



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY  
1<sup>ST</sup> ASSEMBLY-4<sup>th</sup> SESSION



OFFICIAL REPORT

(The Hansard)

Wednesday 9<sup>th</sup> March, 2016

*The Assembly met at the Assembly Chambers at 2:30 P.M*

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

Prayer

**QUORUM CALL AT THE COMMENCEMENT OF THE SITTING**

**Speaker:** Clerk, confirm that there is quorum.

*There is no quorum as confirmed by the clerk-at-the-table.*

**Speaker:** There being no quorum, I invoke the provisions of the standing order 35 (1) and direct that the division bell be rung for an initial ten minutes or, until such time, within the ten minutes, that the quorum will be achieved.

*The division bell rings for four minutes and quorum is attained as confirmed by the clerk- at - the-table.*

**Speaker:** Quorum having been achieved, we can proceed with the business. First order.

**NOTICE OF MOTION**

THE REPORT BY THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON  
THE AMENDMENT TO THE NYANDARUA COUNTY ASSEMBLY MEMBERS'  
LEADERSHIP AND INTEGRITY CONDUCT

**Speaker:** Hon. Patricia Wamuyu.

**Hon. Patricia Wamuyu:** Thank you Mr. Speaker, I beg to give notice of the following motion;

That this House does adopt the report by the committee on Delegated County Legislation on the amendment to the Nyandarua County Assembly Members'

Leadership and Integrity Conduct as a report of this House and the recommendations therein as resolutions of this house.

Thank you Mr. Speaker sir.

**Speaker:** The time for moving the motion shall be allocated by the House Business Committee. Next order.

### MOTION

#### THE REPORT ON THE STATUS OF IMPLEMENTATION OF THE COUNTY ASSEMBLY'S RESOLUTIONS (RESPONSE TO STATEMENTS BY HON. NANCY NG'ANG'A)

**Speaker:** Hon. Paul Maina Ndiritu chairperson of the committee on implementation.

*Hon. Kieru Wambui rises on behalf of the member*

Hon. Kieru Wambui.

**Hon. Kieru Wambui:** Thank you Mr. Speaker, on behalf of the chairperson, I rise to move the report by the committee on Implementation On “The Report On The Status Of Implementation Of The County Assembly’s resolutions as a response to a statement sought by Hon. Nancy Ng’ang’a.”

Mr Speaker, I cannot see the member who sought for that statement. I do not know what should happen in such a circumstance though we are reporting to the House. Mr. Speaker guide us if there is any need that she should be here.

**Speaker:** Hon. Kieru, come again.

**Hon. Kieru Wambui:** The member who requested for the statement is not here Mr. Speaker. You know how important is a statement raised by member. Now that I cannot see the member who raised the statement, would it be in order if I respond to it while she is not here?

**Speaker:** Hon. Kieru, this is a property of the House and whether the member is present or absent, you can move it.

*Hon. Nancy Ng’ang’a enters the chambers*

**Hon. Kieru Wambui:** Thank you Mr. Speaker, I appreciate and I can see the member rushing into the chambers. The committee compiled the report in Naivasha. The membership of the committee is well known. We appreciate the work done by the members of the committees and acknowledge the secretariat of the committee, Gicheha. We acknowledge the efforts of the speaker and the office of the clerk facilitating the committee.

Mr Speaker, you know what happened there. I wish you were there. We were not treated as Hon. Members by those providing catering services. We know the kind of food we ate. I do not know whether it is the budget man who is not paying them. This is a matter that you need to take up because things were not good.

This is a report on a statement sought by a member on the status of implementation of the county assembly's resolutions. We have passed quite a number resolutions on the floor of this House since we came here. How many have been implemented? The committee examined one by one. They are initially recommendations and when passed by the House, they become resolutions and they are binding so that the county executive expedites the matters passed by this House. The committee has its mandate as founded by the provisions of standing orders

184 (2) The Committee shall scrutinize the resolutions of the Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine –

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and

(b) Whether or not legislation passed by the Assembly has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

(3) The Committee may propose to the Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

We realized that the committee should not write reports on the status of implementation of the reports of the House committees, the involved committee should

inform the committee on Implementation on the status of implementation on their reports. The only thing the committee can do is to put sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

There has been a confusion on how a committee report should be handled by the committee on implementation. We are supposed to examine whether or not such decisions have been implemented and the extent to which they have been implemented and the time it has taken. The select committees are supposed to follow the implementation of the resolutions from their reports and if they have not been implemented the committee on implementation finds out why it has not been implemented.

This report emanated from Hon. Nancy Ng'ang'a's statement to the chairperson of the committee on implementation and it read as follows.

