

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KENYA**  
**THE HANSARD**

**Wednesday, 26<sup>th</sup> September, 2018**

The County Assembly met at the Assembly  
Chamber at 10.00 A.M.

*(The County Assembly Temporary Speaker (Hon. Stephen Kahinga) in the Chair)*

**PRAYER**  
*(Consultations)*

**Temporary Speaker, (Hon. Kahinga):** In accordance with Standing Order 45, if there is no quorum present when the Chair is taken, at the time appointed for a meeting of the Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes.

So I order the Sergeant-at-Arms to ring the quorum bell for 10 minutes.

*(Quorum Bell Rung for Ten Minutes)*

Hon. Members, under Standing Order 48, when the quorum bell is ringing, Members shall remain seated in the Assembly.

*(Loud Consultations)*

Hon. Members, I will read this for the last time; under Section 48, when the Quorum bell is ringing, Members shall maintain order in the Assembly.

**POINT OF ORDER**  
*(By Leader of Majority, Hon. Ikonya)*

**Temporary Speaker, (Hon. Kahinga):** Yes!

**Leader of Majority, (Hon. Ikonya):** Mr. Speaker, I rise on a Point of Order and I would like you to rule on whether the Member for Ndenderu is properly dressed for the House.

**Temporary Speaker, (Hon. Kahinga):** Member for Ndenderu...

*(Interruption)*

**Leader of Majority, (Hon. Ikonya):** Mr. Speaker, I have now seen his tie. I could not see his tie, so I thought he was improperly dressed. At least I can now see his tie.

**Temporary Speaker, (Hon. Kahinga):** Then let us proceed!

**STATEMENTS**  
**FAILURE BY MIDDLEMEN TO CONTRIBUTE TOWARDS ROAD**  
**MAINTENANCE IN THE COUNTY**

**Kamburu MCA**, (Hon. Mburu): Thank you Mr. Speaker!

Pursuant to Standing Order 56 (3), I hereby request for a Statement from the Chairperson of the Finance, Budget and Appropriations Committee on failure by middlemen to contribute towards road maintenance in the County.

Honorable Speaker, over the years, tea farmers have been paying road maintenance fee to the tea factories where they sell their tea. The funds collected are used for upgrading and maintenance of priority rural access roads and bridges in their operation zones.

Nonetheless, there have been growing concerns from the stakeholders in tea sector over the invasion by middlemen who have been buying tea directly from farmers and later selling it to processing factories without contributing towards road maintenance.

Honorable Speaker, in view of the above, the Chairperson should inquire into and report on the urgent and firm measures that the County Government is taking to ensure that middlemen buying tea directly from the farmers contribute towards upgrading and maintenance of access roads in their operation zones.

Thank you!

**Temporary Speaker**, (Hon. Kahinga): Chairperson Finance Committee!

**Chairperson, Finance, Budget and Appropriation Committee**, (Hon. Karuga): Thank you Mr. Speaker and thank you Hon. Member for Kamburu!

Bearing in mind that I come from those tea growing areas, indeed the roads need to be done, especially from the tea cess. I am therefore requesting this Hon. House to grant me 21 days so that I can come up with a conclusive reply.

Thank you!

**Temporary Speaker**, (Hon. Kahinga): Hon. Gathuru!

**Kamburu MCA**, (Hon. Mburu): Thank you Mr. Speaker!

I think given the enormity of the matter and also give that tea growing areas in our County are extensive, I think 21 days is in order. So, it is okay Mr. Speaker!

Thank you!

**Temporary Speaker**, (Hon. Kahinga): Okay!

I now call upon the Chairperson of the Finance Committee to respond to the Statement of Hon. Taki.

## STATUS OF PENDING BILLS IN KIAMBU COUNTY

**Chairperson, Finance, Budget and Appropriation Committee,** (Hon. Karuga): Once more, thank you Mr. Speaker.

Honorable Speaker, the Hon. Taki Julius Macharia, Member for Witeithie Ward requested for a Statement from the Chairperson of the Sectoral Committee on Finance, Budget and Appropriations regarding the status of pending bills in Kiambu County.

