

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday September 30th, 2015

The County Assembly met at the County Assembly chambers at 2.30 p.m.

(The Speaker, County Assembly of Samburu (Mr. Steve Lelegwe) in the chair)

PRAYERS

STATEMENTS

The Speaker, (hon. Steve Lelegwe): hon. Members, here is the statement responses as contained in our schedule of statements. Response to statement number 23 from the Chair of Public Works, Water and Sanitation sought by hon. Raisy Letura concerning the status of several roads in Ndoto ward. Hon. Chair.

Chair, Committee on Public Works, Water and Sanitation, (hon. Christopher Lentukunyei): Thank you hon. Speaker, I stand to give my response regarding the condition of Keleswa road. The hon. Raisy Letura, MCA for Ndoto ward, requested for a statement number 23 on 10th September, 2015 from my committee concerning the status of several roads in his ward. The committee conveyed the request for the statement to the CEC concerned. I wish to report the communication received from the CEC, that on the Lesirikan-Keleswa road, after grading a portion, it was found that the soil was very loose and for this reason, 1km of the road is to be graveled in this financial year. This road had 32 metres of 900mm diameter culvert. The remaining amount in the contract sum from dosing 38 metres and 900 mm culvert will be used to gravel sections of the road. All this is in the contract document. At the Ilaut-Seren junction, after grading a portion of the road, it was found that the soil was very loose. Hence, 1.75km of the road is to be graveled in this financial year and 21 metres of 900mm diameter culverts installed to ensure easy accessibility. At the Ilaut-Arsim junction, after grading, a portion of the road, it was found to have loose soil. Hence, 2.5 km of the road is to be graveled in this financial year and 14 metres of 900mm diameter culverts installed to ensure travelling comfort. I beg to lay this response before this house.

(Hon. Lentukunyei tables the report with the clerks)

MCA Ndoto ward, (hon. Raisy Letura): Thank you Mr. Speaker, I wish to thank the hon. Member for trying to bring the response to the house though it is not categorical. One, the contract sum for Lesirikan-Keleswa road was about 5M. The contract contained in the document was dosing, grading, spot-graveling and installation of culverts at some specific spots. However, what was done was only grading. No dosing was done, none of the culverts were installed and no

single area was spot-graveled. I want to inform this house that the contractor was paid but am not sure of the amount. How did the ministry pay the said contractor without doing the work as per the contract? If you travel from Lesirikan to Keleswa, it is difficult to access. Some of the areas required dosing but it was not done. They decided to do the grading. I don't know what criteria was used to start the work upside down. The areas that were to be installed with culverts are still lying open. We are expecting *Elnino* rains and the main reason why the county government gave out this contract was to open up Lesirikan-Keleswa upto the junction of Ilaut, towards Marsabit and the rest of Kenya. But the work that was done was far below the standards of the contract. Value for our money must be accounted for. How can the whole department with expertise pay a contractor who has decided not to do dosing or install culverts but do the bottom-up approach on the road? On the Ilaut-Seren road, the distance with loose soils said to be 1.75km tells that whoever responded to this statement does not know where Seren is. The road is about 11kms, it was graded according to the contract but there was no gravelling as required on the whole road. I was there with the county assembly vehicle two weeks ago but we had to engage a four-wheel drive from the start of the junction to Seren trading centre. I am wondering where the 7.5kms is going to because it is definitely not going to Ilaut-Seren junction. This is a very short distance and it must be a different area. I think the team that responded to this statement is not serious and, as representatives of the people, we cannot continue receiving statements that are not seriously answered to. I concur on the Ilaut-Arsim road because the distance is approximately 2.5kms. I was personally there last week and we had again to engage four-wheel drive from junction of Ilaut to Arsim, a distance of about 3kms. We are on the verge of *elnino* rains and the meteorological department has announced this severally. How will those roads be accessible? How will we give food to Arsim and Seren residents? How will people of Keleswa access medical services and food during the *elnino* spell? I can attest that the statement is not answered and is not serious. I feel bad when a contract of 5M is given out for dosing, grading and culvert installation but only grading is done while the contractor is paid. I want to be on record saying that the contractor has been paid. Thank you.

Chair, Committee on Public Works, Water and Sanitation, (hon. Christopher Lentukunyei):

Thank you hon. Speaker, I believe the person who knows the problem of the area is the area

SCA/242/3/2015 (9) COUNTY ASSEMBLY OF SAMBURU DEBATE 1

representative. I accept that the statement is not adequate and I therefore request for more time so that I can give a comprehensive statement on this matter, thank you.

The Speaker, (hon. Steve Lelegwe): Hon. Letura, because you have put across all issues that concern the statement, the Chair directs the committee to report on the matter on Thursday next week. Response for statement number 24 from the Chair of Public Works, Water and Sanitation sought by hon. Shadrack Lesoipa concerning the status of Lch jing'ei-Loikurkur road construction. Hon. Chair. **MCA Wamba North (Hon. Christopher Lelenkeju)**: Thank you so much Mr. Speaker, I once again stand to stand to give my response to the statement sought by Hon. Shadrack Lesoipa the MCA Suguta MarMar Ward, the Hon. Member requested for a statement...

