

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
2ND ASSEMBLY- 2ND SESSION
OFFICIAL REPORT

Wednesday 18th April 2018

The Assembly met at the Assembly Chamber at 9.00 a.m.

[The Speaker (Hon. Ndegwa Wahome) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: Hon. Members, quorum having not been recognised, I invoke the provisions of Standing Order no. 35 and I direct that the bell be rang for an initial ten minutes or until such time within the ten minutes that quorum will have been achieved.

*(The bell is rung for five minutes and quorum is achieved
as confirmed by the clerk-at-the-table)*

Hon. Members, quorum having been recognised, we can proceed with the business for the sitting.

First order.

STATEMENTS

1. STATUS OF THE NYAKIO- KARATE -GATITU –SULMAC

Yes the Member for Nyakio and the deputy Speaker, Hon. Zachary Njeru.

Hon. Zachary Njeru: Thank you Mr Speaker, Sir. I hereby seek a statement from the Chairperson of the Committee on Transport, Energy and Public Works on the status of the Nyakio-Karate -Gatitu -Sulmac road addressing the following concerns;

- a) The current status of the said road and what hindered its completion;
- b) The bill of quantities used in the construction of the road and the amount allocated;

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- c) The contractors who were awarded the tender; and
- d) What the department is doing to ensure that the road is completed and accessible.

Thank you Mr. Speaker, Sir.

Speaker: Any Member of the Committee on Roads, Energy and Public Works in the House? Hon. Rimui Kaiyani, you are a Member of that particular committee. You can communicate to the committee members about the statement on the status of the Nyakio- Karate - Gatitu –Sulmac road. Within what time can the committee take to bring back a report on the same?

Hon. Rimui Kaiyani: Mr Speaker, maybe a month.

Speaker: A month; so the committee will bring the report immediately after recess?

Hon. Rimui Kaiyani: Yes.

Speaker: Are you okay with that, the Member for Nyakio?

Hon. Zachary Njeru: I am a member of the Committee on Roads, Energy and Public Works, and I think a month is not considerable. We wanted to conduct two site visits at the same time; one in Kipipiri in relation to a statement sought by the Member for Kipipiri, Hon. Paul Ngeche, and the other one to inspect the status of the road at hand. I think two weeks would be enough for the committee to give a statement response.

Speaker: The Member for Githabai and the Member for Nyakio, you are both members of the Committee on Roads, Energy and Public Works and it is important to address these things. It is important you visit the site for inspection and scrutinise the related BQs before we proceed for recess so that the House can allocate the committee time on 8th of May, which is three weeks away, to table the statement response. So let the committee bring the statement response on 8th of May.

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

The Member for Njabini Kiburu, information at this point is completely misplaced. I have always allowed Members to air their concerns on statements sought from committees chairpersons in order for the responding committees to consider the concerns in the statement responses. I hope the Member for Njabini Kiburu wants to express his concerns pertaining to the status of Nyakio-Karate -Gatitu –Sulmac road.

Proceed the Member for Njabini/Kiburu.

Hon. James Gachomba: Thank you Mr Speaker. Previously we have allocated money for projects addressed by statements that have been sought in this House. Unfortunately, some road contractors ran away from site. Construction of the road at hand was allocated about seven million shillings. Nonetheless, the contractor assigned the road did the construction halfway and ran away.

(Hon. Sambigi Mukuria rises on a point of order)

Speaker: What is it the Member for Githioro, Hon. Sambigi Mukuria?

Hon. Sambigi Mukuria: Mr Speaker, is the Member for Njabini/Kiburu in order to pre-empt what would comprise a statement response yet he is not a member of the Committee on Roads, Energy and Public Works?

Speaker: I said Members should raise concerns. I agree to some extent with the Member for Githioro because the Member for Njabini Kiburu is already making conclusions that the

contractor is not on site and that he never finished the work. That way, you are pre-empting what the Committee on Roads, Energy and Public Works will do and also anticipating debate.

Please raise your concerns the Member for Njabini Kiburu.

Hon. James Gachomba: Mr Speaker, there are other roads that fall under the same category as the road in question. I request whether the Committee on Roads, Energy and Public Works can consider all such roads and report on their status in the statement response?

