



REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY- 4TH SESSION



OFFICIAL REPORT

(The Hansard)

Wednesday 27th July, 2016

The Assembly met at the Assembly Chamber (P.C.E.A Hall) at 2: 30 P.M

The Deputy Speaker, Hon. Wambugu King'ori, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

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

Speaker: The division bell can be rung until such time that quorum will be achieved.

(The division bell rings for thirty seconds and quorum is achieved as confirmed by the Clerk-at-the-table)

There being quorum, we can proceed with the business of the session. First order.

NOTICE OF MOTION

INSECURITY IN NYANDARUA COUNTY

Before the member for Karau proceeds with that order, I recall that I had communicated clearly that the motion by the Joint Committee on Justice Legal Affairs and Public Service and The Education Labour and Social Services will precede in this session. It is therefore prudent that we go as per the direction from the chair.

(Consultations)

(The Speaker consults with the Clerk-at-the-table)

I am being guided because I thought that we are in order number 8 but we are in order number 6.

Proceed.

(The member for Leshau Pondo rises on behalf of the member for Karau Ward, Hon.

Kamau Ngotho)

Yes member for Leshau Pondo

Hon. Kamau Josphat: Thank you Mr Speaker. On behalf of the member for Karau, Hon. Sammy D Kamau, I beg to give notice of the following motion:

Aware that there has been many reported cases of insecurity in Nyandarua county especially in Ol'kalou sub-county with many incidences happening at J. M Memorial hospital staff quarters and its environs and that current insecurity situation in the county is getting out of hand and that there is an urgent need for the situation to be resolve; Concerned that the insecurity situation is likely to affect the delivery of services in the county, which is a cardinal role of the county government and that the security apparatus within the county have failed to resolve the insecurity problem even after being informed by the public,

I now therefore urge this House do resolve:

- a) That urgent stakeholders forum is held within the shortest time possible so that the issue is addressed completely
- b) That the county commissioner to help beef up security in the county
- c) That the county erects security lights in the affected areas to enhance security at night.
- d) The relevant committee does investigate the matter and report on the same within 14 days.

Thank you Mr Speaker

Speaker: Thank you Hon. Kamau, the notice is duly given and the time to move the motion will be allocated by the House business committee.

Next order.

MOTIONS

MANAGEMENT OF CASUAL LABOURERS IN THE COUNTY

Yes, Hon. Peter Maina Mwangi, member for Central.

Hon. Peter Maina: Thank you Mr Speaker, I beg to move the following motion;

That this house does adopt the report on the Management of Casual Labourers in the county by the joint committee on Implementation, Justice Legal Affairs and Public Service and Education Labour and Social Services as report of this House and the recommendations therein as resolutions of this house.

Mr Speaker, the issues of the casual labourers started sometimes back when they were put on notice by the county government that they had ceased to be employees of the county government. We are all aware that the casual labourers that we are talking about today are the ones that we inherited from the defunct local authorities that is Nyandarua County Council and Ol'kalou Town Council. These casuals were distributed to the sub-counties. Ndaragwa had 19, Ol'Joro-Orok 12, Ol'kalou 33, Kipipiri 11, and Kinangop 21. This totals to 96.

Mr Speaker, on 26th February, 2014, the committee on Justice Legal Affairs and Public Service tabled and moved a report on the status of the same casuals who were engaged and were working for the county government of Nyandarua, whose services were irregularly terminated. Mr Speaker this emanated from a motion that was moved by Hon. Maina Mwangi on 2nd January 2014 which sought several resolutions.

Mr Speaker even if much has been discussed on these casuals, the Governor, the County Public Service Board and the committee involved sat down and an executive order was given to the board that the casuals be employed, some permanently, others on contract but that has not been forthcoming. These casuals have been getting their salaries as per their job description.

Mr Speaker, as per their qualifications on page 8, they have tried to iron out how they shall be compensated. We are aware that they are being paid through the integrated payroll. The IPPD was meant to resolve the challenges of the government payroll. It was meant to replace the manual system that was cumbersome causing salary delays, inaccuracy in determining staffing levels and leading to poor accountability of funds.

Before its inception, Government Ministries/ Departments used the Personnel Information Systems. IPPD embraced processes and procedures aimed at gathering, storing and processing information for effective and efficient decision making.

