that the committee would require to come up with a final and a conclusive report about this matter.

The chairman will address the issue because my concern is that if we don't have a conclusive report and we start moving towards paying some of the bills and leaving others unpaid, it will result to more commotion as opposed to bringing harmony. But if we are able to come up with conclusions as to what is payable and what is not, it will be okay. Unfortunately, I will not comment on the report because I have not seen it. This is the first time I am seeing it. I understand that the committee completed this report in the morning and I know that they are burning the midnight oil still working on the same. Maybe the chairperson can give insights to

the House on how the committee intends to deal with the preliminary report and when they wanted to come up with the final report.

Hon. Kimani Gachuhi: Thank you Mr. Speaker. As from 24th November 2016, when the petition was tabled, I had requested the House to give the committee at least one month but the directions from the chair gave the committee one week. It is within this week that we have been scrutinizing the petition and coming up with a report. It was not possible for us to come up with the final report because we came up with a program of verifying and getting information from different quarters. The program provided that we meet with the representatives of the wards i.e. the MCAs on Monday, on Tuesday we were to meet with the C.O. in charge of roads as well as the concerned CECM. On Wednesday, we were to meet with the contractors association and meet with the Ministry of Finance on Thursday.

We expected to meet the County Executive Committee in charge of the pending bills which was headed by H.E. the Deputy Governor. Through the Office of the County Secretary, we appealed for them to appear in the committee but it was not possible because the notice was very short and therefore we expect to meet them on Monday. We had expected the Director of Procurement, Mr King'ori to appear in the committee also on Friday. On Monday, Mr Speaker, we expected some supporting documents for 2013/14. The CECM and C.O. for Roads and the auditor appeared before the committee yesterday.

Mr Speaker, that program was meant to gather information from different quarters and get evidence. We requested such documents as the LSOs. We wanted to see the company i.e. the payee. We wanted to know the voucher numbers, LSO numbers, LPO numbers, the ward, amount paid and amount pending. Therefore, these were the hitches and difficulties that we faced because getting that information was quite demanding. So far, we have scrutinized over 50 percent of the documents from all the stakeholders.

Mr Speaker, please allow me to go through the report very fast without explaining so much because the report is self-explanatory. I would like to take the members through the report which I believe is in every member's file so that they can understand the feelings and the findings of the committee so far. It is chaotic I can tell you. I want to remind the members that this House's role is not to initiate implementation. Although we have been mandated to investigate, we cannot narrow down to who is to be paid and who is not to be paid. Our role is only to oversight and see what has been happening since 2013.

With your permission, Mr Speaker, I will take you through the report. Immediately after the petition on the pending bills from FY 2013/14 to 2016/17 was referred to the Committee on Roads, Public Works and Transport, the Committee convened a series of meetings with various parties which included the Members of County Assembly that met the Committee and gave their submissions on Monday, the 28th day of November, 2016.

Among the issues raised by the members were several incomplete works done and in the pending bills. Most of the members suggested that the pending bills should not be settled until the work was duly complete. Other members noted that the work was complete and well done but the contractors were not paid.

Mr Speaker, Sir, on Tuesday the 29th day of November 2016, the committee met with the Department of Roads, Public Works and Transport. Among the issues raised were a list of contractors in the pending bills for the financial years 2013/2014, 2014/2015 and 2015/2016 which were Kshs. 105,279,202.00, Kshs. 24,025,042.00 and Kshs. 165,978,116.00 respectively, totalling to Kshs. 295,282,360.00 as at 30th June, 2016. However, the amount allocated in the Financial Year 2016/2017 to clear the pending bills is Kshs. 230,000,000.00. The amount that will be pending as at 30th June, 2017 shall be Kshs. 65,282,360.00. This will, however, only depend on whether the Department of Roads, Public Works and Transport shall overspend in the Financial Year 2016/2017 over and above the amount allocate in the current financial year.

The Executive Committee Member for Roads, Public Works and Transport noted that the County Government had decided to settle all the pending bills which were genuine and also noted that there was a sub-committee of the Cabinet constituted for that specific purpose.

On the issue of non-remittance of the withholding tax to the Kenya Revenue Authority the Chief Officer informed the committee that the County Government has been remitting the taxes as whole-some not as per individual contractors. Members of the Committee informed the County Executive Committee and the Chief Officer that the Department needed to bring evidence that these remittances were being made to K.R.A.

The Executive Committee Member dismissed the allegation of missing documents and files and informed the committee that that was an allegation used to depict the County Government as being inept and corrupt, a claim that he denied.

The Department did not have the documentation on all contracts awarded but informed the committee that the work was tedious thus needed more time to avail the documents to the Committee. The Committee directed the County Executive Committee Member and the other officials from the Department to avail the documents to the committee on the 5th day of December, 2016.

On Wednesday the 30th day of November, 2016, the Committee met with the Nyandarua Contractors Association. In the meeting, various issues were raised as follows:

- That some contractors were included in the list of pending bills yet they had no accumulated bill owing to them. Precisely, some contractors were paid in FY 2013/2014 yet they appeared in the list of the pending bills.
- Some of the contractors have pending bills genuinely owing yet they were not appearing in any list of the pending bills. For example, Laikipia Hardware had LSOs of the work done but was not in the list of the pending bills.

(Hon. Michael Kirumba rises on a point of order)

Speaker: What is it Member for Kipipiri?

Hon. Michael Kirumba: Mr. Speaker, I am lost and I wanted your direction because Standing Order No. 200 is being applied on this matter, whereby the report on a petition has been tabled and the Speaker has a leeway to give some members a chance to air their comments for not more than twenty minutes. Otherwise, we shall be pre-empting the debate because we are on the paper itself. Is this the way we should go? Or we should get some brief highlights about the report so that members who would wish to comment on the matter should do so and then it becomes a debate. We may also lack time if you have to read it. So, I am asking for your indulgence on the matter so that we don't get overboard.

Speaker: Very well. I think I am persuaded by the position taken by the Member for Kipipiri because when you look at article 200 of the Standing Orders, it says that the chairman should table the final report and that should be it. Actually, the report on the petition should not even attract any comment unless there are very compelling reasons to provoke the discretion of the Speaker to allow any debate to emanate from that. But, members will appreciate that I agree that this is one of the most compelling situations that we find ourselves in because we are talking of hundreds of millions of taxpayers' money. And, as the representatives of the people and as the oversight authority in the county, we need to get it right. That is why I allowed the chairman to go through the report. But, I also agree that there are some conclusions and findings that are already being highlighted by the chairman from this report which, is not the final report. So, they could attract kind of a debate on the issue depending on where different members stand on this matter. Therefore, I would direct that you just give highlights without even going to the specifics. Highlight on what is happening, what you have found and what you think is the way forward. After that, I can open the floor for about

ten minutes for some comments or observation from the general membership of the House. So, proceed chair.