Speaker: That is a matter of consideration by the Committee on Roads, Energy and Public Works. The committee can reach out to Members regarding roads of concern in the wards. But I know that would lead to overwhelming flow-in of concerns. I know, for example, the Member for Nyakio and the Member for Githabai will bring concerns about roads upgrading that were not completed. I also know that the Member for Njabini Kiburu will also raise concerns about Njabini-Gatura Road. For the time being, let us concentrate on the statement at hand and the one sought by the Member for Kipipiri, after which we shall continue addressing the others. The committee would take months, even a year, to address all the concerns on all the roads. It is therefore advisable to deal with the two statements I have mentioned so that we can send very clear signals to the Executive about the expectations of the Assembly as we address other road concerns.

(Hon. Rimui Kaiyani rises on a point of order)

What is it the Member for Githabai, Hon. Rimui Kaiyani?

Hon. (Eng.) Rimui Kaiyani: I seek your guidance on an issue concerning the statement raised by the Member for Nyakio, who is a member of the Committee on Roads, Energy and Public Works. Is it consistent for a Member to seek a statement on the floor of the House from a committee of which they are a member, having not exhausted the opportunities open to the committee itself? I think doing this, amounts to indictment of the committee for which the Member belongs. I seek your guidance Mr Speaker, Sir.

Speaker: I think the Member for Nyakio is in order and within his discretion to seek the statement, firstly, as the representative of the people of Nyakio and, secondly, to ensure that the issue is addressed conclusively for posterity. You know committee work on delegation by the Assembly. Seeking a statement is a structured way of delegating a matter to a committee so that it is addressed with the wait it deserves. It is the only way as a Member you can ensure that the agenda for the people of your ward is implemented.

Next order.

2. GATHIMA AND GATHIMAKI WATER PROJECTS

Yes the Member for Central, Hon. Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker. I hereby seek a statement from the Chairperson of the Committee on Water, Environment, Tourism and Natural Resources on the above stated subject matter addressing the following concerns:

Aware that the Constitution of Kenya 2010, under Article 43 (1) (d) provides for the right of access to clean and safe water in adequate quantities and also recognizes other related rights that are complimentary to the fulfilment of the right to water and sanitation, an example being the right to health, among other rights

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Further aware that in Central Ward there exist self-help water projects known as Gathima and Gathimaki Water Projects which faces serious issues with regards to their management;

Concerned that despite various attempts to have the County Department responsible for water address the issues facing the aforesaid Self-Help Water Projects, the issues have not been adequately addressed and the situation is deteriorating each passing day;

Arising from the foregoing, I seek that the Chairperson of the Committee on Water, Environment, Tourism and Natural Resources provides the following information:

- a) How the Self-Help Water Projects determines the area of water distribution and coverage;
- b) The volume of distribution to the diverse areas under supply;
- c) The applicable water tariffs and the terms and conditions of supply to the consumer;
- d) The financial sustainability of the Water Projects; and,
- e) The status of management taking into account the mode of running the Water Projects

Thank you, Mr. Speaker, Sir.

Speaker: Very well. That is a matter within the jurisdiction of the Committee on Water, Environment, Tourism and Natural Resources. Hon. Wangari Methu, when would your committee bring a report on the issues raised by the Member for Central?

Hon. Wangari Methu: Mr Speaker, it is unfortunate that the chairperson and his vice are not in the House. In relation to this, I stand here to say that the committee has got problems. I therefore request for one month, may be they will be organised within that time.

(Laughter)

Speaker: Okay, Hon. Members, you have understood those sentiments. I had to step in severally on matters pertaining to that committee on behalf of the chairperson. With the way things are going, the House Business Committee is tempted to flex its muscle and the Committee on Water, Environment, Tourism and Natural Resources may be the first committee that might be forced to reorganise itself. The way things are, the committee is not going to deliver.

Water sector is too important in this county to be wished away. We shall not allow a committee whose leadership has no direction, and I say that without fear of contradiction. The complaints in my office about that committee are just too many. Leave alone the Committee such as Budget and Appropriations and the Committee on Public Accounts and Investments because the Assembly can still move on if they had internal challenges. But the Committee on Water, Environment, Tourism and Natural Resources, the Committee on Roads, Energy and Public Works, the Committee on Education, Culture and Social Services, and the Committee on Agriculture, Livestock Development and Fisheries deal with matters that are the mainstay of this county. Their sectors define the future of this county. Should any of these committees lack leadership, there would be no direction; and definitely, we cannot allow that as the leadership of this House as represented in the House Business Committee. Therefore, the House Business Committee will flex its muscle and the members of the Committee on Water, Environment, Tourism and Natural Resources should report to its leadership that concerns of the Members

pertaining to it have been registered in the House and that the House Business Committee will not require a lot of pushing to do the necessary.