“Mr. Speaker Sir, I hereby seek a statement from the Chairperson of the Committee on Implementation on the above stated subject matter addressing the following concerns:

Aware that the Public Investment and Accounts committee has compiled several reports which have been tabled and adopted by this Assembly;

Further aware that under Standing Orders 179 the Executive Committee Member under whose portfolio the implementation of the resolutions of the report falls is required to report to the relevant Assembly Committee within sixty days;

Concerned that the Executive Committee Members have not provided any reports concerning the implementation of various reports;

Arising from the foregoing, I seek that the Chairperson of the Committee on Implementation provides information on the status of implementation of the resolutions of the following reports:

- i) The Report on LASDAP projects of the defunct Local Authorities of Ol'kalou Town Council and Nyandarua County Council ;
- ii) The Report on Renovation of Governor's Premises and the Parking bay tabled on 5<sup>th</sup> August, 2014; and
- iii) The Report on County Budget Implementation for the period from 1<sup>st</sup> July 2013 to 31<sup>st</sup> March 2014 tabled on 10<sup>th</sup> February, 2015.”

There were some projects that were funded by LASDAP. Some of the projects cannot be funded by a county government according to the new constitution and can only be funded by the national government. We suggested that those projects be funded by the government since they were supposed to benefit the people. These includes project in both secondary and primary schools and police posts. Those projects stalled to date.

It is important that these resolutions are made public so that it is known that it is not the county government that is supposed to construct a police post that was started by the defunct Ol'kalou town council. This can only be done by the national government probably through the CDF or the money that comes to the county commissioner. It is important that this county assembly, with its tools for communication to make known that there are some projects that the county government cannot fund. However, there are some projects that are supposed to be done by the county government, even Dispensaries and poly techniques that were started by the county councils. If the county council started a secondary school, I can proudly say that that is not our responsibility.

We shy off from telling the public what we are supposed to do and we have not done. Members of the county assembly that are in places where such projects are should identify them so that they are undertaken by the executive even though the one that we have is always asleep. I have a ward administrator who does not even know where the boundaries of his ward are. The other day he was telling me to attend a parents meeting at Gatumbiro. That one is not in Gatimu ward. These people do not work. They do not even represent us properly. I wish you can see how a chief represents an M.P. They should be reprimanded for this. Budget process starts at the grassroots and they should be the ones identifying the projects.

The transitional authority did not hand over properly. For instance the vehicles from the Nyandarua county council and the defunct Ol'kalou town council were handed to the county but the T. A did not give us the records of the vehicles. They did the same for some projects. We cannot know the BQs of dispensaries or poly techniques. We might decide to finish the project and pay the contractor and probably he had been paid. The T .A should give us the records. We know that the land were constructing our assembly on is ours but where are the records? The other day we were told that documents were transferred from Nyahururu to Ol'kalou in a lorry like the one that carries murrum for our roads. Some of them are original documents. Who told the Nyandarua county government to go for them?

The other day they came here seeking information and the booklet they had was mixed up. They were seeking information from us when it was too late. Even if we say that the projects should be funded by the county government, I can see the predicament of the executive.

Mr Speaker, it is important to note that LASDAP projects to be done by the defunct local authority were passed by the people in *barazas*. Some of the projects started and after the foundation, they stalled. What should the public do yet some of them are functions of the national government? They are so confused and some do not want to know. I was in a burial somewhere and a chief was telling me that we make sure that we have done an office for her. Imagine a chief that does not know that a county government cannot construct an office for a chief, how about a common *mwananchi*. We need to find a solution to this.

Those projects need to be done because we represent the same people that the local authorities represented then. We have kept saying that there is need for civic education and we allocate money for the same but I do not know how or when it is done.

It is vital to note that during the transition to the devolved units, the County Governments were to inherit all the assets and liabilities of the Local Authorities. This means that these projects were supposed to be implemented without any alterations. Therefore, failure to complete these projects shows lack of goodwill by the County Executive.

The county executive should mature up. Last year in the budget it was approved 1.8 million to pay a contractor who did Gikingi Secondary School administration block. He closed the block because he had not been paid. The controller of budget refused to transfer the payment of that money until the CECM went to Nairobi and camped there for three days with CS Kaimenyi until he was given a letter to authorise the county government to pay the contractor. If there is goodwill, these things can be done.

I had told my people that the money was in the budget and if the financial year ended and the block was not opened, what would I have told my people? We cannot assume and say that it is a national government project, we would rather do a *harambee* and finish that laboratory for a secondary school if it was a LASDAP project. We know the kind of national government we have. What has it done in the wards we became MCAs in? If there is anything that they have done, it is to promote people to become D.Os and chiefs yet they do not have offices to work from.

The executive did not submit the amount of money required to finish these projects that were in the FY 2013/2014. There is a polytechnic in Central ward that we allocated 4.5 million to and the money was not spent and it went back to the treasury. These are some of the things that we need to identify and assist this government to implement.

The question that arises therefore is whether the funds for these projects were released from the national government and if yes, how much was transferred to the County Government of Nyandarua? Information should have also been provided on the amount of funds transferred from the defunct Ol'kalou Town and Nyandarua County Council to make it easy to follow up on the implementation of these projects.

Were there money in the former local authorities' accounts? If there was where did the money go to? It is the responsibility of the chairperson budget and appropriations to get information on the expenditure from the government. That is what they do in the national assembly. There are some documents that the chairman budget should always have such as the revenue returns for every month or every week. It seems like we only oversight when a matter arises. Hon. Gachomba may not know what is happening. He needs to wake up because he is in slumber land...