Hon. Kimani Gachuhi: Thank you Mr. Speaker, for that direction. As I was saying, the committee cited the issue of pending bills that originated from the ministry of roads. The committee discovered that some of the pending bills are not genuine because when we invited some contractors to the committee, they claimed that they had some pending bills yet they had been paid in the previous year. This was a major issue that the committee noticed and therefore this issue needed to be dealt with in details. If the contractor says that he or she has been paid all their dues yet the ministry of roads says that they still owe the contractor some money, we have to look into it thoroughly. Another issue is that some contractors have completed their works but do not appear in the lists in both the ministry of finance and ministry of roads.

Mr Speaker, again, we are dealing with contractors who are aware that there is a petition in the Assembly. There are other contractors from other regions such as Nyeri, Nairobi, Nakuru and even Nyandarua who are unaware that there is a petition in this House. This is an issue that I would like to raise and request the Hon. Members to be appearing in the committee and feed us with information about these contractors who may not be in this association or are even unaware of this petition.

Mr. Speaker, the committee came into terms with a very sensitive issue whereby a contractor has done his job and has all the documents. However, when it comes to payment, the money is sent to a different bank account from the contractors' account.

Another issue is that some contractors have almost 20 claims. But in the IFMIS, the records shows that he has been paid some claims. The contractor confessed that he has never received any amount of money. We therefore need to verify such claims with the IFMIS and even get the bank account statements so that we can know where the truth lies. This is because we came to realize that the contractors may not be genuine when making some claims. Another issue I wouldn't like to forget regards the financial year 2013/14. We all admit that there is no one contractor in this financial year that met the set threshold by the government in terms of requirements. The contractors are required to tender with the government to be prequalified. We did not have prequalification! If we were to follow the law, no contractor qualifies to be paid during that particular financial year. How then can we help these contractors? We will get deeper to that as a committee.

Further, the then C.O. in charge of Finance Department said he could not own any pending bill owed to a contractor without supporting documents unless there is some authorization from the above. Who is this above him? This was the County Executive Committee that is chaired by the Deputy Governor. Therefore, the committee was the one which would write a letter directing the C.O. to pay the contractors according to the C.O.'s argument.

Mr Speaker, this is a very tiring issue. We questioned the C.O. and CECM for Roads, Public Works and Transport. We asked them to inform the committee what made them say that the pending bills amount to Kshs. 105 million and not Kshs. 99 million since the pending bills are tabled as a budget. We expected to have a list of the pending bills or anything that informed the budget. It is very unfortunate that we do not have any documents to rationalize this issue.

(Consultations)

Please protect me, Mr Speaker.

Speaker: Order Hon. Members! Proceed Chair.

Hon. Kimani Gachuhi: Mr Speaker, it was very unfortunate. We have the auditor's report that shows that the list that was given by the ministry of finance...

Speaker: Order Hon. Members! Members, I have made very clear directions that any issue you feel that is arising and is of importance for the committee to reach a fair conclusion on, you will be given an opportunity but we cannot canvass these issues from our seats. Please

avoid consultations that might not lead to any results and allow the chair to finish his presentation.

Hon. Kimani Gachuhi: Thank you Mr Speaker for your protection. I will conclude now because I was just highlighting issues that are coming up but I would like to inform our Hon. Members that we are only supposed to oversight. We cannot issue any instructions as a parliament in regard to any payment. We as a committee and as a House, only verify in order to understand what happened. Therefore, after finding out all those issues and we continue to verify more documents that are shedding light to some issues and providing more information, we made some recommendations. They are in page 18 of the report through to page 20.

The first recommendation was that the Department of Roads, Public Works and Transport should provide all necessary documents that have not been availed to the committee for the financial year 2013/14, 2014/15, and 2015/16 Because they had already provided they had already provided us with 2013/ 2014 and also we have more documents from contractors so that we can be able to go through and come up with a concrete report.

The second recommendation Mr. Speaker, was an allocation of Kshs. 230 million has been made to the Nyandarua County Government for the supplementary budget for the FY 2016/2017 to settle pending bills for the financial year 2013/2014, 2014/2015 IN THE Roads and Public Works and transport that payment of pending bills must be stopped until verification of all contracts and done to ensure that only genuine contractors are paid for the work and the work done and completed.

The fourth was that the County Executive Committee should expect the scrutiny of all pending bills and give the way forward through implementation of the findings and report back to the country Assembly Committee and the petitioner within 14 days.

Finally Mr. Speaker our recommendation was that the road public works committee should continue scrutinizing the documents presented before it and give a report within 21 days. Mr Speaker on the same we requested to have an extension of at least one month.

(Consultations)

Speaker: What is it County Member from Weru, Hon. David Ndirangu?

Hon. David Ndirangu (Nominated): Thank you Mr. Speaker. I wanted to bring to your attention the loud consultations going on in the House. This is a very important issue that is being raised by the chairperson. I believe there is a lot more that the chairperson intends to given and I think it is good if we listened.

Speaker: Hon. Member, the members have the right to consult but they should do it in such a manner that the member does not get distracted.
Proceed.

Hon. Kimani Gachuhi: Thank you Mr. Speaker. I have adequately informed the House and I hope it has been captured. Since this is a progress report, I have just highlighted some of the issues I believe have led to the reactions of the members. We cannot stand here as a House and authorize the go ahead of the payment of the pending bills owed to the contractors some of which are not cleared and certified by the relevant authorities.

Mr. Speaker, the auditor has raised a lot of issues and we should not, as a House, ignore them. The recommendations of the committee will be observed because we have to safeguard the public funds.

Thank you.

Speaker: Yes, Deputy Leader of Majority and Member for Kipipiri, Hon. Michael Kirumba. I would really like to give each member one minute only.