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

What is it the Member for Kanjuiri Range?

Hon. Suleiman Kimani: Mr Speaker, when the Liaison Committee met in Nairobi, the chairperson of the Committee on Water, Environment, Tourism and Natural Resources expressed his feelings, which the members of the committee have no knowledge about. Mr Speaker, as the leader of this House, you can sit down with the committee as the members of the committee are let to know of the chairperson's feelings so that if the committee will reorganise itself, it can do it in one accord. Actually, if the committee must reorganise, it must first sit down to discuss internally. As you have said Mr Speaker, the water sector is very critical in our county and we need very good leadership of the Committee on Water, Environment, Tourism and Natural Resources. Thank you.

Speaker: The Member for Kanjuiri Ridge has thrown me a gauntlet; that the matter at hand should not be allowed to extend to a situation where the leaders of the Committee on Water, Environment, Tourism and Natural Resources will not have a chance to defend themselves. The chairperson of the committee painstakingly explained himself in Nairobi and we allowed him a pass. This time round, I would want the chairperson of the Committee on Water, Environment, Tourism and Natural Resources to convene a meeting of his committee, which I will attend, to see what can be done internally as suggested before things blow out of proportion.

(Hon. Samuel Mathu enters the Chamber)

The chairperson, I am happy he has just walked in, is very much aware that this issue has been raised at every level. If the same will be raised internally at the said committee meeting, which I shall attend, and things fail to work, then we shall move to the next level.

(Hon. Andrew Kamau rises on a point of order)

What is it the Member for Gathaara, Hon. Andrew Kamau?

Hon. Andrew Kamau: Mr Speaker, thank you for giving me the chance to give my opinion. The chairpersons of water projects in my ward do not call for annual meetings. As a result of this, the residents of my ward are 'crying' for lack of clean water supply. I think it is better to have regulations...

(Hon. Sambigi Mukuria rises on a point of order)

Speaker: What is it the Member for Githioro, Hon. Sambigi Mukuria?

Hon. Sambigi Mukuria: Mr Speaker, I think we are setting a very dangerous precedent, whereby, despite this being a House of rules and procedure, we are just jumping at every opportunity to introduce frivolous topics that are not supposed to be introduced on the floor of this House. The Member should move a substantive motion or maybe seek a statement on the matter he has talked about and not contribute without due process. Thank you Mr Speaker.

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Speaker: Sometimes we allow the House to be vibrant and adventurous. The issue that the Member for Gathaara has raised about the management of water services providers in this county is very weighty. The Member for Gathaara, I advise that you sit with my technical team (Mr Kennedy is here and he is hearing this) to work on a statement seeking to know, among others, the number of water companies in this county as per sub counties and even wards. Enquire about the structures of their leadership, how they hold their annual meetings, and how they read their audited reports. That is the only way through which we can conduct oversight over these organisations. This is a very weighty matter and I would direct that, with the help of the Assembly's technical team, you draft a statement that would address the matter wholesomely.

Next order.

ADJOURNMENT

Hon. Members, as we agreed yesterday in the *Kamukunji*, you shall be notified by the communication department on how we shall proceed with the business we agreed on about the visit to our county by the Secretary General of the Jubilee Party and the Cabinet Secretary without Portfolio in the Office of the President. The leadership of the House together with the leadership of the party in the House will join us at the Office of the Governor where the Cabinet Secretary will pay a courtesy call before proceeding to the main venue, which shall be communicated to you. I have been informed that he keeps time and that he promised to be in Nyandarua at ten o'clock in the morning. He will first pay a courtesy call to the Office of the County Commissioner for about twenty minutes. Therefore, the latest we can expect him at the Governor's Office is half past ten o'clock. Now we adjourn to later in the afternoon, that is, Wednesday the 18th day of April, 2018 at 2.30 p.m.

(The House rose at 9.27 a.m.)