Honorable Speaker, the Committee conveyed the request for Statement to the County Executive Committee Member in charge of Finance, ICT and Economic Planning Department.

Honorable Speaker, on behalf of the Committee, I wish to report the Communication received from the County Executive Committee Member as follows:

- a. That, the total pending bills as at 30<sup>th</sup> June, 2018 was Kshs. 2,316,637,322.00 which includes Kshs. 1,119,913,014.00 in the Recurrent Expenditure and Kshs. 1,196,724,308.00 in the Development Expenditure;
- b. That, the pending bills per Department is as follows:

No.	Department	Development Expenditure	Recurrent Expenditure	Total
1.	Water, Environment and Natural Resources	206,688,094.00	23,564,276.00	230,252,370.00
2.	Lands, Housing, Physical Planning, Urban Development Management	76,094,451.00	23,046,124.00	99,140,575.00
3.	Education, Culture and Social Services	86,860,870.00	21,901,496.20	108,762,366.60
4.	Roads, Transport and Public Services	597,086,755.00	21,076,866.35	618,163,621.35
5.	Agriculture, Crop Production, Irrigation Department	48,894,031.00	16,879,124.00	65,773,155.00
6.	County Public Service Board	-	2,55,861.00	2,500,861.00
7.	County Executive	-	37,863,597.00	37,863,597.00
8.	Health Department	60,776,409.00	506,712,665.00	567,489,074.00
9.	Finance, ICT and Economic Planning	-	346,278,859.00	346,278,859.00

10.	Livestock, Fisheries and Veterinary Services	50,725,400.00	6,846,587.00	57,571,987.00
11.	Administration and Public Service	-	6,575,127.00	6,575,127.00
12.	Youth Affairs, Sports and Communication	9,206,012.00	70,289,244.00	79,495,256.00
13.	Trade, Tourism, Cooperatives and Enterprise Development	60,392,286.37	36,378,187.00	96,770,473.87
	<b>TOTAL</b>	<b>1,196,724,308.77</b>	<b>1,119,913,014.05</b>	<b>2,316,637,322.82</b>

- c. That, the pending bills as at 30<sup>th</sup> June, 2018 have been carried over to the current financial year. All the Departments have been instructed to revise their budgets in the Supplementary Budget Estimates 1 so as to accommodate the pending bills. This will ensure that the pending bills are paid in full within the current financial year 2018/2019. This will also ensure that the ongoing projects are completed before new ones are started.

Honorable Speaker, I beg to lay this response from the County Executive Committee Member.

It is worth noting that the status of corporation of audit ordered by IGBEC ,that is Intergovernmental Budget and Economic Council also including a list of pending bills incurred by the County Government and service providers or contractors involved have not been provided and we have instructed the Clerk to write back to the CEC of Finance so that he can furnish information to this Honorable House.

So I request this Honourable House to grant the Committee 14 days so that the same can be provided in this House.

Thank you, Mr. Speaker.

**Temporary Speaker, (Hon. Kahinga):** Hon. Taki.

**Witeithie MCA, (Hon. Taki):** Thank you Hon. Speaker and Chairperson, Finance for a job well done but it is good to note that if you can go for development project for expenditure for water, that is, Ksh. 206 Million plus. When you go to health facilities, there was only Ksh. 60 Million that was used for development.

A Recurrent Expenditure of half a Billion, now that gives you an estimate of projections of where we are going as a County. If you can ask Honourable Members on number one on Water, Environment and Natural Resources, if that Ksh. 206 Million was spent, how many Honourable Members in this House saw any single project that were done in their Wards? To counter this, you realize only 10% of this, some work was done.

Hon. Speaker, I happen to be a Member of Youth Committee and according to tabulations, it is said that Ksh.9 Million was spent in development which to us in the Youth Committee can at least say there was no development project done in that financial year.

So, I ask the Chairperson, Finance to go through the document again and note what has been brought from the Executive but also to have that ability to internalize the report and see the audacity of report because Hon. Speaker, if you can go through that report, you realize that we have spent almost Ksh.1.1 Billion for development and if we have spent Ksh.1.1 Billion for development I heard Hon. Chair for Health say only Ksh.9 Million was spent in his Ward for development.