*Hon. James Gachomba rises on a point of order*

*Laughter*

**Speaker:** What is it Hon. Gachomba?

**Hon. James Gachomba:** Mr Speaker this is not a laughing matter. Is it in order for a member to tell this Hon. House that I am in slumber land? He either withdraws or substantiates that I have been in slumber land.

**Speaker:** Hon. Kieru, you should substantiate otherwise you will be out of order.

**Hon. Kieru Wambui:** I withdraw. I do not know how he understands the word slumber land. According to me slumber land is the land of knowledge and wisdom.

*Laughter*

Who should see how the budget is being spent? The chairman committee on budget should have the daily expenditure of government. Officers in the departments go and print for themselves expenditures. I came across a paper that shows that the department of roads has spent Ksh. 910,000. This is an information that this committee should have. When we ask

whether the government benefited from the money from the former local authorities, we may never get the information but he should have it.

*Hon. James Gachomba rises on a point of information*

**Speaker:** Hon. Kieru, do you require information from the member?

**Hon. Kieru Wambui:** Yes.

**Hon. James Gachomba:** Mr. Speaker I want to inform the member that the committee on budget submits all the reports on quarterly basis. I would also like the member to table the document that he claims to have seen yesterday.

**Speaker:** Hon. Kieru proceed.

**Hon. Kieru Wambui:** All that I am saying is that when doing oversight, you need to have these documents showing daily expenditures. You can oversee the government this way. Do not wait until you get the quarterly report.

*Hon. James Gachomba rises on a point of information.*

**Speaker:** Do you require the information Hon. Kieru?

**Hon. Kieru Wambui:** No problem.

**Speaker:** Yes Member for Njabini/Kiburu, Hon. James Gachomba.

**Hon. James Gachomba:** Mr. Speaker I would like to inform the Hon. Member that the government is not run like a hotel.

*Laughter*

What I mean is that we need to report to the Assembly in the current quarterly manner. This is because you cannot purchase a cow today and you want to know the average amount of milk it produces after milking it once. It cannot happen. You need to take some few months to come up with a conclusive answer. Therefore, it is the quarterly reports that guide this House. Thank you.

**Speaker:** I hope Hon. Kieru you are well informed.

**Hon. Kieru Wambui:** Yes, I am well informed but I still do not understand why he gave an example of a hotel. It might as well imply that the Hon member's thoughts are anchored on food.

*Laughter*



Away from that point, the PIC/PAC committee had recommended that the offices of the treasurer and the clerks of the defunct local authorities be investigated by an independent body i.e. EACC. This was another resolution that we made in this House. Subsequently, both clerks were suspended and I can vividly recall the suspension of Otwoli. To this very day, he has never come back to the Government and it is only important that we know what happened.

We all know why he was suspended. However, did the County Government recover what it wanted to recover? What were the findings of the investigations? Did the investigations even commence? We need answers to all these concerns. We decided that the last clerks at both the defunct Ol'kalou Town Council and Nyandarua County Council be investigated. On the status of implementation Mr. Speaker, the Executive says it has not received any report on the investigations of the aforementioned officers. The reason why they have not received any information, I suppose, is because they did not follow up. If they followed up, they could have gotten a comprehensive report.

The committee was not provided with any correspondences between the County Executive and the EACC as a proof that investigations were ongoing. So, the information is shallow and of little help. On adherence to PFMA Article 102 (2) Mr. Speaker, the committee observed that the previously mentioned article of the PFMA has been adhered to. It is not always that they are wrong because sometimes they are right but on very few occasions.

Mr Speaker, the Committee also looked at the report on renovation of county governor's premises and parking bay. The following were the observations. On adherence to PFMA article 102 (2), the committee found that there is progressive implementation of PFMA even as observed and recommended by different bodies. However, before I talk about this particular issue, let me start by highlighting the observation (2) which says that officers in the office during the renovation (list of the officers attached) to be held accountable for failing to monitor efficient use of public resources as they violated the Constitution of Kenya, the PFMA and the Public Procurement and Disposal Act.

The same officers failed in their individual and collective capacities to control escalating costs due to extra works not originally in the bill of quantities, they failed to provide professional advice and/or provided inappropriate professional opinion and advice. The consequence was that the Nyandarua County Government and the public at large ended up not getting value for its money.

On the status of implementation, it is unfortunate that some of the named officers are still working for Nyandarua County Government while others are in other Counties. In a

nutshell, there is no action that has been taken against the listed officers. Although the County Executive claims to have forwarded the report to the Public Procurement Oversight Authority, there is no evidence to prove the same. Further, there is also no proof that the letter reached the PPOA since it does not bear the stamp for the received correspondence. These are the stories they were narrating. In addition, it is upsetting that public officers in Counties continue being in office even after being named as having participated in scandals. This therefore leads to a general observation that resolutions of the County Assembly are never implemented.

