

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Third Assembly (Second Session)

Wednesday 8th November, 2023

Assembly Building

The House Met at 10:05 AM

(The Temporary Speaker (Hon. Michael Gathanwa): In the Chair).

PRAYERS

COMMUNICATION FROM THE CHAIR

KISUMU VISITORS

The Temporary Speaker (Hon. Michael Gathanwa): Honorable Members, I recognise Members from County Assembly of Kisumu, Committee on Powers and Privileges and Equal Opportunities led by the Committee Chairperson, Honorable Speaker Elisha Oraro. They are:

1. Hon. Kennedy Ooko, The Majority Leader
2. Hon. Benson Andega, Vice Chairperson of the Committee.
3. Hon. Nancy Matara,
4. Hon. Emily Oginga
5. Hon. Vitallis Komutho
6. Hon. Samuel Onyango
7. Hon. Ann Ochola and,
8. Hon. Ken Ouko

I also recognise the Staff from the County Assembly of Kisumu accompanying the Members. They are at the Gallery.

1. Annabelle Wabuge
2. Rogers Wagude
3. Valery Achieng'
4. Cyrus Kapesa

In our tradition of recognising and welcoming Visitors to our County Assembly, I take this opportunity to welcome you all to the County Assembly of Nakuru.

PAPERS

TOUR OF NASHA MARKET AND WAKULIMA MARKETS

The Temporary Speaker (Hon. Michael Gathanwa): We have a Paper being laid by Honorable Robert Ruto.

Hon. Robert Ruto: Thank you Mr. Temporary Speaker, on behalf of the Chairman for the Committee on Trade, Tourism and Cooperatives Planning, I wish to lay a Report of the Committee on Trade, Tourism and Cooperatives Planning on the inspection tour of Nasha and Wakulima Markets in Nakuru East Sub-County. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): The Paper is properly laid before the House. Next Order.

Hon. Wilson Mwangi: Mr. Temporary Speaker!

The Temporary Speaker (Hon. Michael Gathanwa): What is it Honorable Wilson?

Hon. Wilson Mwangi: Mr. Temporary Speaker, I have a matter of County Importance, I want this House to discuss.

The Temporary Speaker (Hon. Elijah Murage): Hold on a bit. I have noted and I will come back to you; I understand that is according to the Standing Order 36. Let us first get a Notice of Motion and then we come back to you.

Hon. Virginia Gichanga: Point of Order Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): What is the Order?

Hon. Virginia Gichanga: Mr. Temporary Speaker, Hon. Wathiai is not in proper decorum. He has a tie, but he has not put the tie the way it should be, so he should go out and come back when he is properly dressed.

Hon. David Wathiai: Mr. Temporary Speaker, I guess my tie is okay. Maybe honorable Virginia from Naivasha has a problem with her eyesight. *Naona ni kama haoni vizuri* Mr. Temporary Speaker. *Anafaa aongezewe miwani zingine. Atumie kadi ya Insurance aende asaidike, apate miwani zingine.*

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Wathiai you are not in order! Resume your seat. Honorable Duale confirm whether honorable Wathiai is properly dressed.

Hon. Hassan Hajj: Thank you Mr. Temporary Speaker, yes; Mheshimiwa Wathiai is properly dressed and I do not see any problem with the tie. But maybe I can just advise him to fix it well. Thank you.

(Laughter)

The Temporary Speaker (Hon. Michael Gathanwa): Clerk next order!

NOTICE(S) OF MOTION

TOUR OF NASHA MARKET AND WAKULIMA MARKETS

The Temporary Speaker (Hon. Michael Gathanwa): We have a Notice of Motion being laid by Hon. Robert Ruto.

Hon. Robert Ruto: Thank you Mr. Temporary Speaker. On behalf of the Chair, I wish to give a Notice of Motion that this House adopts the Report of the Committee on Trade, Tourism, and Cooperatives on the inspection of Nasha Market and Wakulima Market in Nakuru East Sub-County. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Thank you. Honourable Wilson, you had a matter of County Importance and I want to confirm whether you have support from the House.

Hon. Wilson Mwangi: Yes, I have.

The Temporary Speaker (Hon. Michael Gathanwa): Clerk can confirm whether the threshold has been met. Thank you. Hon Wilson you can proceed.

Hon. Wilson Mwangi: Mr. Temporary Speaker, thank you for giving me this chance to bring this matter of County Importance. As we are aware, we have been having a Legal Tussle between the County Government of Nakuru and War Memorial Hospital, which is in my Ward, Menengai.

Mr. Temporary Speaker, I just wanted first of all to shed light, that War Memorial Hospital has been the main Hospital that most of the Middle Level Class has been attending for Health services. Mr. Temporary Speaker, the Lease that they had was for 99 years, and it expired in May last year. And ten days ago, the County Government invaded that Hospital and closing the hospital for those 10 days.