Mr Speaker Sir, The committee made the following findings;
The Committee was faced with the question as to whether the deliberations were *sub judice* bearing in mind that the said casual workers had gone to court.

Our Standing Order No. 87 provides that a member shall not refer to any particular matter which is *sub judice* or which, by the operation of any written law, is secret. The ninety six (96) casual workers have instituted a suit against the County Government.

In the Commonwealth tradition, the *sub judice* rule arose out of the desire by Parliament to prevent its comment and debate from exerting an influence on courts and thus prejudicing the positions of parties and witnesses in such court proceedings. This protects the rights of all parties to a dispute.

The rule is premised on the constitutional principle of separation of powers and safeguards the cardinal principle of separation of powers between the Legislature and the Judiciary.

Mr Speaker Sir, the scope and application of the rule finds expression under our Standing Order No. 87. There are three main elements to the rule;

- a) The first is that for a matter to be *sub judice*, it should relate to active court proceedings.
- b) The second is that there must be a likelihood of prejudice to the fair determination of the matter by the reference of it in the House.
- c) The third important element is that the Chair has discretion to allow reference to a matter notwithstanding a likelihood of prejudice to its fair determination by the courts.

The Committee therefore had the above aforementioned elements to make consideration on, before it could proceed. Civil proceedings are deemed to be active under Standing Order 87 (2) (c) when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance.

There is no doubt that a suit has been filled in court, in relation to what the Committee set out to look into. However, no evidence was provided in relation to that matter. Standing Order No. 87 (4) provides that:

(4) A Member alleging that a matter is *sub judice* shall provide evidence to show that paragraphs (2) and (3) are applicable.

No evidence was provided on the same, there were no certified copies – stamped by the Registrar of the High Court of Kenya – of the proceedings on the matter in question. The Standing Order places a duty on a member claiming that a matter is *sub judice* to provide requisite evidence.

Mr Speaker Sir, this House is guided under Standing Order No. 1 by the Constitution, statute law, usages, forms, precedents, customs, procedures, traditions of the Assembly and the National Parliament and legislative assemblies from other jurisdictions to the extent that they are applicable to this Assembly.

It was agreed that the deliberations of the committee are not seeking to influence the decision of the court. Reference was made to a communication from the chair made by the immediate former Speaker of the National Assembly Hon. Kenneth Otiato Marende on the 10th of September 2009, that courts are unlikely to be influenced even by the subsequent debate on the floor of the House because courts of law, properly established, act on facts placed before them and the law canvassed before them; not on extraneous matters debated in chambers in county assemblies. The danger of prejudice to the due administration of justice must be clearly

shown. Further, it was agreed upon that the report of the Joint Committee shall not prejudice the matters fair determination.

Much has been deliberated on in this report, even the definition of a casual employee which means, a person whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty-four at a time.

Mr Speaker, Sir, the Committee was alive to the holding of courts on the existence of a casual employment that casual employment does not exist merely because the agreement between the parties stated that they were in such arrangement but was a state of existence that was to be deciphered from the facts of individual cases as weighed against the statutory definition of casual employee.

Mr Speaker, we know that there is a body that creates and abolishes offices. Under section 61(3) of the County Government Act, the County Public Service Board can abolish offices held by the casual employees but subject to the due process of removing or retiring the employees including the adherence to the principles of natural justice.

The Committee observed that under Article 28 of the Constitution, the casual employees have inherent dignity and the right to have that dignity respected and protected. Removing the employees from employment without good reason would be in contravention of that inherent human dignity especially in view of the values and principles of public service in Article 232 of the Constitution.

The committee made the following recommendations

1. That the County Executive absorbs the casual workers either on permanent and pensionable terms or on contract with reasonable terms where applicable.
2. That the County Public Service Board presents to the County Assembly, within twenty one days, a report on the possible absorption of the ninety four (94) casual workers in the county, outlining the modality of their absorption.
3. That the County Public Service Board in collaboration with the County Government initiates the process of drafting a Human Resource Bill to consolidate the various aspects of Human Resource Management in the service.
4. That the County Public Service Board formulates and implements a Human Resource policies and guidelines to regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns.