The big question mark is, if this money can be accountable for all Hon. Members here, we shall be progressing somewhere and if you can go through also to the Finance and the recurrent expenditure of almost Ksh.346 Million as the recurrent expenditure so members, my humble request is that this document should not only end here but it should be internalized by each Hon. Member to realize the extent of where we are going as a County. If we do not internalize this document a lot of water will go under the bridge.

To be honest Hon. Speaker, I will request the Hon. Chair to request for further details because I remember this very well, we were told that we incurred almost Ksh.1.1 Billion in pending bills and according to rumours, we are going to almost Ksh.4.5Billion but we cannot work on rumours.

We want facts and according to me, this report is incomplete thank you Hon. Speaker.

**Temporary Speaker,** (Hon. Kahinga): Hon. Julius Taki it is also advisable not to use that word "rumours". We are not here to work with rumours.

So Hon. Chairperson, Finance can you respond?

**Chairperson, Finance, Budget and Appropriations Committee,** (Hon. Karuga): Thank you Mr. Speaker and first I want to say that if you find a tortoise on the table, know that someone has placed it there because it cannot climb there. Mr. Speaker these are facts that have been supplied by the CEC, Finance and we cannot doubt these facts until we scrutinize them and may be compare them with other documents.

Mr. Speaker, indeed the pending bills is a worry to this Assembly and to the whole County Government of Kiambu. It is worth noting that the pending bills are an accumulation of all those debts that were incurred previously. We also want a line to be drawn that this is for the previous financial year 2017/2018 or for other financial years. Mr. Speaker we cannot doubt that these pending bills were incurred.

Mr. Speaker, this is a House of facts, this is not a House of rumours and we cannot act with rumours! This is what has been provided for and we will continue working with these figures.

With that I reiterate again that this House may grant me 14 days to reply to the issue of IGBEC so that we can have a conclusive reply.

I also suggest if anyone could be having contrary information from the CEC, then that should be supplied to this Hon. House so that we can compare facts, thank you Mr. Speaker.

**Temporary Speaker,** (Hon. Kahinga): Are you amazed Hon. Taki?

**Witeithie MCA,** (Hon. Taki): Yes Hon. Speaker I was amazed by the words that were used by Hon. Chair and it is true if you want to test the ability of any man give him/her some power. You will realize that some words that were said that when you see a tortoise on the table it has not placed itself there and Hon. Speaker, I remember there were some words that were used that this document and it was my observation that it is for us to internalize and rumours help us to project.

If that rumour is only substituted by the truth and when I said about Ksh.206 Million on water project only and I said we have more than 60 Wards and I said if you asked how many Members here who won one project done by that department, only 10% will affirm that, so what does that tell you?

That here we are purporting to report some report which in ourselves cannot. I never disputed on number 4 transports and roads service because I realized that we have invested a lot in roads that nobody doubted about it.

I also questioned the Recurrent Expenditure on Health Department which was Ksh.506 Million which I said if we can have a Recurrent Expenditure of Ksh.506 Million and Ksh.60 Million for development project. So, what does that tell you? I said it is upon us whom people of Kiambu have bestowed power upon to internalize the report. We have been given and advice appropriately on the project that we have seen.

If you go to Livestock Fisheries and Veterinary Services, Ksh.6 Million as recurrent but Ksh 50 Million as Development Expenditure, how many livestock did we do in that project? So, when I was asking for this report, it is for us to open our eyes and see which department is over funded, which programme is a cash cow?

In economics, we used to call it ad hoc whereby we are only investing in it but nothing is coming out of it. If we can spend Ksh. 50 Million in Livestock, Fisheries and Veterinary but only spend Ksh.12 Million in youth, what does that tell you about our priorities?

This report was about to give us priorities , skilled development programmes that have been done and help us to come up with rationale on how we can fund our projects. That was the essence of this report. It was not about the tortoise on the table, or rumours or facts but it was about us getting the facts and internalizing those facts and advice accordingly to Kiambu County Assembly and Kiambu County Executive.