Hon. Michael Kirumba: Mr. Speaker you are right because we are trying to pre-empt a debate. This paper has just been tabled and you have given an opening for mitigation. I think, right from the moment the petition was brought to this House, we were to look for ways to mitigate the problem in terms of the members giving information about the genuine contractors

for them to get paid. This is because time is not on our side. When I see a blanket recommendation that the payment of the pending bills should be stopped until the verification of all contracts is done to ensure only the genuine contractors are paid. For me, this is a blanket statement. If we left for the answer, we shall be here and no work will be done.

I had given an example of my ward whereby the contractors did a good job and the contractors have all the documents. Why then should they not be paid just because other contractors have not brought their documents? Until we get to the final and conclusive report, we should take this one as a progress report and should not expect such a blanket statement like this one. We should say that the process is ongoing or else, we will be locking ourselves inside and 'hanging ourselves'. I think these people who have the proper documents should be paid by February. By this time, I believe that we shall all be so busy. Thank you Mr. Speaker.

Speaker: Yes, Leader of Majority and Member for Murungaru, Hon. Kariuki Muchiri.

Hon. Kariuki Muchiri: Thank you Mr. Speaker for according me the time to contribute towards this preliminary report.

Mr. Speaker, it is unfortunate particularly for recommendation number three. We need specific timelines.

(Consultations)

Speaker: Order Members! Accidents happen everywhere and that's why we have insured members against any calamity including in the House. Proceed Leader of the Majority Party.

Hon. Kariuki Muchiri: I was saying that it would be very dangerous was the County to leave this matter open. This recommendation is very open. We need to give timelines because we cannot keep the genuine people waiting. For example, a young man in my ward supplied quarry material worth Kshs. 1.2 million and he has never been paid. This is very serious. But again, we also have crooks. Therefore, we cannot say that we pay all of them because this county might lose a lot of money in the process. What we should do is to give the committee on roads some timelines. Let them not talk about 21 days. They should give us the exact timeline because we have gone to the committee and provided information. I feel therefore that the committee would require about one week to bring into this House a substantive report. I propose that we give them only one week to give this House a comprehensive report.

Thank you.

Speaker: Yes, County Member from Njabini, Hon. Rebecca Nyangati.

Hon. Rebecca Nyangati: Mr Speaker, I would like the members to understand something. When we talk of verification and recommend that the payments be stopped, we are not saying that we don't want any of the contractors to be paid. The problem is that the list that we were given for the genuine contractors leaves a lot to be desired. You find a contractor claiming Kshs. 26 million but he has already been paid some part of the money going by the IFMIS records. Now, the contractor goes ahead and says that the amount was paid to a different person using his or her own company. For instance, the payment is made to Family Bank account yet the contractor has a KCB account. Actually, the contractor does not even own an account in Family Bank.

In another context...

(Consultations)

Speaker: Order Members!

Hon. Rebecca Nyangati: In another scenario, you find that a contractor is genuine but the payment has been made to a different person. In addition, as the chairman has said, we have the Laikipia Company which apparently is claiming a lot of money but is not in the list of the pending bills. Further, you find a scenario where the contractor was already paid in the financial year 2013/2014 but they are also claiming that they were not paid and their names are in the

list of the pending bills. Therefore, there is a problem in the list of the genuine contractors. Actually, the contractors themselves are agreeing that we have a problem with the list. The list is composed of both genuine and those who are not genuine claimants.

In essence, we are saying that we require at least three days to go and verify the list of genuine contractors and add those who are not in it. We are not saying that we are stopping the entire payment process but we need to verify the genuineness of the contractors. Besides, you find that some contractors are claiming payment with an LPO that is not signed and does not even have a date...

(Hon. James Gachomba rises on a point of order)

Speaker: What is it Member for Njabini/Kiburu?

Hon. James Gachomba: Mr Speaker, I am rising on a point of order. This is because on the committee's recommendations, it is crystal clear that the committee is saying that the payment should be stopped until verification has been concluded by the committee. Now why is she telling us about three days? Why is it not in the recommendations and she is a member of this committee? They should come and give a specific timeline. To the contrary they are telling us three days yet in the recommendations it is clear that they have stated that payment be stopped until verification is done. How?

Speaker: I think the member for Njabini/Kiburu has raised a pertinent issue in that they are saying they need 21 days to bring a report to this House but, on the floor, they are saying they need three days. At least we need to be consistent on that one. Proceed and sum up your presentation.

Hon. Rebecca Nyangati: Mr. Speaker, in the Financial Year 2014/2015, you find that even the Director of Procurement is professing that...

(Hon. Kimani Gachuhi rises on a point of information)

Speaker: Do you require the information from the chair?

Hon. Rebecca Nyangati: Yes, Mr. Speaker.

Speaker: Go ahead Member for Weru.

Hon. Kimani Gachuhi: Mr Speaker, what we are expected to bring to the House is the list of the specific contractors who have already been paid.

(Consultation)

Speaker: Order members! County member for Njabini Kiburu.

Hon. Rebecca Nyangati: Thank you Mr Speaker. The same irate members know very well that there are some contractors in their ward that have been paid and they have not completed their work. In the same list there are some contractors that have not completed their work but they are demanding for payment. I am not saying that there are no genuine contractors but let us give the committee time to compare the list given by the executive and that of the contractors. If we do not do this then we shall continue messing with the pending bills.

Speaker: Yes county member from Ndaragwa.

Hon. Margaret Wamuyu: Thank you Mr Speaker, mine will be brief. I request the members to be patient. I am using the word 'request'. I know this matter is very hot and everyone is waiting to see the way forward.

You may see as if we have been doing nothing but we have been sitting all day trying to find out the genuine ones. I know the reason you are reacting is that there is no phrase 'pay the genuine contractors'. I am also feeling because an Hon. member like this one (pointing at Hon. Gachomba) has a contractor in his ward that has taken a loan and constructed a road in his ward and has not been paid. Please give us time so that we can give a good report...

(Hon. Kieru Wambui rises on a point of order)

(Consultations)

Speaker: County member from Ndaragwa resume your seat, this is a point of order.

Hon. Kieru Wambui: Mr Speaker at least the member has confirmed that this is a wrong report. She said and it has been recorded, that they are going to bring the right report does that mean that is a wrong report.

(Loud consultations)

Speaker: Order members! This report is now a property of the House and what the county member from Leshau Pondo is simply saying is that this is a preliminary report and they are going to do final report. You should understand things in the right context.

Hon. Margaret Wamuyu: Thank you Mr. Speaker I think the member has misquoted me. I know the House is waiting for the last minute. In the morning we also most resolved to seek leave on this but we thought that it would not be fair. We therefore brought the preliminary report so that we can be added days and I am sure that we shall do what you expect.

