

MURANG'A COUNTY ASSEMBLY THE HANSARD

Tuesday, 14th April, 2015
The House met at 9:34 a.m.
(The Speaker Hon. Nduati Kariuki in the Chair)

PRAYERS

PAPERS

WORK PLAN FOR FY 2014/2015 FOR THE DEPARTMENT OF ENERGY, TRANSPORT AND INFRASTRUCTURE

Hon. Eliud Gitau: Mr. Speaker I represent the good people of Kimorori ward and I am also the Chairman for Public Works, Transport and Infrastructure. I would like to lay this paper on the table of this House;-

That, the work plan for the financial year 2014/2015 for the Department of Energy, Transport and Infrastructure to be laid on the table of this Assembly today, 14th April, 2015. Thank you Mr. Speaker.

(Hon. Eliud Gitau laid the paper on the table)

REPORT OF THE PUBLIC INVESTMENT AND ACCOUNTS COMMITTEE, ON THE FOURTH ACCOUNTABILITY KENYA CONFERENCE 2014, HELD AT THE KENYA SCHOOL OF MONETARY STUDIES

Hon. James Kagoni: Thank you Mr. Speaker, I am a member of Public Investment committee. I beg to lay the following paper on the table of the Assembly today, Tuesday, 14th April, 2015. Thank you.

(Hon. James Kagoni laid the paper on the table)

NOTICES OF MOTION

FORMULATION OF A POLICY ON THE PROTECTION AND CONTROL OF THE WATER USAGE

Hon. Jesse Mburu: Thank you, Mr. Speaker. I represent Nginda ward. I would like to give notice of the following motion;-

Aware, that Article 3 (d) of the Constitution of Kenya 2010, states that every person has the right to clean and safe water in adequate quantities which includes the right to have water in adequate amounts for basic needs, further aware that part 2 (2) of the Forth Schedule of the Constitution of Kenya 2010, recognises the role of the County in water and sanitation services, cognizant of the fact that many water users within the County in the upper regions have unfair advantage of excessive and uncontrolled usage of the scarce water resources denying many households in Murang'a County who live downstream as they go without water; this Assembly urges the CEC in-charge of Environment and Natural Resource to formulate a policy on the protection and control of the water usage upstream by encouraging the County Water providers to install water meters in all homes in the County to ensure adequate water supply for basic needs of the residents downstream. Thank you, Mr. Speaker.

PUBLIC INVESTMENT AND ACCOUNTS COMMITTEE REPORT ON THE FOURTH
ACCOUNTABILITY KENYA CONFERENCE 2014. HELD AT THE KENYA SCHOOL OF
MONETARY STUDIES

Hon. James Kagoni: Thank you Mr. Speaker. I beg to give notice of the following motion;-

That, this Assembly adopts the Public Investment and Accounts committee report on the Fourth Accountability Kenya Conference 2014, held at the Kenya School of Monetary Studies on 10th November, 2014 up to 14th November 2014. Thank you.

MOTIONS

ADOPTION OF REPORT OF THE PUBLIC WORKS, ROADS AND TRANSPORT
COMMITTEE ON THE DEPARTMENTAL ANNUAL REPORT FOR FY 2013/2014

Hon. Eliud Gitau: Thank you Mr. Speaker. I am also the Chairman for Public Works, Roads and Transport. I would like to move the following motion;-

That, this Assembly adopts the annual report of Public Works, Roads and Transport department for 2013/2014, laid on the table of this Assembly on 7th April, 2015.

Mr. Speaker we have gone through the report as the mandate of this committee under the provisions of standing order number 191 (5), which outlines our functions in this. We are supposed to investigate, inquire into all matters relating to the department, make reports, and make recommendations and actions to this House.

The department has embarked on so many progressive works in the progressive report of 2013/2014. We were so green in this Assembly on these dates. As a County, we had some challenges which the department faced on some areas.

The biggest challenge to the ministry was inadequate funding. This is due to the fact that the ministry of Infrastructure supports all other infrastructure departments. Establishing of institutions has also brought some issues because we did not have enough capacity to take up the matter immediately because as a department, we were being given the mandate to oversee all related development infrastructure which have taken place.

In harmonization, we did not have good relationship and harmonization with the other players. We had some challenges in harmonization which affected the working relationship and caused delay in implementation.

The other problem was on sustaining the infrastructures. This was due to lack of enough funds. We had a lot of problems at the beginning and we are assuring this House and members that this year we are going to come up with many projects and we shall be able to complete them.