5. That the County Public Service Board presents to the County Assembly, within twenty one days, the status and extent of their involvement in labour disputes affecting the various county government staff.
6. That the Justice, Legal and Public Affairs Committee volunteers to broker the truce between the 94 casual workers, their union – the Kenya County Government Workers’ Union and their employer, the County Government, in order to reach a quick and amicable solution on the impasse.

Mr Speaker, this report is self-explanatory because we have in the past deliberated on this issue. The casuals are not getting the respect they deserve. These casuals are not there for their self-gain only but to also develop Nyandarua County. Those casuals were inherited for the defunct local authorities and they had served in that place for more than 10 years and they had not been absorbed. When their services were terminated, we launched a complaint through a motion where we resolved that this county government engages them on permanent and pensionable terms or contractual terms. We have been going round and round on this and now we do not even know where we are. The casuals went to the high court in Nakuru and we are waiting for justice to prevail.

I had stated earlier that the governor has issued an executive order. He gave this mandate to the County Public Service Board to ensure that that issue is addressed and that they are absorbed, which has not been done. I urge this House to consider this issue because the people affected are our brothers and sisters. This is not the first time that we have urged the executive to employ them. With those few remarks, I call upon Hon. Kamau Josphat to second.

Speaker: Yes, member for Leshau, Pondo Hon. Josphat Kamau.

Hon. Josphat Kamau: Thank you Mr Speaker, I rise to second the motion as moved by Hon. Maina. The issue of the casual labourers has been a thorn in the flesh since the county government took over.

There are two schools of thought in this issue. One is particularly held by the County Public Service Board, they believe that for Nyandarua County to be effective in its work, we must hire effective human resource. On the other hand if you look at the human resource that has been hired, you will find that most of them are underqualified. Going by the table on page 5 and the annexures, you will see that there are those that have attained the KCSE certificate but there are those that only have the KCPE or a CPE certificate. There are some that have none.

At a certain level of service, it becomes compulsory to hire someone on permanent and pensionable basis. Those that have gone to the court of law demanding that they be absorbed...

(Hon. David Ndirangu (county member) rises on a point of order)

Speaker: What is it Hon. Ndirangu?

Hon. David Ndirangu (County Member): Thank you Mr Speaker. Is it in order for the former leader of majority to wear a tie on top of a jersey? I would like to know whether the dress code has changed because he is not in a jacket.

Speaker: Actually, Hon. Mwangi Gichuki, the member for Engineer, it is good that you have signed the code of ethics and you are aware of the dressing code of this house. You should do what is expected of you and then come back.

(The member moves to the dispatch table)

Order member!

(The member exits the chamber)

Member for Leshau Pondo proceed.

Hon. Josphat Kamau: Mr Speaker, I was saying that the labour laws hardly allow the government or any employment entity to recruit someone who is over a certain age limit. We are now faced by a certain dilemma. As much as we would want some people to be employed, they have exceeded a certain age limit.

The other thing is that these casual labourers attained the age of 45 years while serving Nyandarua. I tend to advocate that they be employed on permanent and pensionable terms or contract. For those that have attained the required qualifications, let the County Public Service Board do a suitability interview and absorb these people. For those that have not met the qualifications, let there be a waiver because they have been working for the county. The kind of jobs that the county government requires them to undertake do not require professional skills. Most of them worked at the capacity of security officers, cleaners or drivers. Does a cleaner require professional certificate to be a cleaner? I wish that the county government of Nyandarua would look at this issue once and for all. This will ensure that these people are relieved from underpayment. Most of them earn less than Kshs. 10,000 per month. I think it was wise for them to seek justice from the court of law. If this is done, it will solve a situation that has been a stalemate for so long.

The petition that was tabled by Hon. Gachomba, which was touching on issues of Midland, I am made to understand that the report that was written on it was tabled in a court of law and it was appreciated. If this report is tabled in a court of law I believe that these people are going to get justice. I second.

(Question proposed)

Speaker: Yes Hon. Njiraini, member for Kaimbaga.

Hon. Kimani Njiraini: Thank you Mr Speaker, I appreciate the committee for that report.

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

Speaker: What is it member for Engineer?

Hon. Mwangi Gichuki: Mr Speaker, I think we would be out of order to continue discussing this report because you have already put the question.

Speaker: Actually Hon. Gichuki you probably did not hear what the Speaker said. The Speaker proposed the question and obviously the Speaker is never out of order. Proceed Hon. Njiraini.