As Hon. Margaret some of my friends who are contractors have had their assets taken by the bank. It is painful to me as a mother to seeing another mother crying because of this but member please give us time and be polite.

Speaker: Yes, Member for Gathaara Hon. Daniel Kibebo Ruara.

Hon. Daniel Kibebo: Thank you Mr Speaker for this chance to air my views. I appreciate you for giving the committee this work. What we found out in the process...

(Consultations)

Speaker: Order Members! I will have to cut short this debate if the members are not interested in it. Member for Gatimu the reason why I am not giving you a chance to speaker is because you are talking to much while seated.

Hon. Daniel Kibebo: Thank you Mr Speaker, I think the committee has done what it was supposed to do and we are worried for certain contractors that have done their work to completion yet they have not been paid. We are not saying that they should not be paid. Some of them had not completed their work and they have gone back to the wards to complete their work and soon they will demand for payment.

We can categorize them, those that have completed their work and they are supposed to be paid and those whose names and amounts are in the pending bills and they had been paid and some have come to the committee and said that they had been paid. Shhhh...

(Laughter)

Mr Speaker, they are making noise.

(Consultation)

Mr Speaker let me finish so that they can also air their views. We had given 14 days so that the team that is being led by...

(Hon. Michael Kirumba rises on a point of order)

I do not want a point of order

Speaker: What is it member for Kipipiri?

Hon. Michael Kirumba: Mr. Speaker a member cannot say that he does not want a point of order. Then telling people 'Shhhh'... in the House is not parliamentary. I expect to get a direction on that.

Hon. Daniel Kibebo: Mr. Speaker, I apologize for that. What I was trying to say is that this matter should be examined. The members can assist the committee because this is a sensitive issue.

There are those that can be paid. There are those that have been listed in the pending bills and they have already been paid. There also those that have not completed their work in the ward and the Hon. Members brought their names to the committee and the names of the roads they were doing. This is a very sensitive issue and if we do not work together then the county will lose money and the committee on roads will not be answerable.

Speaker: Yes, Member for Kaimbaga Hon. Kimani Njiraini and now I will limit you. We said that it will only be one minute and please let it be one minute.

Hon. Kimani Njiraini: Thank you Mr. Speaker, I thank the Committee on Roads for they have worked on our concerns. Mr. Speaker we cannot punish the genuine contractors, who have finished their work by denying them payment. The committee cannot keep on going around their point number three because it is the right of those contractor to be paid because they have done their work. Those that have not completed their work shall not be paid.

The committee has found about Kshs. 60 million that was about to be paid to contractors that have not completed their work. That money should be used to pay those that have completed their work and the remaining amount should be taken to do the roads in Kaimbaga ward. I emphasize that those contractors that have completed their work to be paid.

Speaker: Yes, Member for Mirangine, Hon. David Ndirangu.

Hon. David Ndirangu (Mirangine): Thank you Mr. Speaker, I am of the opinion that even if we are going to pay these contractors, we should be fair to those that have done their work to perfection. We do not want to see the county lose money to some people's pockets.

Let the contractors that did their work perfectly be paid but those who have not and the members know them, should not be paid until they complete that work.

Speaker: Yes, Member for Ndaragwa Central.

Hon. Peter Maina: Thank you Mr. Speaker...

(Consultation)

Speaker: Order Members! We need to finish this quickly and only mention what has not been mentioned.

Hon. Peter Mwangi: Thank you Mr Speaker, I remember vividly recall a recommendation that was made by PICPAC on the issue of the pending bills. Hon. Kagiri said that the genuine contractors must be paid. He also said that for those that had not completed their work the Executive should bring that issue to the House. They have never done that to date and now the committee on roads in their recommendation number four is giving the executive 14 days yet months have passed since Hon. Kagiri asked them to do that. How sure are we that within 14 days they are going to give that document to the House?

As the member for Ndaragwa Central Ward, I know those that completed their work and especially the quarry people, I am more concerned about them. Murram was dug from their quarries and they have never been paid to date. As earlier stated, there is an audit query. Let the genuine contractors be paid but those that have issues should deal with the Executive and the Committee on Roads.

Speaker: Yes, Member for Njabini/ Kiburu.

Hon. James Gachomba: Thank you Mr Speaker, this is not rocket science. The committee has come up with pending bills of Kshs. 105 million for the genuine contractors. They need to clear the debt of the genuine contractors so that the rest of the contractors will be scrutinized by the committee.

There is a company that belongs Michael Kamau, the former chief officer of the Department of Finance and he was paid. This name has been repeated and that is fraud and he should go to jail. There is a company like Nyaenda enterprise about Kshs. 990,000 in the fiscal year, 2015/2016 but the claim she is making is for the FY 2013/2014.

Some of the contractors did their work and the chief officer confirmed that but they were not paid. They had borrowed from the bank and now the banks are after them. The contractors that the committee has enlisted as genuine be paid and then we deal with the rest.

Speaker: Yes member for Gatimu Hon. Kieru Wambui.

Hon. Kieru Wambui: Thank you...

(Consultations)

Speaker: Order Members! We said that we are going to take one minute each to make your contributions so that we can give directions on the way forward.

Hon. Kieru Wambui: Thank you Mr Speaker, even if we are not going to vote for or against this report, as a member I am against the observations of this committee and the manner in which they have made their recommendations.

The reason for saying this is that on the first page of this report the committee puts it very clear that it is a preliminary report but on page eighteen it does recommendations and page nineteen it does conclusions. Does it mean that by the time that they will be bringing the whole report there will be recommendations that might outweigh those that are in this report?

Secondly, they have said that this is the report on Nyandarua County Contractors' Association Petition on Pending Bills from the FY 2013/2014 to 2016/2017. I am not sure that we have pending bills for 2016/2017. Mr Speaker confusion has been created by this report. As they annex the pending bills for the last financial year, they should annex that of 2016/2017.

(Hon. Joshua Muriithi rises on a point of order)

Speaker: What is it Member for Nyakio?

Hon. Joshua Muriithi: Thank you Mr. Speaker, I want to inform the Member for Gatimu that that was a typing error.

Speaker: Order member for Nyakio! That cannot be a point of order. When you get an opportunity to contribute you can move an amendment. Member for Gatimu proceed.