The observation of the committee in the report stated that the on-going projects were indicated complete. There was a lot of confusion in this report. Some of the projects said to be complete were incomplete, we had to go back and request the executive to re-align the programs. The members observed that there were no policies presented to the Assembly on how the women co-operatives would be involved in public works or constructing the roads. Material testing was another factor which was not in place. Those were the challenges and our observations.

The committee recommended that all works be done after contract documents are processed. This is because we have been facing issues at times whereby some contractors have been complaining that the payments have taken a lot of time. There were some issues

in that office whereby after the document left the office of the executive officer, it took a lot of time to reach the procurement office. Some of these issues have to be rectified.

The other recommendation was that the contractor should be managed at the department level instead of having a lot of offices which are irrelevant to the works going on.

We came up with another recommendation that the executive and the department should stick to the budget so as to cease what we had seen. Everybody was complaining about the payments, how the works were awarded and how the contracts have been going on.

We requested that, if the recommendation by the committee will be possible, the entire infrastructure departments follow the budget and stick to it and all road side declarations should cease so that we can follow up the budget. The other recommendation was that Infrastructure department should embark on a project of opening road networks to other Counties because we want to make business with other neighbouring Counties.

The other recommendation is that the department should expedite the drafting of road policies so that we can have somewhere to peg our claim on. Without policies, it is hard to have a well-run program.

Recommendation number seven is on the policy on youth and women involvement in public works. This should be presented to this Assembly for adoption. We have been giving out some contracts to people and we have no policy on how we can follow up the issue on how they are working on.

We requested the executive committee member and the department to be submitting all the reports to this Assembly on time so that we can do our oversight role well.

The County executive member for Transport and Infrastructure should prepare and submit to the Assembly the departmental program based budget of this year, 2014/2015, on time because we want to be quite active with our mandates.

On recommendation number ten, it was found important to organize monthly meetings for the department and the executive so that we can be harmonizing all that is required for this department. We found that we have been waiting for so long to get the report whereby we cannot discharge our duties well without receiving this information on time.

We sincerely acknowledge that the office of the Speaker and the Clerk of Murang'a County Assembly have given us enough support to expedite the execution of our mandate. The Chairman of the committee takes this opportunity to thank all the members of committee for their diligence and obligation to making this exercise successful. The committee's effort and input, led by the staff of the Assembly attached to the committee, made the work of producing this report possible. The committee also wishes to thank the executive member and the entire department of Transport and Infrastructure for their commitment although we are telling them to wake up and pull up their socks because this year it will not be business as normal.

It is now my duty, on behalf of the sectoral committee, to table the report for adoption by this House. This is the first report from the executive and we have been fighting to get it or to receive any report. I would request the Hon. Members to support us. For sure this time...

(Hon. Duncan Njuguna rose on a point of order)

The Speaker: Point of order.

Hon. Duncan Njuguna: Mr. Speaker sir, is it in order for the mover to move a motion and then tell us that he is tabling the same report?

(Laughter)

The Speaker: The business today is to adopt the report.

Eliud Gitau: Thank you Mr. Speaker, I am moving a motion for the adoption of this report. This is the first report that we have received from the executive. As we say, when a child start crawling and you hit him or her hard, somehow the child may not be able to move according to the parent's wish. I would like to request Hon. Members to support this motion. I am assuring you that we, as the committee, have woken up and we will be having reports now and then. I would like to request Hon. Caroline, one of my members, to support the report. Thank you, Mr. Speaker.

The Speaker: To second.

Hon. Eliud Gitau: To second the report.

Hon. Caroline Njoroge: Thank you Mr. Speaker, I represent Kigumo ward and I am one of the members in the Transport committee. I would wish to say that we have done our work and we are still ready to do the work mandated to us as the committee. I would say that in case the members realise that we have not brought any report in this House, we may not stand to be blamed. The executive have to do something on its side. As I stand to second this report by the committee, I want to assure the members that we have sat together, in fact we were with the chief officer for transport last weekend and we forwarded all the grievances that the Hon. Members have been having especially those that represent at the ward levels, of the works not being done equally and the reports not being really comprehensive.

I want to assure these Hon. Members that today's report is very important because we are all aware that there are works that were done in the financial year of 2013/2014. In fact, we had started off very well. As members can see, they installed culverts equally all over the wards. They installed them and they really inquired from us to give the places that we wanted to be installed with those culverts in our various wards. That was done perfectly and we did not have any complaints about them.