Hon. Kimani Njiraini: Thank you Mr Speaker, Section 2 of the employment act states that;

"casual employee" means an individual the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty-four hours at a time.

These people had been employed since 2007. They are our brothers and sisters that we have been brought up together. It is sad to see them not being able to support their families. During the defunct local authorities' time, some of the casuals were absorbed but others were not.

We meet with them in this town and they are pleading with this government that they be permanently employed. This is the high time to make changes because this is the beginning of the devolved system of government, a government for common *mwananchi*.

There are cases in court taken by the casual labourers and the money we use for those litigations can be used to employ them. We should solve this once and for all. They should be part of the employees of Nyandarua County. As the member for Kaimbaga, I will be very happy to see them enjoying life like any other employee in this county. I support the report.

Speaker: Yes member for Njabini Kiburu, Hon. James Gachomba.

Hon. James Gachomba: Thank you Mr Speaker, I commend the joint committee for the report that they have brought to this house on the casuals in this county. These people were inherited from the defunct local authorities. I believe that they are more than 94 people. They do crucial work in the county. They had been working in the defunct local authorities and they were never absorbed.

Mr Speaker you are aware that there are people that were recently employed by the County Public Service Board and in my opinion, the casuals should be included in this list so that they can get a chance to be permanent employees. In the last financial year, we budgeted for about Kshs. 14 million for the casual workers. I believe that that money is still there because they had been employed as casuals and not permanent employees.

There is a court case between the casual workers and the Nyandarua County Government. We are appealing to the county government of Nyandarua to employ these people. We are asking that the wages be increased from Kshs 320 per day to Kshs 500 so that they can cope with the rate of inflation in this country.

Some of the casual workers are not given protective gear when they are working. They are working in risky areas and in some towns that are very filthy. They should be provided with protective gear. I once again appeal to the county government to consider employing them immediately. With those few remarks, I support.

Speaker: Member for Engineer ward, Hon. Mwangi Gichuki.

Hon. Mwangi Gichuki: Thank you Mr Speaker, I support. I am concerned that there is a legal battle between the government and the casual labourers. The casual labourers that we are talking about have been working for the county. They are absorbed from the defunct local authorities. This means that the County has received services from the same people in a consistent manner for quite long. And for some reasons, they want to discard them. If you look at the kind of services that these people provide, you will find that they are very basic and that the people seated comfortably in their offices cannot provide them.

They collect litter in the market and unblock drainages among other jobs. These are issues that are of health concern. For instance, in Engineer ward, the casual workers are responsible of clearing drainages, collecting revenue and also collecting garbage. However, if someone decides that they should not come to work the following day, he or she should provide the measures that will be put in place to ensure that these services continue to be delivered. This is usually not the case.

Instead of engaging people who have been working for the county, they have gone ahead and hired new people who are now enjoying the fruits of other people. In addition, I would like to highlight that the casual workers ought to be paid on a daily basis but this is not the case. Many casual workers have gone without pay for long. Who should be taken to court? In reality, I suppose that the casual workers have a justification to sue the county government for its failure to honour its side of the bargain.

On page 13 of the report, it is stated that the committee was alive to the holding of the courts on existence of casual employment, ‘that casual employment does not exist merely because the agreement between the parties stated that they were in such an arrangement’. Apparently, the county government wants to exonerate itself from the issue by arguing that it has no formal agreement with the casual labourers. However, it is unbelievable that a county government denying the existence of contractual agreement continues to receive services from the same casual workers on daily basis. This is the hypocrisy that has characterized the entire process. We all know the litigation about this issue and the huge amounts of money that the county government could pay in case the court was to rule in favour of the casuals. This is putting the interests of people who are sleeping hungry and struggling to make a living in jeopardy.

Mr. Speaker, what was the agreement between the National and County Governments regarding the absorption of employees after transition? This would provide us with a guide line on how the people who worked for defunct county authorities would be dismissed or absorbed. The defunct local authority was able to effectively pay the casual labourers while with a budget of approximately Kshs.100 Million from LASDAP kitty and revenue collected. If that was the case, then what kind of a government do we have? It operates with a budget of about Ksh.5 billion and it seems it has been unable to effectively maintain the casual workers. Ultimately, there must have been a departure from the way the defunct local authority used to operate. We now have a county government that cannot pay its workers and is not providing cleaning services among other shortfalls. This is a disgrace and it is very wrong.