Mr Speaker, I would like to move to the third point that says that the Office of the Deputy Governor be interrogated on what other interests it had on the project. The committee was not provided with any evidence that interrogation took place or is taking place. The Executive blames the PPOA for not having provided any response concerning the investigation.

The fourth point says that an independent body ought to audit the procurement process and accountability. The Executive says that the procurement unit has been evaluated by different bodies at different times. For example:

- a) EACC did a general assessment on the awards given in 2014/2015 arising from public complaints.
- b) KRA carried out an assessment on compliance in tax remission.
- c) PPOA assessment is ongoing and.
- d) Auditor General's audit assessment for FY 2014/2015 was carried out.

Further, the Executive says that the reports of the above bodies are not yet received. However, the Executive did not submit any evidence to proof that there has been communication between the County Executive and the above said independent bodies. Since there were no correspondences, it is likely that the officers were lying to us. The Assembly can therefore initiate a process to authenticate the assertions.

Mr Speaker, on the Report on County Budget Implementation for the period 1st July 2013 to 31st March 2014, the recommendations of this report were that the:

- i) IFMIS secretariat to liaise with the County Treasury to ensure future budgets are uploaded onto IFMIS.
- ii) County Executive to realign vote heads with PFMA 2012 for separation of recurrent from development expenditure.

- iii) County Treasury and internal Audit department to institute structures that support revenue monitoring, enhancement and reconciliation so as to redress the deficit before it becomes irreconcilable.
- iv) Need for proper planning especially on procurement so as to increase absorption rate of funds.
- v) Ensure compliance and adherence to imprest regulations
- vi) Diversifying local revenue sources in order to improve on the collections
- vii) To improve budget execution for the County Government.
- viii) Submit monthly expenditure report to the county Assembly.

Mr Speaker, the above recommendations are progressively being implemented. However, the executive has not been able to submit monthly expenditure reports to the County Assembly. They only submit quarterly reports, which is within the law, but the Assembly requested monthly reports. As we speak, development vault has over Kshs. 1 Billion yet we are in March and the financial year ends in June.

With procurement regulations and requirements for payments Mr. Speaker, I am pessimistic about the ability of the County to utilize the funds by the end of the financial year. This shameful because the budget was done long time ago and the County Executive know very well about the procurement laws. The Executive should have given out work so that by the time the money comes, the work is done and the contractors or suppliers are paid.

The same office is still struggling with B.Q.s, quotations and evaluations at the moment. On that note, the deadline for manual procurement is 30<sup>th</sup> of this month and we are almost there. We will therefore not be in a position to consume the remaining Ksh. 1 Billion and the news that Nyandarua has returned the amount to the exchequer will be damaging for this county. As politicians, we need to put these people on their toes.

Mr. Speaker, the findings of the committee were:

1. That the recommendations of these three reports have not been implemented fully.
2. That the resolutions of the County Assembly are rarely implemented as attested by the three reports of the PIC/PAC committee.
3. That the County Executive Committee does not provide the County Assembly with full and regular reports on matters relating to the County pursuant to Article 183(3) of the constitution of Kenya.

The constitution mandates the Executive to inform the Assembly on what they are doing. This does not happen here. We moved a motion to compel the Executive to inform and make public the resolutions of the cabinet. They hide in a room and do not make their

resolutions in an open manner. Sometimes back, we were in Nairobi when the late Nelson Ngaruiya, former CECM for Finance and his fellow CECMs traded accusation and counteraccusations. They could have saved themselves the shame if they had actually forwarded their resolutions to the Assembly.

Mr Speaker, I am of the opinion that we should have the resolutions of the cabinet as a House. The Hansard has always been produced and submitted alongside the resolutions for the Executive to know the deliberations of the House. Do we know their resolutions, which is a provision of the County Government Act? Absolutely no! One of the roles of the County Secretary is to make public the resolutions of the cabinet. Not only to the County assembly but to the public. On recommendations, the committee recommended:

1. That the Officers who are supposed to implement the resolutions of the County Assembly should show cause why disciplinary action should not be taken against them.

Mr Speaker, on this recommendation, the committee on implementation intends to propose sanctions. This is one of our responsibility as a committee. The Executive arm of the Government should tell us why they have not implemented some of the resolutions. Since they have no reason why they should not be sanctioned, we shall not fail to execute our mandate in that regard as a committee.

2. That H.E. the Governor of Nyandarua should take action against officers who do not implement the resolutions of the County Assembly.

As a committee, we told H.E. the Governor that he should hold his officers to account. The County Government Act is unequivocal on the roles of the Governor Mr. Speaker.

As such, the committee would like to urge the County Executive to ensure that the resolutions of the County Assembly are fully implemented. The Executive should also ensure that the reports concerning the county are regularly submitted to the Assembly.

Lastly, Mr Speaker Sir, it is my pleasant honour and duty to move a motion of this report for adoption. I therefore call upon Hon. Rahab Wanjihia to second the motion. Thank you Mr. Speaker.