Mr. Speaker, they also did the grading and opening of roads equally by giving members, hours per ward to do those works. So, that is the report that we are tabling today for members to adopt.

But most important is what the committee has recommended our Executive to do. It is very important for this House to, also support these kinds of recommendations that we have put as a committee so that work will be done properly as we want.

In fact, being given the progress reports of what they are doing is very important so that we can have information when we are in this House because our members outside there want to know what we are doing. As far as the Infrastructure department is concerned, we all know it has a lot of things that it is dealing with, including the installation of flood lights, the cables had been put in Murang'a and Kenol Towns.

Mr. Speaker, if we receive these reports regularly, it is very important because we are going to give our people information since they really want to know. We need to put a lot in the budget, although it is not enough in our departments. We usually put a lot of money in this particular department and they really want to know. It is their right to know what and how we have spent that money.

So, I stand to second the report and say that a lot needs to be done in this department so that members can see some equality and, in fact, we have recommended that it is important for this kind of department to have a strategic plan to know what we want to achieve in five years' time and also what we have done so far and what we have not done so that even when we are allocating the budget, we are able to be in a position to know how much we need for this particular department. So, I stand to second. Thank you.

The Speaker: Thank you.

(Question proposed)

Hon. Peter Mweri: Thank you Mr. Speaker, I am the MCA Rwathia ward and I am also a member of that committee. I stand to support the report. As our chairman has said, we had a lot of challenges in the year 2013/2014, and a lot of excitement from the Executive because most of the allocations we had in the Development Vote were channelled towards roads and infrastructure.

Mr. Speaker, as you are aware, the transport sector was one of the key pillars of the economic growth of this County for that year. So, most of the funds were channelled towards the roads, gravelling, grading, culverts, and so on. Despite some challenges that were in place on structures, because there were challenges of structures in the Executive, most of our wards were worked on and we managed to grade some of the roads; as I said, putting culverts, and so on.

When we did evaluation after one year, we realised that the funds were not distributed equally among the wards. However, when we realised that as a committee, we embarked on with the Executive to see to it that from now on, we will be trying to channel the funds equitably to the wards. That is why we are also trying to come up with the Ward Development Fund so that the resources can be equitably distributed.

We also saw some of the wards benefit from the pipes, though some wards have not yet received the pipes. We hope that our committee will work closely with the Executive to see to it that all the wards get the pipes for water. Otherwise, as the report states, we were able to open up 32,000 kilometres of roads across the wards and gravelling of about 120 kilometres. So, I stand to support the report.

Hon. Joseph Machiri: Thank you very much Mr. Speaker sir. I am the MCA Kamacharia ward. I am not a member of that committee though I stand to support that report with some comments.

First, Mr. Speaker, I thought that the committee would have come with a very wide, detailed and comprehensive report of every ward. We take stock of what has been done in every ward of this County because, for one, I can say that what the CEC for Transport and Infrastructure has done is suicidal to some parts of this County.

They have already ceased to issue Local Purchase Orders (LPO's) for the pending roads. However, the work has been done in some areas and I can point Murang'a Town whereby the roads are still continuing to be done. In some Wards within our County, there is nothing tangible that has been done in terms of road networks. But when you go up there to Gicheha, the CEC for Roads has said that they are not issuing any more LPOs on the issue pertaining to roads. My question is; how can we stop whereas nothing tangible has been done in some wards in Murang'a County?

The other issue, Mr. Speaker, is that I would like the committee to come up with a very detailed report of the works that have been done in every ward in terms of roads, gravelling and so on.

The other issue is that we have a very critical impediment to oversight in this County Assembly. First of all, the committee of Roads and even other committees cannot oversight well because of financial impediments. You cannot oversight somebody who is giving you food to eat. We are now at the mercy of the Executive because even sitting outside is a problem. I do not know what we will do; whether to close or to go on because we cannot move as committees. We are held hostage due to the lack of finance in this County.

The other issue Mr. Speaker is that I had raised a statement inquiring how and the criteria used to pay the contractors. Although there is no money in our County, there is all the same the small amount we are getting. I requested for a statement about three months ago and the chairman has not responded to that. I am asking; what is the reason why they are keeping quiet? Is there anything fishy about that issue?

Mr. Speaker, there are some contractors who are complaining that they finished their contractors as early as June last year and they were issued with completion certificates but so far, there are some people who are being paid while others have not been paid. I asked the reason why. What criteria are they using to pay the contractors? Is it not on first come first serve basis in this County?