On recommendations, the committee recommends that the county government does absorb the casual workers on permanent and pensionable terms or even on contract where applicable. The committee should come out clear and clarify what the terms of permanence or contract entail so that we do not send an open ended resolution to the Executive. For instance, the committee could have recommended that the CPSB should give priority to the 96 casual workers in the report in case they would decide to absorb or employ other people. They have worked diligently for this county and as such, they should be considered first. The county government should not start by sacking the current workers who are demanding their rights and employ fresh people so that when asked the reason they have not absorbed the casuals, they will comfortably say that it is because the positions are already filled. Thank you Mr. Speaker, I rest my case. I now call upon the mover to respond.

Speaker: Yes, the mover.

Hon. Peter Mwangi: Thank you Mr. Speaker. I take this opportunity to thank the Hon. Members for their passionate discussion and for their input in this motion. Hon. Mwangi Gichuki commented about recommendation number 1. We do understand that the county government initiated the IPDP that gives guidelines about how a much an employee should earn. Therefore, a lot has been said and resolutions have been made in this House. It is our duty as such, to ensure that the Executive does what has been recommended for the 96 casual labourers.

Mr. Speaker, we have others who have been employed as casual in this county government. They should also be absorbed on permanent basis or be engaged on contractual basis. With those remarks, I beg to move.

(Question put and agreed to)

Speaker: Next order.

MOTION

REPORT ON MIHARATI AND NJABINI ECO- TOILETS

Yes Member for Githabai and Chairperson, the Joint Committee on Health Services and Roads, Public Works and Transport on Miharati and Njabini Eco-Toilets, Hon. Peter Kairu.

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

Speaker: What is it Member for Engineer?

Hon. Mwangi Gichuki: Thank you Mr. Speaker. Now that we are about to debate on an important issue on health, is it in order for a member not to shave his beard properly? This is very disturbing. I am making reference to the County Member from Weru, Hon. David Ndirangu.

(Laughter)

Speaker: I am not sure because if we go by the tradition and precedent set by other parliaments, this is self-explanatory. In the Senate, you find Senators like Sen. Dr. Wilfred Machage and Sen. Prof. Anyang Nyong'o who have been allowed to keep their beards. Therefore, I don't think Hon. Ndirangu is out of order.

(Applause)

I also tend to believe that the Member for Engineer and Hon. Ndirangu are birds of a feather because he too, has not shaved his beard. Proceed Hon. Kairu.

Hon. Peter Kairu: Thank you Mr. Speaker. I beg to move the following motion:

That this House does adopt the Report of the Joint Committee on Health Services and Roads, Public Works and Transport on Miharati and Njabini Eco-Toilet as a report of this House and the recommendations therein as resolutions of this House.

Thank you Mr. Speaker Sir.

Mr. Speaker Sir, The Member of County Assembly for Njabini Ward, Hon. James Kiiru Gachomba, vide a letter dated 19th June 2015, requested the Committee on Roads, Public Works and Transport to inspect and assess the construction of Njabini Eco- toilet.

Mr. Speaker, the Office of the Speaker facilitated the members to visit the said eco-toilets and come up with a report. Since the members have access to the report. You can peruse through the composition of the committee.

The Committee on Roads, Public works and Transport visited the Njabini Eco-toilet on 29th June 2015, the Joint Committee again together with the Quantity Surveyor visited the two Eco-toilets on 8th March 2016 to collect more information.

Pursuant to Standing Order 171 that states that Committees shall enjoy and exercise all the powers and privileges bestowed on Assembly by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for, and receive papers and documents from the Government and the public. The Committee, on 9th September, 2015 summoned the procurement manager to shed light on how the procurement process was done for the construction of the Eco-toilets.

Pursuant to Standing Order 183, which states that a Committee may, with the approval of the Speaker, engage such experts as it may consider necessary in furtherance of its mandate. The Joint Committee decided to engage services of a Quantity Surveyor whose main purpose was to evaluate the total cost of constructing the Njabini and Miharati Eco-toilet. This was done through sourcing from a list of prequalified Assembly suppliers where the procurement process and standards were followed.