**Speaker:** Yes County Member from Kanjuiri Ridge Ward, Hon. Rahab Wanjihia.

**Hon. Rahab Wanjihia:** Thank you Mr Speaker. I second the motion.

*Question proposed*

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

**Hon Kimani Njiraini:** Thank you Mr. Speaker. I would like to thank the committee on implementation for coming up with a conclusive and comprehensive report. For the three financial years, little has been done in terms of implementation within the County. The blame is not on the Assembly due to their oversight role; rather, the Executive arm of Government is frustrating and failing the Assembly. It is important that this captured in the Hansard. The Assembly has been blamed each and every day for failure of playing the oversight role effectively which is not true.

*Deputy Speaker, Hon. Wambugu King'ori leaves the chair*

*Hon. Rahab Wanjithia, a Member of the Speaker's Panel, assumes the chair*

To show the extent to which the Executive has failed the Assembly, the department of procurement is a major let-down Madam Speaker. We are approaching the middle of March and the rains have started. The roads that require maintenance ought to have been done before the commencement of rains. The people responsible are not taking this matter seriously. They occupy public offices and behave as though they are in their personal offices. They are not doing justice to our people because road activities are yet to commence.

Madam Speaker, I think a lot of things are in a mess in all the ten departments because of lack of implementation. For instance, the Health Department has failed. In my ward, we have a dispensary that had been 'half built' during the defunct county authorities. Up to this day, the dispensary is yet to be completed. Similarly, the issue of *iko-toilets* and ECDs have not been resolved and the community can see what is actually happening. If you happen to go Huruma Primary School in Kaimbaga Ward, you will find a class that had been constructed by a donor. It is a very well-constructed class and we should be comparing the ECD classes we are building with that one.

Madam Speaker, this is a time when we say, 'every man for himself, God for us all' because we will not spare anyone. We should hold the officers who are impeding implementation in the devolved system to account without fear or favour. The issue of bursaries is also a thorny one. You find that the cheques for bursaries can stay in the Governor's office for more than a month after their clearance. At this time, the beneficiaries are at home waiting for school fees. We need to devise a new way of doing things in this County. It is about time we said enough is enough to the Executive arm of the government, which has been failing this County.

Madam Speaker, I would like to say that there is a lot of exaggeration especially about the cost of projects undertaken by the County Government. You find that a project that could in reality cost about Ksh. 2 Million is quoted at about Ksh. 4 Million. I suppose that the Legal

Notice of the Procurement Act should be amended in order for projects to reflect the quality and value for money. We have been receiving an increment in the budgetary allocation from the National Government. However, it is disappointing to say that much of it goes to the pockets of individuals within and outside the County. Therefore, we should say in unison that enough is enough and show zero tolerance to these retrogressive actions.

Madam Speaker, the procurement officers have been giving contracts to briefcase contractors who have no capacity to deliver on the quality of the job that we would want. These are the people who are doing very shoddy work and when we complain, so many issues arise.

I support this report by the Committee on Implementation and propose that stern action be taken against those who are impeding implementation of projects. Thank you.

**Speaker:** Yes County Member from Githioro Ward, Hon. Dorcas Kihara.

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. I would like first and foremost to thank the Hon. Member who requested for the statement. This is in view of the fact that we have passed many and important resolutions in this House that have not been implemented.

Madam Speaker, I would like to emphasize on an issue whereby the PIC/PAC Committee had recommended that office of the treasurer and the clerks of both defunct county authorities be investigated by an independent body, which in this case was the EACC. During the financial year 2012/13, the money allocated to these defunct local authorities was to be put in local authorities transfer fund. Transfer was done between the month of January and February when the then members were out campaigning. The people who were responsible of controlling that amount especially implementing were the clerks and treasurers of the defunct local authorities.

Madam Speaker, the money was transferred to these authorities but it did not do the intended projects. It is so hurting to Wanjiku given that the money that was transferred to the local council was the taxpayers' money. The tax collected by the national government, then, was given back to Wanjiku through the defunct local authorities but it did not reach her since no project was done.

As alluded to by the Committee on Implementation, all the projects that were never completed had been proposed through public forums during public participation activities. Therefore, it is unfortunate and it is unfair to *Wanjiku*. The PIC/PAC committee had recommended that the contractor who did the renovations of the Governor's office be blacklisted and therefore, never to be contracted on any project within the county. However, this issue is not highlighted in the report. This indicates that people involved in the

procurement process had vested interests with the contractors or even they might have been part and parcel of the scam...

*Hon. Nancy Ng'ang'a rises on a point of order*

**Speaker:** What is it Hon. Nancy Ng'ang'a?

**Hon. Nancy Ng'ang'a:** Is it in order for the Hon. Members seated behind the Hon. Member who is on the floor to be consulting loudly and in effect distracting the contributor? They include Hon. Josphat Kamau, Hon. Njiraini and Hon. Suleiman.

**Speaker:** Order Hon. Members! Please consult in low tones so that you do not distract the contributor. Proceed Hon. Dorcas Kihara.