The Speaker (Mr. Steve Lelegwe): What is it Hon. Letura

MCA Ndoto Ward (Hon. Raisy Letura): Thank you Mr. Speaker, with a lot of indulgence, I am not revisiting anything

The Speaker (Mr. Steve Lelegwe): Order, the chair had already ruled and the statement as you aid is not satisfactory which was accepted by the chair and the committee will go and look at the matter again and bring a comprehensive report...

MCA Ndoto Ward (Hon. Raisy Letura): Mr. Speaker I just want them to go to the ground

The Speaker (Mr. Steve Lelegwe): The chair will do that, you have presented your issues and the chair will decide whether to visit he ground or not thank you, continue Hon.Lentukunyei

MCA Wamba North (Hon. Christopher Lentukunyei): Mr. Speaker Sir, Hon. Shadrack Lesoipa MCA for Suguta MarMar Ward requested for a statement No. 24 on 10th September 2015 from the Chair person on the sectorial committee on Public Works, Water and Sanitation concerning the status of the Lchingei, Loikurkur road construction, the committee conveyed the request for a statement to the CEC Member for the department of Public Works, Water and Sanitation, Mr. Speaker on behalf of the committee I wish to report the communication received from the CEC Member that the contractor on Lchingei Loikurkur road started work on schedule and progressed well, later when the drift was to be constructed, the dosing machine that was to prepare the sight by removing the top and the unsuitable soil broke down and had to be repaired, there was also the issue of resistance from the community to allow the contractor to use the hardcore, that, after collecting a portion of the required hardcore the community wanted to be monetarily compensated and this led to a stand of between the contractor and the community, the department had to intervene and the issue was resolved amicably and thus

part of the material remained on sight for some time as the work could not start without all the materials required, the road is now a hundred percent usable and the contractor is now fully paid, the department is closely supervising all the ongoing projects and will sensitizing the community on time before embarking on such projects to encounter such problems in the future, I beg to lay this response from the executive committee member.

MCA Suguta MarMar Ward (Hon. Shadrack Lesoipa): Thank you Mr. Speaker, let me thank my good friend although he wants to shift the Hon. Member from Ndooto to Suguta MarMar ward in his previous statement and I want to tell him that the Hon. Member for Suguta wants to remain in Suguta and not the other way round, my good friend has tried to present the statement as it is, although he clearly stated that he wants to convey the response on behalf of the committee the response from the CEC, it was clearly stated by the Hon. Member here for Ndoto ward that this are the times or the season that the meteorological department are warning us on the upcoming *Elnino* rains, it is good that we attempted to build that road and in any other committee of this house this matter is very vital for the said committee to be inspecting this projects, when the CEC Member concerned indicated here that the road is a hundred percent complete, it sounds very nice in this white paper but when you happen to start your journey from this gate all the way passing through Nkeju Emuny towards Lchingei, you will be surprised when you connect that road with this paper, you won't believe that what is in this paper and ground work does can go together, it is even good that the Member for Loosuk ward is seated here and he knows the area better, the slab that was purported the drift is hardly enough for one vehicle, leave alone a two way traffic for vehicles, I think you get the logics, it is hardly enough for one vehicle, (it is called a two way traffic from the good lady from the University of Nairobi), it is very clear that we have been warned from the whole world that dangerous rains are coming which is (*Elnino*) rains, so the work done by the department is not satisfactory, so I am not very clear of the description of the work which is supposed to be done by the department in Lchingei road as such but I can find out, but what was done was not enough and I even I urge the chair to revisit what was supposed to be done in that place and compare it with what was supposed to be done, done in that place Mr. Speaker, because this are very dangerous times and we need to prepare, we do not need to incur losses, and this are the circumstances to get money for emergencies again, but we need what is done to be done completely and to be done satisfactorily, so that we do not incur double expenses, the road is allocated a certain amount of money, maybe 18 million, but in the next two months, that road is requiring another 18 million, it is not economical and does not value money, so I urge the committee through your direction to revisit what was to be done and what has been done again in that road Mr. Speaker, thank you.

MCA Loosuk Ward (Hon. Adamson Lanyasunya): I want to put more weight and also be a witness to what Hon. Lesoipa has commented and for those who went for community opening of projects, we went around with his Excellency the Governor and the Member for Samburu West Hon. Lelelit and other Members, we found it very difficult to pass the road that Hon. Lesoipa is referring to and that road serves two wards, Suguta MarMar Ward and Loosuk Ward which falls under is my ward, the road works is actually worse than when it was not done at all, because the bulldoze actually scooped a big trench and actually made it passable and again added a big tunnel which were not broken and so we request the chair for roads to visit the department and also a long side that the roads that were done in that particular year in those areas are not complete and alongside that report and the chair will not say that it is not part of the previous statement but it is actually the same road that stretches from Maralal high school in Ngare Narok which was cemented and they have done a very small part and the lower part of the both cemented road are still also very bad and there is also the security roads which goes from Lolmisigiyo which is not complete and there is also a section in Lesidai which is not marammed and because I saw the works specifications then they are not doing according to the specifications so I would request the chair to visit that area along with Hon. Lesoipa and I accompany that committee and then we visit that done, and maybe an officer from the department and the contractor so that those areas are done, thank you.