Mr. Speaker, the issue of eco-toilets has been ‘a thorn in the flesh’ in this county. When we went to assess the eco-toilets, we found that they are just small ‘kathing’ that have been constructed and you wonder whether the amount used was really equivalent to what was constructed...

(Hon. Peter Mwangi rises on a point of order)

Speaker: What is it Member for Ndaragwa Central?

Hon. Peter Mwangi: Is the Member in order having used unparliamentary language and referred to the eco-toilets as ‘kathing’? What does he mean when he says ‘kathing’?

Speaker: Maybe Hon. Kairu can explain what he means.

Hon. Peter Kairu: Mr. Speaker, I used the word to emphasize that the amount that was allegedly used did not result to an equivalent value for money. We did not get value for money. We expected a larger establishment as opposed to what we saw there. The eco-toilets we

allocated approximately Kshs.4.2 Million. This is quite a huge amount of money. If you visit Ahadi Estate where they are now building some residential houses, you will find that Ksh.4.3 Million is worth a four bedroomed house inclusive of a quarter of an acre of land. Therefore, I think this is a total waste of public resources. If you visit the so called eco-toilets, you will be shocked.

Mr. Speaker, I remember when we were constructing the ECD classes, we used Kshs. 800,000 which was by far, enough for the classes. What they have done with Kshs. 4.2 million is a joke. There is no value for money. In Miharati, the materials used for constructing the eco-toilets are within vicinity. The eco-toilet that was built there did not consume even three lorries of stone blocks. Then, when you hear that it cost the county government about Kshs. 4.2 Million, you can't help it but just laugh. It is unrealistic. If this trend continues, the monies that the county government will be setting aside will have no meaning in future.

Mr. Speaker, I doubt whether the eco-toilet in Miharati used more than two lorries of sand. They are using a septic tank that is poorly constructed. The officers from public works almost went berserk when they heard the amount that was purportedly used to construct the toilets. I would recommend or advise the county government to put some thoughts into what has been happening in this county.

Mr. Speaker, as a committee, we made some recommendations. On page 14 of the report, the committee recommended;

1. That the County Government should employ or at least hire private contractors to produce standard Bill of Quantities.
2. That the BQs should be prepared before the budget allocations so as to inform the Budget.
3. That before they implement any project the County Government Departments should first issue the BQs to the relevant Sectoral Committees for scrutiny.
4. That as the Executive implement the various projects on the ground, the relevant Sectoral Committees should make impromptu visit to oversee the progress.
5. That the Contractors should be given certificate of Evaluation per every stage of Construction so as to comply with the National Construction Authority Standard (NCA).
6. That the Joint Committee should visit the rest of the eco-toilet at Ndaragwa and Captain Towns.

Mr. Speaker, I think the people who make BQs exaggerate the cost and the people who win these tenders gain a lot from the exaggerated cost of the project. This is very shameful for

this county. The county assembly passed a budget of eight hundred (800) for the construction of the toilets but the former CEM for Finance did his own things...

Speaker: Member for Githabai, please specify whether it is 800 thousand, 800 million or 800 billion.

Hon. Peter Kairu: Mr. Speaker, it is eight hundred thousand Kenya shillings. This amount was allocated in every ward since there was the need to address this persistent problem of health within the wards. The money was later used to construct eco-toilets that were constructed in the two sub counties. Therefore, many wards have not addressed this issue. If this project was undertaken in the right way, we could not be facing this problem.

Mr. Speaker, we have a problem with the people who come up with BQs. They tend to look at the amount budgeted instead of calculating the cost in an objective way. When people apply for these tenders, a quick critical analysis shows that they collude. The differences in their estimated cost is about a hundred or two hundred shillings. This implies that there was no quotations and it could have been done by only two people who colluded. I think the county government should hire people who can do BQs on its behalf. The committee hired a quantity surveyor whose BQs deviated largely from the one that was approved. Therefore, something wrong is happening.

Mr. Speaker, my humble request is that the county government should engage the services of private quantity surveyors before they give out tenders so that they can come up with realistic BQs. It is also my opinion that forensic audit should be done for these two eco-toilets. If you go out there and hear the cries of *Wanjiku*, you will find that it is true that she has been denied her rights. The money used in this particular project is unreasonable. There is no value for money. That is why I was referring to Ahadi Estate where Kshs. 4.3 million can buy you a four bed roomed house and a quarter of an acre piece of land. This is the same amount that was allegedly used to construct one eco-toilet. It is important to utilize the county funds in a way that one would use his or her own money.