**Hon. Dorcas Kihara:** Thank you Madam Speaker. I believe that we are contributing on a very important report where there are issues concerning the people we are representing. As I was saying, the controversy surrounding the contractor who was given the work to renovate the Offices of the Governor has not been highlighted. The Executive never responded to this issue implying that the people who were involved in procurement had vested interests in the contractor and the exaggeration of the cost...

*Hon. Kimani Njiraini rises on a point of information*

**Speaker:** Do you require the information Hon. Dorcas?

**Hon. Dorcas Kihara:** Yes Madam Speaker.

**Speaker:** Go ahead Member for Kaimbaga.

**Hon. Kimani Njiraini:** Thank you Madam Speaker. I would like to remind Hon. Dorcas that this is a very important report and very sensitive for this County. In the same tune, it would not be possible for us Hon. Members, seated behind the contributor to distract the member as mentioned by Hon. Nancy Ng'ang'a. I would therefore like to inform Hon. Dorcas that we were consulting on a very important matter whereby Hon. Josphat Kamau was saying that the money was not paid in Leshau Pondo Ward in FY 2013/2014. We did not distract the member but we were consulting on the report in this House. Thank you Mr. Speaker.

**Speaker:** Hon. Njiraini, I had said that you need to consult in low tones.

*Laughter*

Proceed Hon. Dorcas!

**Hon. Dorcas Kihara:** Thank you Madam Speaker. I think this is a House of rules and procedures and Hon. Members know how to consult. Having said that, it seems that people who were involved in procurement had vested interests with the contractor. This is

because this has not been replied to the committee on implementation. Again, it was a big issue with PIC/PAC committee.

Madam Speaker, implementation is very important because we can be in this House for five years but without implementation, the county will be ranked number 47 if not 48.

*Laughter*

Therefore, I support this report and say that H.E. the Governor should recall the promises he made to the people of Nyandarua when he was campaigning and particularly on projects implementation. He should emulate H.E. President Kenyatta who did not shy away from mentioning the people in his government who are undermining development and are involved in corruption.

My proposition therefore is that the CEC Members who are not performing should be replaced. The Governor should not shy away from appointing Members of this House to his cabinet because I know they have the people's interests at heart and understand the dynamics of development in Nyandarua. We have Hon. Members who are capable, intelligent, qualified and have the people's interests at heart.

Madam Speaker, the people holding the CEC dockets do not know anything on the ground. They were not there when we were going to the ground looking for votes. I would wish therefore that H.E. the Governor could borrow a leaf from H.E. President Kenyatta who appointed a CS who is a politician simply because he understands what people felt and he had their interests at heart. So, the Governor should appoint Hon. Members from this House to become CECMs and I know that this county will change within the one year that is remaining. Many things will change. For instance, we do not have a CECM for I.C.T yet we have Hon. Members who are extremely competent in the area.

I believe that the IEBC has the resources to conduct a by-election if the Governor appoints an Hon. Member to become a CECM. This will bring a lot of positive changes in the manner in which the county operates and delivers services to the people. My piece of advice to the Governor is that he should crack the whip on the nonperformers holding executive positions and appoint members of this House to those offices for the aforementioned reasons...

*Hon. Nancy Ng'ang'a rises on a point of information*

**Speaker:** Do you require the information Hon. Dorcas?

**Hon. Dorcas Kihara:** Yes Madam Speaker.

**Speaker:** Proceed County Member from Kipipiri, Hon. Nancy Ng'ang'a.



**Hon. Nancy Ng'ang'a:** Thank you Madam Speaker. I want to inform Hon. Dorcas, who has said that the IEBC has enough money to conduct the elections, that we also have nominated members in this House who can also work perfectly well in the Executive. Therefore, if the Governor was to pick one or two nominated members to fill the executive positions, there would be no need for a by-election. Thank you Madam Speaker.

**Speaker:** Proceed Hon. Dorcas.

**Hon. Dorcas Kihara:** Thank you Madam Speaker. This is very good information. The reason why I said that is because all members can be appointed and even if it were a nominated member, the respective party will undergo the process of nominating.

I am hopeful that H.E. the Governor will borrow a leaf from President Kenyatta and appoint Members of this House to hold executive positions. This way, we will change the trend and ensure that the first Assembly goes in the history as the best, which will in effect, lead to re-election of many members. Thank you Madam Speaker, I support.

**Speaker:** Yes Member for Leshau Pondo, Hon. Josphat Kamau.

**Hon. Dorcas Kihara:** and there will be changes within the remaining one year and people will remember this fist Assembly. This will even prompt the re-election of His Excellency the Governor as well as the MCAs. I support the report. Thank you Madam Speaker.

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

**Hon. Josphat Kamau:** Thank you Madam Speaker. I rise to support the motion as moved by Hon. Kieru Wambui. Nyandarua would change if the strength with which Hon. Kieru Wambui has moved the motion is the same strength with which the Executive implements the resolutions of this House. I hope that the resolutions of what we are discussing today will not be shelved.