The other issue, Mr. Speaker, is that there is a lot of bias in the paying of contractors, as is the case in a certain book. I hope that members have gone through a literature book we used to read sometimes back when I was in primary one which was called the *Animal Farm* and has a character called SnowBall. They would come up with laws and policies on but at night, SnowBall would go and change the rules and regulations of that farm. They said that all animals are equal but some are more equal than others. That is not what we should be doing today in our County.

Some people are being paid because they are rich while others are not being paid because they are poor. Why can't we start with the smallest amount of money of Kshs. 2 million and pay the contractors because at the end of the day, we shall see demonstrations in this County of people claiming to be paid their dues. I have one case whereby a contractor in my ward is having his land sold by the banks because of non-payment of bank dues. Therefore, Mr. Speaker, I stand to second but the chairman of Roads has to be a bit serious in answering the questions and the statements we raise in this House. Thank you Mr. Speaker.

Hon. Duncan Njuguna: Thank you Mr. Speaker Sir, I am the MCA for Gitugi. I am supporting the report on the strength of one of the Hon. Members who has contributed that by July, we will be free from assembling at the Executive's offices to get work done in our wards and that we will be having the Ward Development Fund where, we, the Hon. Members will be able to manage our own affairs at the ward level.

Mr. Speaker sir, number one, the report is very shallow being for a whole year from one of the departments in this County which we allocate a lot of money to in each and every year yet, we only receive a two page report like the one in my file and it is not even conclusive. They could have elaborated further.

As one of the contributors has said, maybe up to the ward level so that we could have known what has been done in each and every ward, other than combining everything as a County.

They have stated that 200 kilometres were done in the grading and opening of roads, although Hon. Mweri was saying 32,000. Yes it was done but we cannot tell in which wards it was done. Maybe it could have been better if they could have stated the hours that we do get from the Executive. 120 kilometres of gravelling was done in 2013/2014 but not even an inch of a road in Gitugi was gravelled.

On culverts, yes we received in the year 2013/2014 but the number here shows that there were some wards that received more culverts than others. If I go to piped water distribution, I do not know why they decided to go for sub-counties instead of wards because since 2013/2014 up to 2015/2016 which is ending in two and a half months' time, Gitugi ward is yet to receive those pipes although I hear that some of the wards have received those pipes.

So, Mr. Speaker sir, I am supporting the report on the strength that we are going to get out of this very soon and we will be managing our own affairs. On the challenges stated, it is like that we are adopting a report where in each and every bullet we are complaining because when we are talking of funding, in adequate allocation. If the funds are allocated according to the needs and everyone knows and even 'Wanjiku' out there knows we cannot do everything in one year. So if we decided to gravel 500 kilometres of road in one year we are going to do that according to the funds that we have. So we cannot complain of inadequate funds. If we are going to gravel, if we are going to pipe, if we are going to do anything we are going to go by the budget and the CIDP.

On the capacity they have said that establishment of institutions have taken some time hence affecting implementation. I thought that while passing the budget we were passing the budget in tandem with the numbers of the institutions that they were talking of which are supposed to have been established, because we cannot talk of gravelling the roads, piping, irrigation, stadium making and all the others without having the institutions in place.

On harmonisation, we all know that class D and below even the unclassified roads were devolved. If the function was not transferred by the Transition Authority they should tell us so that they do not say that there is no co-ordination of the bodies that the KERA, KENHA and others are not supporting the department.

On sustainability, I doubt, otherwise I am supporting the report because as I have stated in two and half months' time we are getting out of this. I thank you Mr. Speaker sir.

Hon. Danson Mburu: I stand to support the motion and I have something to add. One the chairman has admitted that they have got a lot of challenges and it is true because I think they have not done up to the expectations, because on the distribution to the sub-counties I am sure the committee has not bothered to know how much money was spent in each ward and I am sure for the fairness they should endeavour to go and see the CEC and get to know how much money was spent on each ward.

I understand that some wards and it is true there is quite a lot of work that has been done on the infrastructure whereas in some other wards very little has been done.

There ought to be co-ordination in the work that is being done and they should sit down and see how much money was spent in each ward for the fairness in the county.

On some projects Mr. Speaker, I do not understand why a project would be started in a certain ward and then be left in the middle on pretext that there is no money. Like in Makuyu a stadium was started and it was worked on for only two weeks and then the machines were taken away. When I asked the contractor the reason he took away the machines he told me that he was not given an LPO and he will not continue working without an LPO. Another dam was been done but it happened also the contractor took away the machines as he had no LPO. When I went to inquire I was told that the LPO's are not being written but I later learnt that some LPO's was being given in some wards. So I am wondering why some projects should be left undone while in other wards the projects are on-going.