Mr. Temporary Speaker, there has been an uproar from the community and residents of Nakuru County, considering that the War Memorial Hospital has been giving us good services. That issue has tainted the name of County bearing in mind that the members of the Press brought it that we raided that Hospital and some of the patients who were being given services, we are told some of them went along to seek services from other Hospitals, and they died.

Mr. Temporary Speaker, we wanted the Department of Lands in the County Government of Nakuru, to give us clarity on who is the real owner of the War Memorial Hospital Land. There has been a tussle that has been going on since the last regime and now it has become a trend because

we remember our Governor the other day declaring that she will fight with the land grabbers. So, Mr. Temporary Speaker, we want clarity on who the real owner is, of the two parcels of land that War Memorial Hospital and Annex Hospital lies. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Members, you can comment on the matter. Hon. Mutai from Keringet

Hon. William Mutai: Thank you very much Mr. Temporary Speaker. I think I like what the Member has just brought to our attention. We know it is a very critical issue that needs a lot of engagement so that we can safeguard the situation that is prevailing at the moment. Now, the Honorable Member has just pointed out that the Lease came to an end in May last year. Now, when a Lease comes to an end, I thought that the land should go back to the owner. Mr. Temporary Speaker, that is my main concern unless there is another formal agreement that will be made towards the Lease and the use of that land. Mr. Temporary Speaker, my question is, who was the owner? who leased the land? And now that the Lease has come to an end, what is the War Memorial Hospital still doing in the same area? That is my area of concern Mr. Temporary Speaker.

However Mr. Temporary Speaker, I regret what is happening because if lives are getting lost because of such a scenario, it is quite unfortunate because this issue should have been addressed, foreseeing the emerging issues that could arise. So, I also need some clarity from the Member who raised the matter so that we continue engaging each other and get the best way forward. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Honourable Member representing Viwandani Ward, Hon. Muraya.

Hon. Joseph Muraya: Thank you Mr. Speaker. *Kwanza niwakaribishe Waheshimiwa kutoka Kaunti ya Kisumu. Karibuni sana katika Bunge ya Nakuru. Pia nataka kusema kama vile mwenzangu amesema, kwamba imekuwa mazoea katika Nchi yetu ya Kenya, maana War Memorial Hospital walijua kwamba Lease yao inaisha mwezi wa Mei na walijua mahali walipata ile Lease kwa hivyo sio kwa sababu hawakuwa wanaelewa, ni mtindo tu wa Wakenya kwa maana hata sahihi naona watu wanaambiwa watoke sehemu za maji lakini bado wanaendelea kujenga. Imekuwa ni mtindo wa Wakenya kupuuza mambo. Mheshimiwa Wilson ametuhakikishia ya kwamba Lease iliisha. War Memorial needs...*

Hon. Peter Kajwang: Point of order Hon Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): What is the Order?

Hon. Peter Kajwang: [On a Point of Order] Honorable Mr. Speaker, is it in order for this House to discuss an issue that is properly now in Courts?

The Temporary Speaker (Hon. Michael Gathanwa): Honorable Member! Is the matter before the Court? furnish us with a bit more information on the same.

Hon. Peter Kajwang: Yes, as we speak this is an issue before the Courts and the County has been served with Orders restraining them from the taking over the Institution awaiting determination of the issue.

The Temporary Speaker (Hon. Michael Gathanwa): Honorable Member, the information that I have is that as of yesterday, there was an Order that was given that allowed the people who were operating the War Memorial Hospital to resume. It is in public knowledge that it has resumed unless there is an Order that has been filed either to lift or an Order that has been given or another case that has been put before Court. But the matter that was in Court was dispensed with yesterday and action was taken.

Hon. Joseph Muraya: Thank you Mr. Temporary Speaker, *tuwe watu wanaofuata Sheria. Ingekuwa hatia kama ingekuwa bado tunajadilia mambo ambayo yako Kortini. Lakini kama vile umesema*, there was an Order yesterday. *Bwana Spika, tumekuwa hapa na Miswada mingi za viwanja na mashamba ya Umma na ni dhahiri kwamba Wizara ya Ardhi inafaa kuhakikisha kila shamba la Serikali limepata Title Deed.*

Bwana Spika, tumekuwa na Miswada hapa tumepitisha, hata tumezunguka katika Hospitali zetu na tumepata there is no Hospital or Dispensary that has a Title Deed. *Kama tungeweza kama Wizara kuhakikisha tumepata hizi vyeti, hatungekuwa na mambo mengine ambayo tunajadili hapa hivi. Hata Bibilia inatufunza kujipenda kwanza kama vile tunapenda majirani. Lakini ni wazi kwamba Kaunti ya Nakuru haijipendi mwanzo ndio unaona hakuna mahali mtu hawezi ingia, na hakuna mahali mtu hawezi katalia.*

Kwa hivyo Mheshimiwa Spika mimi ningeomba ya kwamba Kamati ambayo inahusika na Ardhi na Ukuzaji wa Miji yetu wahakikishe ya kwamba zile Ripoti ambazo tumeleta hapa na pia Chairperson Wa Implementation Committee ajaribu kuangalia na kuhakikisha ya kwamba ile Kazi na Mswada tumepitisha hapa, na tumeungana kwa kauli moja ya kwamba itekelezwe ndio maneno kama haya yasiwe yakitukuta kila mara. Asante sana.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Eliud from Maai Mahiu Ward.