So Mr. Speaker, allow me not to continue from there, thank you.

**Temporary Speaker**, (Hon. Kahinga): Hon. Taki, the Chairperson has already asked for 14 days.

**Witeithie MCA**, (Hon. Taki): I am comfortable.

**Temporary Speaker**, (Hon. Kahinga): You are comfortable, Chairperson Budget!

**Chairperson, Finance, Budget and Appropriations**, (Hon. Karuga): Thank you Hon. Speaker and Hon. Taki, let me say that these are pending bills and not budget for this department and when you find a department having more pending bills than the other, may be like the Hon. Member has purported, the department of Livestock and that of Youth, that means that the County has even prioritized on paying more on youth than on livestock and that is why we have more pending bills on livestock rather than on youth Mr.Speaker.

As I had said earlier, a line has not been drawn whether these are the pending Bills for the financial year 2018/19 alone, and as we know, the pending bills are for all those subsequent years coming up together and I remember the Hon. Member requesting for all pending bills, he did not specify which financial year Mr. Speaker. I am happy that I have been granted 14 days so that the report can be furnished in this House, thank you Mr.Speaker.

**Temporary Speaker**, (Hon. Kahinga): Hon .Member for Nyathuna, are you on a point of order?

**Nyathuna MCA**, (Hon. Kinyanjui): I have been mentioned in this report twice So, it is also good that I also contribute. About the pending bills, the Hon. Taki mentioned my Ward. I believe this pending bills especially the development is what we have done and if a Ward like Nyathuna has only been allocated Ksh.10 Million.

I think when the Committee on Budget will be doing a comprehensive report, we should know how the development part of this money has been distributed in every Ward.

Mr.Speaker, I recall when we were recalling the Ward Development Fund Bill, we said that every Ward shall be allocated money equally. So, it is good we see how this money has been allocated to various Wards because it is unfair if one Ward has more than Ksh.100 Million in pending bill.

We need to know the criteria, special thing with those Wards that have been allocated more money. Is it about the size, population, is it how we are connected to the Executive, the Committee should explain to us because there is no way we have almost Ksh.1.1 Billion in the development yet some of our Wards for the one year, the development that has been done is less than Ksh.10 Million.

*(Applause)*

So, when this Committee will be doing that report, we should see how this money has been distributed in all 60 Wards so that we can know where the money has gone. If some Wards have lion's share, the next financial year, others should be considered. Like in my Ward, is one of the biggest Ward and if we have Ksh.1.1 Billion, then it means there are other Wards with the biggest allocation.

Another thing about health that was mentioned here, the consumption rate was 76% and the Ksh.60 Million there was delayed in payment when the contractors brought their certificates that is what I wanted to note. So, it is my humble prayer that when this Committee will be doing a comprehensive report, let us know where this development has been done in all the 60 Wards.

**Temporary Speaker**, (Hon. Kahinga): Hon. Chairperson for Finance!

**Chairperson, Finance, Budget and Appropriations**, (Hon. Karuga): Thank you Hon. Speaker. This has also taken another turn that the report should have been done on Ward to Ward basis and not department basis.

Mr. Speaker, if Members wish to be furnished with information at Ward level, we can request for the same from the CEC, Finance so that Members can know exactly where these projects were done, exactly what was done for this Ksh.1.1 Billion for Development Expenditure.

Mr.Speaker, allow me to register frustrations that indeed the figures looks enormous but when you go to the ground level, one can be shocked. For example, when you look at the figures in Water, Environment and Natural Resources, a Ward like Limuru East, nothing has been registered regarding the same, same for Lands, Housing and Physical Planning, may be a bit for Education, roads and nothing for Agriculture, Health, Livestock and a bit for Youth and Trade and Tourism.

I therefore concur with Members that indeed through scrutiny need to be done...

*(Applause)*

and I promise that I will furnish this House with the projects at Ward level, so that Members can know where there Ward is and what has been consumed at their Ward. Thank you Mr.Speaker.