I remember some time back Hon. Peter Maina moved a motion on the floor of this House requiring that casuals who had been recruited ten months ago and not paid then be paid. I can assure you that up to this date the casuals have not been paid. The mover had a good intention but the implementer could not implement the resolutions that emanated from that motion. Implementation is one of the challenges in Nyandarua County. That is why in many aspects, like development and revenue collection, Nyandarua County is usually number forty seven out of the forty seven counties.

As Hon. Dorcas Kihara and Nancy Ng'ang'a have intimated the president reverted to appointing elected leaders from National Parliament and The Senate to be Cabinet Secretaries instead of appointing persons who are not elected politicians. This is because the former are better placed to implement relevant resolutions.

We should actually adopt the same in Nyandarua county government which is a replica of the National Parliament. Nyeri County, as another example, appointed a CEC member from the county assembly, a lady who was nominated to represent people with disability. This is because the CEC member who was there was not performing.

The Executive has to pay the said casuals. How does the Executive expect the casuals to survive without pay? The casuals work for Kshs. 300 a day, a wage which has not been forthcoming. My sentiments that this portrays pitiable governance should reach the Governor who should heed the cries of the people of Nyandarua. I remember that we incorporated in the budget the money to pay the casuals.

The mover mentioned a project under LASDAP that was initiated before the advent of devolution. The project is the construction of a multipurpose hall at Kagondo Secondary School in my ward which was proposed by the community. The contractor built the hall up to the rental level but he had never been paid. The project now is a white elephant. Our county government should complete all the projects that were initiated even before the advent of devolution regardless of whether they fall under devolved functions or not.

I voted for the Constitution, hardly did I know the consequences of the same. Many people do not know the sectors that were devolved and those that were not. In view of this, if the said projects were not considered in the transition period, most of them will not be implemented. In the year 2013/2014, when there were no solid structures in our county government including even procurement structures, innocent contractors including quarry owners supplied materials, did their contracted jobs and provided services yet they have never been paid. There were ghost contractors who were paid however.

The Executive should implement the resolutions of this House. Remember we, the MCAs, are the ones who know the cries of our people since we are usually on the ground. Could it be that the Executive has a sinister motive by not releasing the schedule of the roads to be upgraded considering that about two months have elapsed since the approval of the supplementary budget? The Executive has been wallowing in a comfort zone since it is not answerable to the electorate.

Some of us fear going home because very little has been implemented in the wards and the electorate would question us on why various things have not been implemented. If the Executive cannot listen to this House, then it should hearken to the cries of the people of Nyandarua who are the final decision makers on the direction our county should take. All the same, the Executive must implement the resolutions of this House. Very few of our resolutions have been implemented. I pity Nyandarua. With those words I support. Thank you Madam Speaker.

**Speaker:** Yes county member from Kipipiri, Hon. Nancy Ng'ang'a

**Hon. Nancy Ng'ang'a:** Thank you Madam Speaker. I am the one who sought the statement whose motion we are debating. I thank the members of the implementation committee for coming up with a response to the statement sought which has very good recommendations. It is good that this committee considered the three mentioned reports in which PIC/PAC had made various recommendations.

It is notable that PIC/PAC noted that very little is being done on implementation. That is what prompted the seeking of the statement to know the status of implementation by the Executive. Two of the recommendations state that:

1. Disciplinary action should be taken against those who are not implementing resolutions.
2. His Excellency the Governor should take action against the officers who do not implement the resolutions of the county assembly.

These are the recommendations that we repeat in this House every other time. I remember one of PIC/PAC's recommendations on the renovation of the Governor's office and LASDAP was that implicated officers should step aside. But the same officers never stepped aside and they still hold their positions comfortably and without worry. It seems they have been assured that no legal action would be taken against them and that this House is there to make resolutions to be shelved. Pursuant to the resolutions of PIC/PAC, those officers should not be in office.

Madam Speaker, we should add a recommendation that the county assembly, through relevant committees, be given a leeway to liaise directly with the relevant oversight bodies. Madam Speaker, I do not know whether I was supposed to move a motion to this effect.

*The Speaker consults with the clerk-at-the-table*

**Speaker:** Hon. Nancy Ng'ang'a, you should move an amendment motion to include that recommendation in the report.

**Hon. Nancy Ng'ang'a:** Thank you Madam Speaker. I wish to move an amendment to the recommendations to add the following third recommendation:

That the county assembly, through relevant committees, be given a leeway to liaise directly with the relevant oversight bodies.

I call upon Hon Kimani Njiraini to second.

**Speaker:** So, Hon. Nancy Ng'ang'a, you support the report with an amendment?

**Hon. Nancy Ng'ang'a:** Yes Madam Speaker, I support the report with the following amendment:

That the county assembly, through relevant committees, be given a leeway to liaise directly with the relevant oversight bodies.

I call Hon. Kimani Njiraini to second.

**Speaker:** Proceed Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** I second the amendment.

*Question proposed*

*Question put and agreed to*

**Speaker:** Proceed Hon. Nancy Ng'ang'a.

**Hon. Nancy Ng'ang'a:** Thank you Madam Speaker. The county assembly should be given a leeway to liaise directly with the relevant oversight bodies since members of this county assembly work so hard and are the ones who know what happens on the ground. Were it not for the provisions of the Constitution, the CEC members could be appointed from the county assembly.