Hon Eliud Chege: Thank you Mr. Temporary Speaker. I would like to echo what the Honorable Member has just said. We are faced with two issues here, which I would urge the House and the County to differentiate because there is an issue of Land Ownership, and we have an issue of the Hospital.

Mr. Temporary Speaker, I do understand that all powers are given to “*Mwananchi*” where they can exercise their powers directly or indirectly. They can do it indirectly through their Representatives. For instance, if you get a rodent in a Food Store, you cannot burn the whole Store. We can get rid of the rodent. Here, our people are suffering although the County Government might be the owner of the land, our people are suffering and we must differentiate the two issues; between the Hospital and the Land Ownership.

Mr. Temporary Speaker my urge is, because we have the Committee on Lands and the Committee on Health, we should interrogate the matter from the County side and the Hospital part of it so that we can come up with a concrete solution for this issue. As of now, I am happy to hear that the services have resumed but this issue of eviction and other things happening around the Country, we must know that we are here because of those people whom we represent and if you look at our Hospitals, people are still complaining that they are not getting the services.

Mr. Temporary Speaker, the other time, the Chairperson for the Committee on Health Services said in this House that our Hospitals and our health are in ICU. As a County, if we go in that direction, we might end up not giving our people a lot. My wish Mr. Temporary Speaker, is that being the Vice Chairperson of the Committee, we do a thorough investigation in our County so that we can come up with clear information on who the owner of the land is, and the Health Committee to do something so that the Hospital operation is not interfered with. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Member representing Kamara Ward and then Hon. Anthony representing Nakuru East Ward, in that order.

Hon. John Maritim: Thank you Mr. Temporary Speaker, I wish to take Members back a bit. There was a time when we were given a Report on Health by the Chairperson of Health Committee and it said that the Provincial General Hospital and Njoro Dispensary do not have Title Deeds. About War Memorial Hospital is that, these people know that majority of the hospitals in Nakuru County do not have ownership Titles. That is why they are refusing to get out of the given area. To touch on the War Memorial, we have heard many things and we have said that we are losing lives, and I believe that for any contract to be binding, there must be an Agreement and that is what they did. The person leasing and the person being leased to. I believe that there was a binding Agreement that both parties had.

Mr. Temporary Speaker, I think the reason why those people are there is that they understand that the norm that we have in Nakuru is that we do not have Titles for our Health Facilities. The best thing is the Committee on Lands and Health Services should follow these things up because they will keep on emanating time after time. Mr. Temporary Speaker, the best thing is that we need to find the Title of all the Hospitals in Nakuru County so that such incidents will not happen in the future. Thank you Mr. Temporary Speaker.

Hon. Anthony Kanyere: Thank you Mr. Mr. Temporary Speaker. I take this opportunity to welcome Members from Kisumu County Assembly. Welcome to Nakuru and feel at home. Also, let me join fellow Members of this County Assembly to echo their sentiments on matters to do with the issue of that Hospital. I will address myself as the Chairperson of the Legal and Justice Committee and I can say that, let us look at the justice issues where there is Human Rights violation. It is being purported that we lost some patients in that Hospital. To me, I may want this Honorable House to take this matter seriously and employ some Alternative Dispute Resolution

Mechanism, given that this issue is portraying the County Government in a very bad way. I understand this matter is in Court and we may even lose this case.

Let this House have a mechanism whereby we can be proactive. Let us not leave these things to the public ...

The Temporary Speaker (Hon. Michael Gathanwa): Honorable Anthony, the matter being in Court had been raised and as you know, we cannot be discussing matters that are in Court and we said that the matter was dispensed with and we are not aware whether there has been any other plea or prayer that has been taken before Court. As far as we know, the matter is not before the Court.

Hon. Anthony Kanyere: Mr. Temporary Speaker, I stand guided and that is why I am saying that as an Honorable House, we should employ Alternative Dispute Resolution and the relevant Committees to come in handy so that we can call all those people that were mentioned and were in that issue so that we can give a Report and we protect our people. Mr. Temporary Speaker, on matters to do with the violation of Human Rights, I may want to be engaged in that issue as a Committee so that we can employ every bit of avenues that we can use to see that this matter can be put to rest because this is just a litmus test. Tomorrow, another Lease will lapse and we will go the same route. Mr. Temporary Speaker, we may not want to portray this Government as a rogue Government. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Alright. I would like to commit that matter to the joint Committees on Lands, Housing and Physical Planning, the Committee on Health Services and the Committee Justice and Legal Affairs. Kindly follow up on the matter and bring back a Report to the House in the next 7 days.