With those few remarks, I call upon Member for Wanjohi, Hon. Mumba Gichini to come and second. Thank you Mr. Speaker.

Speaker: Yes, Hon. Mumba Gichini.

Hon. Mumba Gichini: Thank you Mr. Speaker. I rise to support this motion that has been moved by the Chairperson of the Joint Committee. We visited both Miharati and Njabini eco-toilets but what we saw was distressing and shocking. In Njabini, you cannot convince me that the amount they say was used was the actual cost. It is like a cowshed and a total waste of *Wanjiku's* money.

Mr. Speaker, they say that they are digital but we are sure that even our analogue friends know how to calculate and can see that the cost was exaggerated. In Miharati, the situation was a little bit better but as Hon. Kairu has put it, it is important that the county government gets private quantity surveyors who will be doing the BQs. From the committee's findings, you see that the private QS articulated that the Njabini eco-toilet would have amounted to a Kshs. 2,255,747, while the one in Miharati was Kshs. 3,308, 173. Clearly, the difference is very huge.

Mr. Speaker, by the time we were compiling this report, the committee was yet to receive the BQs that were used to construct these eco-toilets. This implies that there is something fishy about them. We want transparency. We need to have all the documents and records so that we can evaluate and assess what has been done. This is the surest way to effective oversight. If we are supposed to oversight and we are not presented with documents we had requested for, I think it is very unfortunate. Comparing what was in the BQ and what was actually done, you will find that there is a lot of difference. It is my humble request therefore that the county government should use public funds prudently. With those few remarks, I second.

(Question proposed)

Speaker: Yes, Member for Kaimbaga, Hon. Kimani Njiraini.

Hon. Kimani Njiraini: Thank you Mr. Speaker. I wish to thank the committee for their work. My position is that the facility is good but people are not deriving value for money. A project that costs Kshs. 4 Million should be equivalent to a commercial house because we also have developed our own private property. However, this is not the case. Telling me that a 20×20 or 30×30 toilet cost Kshs. 4.2 million is a big joke. The work was shoddy.

Mr. Speaker, the idea was excellent because as technology evolves, so do we. Yes we need eco-toilets but the cost is way above the roof. The cost of one eco-toilet can do 4 kilometres of road in Kaimbaga. In fact, as the committee noted, the projects are yet to be completed. I don't know whether they want to wait until the election year is with us. It is worrying that even those that are complete are yet to be handed to the public.

Mr. Speaker, people in these areas have started complaining. They are asking how on earth they can be using a toilet that cost the county government approximately Kshs. 4 million. These are the questions in our people because they suspect that something fishy is happening. I think the issue of the eco-toilets should be the first audit query we have in this county. How can they spend Kshs. 4 million on a toilet? If you do simple calculations on the cost you will find that Kshs. 4 million is an outrageous amount.

Mr. Speaker, we need some serious planning because we need these toilets. Any other toilet that will be constructed in Nyandarua will require a proper BQ because we need to get the value for money. We cannot spend public funds in such a way. A person sits somewhere and thinks that he will enrich himself by claiming to construct toilets. Why don't he engage in meaningful activities like wheat farming if only he wants to get rich instead of misusing public funds? It is not Kimani Njiraini who constructed that eco-toilet. For me, I wanted a standard eco-toilet. For instance, when you visit the bus stage at Captain, you will find a very good toilet. I think the toilet should set standards for other toilets that will be done in other parts of this county.

Mr. Speaker, I therefore think we are not moving in the right direction but I thank the committee for being bold and coming up with these recommendations. Thank you, I support.

Speaker: Yes County Member from Weru, Hon. David Ndirangu.

Hon. David Ndirangu (County Member): Thank you Mr Speaker for giving me a chance to contribute to this important motion. I would like to tell the former leader of majority that having beards is a symbol of wisdom and authority and if he wants to follow that step he may seek advice from me.

This issue of Eco- toilets has brought a lot of controversies especially in Kasuku where the project cost 695,000 shillings, money which has already been paid.