On pipes, I understand that some wards were given pipes worth millions of money whereas others like Makuyu we do not have a single pipe. When I went to inquire I was taken round and round and I got tired and I stopped following.

So I am asking the committee on the infrastructure to follow and know about the pipes. Which wards were given and the wards that were not given so that we see fairness in all these

I am challenging the chairman of infrastructure to make a table and let us know how much money was spent in each ward. Where money was not spent because the ward was supposed to have its share why was that not done and what is going to be done instead of waiting up to July when we are going to have our own money what about the balances of the money that was not spent in each ward. I stand to support.

Hon. Gachui Mungai: I am a member of that committee and it is a committee with many challenges because it covers very large area as the issue of infrastructure cuts across all the departments.

As I stand to support the report though one of the members has said it is a shallow report, it is a good start for the committee because the committee faces a lot of challenges but I know we are going to overcome as we are going to give the chairman the necessary support.

There is an issue that has been raised though I am not responding. The issue of evaluation on work done per ward, we have already written to chief officer as a committee to give us a comprehensive report on work done per ward. The work done in terms of this department whether it is on roads, on this issue of pipes and what have you Mr. Speaker.

Members should not worry about that, very soon this committee is going to table a comprehensive report as we sat with chief officer and given that chief officer is new in that office, I think that is why we had a lot of mess in that department because the CEC in charge of that docket was to able to handle the work alone.

As a member of Kihumbu-ini ward, I am one of the members who were negatively affected by this department because other members are saying enough was not done as per the need of the electorates in that ward but given that as an Assembly we agreed in principle that we are going to support the provisions of development fund in the financial year 2015/ 2016, that should not worry us a lot because that one will be subjected to the members of the public in wards to give priority projects. That alone will cater for many problems that I have heard the members raising.

We have also as a committee written to the chief officer in charge of this department because this is one of the departments that has been largely affected by the issue of the

over expenditure in the current financial year. We have written to him to give an overall status in terms of the money spent and in terms of overspent funds to ascertain the status of the department so that we can be able to advise them on the way forward.

As an oversight committee on behalf of this Assembly I would like the members to appreciate the work that has been done. As I said this committee has very wise members including the budget chair and I am sure the chair budget is going to support the establishment of ward development fund. I stand to support and persuade the members to support this report because I know it is a starting point this committee is going far. I thank you Mr. Speaker.

Hon. Erick Kimani: I rise to support the motion and also make raise concerns. I would wish the committee on infrastructure to advise the CEC in charge, first of all we appreciate that something has been done so we cannot say that we are at the level that we were in when the counties started.

The issue of the roads, right now most of the roads have been opened in the county, but these roads were just opened and left without other work being done on them. I would propose that the CEC comes up with a plan or a strategy that after opening, the roads are graded and after the culverts are installed, because after opening they were just left. Like in some areas at Kahumbu water is running everywhere because the drainage was not well done. So if that strategy can formulated so that whenever the budget is done for every ward we have some funds set aside for opening, grading and drainage so that we can do a complete work on opened roads.

Hon. Eliud Gitau: I want to thank the hon. members for supporting this report and I have taken notes on comments of hon. members. Like Hon. Machiri, who says he needs to have a comprehensive report. The whole report was sent in his tablet because it is really big document and what we are having in our files is just an extract from that report.

On payments to contractors, that is why we have recommended all work that is to be done in any department to cease this issue of non-payment.

I want to thank Hon. Duncan for supporting this report and understanding that gravelling and grading are two different issues. We start with opening the road, we do structures and then we do the gravelling. We were on the first stage and as the report says we are going to do the gravelling and as a committee we are going to follow up strictly so that we make sure that every member is satisfied with his or her request.

I want to thank Hon. Muchoki, member for Makuyu and make him understand that making of those stadiums was not the work of infrastructure, we just supported the projects but the money came from a different department. The infrastructure only gave technical advice but it never funded the projects. I want to thank the House for supporting this report. I thank you Mr. Speaker.

(Question put and Agreed to)

The Speaker: The House is hereby adjourned until 2: 30 p.m. his afternoon and I would like to request that the House Business Committee meets immediately after this. I thank you very much.

The House rose at 10:21 a.m.