MOTION

WARD PROJECTS SAVINGS

The Temporary Speaker (Hon. Michael Gathanwa): We have a Motion to be tabled by Hon. John Mwangi Macharia, Member for Turi Ward.

Hon. John Macharia: Thank you Mr. Temporary Speaker. I rise to move the Motion concerning the Ward Project Savings.

THAT Aware that the County Government appropriates Funds for various projects each Financial Year in all 55 Wards of Nakuru County; Recognising that the amount of each Project as approved in the Budget does not translate to the actual cost of implementation; Cognisant that the County Government has put measures in place to ensure Projects Implementation meets the required standards and that there is prudent use of public resources; Appreciating that a colossal amount of Savings has been made in previous Financial years from Ward Project Implementation; Noting that the Savings accrued from Ward Projects are drawn from the respective Ward Kitties whereas

those Savings if deposited in an account could be used to fund additional Projects in the respective Wards.

Now therefore, this House resolves that as a long-term strategy to enhance the accountability of public resources, the County Government creates a Ward Projects Savings Account after which the funds are re-channeled back to the respective Ward in a successful budgeting cycle.

Mr. Temporary Speaker, in every Financial Year in all the 55 Wards, we usually go for what we call Public Participation. In Public Participation, it is the right of *Mwananchi* as granted by the Constitution of Kenya 2010 that the powers belong to the people. Members of the public usually assemble in their respective Wards where the Members of the County Assembly together with the County Executive usually join them and allocate Funds as per the wishes and needs of each Ward.

Mr. Temporary Speaker, you find that when it comes to implementation of Ward Projects, the estimated amount that was allocated during the Public Participation is not actualised and therefore, at the end of the Financial Year, some Savings are left after the Projects have been implemented. For example, you may find a particular Ward which has been allocated may be Kshs. 30 million in a particular Financial Year. In that particular Ward when the Project has been awarded through the Open Tender System, you find that that amount of Kshs. 30 million, only Kshs. 25 million has been utilised in the Project. An amount of Kshs. 5 million has been left in the respective Department and yet, the Projects that were being anticipated in the specific Wards have been implemented.

Mr. Temporary Speaker, you can find a case of drilling a Borehole where the cost of drilling a borehole is Kshs. 3.2 Million. That is the estimated cost but when it comes to the action, you find that the contractor can drill water for Kshs. 2.5 Million. Therefore, an amount of Kshs. 700,000 is left, yet that Project in that Ward has not been done to the fullest. That is why I am requesting Honorable Members that we pass this Motion, that we be allowed to utilise the Savings that are left at the end of the Financial Year so that they can be consolidated and ploughed back and rolled over to the next Financial Year where the respective Ward and Honorable Members can allocate those funds to other Projects. I beg to move and request Hon. Paul Warege to second. Thank you.

Hon. Paul Warege: Thank you Mr. Temporary Speaker. I wish to second that Motion and wish to commend Hon. John Mwangi for bringing the Motion to the House. I know this Motion is in line with Nakuru County Revenue Allocation Act 2018 which states that: - Ward Development Funds should be allocated to respective Wards. Part (2) of Act 12(4), states that Unspent Development Funds at the end of the Financial Year shall be reallocated to any eligible Project and such projects may be new or ongoing. I support the Motion. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): I will propose the question.

(Question proposed that this House resolves that as a long-term Strategy to enhance accountability of Public Resources, the County Government creates a Ward Project Savings Account after which the Funds are channeled back to the Respective Wards in successive Budget Cycles).

The Motion is open for debate. Hon. Eliud.

Hon. Eliud Chege: *Asante sana Bwana. Spika kwa kunipa nafasi hii. Ningependa kumpa kongole Hon. John Mwangi kwa kuja na Mswada kama huu. Huu ndio Mswada tunasema ya kwamba ni Mswada wa wakati kwa sababu ameuleta wakati ambao unafaa. Bwana Spika ukiangalia njia zetu za kupatiana Miradi kuna lugha ambayo tunatumia kwa Sheria ambayo inasema kuwa tutunukie yule mtu ambaye ameweka pesa za chini zaidi kufanya hiyo kazi. Inamaanisha ya kwamba kuna kiwango cha pesa ambacho kinabaki kwa kila mradi ambao tunafanya. Bwana Spika, ingekuwa jambo la busara kama kila mwisho wa mwaka hizo pesa zote zingewekwa katika Department zote. Ikiwa ni ya Maji, Ardhi na Afya zote ziwekwe pahali pamoja ndipo ziweze kurudishwa kwa Wananchi ili turudi kwa Wananchi na tujue ni Miradi gani tutafanya na hizo pesa.*