(The deputy Speaker, Hon. Wambugu King'ori leaves the chair)

(Temporary Speaker, Hon. Dorcas Kihara, assumes the chair)

Madam Speaker, I simply wanted to establish the sequence followed in implementing a project. Don't we first plan for the project, having budgeted for it, it then go for public participation and have our people understand what an Eco- toilet is before we put it up? Madam Speaker, was this procedure followed? I know it wasn't followed in Kasuku. Ironically, the money has already been paid but the work is far from complete. This is criminal, pure theft. The recommendation that this people ought to be prosecuted and made to refund the money should be followed through. Let the PIC/PAC committee take up this issue as a matter of urgency and give us a report. Thank you madam speaker, I beg to support.

Speaker: Very well, yes member for Ndaragwa Central, Hon. Peter Maina.

Hon. Peter Maina: Thank you Madam Speaker, I rise to support this report. First of all, I believe that whoever brought this idea of Eco- toilets to our county had the best of

intentions. The problem only came in the actual implementation. I expected that the first recommendation would be that the county government should, in future, engage their quantity surveyors to prepare the BQs for us rather than going to look for outsiders to do that.

The Eco- toilets constructed at Ndaragwa, though expensive, have gone a long way in uplifting the lives of the young boys and girls there. They were charged with the responsibility of managing these toilets and they are able to earn well over Kshs. 40,000 a month. The other recommendation would be that we conduct a forensic audit to ensure that these contractors are blacklisted from working for the county government of Nyandarua or maybe we are heaping blame on the contractors while in the real sense, they were misguided by the BQs. I would also like to know whether these two contractors have been paid already, and since we are here representing *Wanjiku* who cannot be here, we recommend that they should not be paid for any shoddy work done.

Speaker: Member for Ndaragwa Central, are you proposing an amendment to this report by adding the recommendations you are citing?

Hon. Peter Maina: Madam Speaker, I was simply placing emphasis on my points. I am not proposing any amendment. With that Madam Speaker, I beg to support and call the mover to respond.

Speaker: Yes mover, Hon. Peter Kairu

Hon. Peter Kairu: Thank you Madam Speaker, before I respond, I wish to propose an amendment by adding recommendation number 7 that ‘Makim merchants should not be paid until the work done is audited and I call upon the member for Ndaragwa Central to second.

Speaker: Chairman, before you call the seconder, have you investigated whether the contractor has already been paid so that the recommendation can take effect?

Hon. Peter Kairu: Madam Speaker, at the time of compiling this report, the committee was not able to establish whether the contractors had been paid but even if they have, the recommendation is that they ought to be surcharged should the audit reveal that the work done is below required standards.

Speaker: Very well, you can now call the seconder of your amendment.

Hon. Peter Kairu: Thank you Madam Speaker, I call upon Hon. Peter Maina to second.

Hon. Peter Maina: Thank you madam Speaker, I second.

(Question on amendment proposed)

(Question on amendment put and agreed to)

Hon. Peter Kairu: Madam Speaker, I would like to donate one minute to the member for Njabini Kiburu if so allowed.

Speaker: Yes, member for Njabini Kiburu, Hon. James Gachomba.

Hon. James Gachomba: Thank you Madam Speaker; I too would wish to make a contribution to this report and specifically comment on the Njabini Eco- toilet in my ward. The person who was given the contract, who happens to come from Ol'kalou did an extremely shoddy job. So shoddy that we had to chase him away and even when we did, he went and found himself a sub-contractor who came and tried to upgrade the toilet but as we speak, it remains incomplete. The criteria followed by the Governor and his team were seriously flawed and I would like to appeal to the executive that in future, they should give the contractor a timeline within which they should complete the project. Thank you Madam Speaker, I beg to support.

Speaker: Mover, please proceed

Hon. Peter Kairu: Thank you Madam Speaker. In future the contractors we engage should be well known and people of good for Nyandarua. Let also the executive ensure that these toilets are completed. We cannot continue to be the laughing stock by having white elephants in the county. Thank you madam Speaker, I beg to move.

(Question put and agreed to)

ADJOURNMENT

Speaker: Having exhausted the business for today, this House stands adjourned to tomorrow the 28th day of July 2016.

The House rose at 4.10 P.M.