Hon. Kieru Wambui: Thank you Mr Speaker. This can be said to be a colluded confusion. They are raising issues of pending bills from the financial year 2013/2014. We are also aware that the executive formed a committee and the member for Weru has said that it was chaired by the Deputy Governor. That committee decided on the contractors to be paid and those not to be paid. I think there were only nine contractors that were not to be paid out of the Kshs. 60 million that was provide for the FY 2013/2014. The committee has not come out clearly on whether these contractors were paid or not. When they say that they are going to stop, are they going to stop even those that had been cleared by the executive? They were also supposed to tell us whether after examining the chief officer whether the contractors that had been cleared by the executive had been cleared or not so that we can know whether they were paid and if they were not paid we understand why.

Thirdly Mr Speaker in the last page they proposed that the settlement of pending bills be stopped until verification of all contract and verification is made to ensure only genuine contractors are paid for work done and completed. I am not talking about the objectiveness of that point. I want to address the functionality and the intrigues of that statement. When you say until verification is done, who do you expect to do that verification? Are you going to bestow upon you the responsibility of doing the verification of those documents? When the executive gave you a list of those contractors, it means that it has verified. This matter has gone to PAC in the Senate and the Governor sat there. The matter has gone through internal audit in the County Executive. We have heard and seen how the County Executive has handled this matter. How do we want to approach this matter as a County Assembly? Does the committee want to tell us to look for an independent auditor to look into this matter? What we want to understand is the functionality of that statement. It is important that we do.

Finally, this committee is double sided. They say contracts and people should not be paid yet the member for Weru was here saying that some people need to be paid yet they have no documentation. What do they want to tell us? They say that the executive is wrong for intending to pay without proper documentation but on the other side say that even though some people have no proper documentation, they should be paid. The committee should be clear. That is why they were paid per-diem to make a conclusive report.

(Hon. Kimani Gachuhi rises on a point of order)

Speaker: What is it Member for Weru?

Hon. Kimani Gachuhi: Mr Speaker, is it in order for the member for Weru to demean the mandate of the committee?

Speaker: Actually this committee is an extension of this House and when you throw aspersions to it, it is as if you are throwing aspersions to the whole House. Per-diem is second our work, our core mandate is to deliver to the people of this county. Anyway this is a good report because according to the committee, it is a preliminary report. They have made recommendations and conclusions at a preliminary level. You cannot do anything without making recommendations and conclusions. They have not sought for resolutions because this is not a final report. Members, we should look at both sides of the coin. As we conclude on this matter, I will give clear directions on this issue but I am listening to both sides. You may argue from the side you are but the arbiter is here.

(Laughter)

Proceed member for Gatimu.

Hon. Kieru Wambui: Thank you Mr Speaker, on behalf of the people of Gatimu, I wish to make observations. We are aware and it is in the public domain that there are people who do not want these people to be paid. They are aspiring to be governors in this county. We have been hearing what they are saying. When the committee make very dangerous comments what do they expect us to say as politicians.

(Hon. Michael Kirumba rises on a point of order)

Speaker: What is it member for Kipipiri?

Hon. Michael Kirumba: Mr Speaker, any person who throws aspersions to members of the House that they are preventing payment of these contractors because they want seats, should give substantive evidence so that we can know who is short-circuiting the system. It might be dangerous to insinuate such things and not give names and documentary evidence.

Speaker: Member for Gatimu, I think you are putting us on very dangerous grounds. Saying that someone outside the government is influencing this committee to make such recommendations, I think that is dangerous and I do not think that this House is capable of taking such a direction. Confine yourself to the issues here and conclude.

Hon. Kieru Wambui: Mr Speaker I withdraw even if this had been mentioned by a member.

(Hon. Kimani Gachuhi rises on point of order)

Speaker: He has not said anything yet.

What is it Member for Weru?

Hon. Kimani Gachuhi: Mr Speaker he is out of order because you said that we should use only one minute and he has exhausted his time.

(Laughter)

Speaker: I want him to conclude

Hon. Kieru Wambui: Thank you for your protection. Finally Mr Speaker, we have the Supplementary Appropriations Act and we passed it last week. That Act allowed the executive to spend the budget as approved by this House. What will be the implication of this report on an act of the County Assembly which has been approved and signed by the Governor? When a report says that payments will not be made until the committee has brought the final report, does it mean that today or tomorrow it will not pay? Who can stop expenditure in a budget? Is it an assembly? Through what can an assembly do that? Is it an amendment to the act? What can stop now that this committee is stopping us from paying the contractors?

Speaker: Member for Karau Hon. Kamau Ngotho

Hon. Kamau Ngotho: Thank you Mr. Speaker, we have to appreciate that the work that this committee was given is not a simple one. The contractors had specific prayers in their petition. They were as follows;

- i. A list of all pending bills owing to contractors from FY 2013/2014 to 2015/2016 are clearly enumerated with corresponding amounts for each

- contractor, the year of the pendency, amounts paid if any and the outstanding amounts.
- ii. That an allocation of the pending bills is made in the supplementary budget of the FY 2016/2017 to ensure that all outstanding amounts of the contractors are paid.
 - iii. That withholding VAT is remitted to the Kenya Revenue Authority and the contractors are issued with certificates for the amounts so remitted.
 - iv. That all files relating to contractors are availed together with all the relevant documents pertaining to the tendering, ward contracting, certification of completion of works and payments to be made
 - v. That the matter be treated as urgent and accorded attention.

In my opinion, the committee was supposed to get the list of the pending bills from the relevant authorities. Secondly whether money was allocated, and we did that.

Mr Speaker it is good that they are discovering many things.

(Hon. Suleiman Kihika rises on a point of order)

Speaker: What is it member for Kanjuiri Ridge?

Hon. Suleiman Kihika: The Member is out of order because when the chairman was here he said that they got all the lists and they have been submitted to the committee. We have all those documents but we have not been able to peruse them.

Speaker: That point of order is not valid. Repeating something cannot make you to be out of order. The Member for Karau has mentioned something that had been mentioned by the chairman. Restating the same so that he can make his case cannot make him to be out of order. Member for Karau proceed.

Hon. Kamau Ngotho: Thank you Mr Speaker. I am trying to build up my case. They have done a good job such that they have discovered that some are paid in account numbers that are not right. We have a problem with this issue and it was that people have worked and they have not been paid. The question I asked the member for Njabini and it has been asked by Hon. Kieru, is, what can be done for those that worked but they do not have papers? The petitioners have said that they need all the papers that are required before they are paid. They need a clean process. What of that person that had a quarry but did not have all the papers. Those are the issues that we wish that they were addressed.