Bwana Spika, Kwa mwaka uliopita tumekuwa na Miradi kadhaa na ukiangalia wale waliopatiwa hizo Kandarasi walivyo fanya kwangu, siwezi kosa zaidi ya Millionni tatu. Kulingana na hali ya mvua hizo pesa kama tungekaa na Wananchi hatungekosa barabara moja ama mbili ya kutengeza kutumia hizo pesa. Nimesimama kuunga mkono huu Mswada na kusema kuwa inaweza kufanyika haraka iwezekanavyo na tujue kwamba hizi zingine za mwaka uliopita ziko wapi na kama ziko, huu mwaka ambao tumeanza upya pia tukimalizia mwaka ujao pia tufanye hivyo. Naunga mkono na pia ninashukuru Mheshimiwa. Huu ni Mswada wa mana na mwenzangu anasema old is gold. Mheshimiwa ako na experience ya kutosha and I wish wale wengine walio kaa kwa Bunge hii kwa mda walete Miswada Hoja kama hii ambayo inaweza okoa Kaunti yetu. Nashukuru Bwana. Spika.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Virginia.

Hon. Virginia Gichanga: Thank you Mr. Temporary Speaker for giving me this chance. First, I would like to congratulate the mover of the Motion Hon. John Mwangi and also the Chairperson for the Committee on Implementation for bringing up such a Motion at such a crucial time. Mr. Temporary Speaker, I was in the second Assembly and I remember very well in 2021, all the Savings were brought back to the MCAs, and every MCA was given the task of saying where the money or how the money would be spent. I had raised the concern to the Budget Committee and the answer that the Executive gave was not satisfactory.

Mr. Temporary Speaker, this is a House of rules and order, and anything that is spent on the Executive side, if it is the Budget, we do approve the Budget and also the Supplementary so even these Savings should be brought back to the Assembly for approval and we agree on how the money should be used because it is a Ward Fund. In my Ward, my people know that I have Kshs. 35 Million yet I may use Kshs. 29 Million or 30 Million but when it comes to them trying to find

out how the money is used, they do not know about the Savings. They do not know that there is the lowest bidder and that some is money left.

So Mr. Temporary Speaker, they judge me as per the Kshs. 35 Million. It is high time we do the necessary because even after the Executive has done the procurement, how the money has been awarded in every Ward should be brought back to us so that we can see how much money has been left in our Ward Fund Kitty.

Mr. Temporary Speaker, I stand to support and being a Member of the Budget Committee, we expect to see something happening and as a Member of the Implementation Committee, we expect to follow up on the implementation of the same. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Let us have Hon. Wathiai, Hon. Kirui, and Hon. Muraya in that order then we will come to this side.

Hon. David Wathiai: *Asante sana Bwana Spika. Nataka kuunga huu Mswada kwa sababu Honorable Chairperson wa Implementation ambaye pia ni Senior na ni "Njuri" anajua mambo yote na ako kwenye hii Bunge kwa mara ya pili, kwa hivyo anaelewa haya maneno.*

Hon. Eliud Chege: Point of Order Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Yes Hon. Eliud.

Hon. Eliud Chege: [On a Point of Order] He should clarify what he means by "Njuri" because I do not think that "Njuri" is Parliamentary, but maybe if he elaborates further we might understand what he means.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Wathiai, what is "Njuri?"

Hon. David Wathiai: Mr. Temporary Speaker, "Njuri" Means a senior person who has been in this House; may be a second-timer or third-timer. That is a word we use out there.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Muraya, are you on a Point of Order? Then resume your seat. Thank you. Proceed Hon. Wathiai.

Hon. David Wathiai: *Bwana Spika wa Mda, kweli kila mwaka kuna pesa zinabaki kwa Ward zetu na hizi pesa ni za Wananchi wetu wa Ward. Sio zetu bali tumepatiwa jukumu la kuwapelekea pale kwa ground na waseme kile ambacho wanataka wafanyiwe pale kwenye vijiji. Naunga huu Mswada mkono ili tupate nafasi ya kurudi pale ground na ile balance yote inabaki ikishikanishwa turudi kuongea na Wananchi wetu waseme tuwaeke stima, na kadhalika. Naunga huu Mswada asilimia 100% Bwana Spika wa Mda, asante.*

Hon. Bernard Kirui: *Asante sana Mr. Temporary Speaker kwa hii nafasi ambayo umenipatia. Kwanza nikumpongeza Mheshimiwa wa Turi kwa kuleta huu Mswada ambao unafaa kwa wakati huu, Tumekuwa tukiweka pesa nyingi sana kwa Miradi haswa zile za Ward lakini unapata wakati hizo kazi zinapeanwa wanapatia yule ambaye amequote chini na unapata kazi ambazo zinafanywa*

kwa Wards ni kazi mbovu kwa sababu Contractor amechukuwa kazi ambayo haina pesa. Bwana Spika wa Mda kwa mfano tuseme tumepeana Miradi ya Million tano pale Barut, halafu Contractor ambaye amepewa amequote milioni tatu na nusu, unapata milioni moja na nusu imepotelea pale kwa Department na zile kazi ambazo zinafnywa kwa Ward sio kazi ambazo zinafaa.