I can only imagine Hon. Samuel Thuita being the CECM for Roads, Public Works and Transport, Hon. Suleiman Kimani the CECM for Lands, Housing and Physical Planning, Hon. Rebecca Nyangati the CECM for Youth Affairs and Hon. Nancy Ng'ang'a the CECM for Education, Culture and Social Services.

Madam Speaker, you can imagine how work would be if the Chief Executive Committee was made of membership drawn from the county assembly. The Governor should consider appointing CEC members from this House.

*Applause*

Thank you Madam Speaker.

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

**Hon. James Gachomba:** Thank you Madam Speaker. I rise to support this report on the status of projects implementation in the county. As part of our oversight role, we came up with very good resolutions on the issue of renovation of the Governor's office especially on what should be done on the implicated officers for stealing from public coffers. Nothing was done on this yet the assembly did its work.

Future budgets should be uploaded on IFMIS to allow efficient monitoring of expenditure. It is now that the Executive seeks the help of the Assembly on automation of revenue collection.

Some reports on recurrent and development expenditures have never been presented to this Assembly for scrutiny and further action. The county government audit unit should be strengthened since it is the one that ought to give convincing report on the expenditures. Very few has been done to implement the resolutions of this House.

PIC/PAC came up with a very good report on what Kinuthia wa Mwangi and his team were to do with the assets and liabilities that were carried over from the defunct local authorities but very little was done and the county government has even closed Kinuthia wa Mwangi's office since he and his team did very little if not nothing to help the county government on dealing with the said assets and liabilities. Further, some of the projects under LASDAP that were carried forward from the defunct local authorities have never been implemented. Reports by the Committee on Education, Culture and Social Services have been moved on the community-oriented projects that were supposed to be funded by the county government yet some of them have never been implemented.

On the same note, it has taken about two years to regularise the Alcoholic Drinks Control Act and this has led to the county government losing a lot of revenue that could have been collected on licensing bars and beer stores. I appeal to the Executive to wake up from its

slumber and ensure that all the resolutions of this House are implemented. I now call the mover to second.

Thank you Madam Speaker.

**Speaker:** Yes mover, Hon. Kieru Wambui

**Hon. Kieru Wambui:** Thank you Madam Speaker. I thank the House for supporting the motion. Since the Executive has a culture of not implementing the resolutions of this House, I do not know what will happen if the resolutions of this House pertaining to this motion are not implemented. I think, if the resolutions are not implemented, we will resort to sanctions as provided for by the Standing Orders. I beg to move. Thank Madam Speaker.

*Question put and agreed to*

**Speaker:** Next order.

### **SUPPLEMENTARY ORDER PAPER**

*Hon. Dorcas Kihara rises on a point of order*

**Speaker:** What is it Hon. Dorcas Kihara

**Hon. Dorcas Kihara:** Madam Speaker, our files do not have copies of the supplementary order paper.

**Speaker:** The supplementary order paper is in your files unless you have misplaced yours Hon. Dorcas Kihara.

### **PAPER LAID**

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE NYANDARUA  
COUNTY FISCAL STRATEGY PAPER, 2016.

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

**Hon. James Gachomba:** Thank you Madam Speaker. I wish to report...

*Excessive consultations*

*Loud murmurs to the effect that Hon. Gachomba should lay the paper not a 'report'*

Madam Speaker, please protect me from the hecklers.

*Hon. Dorcas Kihara rises on a point of order*

**Speaker:** What is it Hon. Dorcas Kihara?

**Hon. Dorcas Kihara:** Madam Speaker, members of this House are honourable members and not hecklers so Hon. James Gachomba should withdraw the word and apologise.

**Speaker:** Hon. James Gachomba withdraw.

**Hon. James Gachomba:** Thank you Madam Speaker. I beg to withdraw. Actually I was not supposed to say ‘I wish to report...’ but I was supposed to say that ‘I wish to table the report of the Budget and Appropriations Committee on the Nyandarua County Fiscal Strategy Paper, 2016.’

Thank you Madam Speaker.

**Speaker:** The report is duly tabled. Next order

### NOTICE OF MOTION

#### REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE NYANDARUA COUNTY FISCAL STRATEGY PAPER FOR 2016

Yes member for Njabini-Kiburu, Hon. James Gachomba.

**Hon. James Gachomba:** Thank you Madam Speaker. I beg to give notice of the following motion:

That this House does adopt the report of the Budget and Appropriations Committee on the Nyandarua County Fiscal Strategy Paper, 2016 as a report of this House and the recommendations therein as resolutions of this House.

Thank you Madam Speaker.

**Speaker:** The notice is duly given. Next order.

### ADJOURNMENT

**Speaker:** Hon. Members, having exhausted the business for today, this House stands adjourned until tomorrow, Thursday, the 10<sup>th</sup> day of March, 2016, at 2:30 p.m.

*The House rose at 4:18 p.m.*