The other issue is bank fraud. Even a County Government cannot be allowed to check a personal account and know about it. Two wrongs never make a right. Wrong payments were done but we cannot say that these ones will not be paid.

There is a question that has been asked by Hon Kieru, “who can stop payment?” The Assembly cannot. Under the PFMA (105) it is only the county treasury that can stop the payment of funds.

(b) Taking appropriate measures, including the stoppage of funds, to deal with any failure of a county government entity to comply with this Act.

It is only Nderi Ndiani who can stop payments of funds.

In the National Government, it is the Cabinet Secretary but there you have to seek the Parliament’s approval. The entire recommendation number three is null and void. I came to consult with you at the Chair and you were asking about the impact of the preliminary report. The words ‘preliminary report’ appear only once in the standing orders, only when we are dealing with statements.

We need to know, because this paper has been laid and they have made recommendations, this is more of a report, whether a preliminary report is as it is supposed to be in standing order 44.

The PFMA gives the power to manage the public funds to the accounting officers only. We have heard that he said that if we want them to pay them, we should do it in writing so that they can pay them. What is he doing? If issues on these payments arise they will follow the committee because he will say that he acted on a report of the assembly which recommended that I pay so and so even without a signed LSO or an award letter. Mr Speaker, I believe that these are the issues that this committee should be handling and not going into some details.

As I conclude, it is good that if there are legitimate cases they be paid. Some of them are even known by the Members of the County Assembly even though they worked and do not have papers. The committee should come up with a mechanism of their payment. Thank you Mr Speaker.

Speaker: Member for Engineer, Hon. Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you. Mr Speaker, I concur with the County Member for Karau. As far as I am concerned, my view is that this report is inefficient and inadequate. It does not in any little way address the issues as raised by the contractors in their petition. I want to go straight to the recommendations of the Committee. Among the recommendations is recommendation number 2 which says that an allocation of Kshs. 230 million has been made in the Nyandarua County Supplementary Budget for the financial year 2016/2017 to settle pending bills for financial year... Is this information or a recommendation? It is through this assembly that this money was appropriated. It is obvious and it is known. The Committee was not asked to say whether this money is there or not. Secondly, if you look at the prayers made by the contractors, you will see that they were exclusive. But, if you look at all the details that are here, this report revolves around procedures. They do not address the issues which we expected. For the one week that the Committee on Roads had been sitting on this document, we were expecting them to give a preliminary report clearing, 5, 10 or 15 contractors whom they perceive to be genuine. In the meantime they would be seeking an extra 21 days to clear the other 54 or 60 contractors. The whole seven days that the Committee has sat on this document, even if they were to seek an extra 21 days...

(Consultations)

Mr. Speaker, I need your protection.

Speaker. Order Members!

Hon. Mwangi Gichuki: Thank you. For the one week that this Committee has sat on these documents and looking at the report they have brought, even if we were to give them the 21 days we are talking about, they wouldn't even be close to giving us a list of 5 contractors alone. They have gotten it all wrong.

They have not, specifically, restricted themselves to the prayers as stipulated in the petition. This was not an ordinary motion where you are supposed to go on a fishing adventure. This was specific and clear. There was nowhere the petition was asking whether somebody was overpaid or underpaid. The petition is asking about the people who worked in the year 2013/2014 financial year. That is the first answer we are expecting from the Committee on roads.

The second answer that we expect is whether there is a precise allocation. The person who wrote this petition was very sequential. It is only after you answer the first question, which requires that we list those who worked in 2013/2014 and 2015/2016, that we can then answer the second question. The Committee should then tell us whether there are sufficient funds for people they have already enlisted in the first prayer. They even have not answered the question on VAT. Although they have put it in their observation, they are not showing us any indication as to how they want to handle it.

Mr Speaker, there is ongoing pre-qualification. You cannot be given the Certificate of Compliance by KRA (Kenya Revenue Authority) as a company if you have pending arrears which you have not been paid. The Committee should tell us why the VAT was not paid. In

their observations and recommendations, have they even given us an indication of the efforts they are putting in place to give us hope that the issues raised by the contractors have substance and can, therefore, be worked upon? These are the critical issues we are saying that they have not been handled. There is an issue on stoppage of payment. We are telling the Executive that it should not pay any pending bills from now henceforth regardless of whether the payment is genuine or not.

I do not find any prayer which has been prayed by the contractors which requests that payments be withheld. Among the recommendations given, there is nowhere the Committee is addressing the prayer as prayed by the contractors that all files relating to contractors are availed together with all relevant documents. It becomes contradictory. When Hon. Suleiman Kihika rose on a point of order, he clarified that they have all the files. The Chairman of this Committee should tell us why it has taken them seven days to give us a report that needs to be expunged from the records of this house, yet, they had all the files. As I finish, I will only say that this report is inadequate, inefficient and that the Committee should be given limited time to put its house in order and come clear on what is required of them. You can see that even the Chairman who was presenting this report is inadequately dressed. He knows that he is not supposed to be in jeans trouser but he is here in a pair of jeans trousers. That tells you the kind of a report that you expect from such a member...

(Laughter)

(Hon. Kimani Gachuhi rises on a point of order)

Speaker: What is it Member for Weru and Chairman of the Committee on Roads, Public Works and Transport, Hon. Kimani Gachuhi?

Hon. Kimani Gachuhi: Mr Speaker the Member is not in order because I am not dressed as per his description. I am in proper attire.

Speaker: The Chairman is exhibiting sartorial elegance to say that he is properly dressed. He is in a trouser which is not jeans, a jacket, a shirt and a tie as per the requirements. Yes, County Member from Njabini Kiburu, Hon. Beth Wahito.

Hon. Beth Wahito: Mr Speaker, personally I thank this Committee and also support their recommendations. But, I would like to have some amendments in the third column; stopping of the payment. I would like us to put it;

“...the Committee to come up with a list of the genuine contractors...”

This is because they know where the complications are. They also know those who are in the list of pending bills but have already been paid. We can give them one week to table another list. Personally, I think one week would be enough for them to come up with another list of the genuine contractors because I do not support stopping all the payments. We know where the problem is.