Bwana Spika wa Mda, nami nasimama kuunga mkono kuwa hizo pesa zote ambazo zinasalia pale zirudishwe kwenye hii Bunge, tuweze kupitisha na zisaidie kazi nyingine kwa sababu kuna Miradi ambazo zimesimama pale kwa Wards. Pia zitasaidia wale Contractors ambao wanaelewa wanachofanya, waweze kushinda hizo Tenders ama hizo Contracts kwa sababu wale ambao wanapewa wakati huu, ni wale ambao wanaharibu kazi. Bwana Spika wa Mda, wanaquote bei ya chini ndio waweze kushinda hizo Contracts halafu wanafanya kazi mbovu. Bwana Spika wa Mda, naunga mkono huu Mswada na pia kumpongeza Hon. Mwangi kwa kazi nzuri.

Leo nimeamani hata zzee akiketi chini anaweza kuangalia Naivasha, anashinda yule Kijana ambaye yuko juu ya mti. Asante sana Bwana Spika wa Mda.

Hon. Joseph Muraya: Thank you, Mr. Temporary Speaker. Mheshimiwa ameanza kujua lugha ya tatu ya taifa. Nasimama kuunga mkono Mswada huu ambao umeletwa na Mheshimiwa Rafiki yangu na namesake. Asante sana kwa sababu you are the mover of this Motion. I am looking forward to seeing you see this Motion implemented as the Chairperson of the Implementation Committee. Once again, I am here to support this Motion. Thank you Mr. Temporary Speaker.

Bwana Spika wa Mda, imekuwa tu mazoea na ni sheria ambayo ilipitishwa ya kwamba “mwenye atakadiria chini sana ndiye atakayepewa Kandarasi”. Ni kweli kuwa katika kukadiria, kuna pesa ambazo huwa zinabaki na kama vile Hon. Virginia amesema, wananchi pale wanatufanyia hesabu za pesa tulizo waambia wakati tulienda kuchukua maoni kwao. Mimi wananifanyia hesabu ya Kshs. 35,000,507 nami hapa ninapata kuna mwenye amekadiria hii pesa na wamekadiria jumla ya Kshs. 27,000,000. Kwa hivyo hapo kuna Million kama nane ambazo zinabaki. Pia Mwananchi ananiangalia aone kuwa nimefanya kazi.

Bwana Spika wa Mda, nisipopata hizi fedha, Kshs. 7 000 000 nitakuwa na vita vigumu sana pale Mashinani. Naunga mkono Mswada huu na kama kuna uwezo wa kuharakisha na iwe ya kwanza hata kama Hon. John Mwangi hatafuatilia zile zingine ambazo tumepitisha angalau afuate hii ambayo inatufaa na ni yetu. Hakikisha kwamba imeafikiana ili tuweze kujinasua kutokana na yale maneno na vita ambavyo viko pale Mashinani ambavyo vinaweza kutuletea madhara baadaye.

Kwa hivyo Bwana Spika wa Mda naunga mkono na kushukuru sana kwa sababu kama vile Mwenzangu amesema, ni vile hakuweza kuelezea vizuri. Katika jamii yetu hauwezi ukaita aliye mkubwa wako kwa jina lake. Unamwita jina la heshima. Tunapomwita Hon. Mwangi "Njuri" hata pia yeye anafurahia, anacheka na pia anaongeza miaka yake. Mtu anapocheka ni dawa ya mifupa kwa hivyo tunamfanya awe kijana lakini ni Mzee. "Njuri" sio jina libaya bali ni jina la heshima kutoka kwa jamii yetu. Asante sana Bwana Spika wa Mda.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Muna then Hon. Gathuita in that order.

Hon. David Muraya: *Asante sana Bwana. Spika wa Mda kwa kunipa hii nafasi ili niweze kuchangia Mswada huu ambao umeletwa na Mwenzangu ambaye ni kiongozi wa pale Turi na pia ametumia hekima ya kuleta huu Mswada kwa wakati unaofaa. Mimi naunga mkono asilimia 100% kwa sababu kulingana na Makadirio ambayo huwa yanafanywa na wale ambao wameuliza kufanya Miradi katika maeneo yetu ya Bunge, unakuta kuwa yale Makadirio ambayo yanahitajika ni yule ambaye yuko katika kiwango cha katikati kwa hivyo kuna fedha nyingi ambazo zinabaki wakati hiyo Project inapata mtu ambaye atakuwa akifanya. Kwa mfano kwa Ward yangu tuko na Project moja ambayo ilikuwa ya Kshs. 4.5 Million na aliyepata nafasi ya kufanya alipata na Kshs. 4.1 Million. Kwa hivyo Bwana Spika wa Mda ukiangalia unaona kuna zaidi ya Kshs. 400 000 ambazo zilibaki pale. Maoni yangu ni kwamba wakati tunakadiria makadirio ya Bajeti ambayo inafuata, ningeomba ikuwe Roll Over to the other Budget every year.*