**Temporary Speaker,** (Hon. Kahinga): Hon. Members, we all know that the Chairperson is new, I think he will change in the next year. Leader of Majority!

**Leader of Majority,**(Hon. Ikonya): Thank you Mr. Speaker and I wish to give a few sentiments on the same. I wish to express my gratuity to you because under Standing Order No.60, when a statement is being discussed, we should confine ourselves to the statement and not divert to other issues. Be as it may, Mr.Speaker, we need to be very honest with ourselves and know what we are talking about and really know what a pending Bill is.

A pending Bill is work that was done or services that were offered and were not paid for within a certain financial year and so when it runs over to another year, it becomes a pending bill. We need to draw a clear line and this is what the Chairperson should be telling us, we inherited a pending Bill from the previous regime, if we want to honestly assess what this Government is doing, you cannot assess it based on the Pending Bills we inherited because there are some that we have not paid.

Let me give you a case in point, we have a pending bill owed to lawyers who did litigations for this County, amounting to Ksh 368 Million, owed to law firms of work that you cannot be able to audit and say, these are the number of times that they went to court this is what they charged per single session in court.

Ideally, what we need to separate here is one, let us get the pending bill that we inherited, let us know what since we got in have because since we got in, this is the first independent budget that we have done.

When we got in, there was CIDP, ADP and a budget that had been done by the previous regime. So, we were doing a budget as the previous regime had passed. We therefore need to draw a clear line on what we inherited in terms of pending bills, what have we accrued as a County in that one year and then after that we shall be able to do a clear assessment of what we are doing in terms of the pending bills and if that is done, we need to do a forensic audit of those pending bills.

For example, I have heard and I did talk to the Chief Officer roads, that some of the pending bills cannot be verified. A person is claiming that I did make a road from point A to point B worth Ksh.68 Million, today, the road is in a bad state, so you need to go to the ground and ascertain whether that road was done at that point and time.

Others are very controversial, there are pending bills that we are getting that from point A to point B, there is a pending bill of Ksh.68 Million. You go to KERRA, the same road was done at the same time for the same money by a different contractor. So, one is claiming from the County while the other is claiming from KERRA.

So, we need to do a forensic audit and get an adhoc Committee in place that will look at every project that claims to have been done so that the forensic audit can tell us, can we be able to pay those pending bills or do we need to look for legal ways of establishing if we will be able to pay them or we will not pay them.

Otherwise, we will have white elephants and when a regime is going out, they would want to leave pending bills even others to companies owed to them, their relatives, so that others can be paid by the other regime. So this are the things we need to look at Mr.Speaker.



We need to be honest with our selves, let us know what we inherited, what are the pending bills, what we have accrued for ourselves as a pending bill and from that point, we shall be able to do an honest assessment of what we are doing in terms of pending bills.

Otherwise, in as much as we have to pay these pending bills, we cannot pay things that we cannot verify. Probably we can verify for those we have seen in our Wards, for example, the work that was done in our Wards, we know what has not been paid, that one we can agree we pay but those ones that we inherited that we cannot verify, unless a forensic audit is done, I do not think that we will be in order to pay those pending bills.

Thank you, Mr.Speaker.

## **COMMUNICATION FROM THE CHAIR**

### **MOUNT KENYA UNIVERSITY REGISTRATION**

**Temporary Speaker**, (Hon. Kahinga): It is your duty Hon. Member for Finance, to look into all those issues. Okay? Hon. Members, there is a letter here that I want to read for you. It is written as follows.

Hon. Members as you are aware, the registration process for the Mount Kenya University (MKU) is ongoing for the interested Members. This is therefore to notify you that the MKU personnel, will be in the Assembly today from 9.00 a.m. to collect the field registration forms for the purposes of ascertaining quorum to allow commencement of classes next week. Kindly return your field forms today and further, those interested to apply for course are encouraged to collect the registration forms too. Thank you.

## **ADJOURNMENT**

**Temporary Speaker**, (Hon. Kahinga): Hon. Members, there being no other business, this House stands adjourned until, Wednesday, 26<sup>th</sup> September, 2018, at 2.30 P.M.

The House rose at 10.53 A.M.