In 2013, we know there was a very big problem. There were some people who were allocated work and there were no documents. Even now, even if we tell the Executive to provide documents, there would be no documents. There were no documents during that time and even members know that. We hired graders from some contractors without documents. They gave us the graders, they worked and even fuelled them. I know there is that problem about 2013. We know the people who were allocated work in various Wards in 2014, 2015 and 2016. Honourable Members, I am very sure that if you want to tell this House the truth, you can. You know all the fake contractors who did shoddy jobs in your wards. But, some of our Honourable Members do not want to mention them...

(Hon. Mwangi Gichuki, rises on a point of order)

Speaker: What is it Member for Engineer, Hon. Mwangi Gichuki?

Hon. Mwangi Gichuki: Mr Speaker, the Member who says that they know the fake contractors while they were presented with an opportunity to write a report and it is not documented is out of order. It is completely out of order for such a member to verbally tell us that they know yet they had been given mandate to be able to put it on paper. They should put down on paper the list of fake contractors.

Speaker: Honourable Members, I think this report had highlighted some of the payments that were made to the wrong people who had not worked but I stopped the Chairman from mentioning names. That is why they were not mentioned. If you go through the report, you will see the accounts into which the money was going which belonged to entities that had not even been contractors. We said that we don't want to mention names at this preliminary stages. Proceed County Member for Njabini Kiburu.

Hon. Beth Wahito: Thank you Mr Speaker for protecting me. What I was trying to express is that we all know that a lot has happened. At this stage, we want to do a clean job. We don't want to pass two hundred million shillings to people we don't know where they worked and that is what this Committee is saying. The only amendment I would like to be done is to recommend that the genuine contractors be paid. Those ones that we have some questions about, we should stop paying them.

Thank you Mr Speaker.

Speaker: Yes, Hon. Sylvester Kagiri.

Hon. Sylvester Kagiri: Thank you Mr Speaker and I beg for your protection.

Speaker. Order Members. Let us finalise on this issue. We have to finalise on this issue.

Hon. Sylvester Kagiri: Thank you Mr Speaker. What there is, is that the Committee has done a very good job because I know how tedious it is to scrutinize these documents. With some reservations, bearing in mind that we were here sometimes back, I want to refresh the minds of this Honourable House. In the year 2013/2014, there was a request from the Executive. They made a request that an amount of Kshs 161,000,000 should be passed so that pending bills could be paid. We went ahead as a Committee for PICPAC and tried to scrutinize the list together with the alleged pending bills. After a thorough investigation, we found that several genuine contractors, suppliers were not paid.

Somehow, we okayed the payment. We later learnt that even if they had requested for one hundred and sixty one million shillings, an amount of more than ninety million was paid whereas there was a balance. With the history of 2013/2014 financial year, we thought that things would be in place for the 2014/2015 financial year such that the same scenario that happened in the previous year would never repeat itself. It seems that there is a trend on these pending bills. The trend is a tag that will follow us even when we go out there to look for votes Mr Speaker. Well, the Committee has recommended that the County should not pay pending bills until verification is done. The Committee should not be condemned in totality. There are some genuine contractors.

Our role as MCAs is, one, to oversight. In the preliminary stage we were involved so that we could identify the roads that were not done to required standards. As an oversight body, we were supposed to be involved directly to see the contractors who did shoddy work. There is an issue on the conclusion on page 19 and I would like the Chairman of the Committee on Roads to hear this. The sampling of several contractors and their documents revealed discrepancies especially where some contractors have been paid, and yet, they appear in the list of pending bills. That is fraud. In fact, that is a criminal offence. Others had double allocation while others had claims of unpaid work but did not appear in the pending bills. This is an issue they could have gone further and told us who those that were paid were. What was the motive of the contractors who were being paid? What was the purpose of double allocation? What was the purpose of unclaimed work? Some of these things are criminal offences.

In essence, if they come up with a comprehensive report, the Committee should tell us that they have a clean bill of health for given contractors and they should be paid. I understand for the financial year 2015/2016, there were no many issues even if there were pending bills. So, who did this? Is it the Executive who delayed in giving the works or what happened? Like now, let us talk about this financial year. What have they done? We are now half-way through the year. Have they started the process of tendering for these works? Even if they have started, where are they? Or are they waiting for us to get to the month of April so that they can start hurrying? I think this thing of pending bills should be approached very soberly to prevent the suffering of people who have done their work. However, we should also not pay in totality to avoid loss of money Mr Speaker.

Thank you.

Speaker: Thank you. Actually, the final report is supposed to be debated for a maximum of twenty minutes. I think we are repeating the same issues. The strain for the Members is that they think bills should be paid. For some people, they think that there are more things than what meets the eye and which require to be looked into. Those are two things that have come out very clearly. I know we have to work out this very clearly because it is attracting a lot of issues. Honourable Members, reading the petition makes it look like a very simple matter. It is because these things have not been done within the law. If they are things done within the law and the right documentation done, this is a matter that can take only twelve hours. You know the kind of confusion that has been deliberately created to cause confusion in all of this processes. Our Committee should unravel this web of deceit, which is what is causing all this confusion.

Honourable Members, you will appreciate that even for most genuine contractors, monies have been paid not to them but to criminals working with our own offices. That is what we are talking about. This is not a straight-forward case of paying. It is the case for which as the oversight authority, we must be seen to have stood by the facts. We should make sure that those who attracted sanctions of liability go to jail and those who are required to be paid, they be paid appropriately. This is not a simple matter. As an Assembly, we have to send very clear signals that next year we, or those who will be here, should not sit here and deal with issues of deceit. People who are deliberately confusing documents to ensure that those who work for this county are not remunerated properly and that criminals sitting elsewhere outside the county are the ones benefitting. I know of instances where we have genuine contractors with proper documentation and yet the money is paid to another person. I know of instances where there is a pending bill of Kshs 5,000,000 and the contractor says he is not holding anything at hand. I know of a contract where there is Kshs. 4,000,000 and the supplier says that he only supplied goods worth Kshs. 600,000. I don't know what Kshs 3.4m was spent for. Unless we want to remain indicted, as the oversight authority we have to ensure that we go to the root of this issue.