Bwana Spika wa Mda, niko na concern moja ambayo Mheshimiwa Virginia amesema hapa ya kwamba kuna wakati ali raise hiyo complain na akauliza maswali katika Kikao kimoja cha Budget na yale majibu ambayo alipewa, amesema hayakuwa ya kuridhisha kamwe. Kwa hivyo pia tungeomba ya kwamba wakati Chairman wa Budget anaongoza pale katika hivyo vikao, awe akisikiza Members wake vizuri kwa sababu hii issue ni ya muhimu sana kwa wananchi wetu pale Mashinani. Kwa hivyo mimi ninaunga mkono asilimia 100 % na ningeomba Mheshimiwa Macharia ambaye ameitwa “Njuri” hapa kwa sababu wewe ndio uko kwa Implementation, tunakuomba hayo mambo yatekelezwe kwa haraka sana. Asante Bwana Spika wa Mda.

Hon. James Mwangi: Thank you Mr. Temporary Speaker, I rise to support the Motion. First, I want to recognise the visitors from Kisumu. Honourable Members, you are welcome in Nakuru County.

Mr. Temporary Speaker, first, I want to support this Motion on the basis that the money is called “Savings”; it is the allocation for the Ward Projects, a share for allocated Projects within the 55 Wards. I think it is not in order to reallocate or wire that money elsewhere within the Budget, bearing in mind that *Wananchi* want to see value for money in any approved Budget. I want to urge even the Motion mover to have a target because, they need to come up with either approved or with a note where they would be saved so that *Waheshimiwa* or *Wananchi* have access of that Budget.

Mr. Temporary Speaker, they should have something like Consolidated Savings so that they can be used. In Dundori Ward, in the last Financial Year, we had Kshs 2 Million in Savings and they just lost there in the forest. I want to support with amendments because we had the previous Budget and, in my Ward, in the Department of Education, I had two Classrooms that had been allocated Kshs 1.5 Million each. I even had a Toilet which was allocated Kshs 600,000 during the Public Participation and the Projects were not done. Mr. Temporary Speaker, the Contractor shied away from taking those Projects in Awarding, because there was no value for money, bearing in mind the cost of living is high and we have to upload that Budget up to Kshs 1.8 Million. My take on supporting with amendments this Report is that *kama hizi pesa zitapotea kwa Wards zetu, zile*

Miradi ambazo tutakuwa tumeweka za pesa kidogo, the Executive will either support or add that money. Kama Classroom tumeweka Kshs. 1.5 Million na hazitoshi, hiyo pesa ya juu Executive wanaweza support kama ni Toilet nimeweka Kshs 500,000 na hazitoshi, kama zile zangu zitapote,,Savings, watakuwa wana Supplement hiyo ili hiyo Miradi ifanyike.

Hon. Lear Serem: Point of order! Mr. Temporary Speaker

The Temporary Speaker (Hon. Michael Gathanwa): What is the order?

Hon. Leah Serem: [On a Point of Order] I want to know if *Mheshimiwa* is in order to mix Kiswahili and English at the same time.

The Temporary Speaker (Hon. Michael Gathanwa): *Mheshimiwa* kindly use one language during your presentation.

Hon. James Mwangi: Mr. Temporary Speaker, you see there are some issues we need to talk in a language that everybody can understand. I want Hon. Serem to explain to me what Njuri means in English; thank you.

(Laughter)

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Rottok and then Hon. Mutai

Hon. Isaac Rottok: *Asante sana Bwana Spika kwa kunipatia hiyo fursa na kwanza kabisa, kulingana na lugha ambayo tunafaa kutumia kwa hii Bunge; tunatumia lugha ya Kiswahili na Kiingereza. Nafikiri Mheshimiwa anapochanganya lugha zote mbili, inakubalika kwa sababu kuna matamshi ambayo huwezi kuyatamka kwa lugha ya Kiswahili.*

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Rottok, *tunatumia lugha ya Kiswahili au ya Kiingereza wala sio Kiswahili na Kiingereza.*

Hon. Isaac Rottok: *Kiswahili...*

The Temporary Speaker (Hon. Michael Gathanwa): *Au Kiingereza.*

Hon. Isaac Rottok: *Asante Bwana Spika wa Mda. Ningependa tu kuumrudishia shukrani Mheshimiwa Macharia kwa kuleta Mswada ambao unatugusa sisi sote tukiwa wawakilishi Wadi. Kwa hakika ni pesa nyingi sana sisi tumepoteza vile wenzangu wamesema, Contractor akipatiwa kazi anafanya kazi kwa bei ambayo ni ya chini, Kandarasi anafanya kwa kutumia njia ya biding kwa bei ya chini. Kwa hakika tukijumlisha hizo pesa hata kwa mfano wadi ambayo niko, ni pesa zaidi ya Kshs 5 Milioni ambayo sijui mahali iko. Na kwa kupitia Mswada huu, ninakubaliana nao kabisa. Pesa hizo zirejeshwe katika akaunti ya Wadi ili tuweze kusaidia ama kusupport kazi ambazo pesa hazikutosha. Kwa sababu ninaamini kwamba Waheshimiwa wote kwa jambo hili wanakubaliana na Mswada huu, uwekwe kwenye swali na tuweze kupitisha huu Mswada Asante Bwana Spika wa Mda.*

Hon. William Mutai: Thank you Mr. Temporary Speaker. I stand to support this Motion that the Roll-Over Money for the Projects be used, and I am adding another term here that it should be used as soon as possible. The reason as to why I am saying so is because you see like in this Financial Year, the Development Money is about Kshs 5.7 Billion, and considering this amount of money, possibly the amount that will eventually be allocated to the Projects will be about Kshs. 5 Billion leaving a balance of about Kshs. 700 Million.

Mr. Temporary Speaker, the Report that will be given by the Controller of Budget at the end of every Financial Year means that there will be some money that will not have been spent amounting to Kshs. 700 Million. To the common *mwanaanchi* and in the layman understanding, it means that Government was so weak to an extent that it could not spend that money whereas the demands in the Community are very high.

So according to me Mr. Temporary Speaker, I would wish that this money be used and more clarification be given because I remember there was a Project of several Millions in my Ward Keringet, there was a balance of Kshs. 276,000 and it was for drilling of a Borehole. The members of the community were asking me “You want to tell us Mheshimiwa that Kshs. 270,000 will be enough to drill a borehole?” These are some of the questions I could not answer instantly because I had not known there was some money for the Roll-Over.

To date Mr. Temporary Speaker, one year down the line, we have used the same money. So, I want to support this Motion that has been brought by the Hon. Mwangi that this money should be consolidated and allocated to a certain Department so that it can benefit *Wananchi* in projects identified.

So Mr. Temporary Speaker, I stand to support and I am very sure that we are going to do so and the Government will not be tainted. I remember way back in 2016 and this is one of the agendas that we used to kick out the former Government of, His Excellency Lee. There were some Reports that Millions of monies had not been used and so we picked up from there and said that if Lee could not use such an amount of money, then he had no business staying in the Office and this can also happen if we do not take precautions. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Hon. Anthony and then Hon. Representing Kamara Ward in that order

Hon. Anthony Kanyere: Thank you so much Mr. Temporary Speaker; may I stand to support this Motion and say this exercise is being done elsewhere, in the National Government. Having been in the NG-CDF during the previous regime, there is KERA and KURA, they have a Suspense Account whereby whenever there are Savings, the Savings are deposited in the Suspended Account and towards the end of a Financial Year, the monies are redirected to other Projects.

So Mr. Temporary Speaker, I want to support and say that this thing is doable. Also, to echo what other Members are saying, we are losing a lot of money which has been appropriated to benefit

our Wards. So, we should have a measure whereby the same money should come back to our Wards and benefit our Projects. So, I want to support and thank you Mr. Temporary Speaker.

Hon. John Maritim: Mr. Temporary Speaker, I also rise to support my friend here CPAK. John Mwangi. But then what he did is that it is an eye opener for us that we left a lot of money which is residual from what is estimated to be the actual, such that in each Department, this money must be embezzled.

So Mr. Temporary Speaker, before we do any Public Participation, we should be furnished with a complete list of Projects in our Wards and the amount allocated. I believe we shall be waiting for Reports from External Auditors and Internal Auditors so that we can ascertain whether the correct amount of money was there. Mr. Temporary Speaker come the next successive Financial Year, we need to be having these Reports. If for instance we are given Kshs 34 Million or there is a saving of Kshs. 4 Million, so that Kshs 2 Million plus Kshs. 4 Million can be Kshs. 36 Million. This money is there, and I believe we are ready for it and eagerly waiting to see that everything is implemented.

Finally Mr. Temporary Speaker, the mover of the Motion is the Chairperson for the Committee on Implementation; I believe it is high time you started from there, regardless of conflict of interest because we need to fix this. Thank you Mr. Temporary Speaker.

The Temporary Speaker (Hon. Michael Gathanwa): Honorable Members I know we had a question whether *tumeruhusiwa kutumia Kiswahili na Kiingereza au kuchanganya Kiswahili na Kiingereza*. According to a Third Edition of our Standing Orders, Standing Order no. 76 (2) says: - “A Member who begins a speech in any of the languages provided for under Paragraph One may continue in any other language provided for under the Standing Order 76(1) which provides that all proceedings of the Assembly shall be conducted in Kiswahili, English or Kenyan sign Language”. So, you can incorporate the Kenyan sign language. I now put the question

(Question proposed that now therefore, this House resolves that as a Long-Term Strategy to enhance accountability of Public Resources, the County Government creates a Ward Projects Savings Account after which the Funds are rechanneled back to the respective Wards in successive Budget Cycles.)

(Question put and agreed to)

ADJOURNMENT

This House stands adjourned until 2.30 in the evening

The House rose at 11.25 AM