Clause 4 talks about the Committee looking at the issue, implementing and then reporting to the Committee. I think Clause 4 is very clear but then this assembly is secure. We are saying, for us, we have stopped but if, under Clause 4, you find that there is a genuine claim that you want to pay and you paid. There is a caveat on this Assembly. We are not going to allow again money from this County to be sent to criminals who have not delivered any services to this County. I am assuring you members that in most of these bills, even if the genuine contractors are paid, the Kshs. 230,000,000 will pay them and clear their bills. But if we pay the criminals, we will require another Kshs. 100,000,000. We shall go home with bills hanging over our heads. We have to be very clear about these issues. We have to do them right and clear. Actually, even the Committee that was led by the Deputy Governor has been invited by this Committee on Roads so that they can exchange notes. They said the time was little and they want more time. I think they are meeting this week. The auditor himself from the Executive said that this is a Pandora's Box and that it is worse than they even imagined. This

auditor has been asked to come and sit with the Committee and give insight into this matter. In any case, the Executive cannot oversight itself. It is the duty and mandate of this house given by the constitution.

We must stand up to be counted. Like now, we are talking of Contractors like ‘Laikipia’ because the wife has come to me because the family knows me as the Speaker and as a lawyer. After the husband died, their bill has been removed from the pending bills. Don’t you think somebody else was paid? You cannot tell. These are the issues we are talking about. When that man was alive, he was chasing his bills here. When he is dead, the bills are not even there. These are the issues we are talking about. Has somebody been paid bills belonging to a dead person? This is not an easy matter. It is not a straightforward matter. It is a matter in which confusion has been created to throw us off-guard so that we are not able to hit the jackpot and ensure that justice is done for the genuine contractors and people of this County.

So, I would be expecting that from where we have gone, we can have twenty one more days. This Committee is giving a window to the Executive to look at those documents and if you feel that you can continue implementing and reporting to us, we are okay. I think that is what Clause 4 is talking about. But then, as an assembly we are saying that we have given a caveat. If you want to proceed, proceed but then report to us. We are the oversight body and we shall come back to you. We have no free money in this County. This is a marginalised County. Every shilling counts in this County and we must ensure as an Assembly that every single shilling counts.

History will judge us on how we deal with this issue because, it is on how we deal with this issue that will form how we deal with our contractors in future. It is how we deal with the documents that the foundation of prudent use of public resources will be established and built for this County for future and for posterity. Chairman, since we extended this house on Thursday, I believe you can sit within this week and clear all these issues so that on Tuesday we shall come here and deal with this issue together with our contractors. I have been to Njabini. I know of a contractor who has worked there properly and has not been paid. The one who did a shoddy job was paid. I have been to Nyakio. I know the contractor who did the right road was not paid. The one who never did a toilet and a market was paid. I have gone everywhere and when I am talking about these people, I know what I am talking about on the ground. I know the genuine contractors in Nyandarua and from this I can tell those who can be paid and who cannot be paid. Unfortunately, we paid criminals and left out our genuine contractors.

Also, the recommendation I am expecting from this Committee that those people to whom this money was diverted should be investigated by the anti-fraud unit together with the Bank Fraud unit. This way, we shall know the accounts to which the money went and the people who withdrew the money. These people should be in the dock and criminal processes should be taking place. These are not issues that we can laugh about. These are serious issues. Members, let us agree that this report does not result to too much but, as an Assembly, we have stated our position. What I am expecting from this Committee is that on Thursday we shall move a Motion of Adjournment to Tuesday. We then extend our calendar. This Committee will have completed its work. We shall come here on Tuesday morning and everybody will have his day despite the provisions of Article 200 of the Standing Orders and we will clear with this issue once and for all. What is it Member for Rurii, Hon. Wahome Kamoche?

Hon. Wahome Kamoche: Mr. Speaker I want to give my reservations because the last time I was here, there is an issue that I left out...

Speaker: Hon. Wahome Kamoche you are out of order. The Speaker has given clear directions on this issue.
Next order.

NOTICE OF MOTION

Yes, Member for Kipipiri and also the Deputy Majority Leader, Hon. Michael Kirumba.

Hon. Michael Kirumba: Thank you very much Mr Speaker. I beg to give notice of the following motion:

Aware that the Nyandarua County has numerous empty County roads within its rural and urban areas;

Further aware that there is need for roads within the County to be named for direction and location purposes and that there is a culture of naming roads after our freedom fighters and other heroes;

Concerned that the failure to name roads in the County has both directional and cultural negative impacts, now therefore, I urge that this house resolves:

- i. That, the County Government of Nyandarua does name all its county roads with emphasis on major urban centres;
- ii. That, the special preferences given to names of freedom fighters and persons associated with heroism in Nyandarua County;
- iii. That, the process should be consultative.

Thank you, Mr. Speaker.

Speaker: Very well. Notice of that particular motion is duly given. The House Business Committee shall give directions on how the same shall be processed.

Next order.

NOTICE OF MOTION

Yes, Deputy Leader for the Majority Party and Member for Kipipiri, Hon Michael Kirumba.

Hon. Michael Kirumba: Thank you very much Mr Speaker. I beg to give notice of the following motion:

Aware that County Governments are required to prepare spatial plans under section 1 (10) of the County Government Act of 2012. Further aware that the Nyandarua County Government does not have a spatial plan which is a critical planning tool especially for urban development and growth. Concerned that the lack of a county spatial plan is affecting the development in the county and may lead to unplanned development especially in the urban areas, I urge that this house does resolve: that, the Department of Lands, Physical planning and Housing does prepare a county spatial plan for adoption by the assembly within sixty days. Thank you, Mr. Speaker.

Speaker: That motion, of which a notice has been given, shall be allocated time by the House Business Committee on when the same shall be moved or processed.

Next order.

MOTION

(Hon. Dorcas Kihara, County Member rises on behalf of Hon. Wambugu King'ori)

Hon. Dorcas Kihara: Thank you, Mr. Speaker. On behalf of Hon. Wambugu King'ori, Vice Chair of the House Business committee, I rise to seek leave for him. He was in the Assembly but he got an urgent issue that he was called to go and attend to. Therefore, he requested that I seek leave on his behalf and that the House Business Committee allocates another time for this motion.

Thank you, Mr Speaker.

Speaker: Very well. Honourable Members, the Vice Chair of the House Business Committee, which I chair, intimated to me the emergency that he had to attend to and, therefore, we shall grant that leave. The House Business Committee shall allocate time when that particular motion shall be moved.

Next order.

ADJOURNMENT

Speaker: Very well. Honourable Members, the business of the session having been exhausted, this house will now adjourn to tomorrow, Wednesday the 7th day of December, 2016 at 9 a.m.

(The House rose at 4.27 p.m.)