The Speaker (Mr. Steve Lelegwe): Hon. Deputy Speaker, you have indicated several other roads other than that which is sorted by Hon. Lesoipa and maybe you have mentioned Lchingei and pura road and maybe and maybe that is not the concern of the Hon. Member Hon. Lesoipa, and if there are issues regarding the roads that you have mentioned then it requires you to table a statement to be responded by the chair, Hon. Linda

Nominated MCA (Hon. Linda Naserian): Thank you Mr. Speaker, I stand to give my contributions regarding to the statement, I do not know if I would say that it looks so ironic for a whole Hon. Member to ask for a statement that our response said to be 100% complete, because from my own understanding something that it is 100% complete means that it has been done to a very satisfactory level, and it does not need any questioning, In my point of view, this statement contains a fairy tale, because it contains some story of the breaking down of the dosing machine, disagreement between the community and the contractor, I do not think that is what the Hon. Member expected, what was expected in this statement was for the statement to show the workload that was contained in the bill of quantities, a report from the ministry that they have done evaluation and found out several things, I think that is how they would have arrived to the road being a hundred percent Mr. Speaker, and since that is not indicated in this statement, I do not know how the ministry arrived to say that the road is a

hundred percent complete, they haven't even attached the work that was to be done, even some of us did not know what was expected to be done on that road, they should have at least shown us what was contained in the bill of quantity, if the ministry have done job evaluation before making the payments because I like the last statement which says that the department only pays for the works done to ensure the value for money, there would not be any complain if that work was well done, there would not have been any complain in the said ministry, so in my point and just as a concern and recommendation, first I would request that when bringing responses to statements, it should not be an engagement between only the chair of the said sectorial committee and the said CEC, It would have been prudent if the said committee would have involved so that they interrogated the statement together or this statement would have not been brought to this house if only the committee would have been involved because such a thing would have just gone back to the ministry at the committee stage, and other than giving this committee even more chance because I believe this would have been the very same response that the CEC in charge would have brought and I propose that the matter should be forwarded to the implementation committee so they would have been in a position to go to the ground and see what was actually done because...I would not wish to anticipate a debate because there is news that this country will receive *El Nino* rains, I wonder what will happen to the roads of our County if that is the work done and when we ask for the responses we are told that the roads are 100% complete, we all know that from the budget a lot of money which public funds has been allocated for this work to be done, if a shoddy work is done and then when a member complains he or she is told that the work has been done to a 100%, so that means that the committee is not in a position to make any improvements, because they have even gone ahead and paid for those things M. Speaker, so that means that for those roads, I do not think that there are any contractors who will go back to the work if they have already been paid, that means that those roads are to stay in that condition, maybe awaiting form in the next financial year and I do not think that the County of Samburu will keep on repeating the same roads that the funds have been allocated previously so in my point of view I just want this matter to be directed to the implementation committee so that they can bring a comprehensive report on the said roads to this Hon. House, thank you.

MCA Lodokejek Ward (Hon. Jarius Leshoomo): Thank you Mr. Speaker, I also stand to echo my sentiments on the same statement, previously in this house we deliberated on the same statement that the chair has brought to this house, we have issues concerning the roads in this County, not specifically Ndoto and Suguta Marmar, what Hon. Lanyasunya said on the roads in his ward I also have similar problems on the constructions of roads, I have a road in my ward that was issued to a contractor for 16 kilometers for graveling and murraming, the work was

only done for 4.5 kilometers, I do not know if the contractor was paid or not and there were some contracts which were awarded in June this year and nothing has been done until today, I think that other than supervising the issue of Ndotto and Suguta, it is prudent that we task the chair to give us a brief of all the roads that were constructed during this financial year, I think that we do not have engineers to oversee and to check that the work is done, because the work which is done on the ground is not value for money, thank you Mr. Speaker.

The Speaker (r. Steve Lelegwe): Thank you Hon. Members, Hon. Letura

MCA Ndotto Ward (Hon. Raisy Letura): Thank you Mr. Speaker once again for allowing Members to air and also most of the things and now that you are aware of the situation on the ground, I wish to echo the sentiments of the Hon. lady from the University of Nairobi Hon. Linda Naserian, I think that it is very clear that the roads that the Hon. Lesoipa is saying the two way road I agree that the place is impassable

The Speaker (Mr. Steve Lelegwe): Continue Hon. Lanyasunya

MCA Loosuk Ward (Hon. Adamson Lanyasunya): I am just wondering whether we have a Member from the University of Nairobi in this house because as to my understanding we are supposed to be Members of this house, thank you.

MCA Ndotto Ward (Hon. Raisy Letura): Mr. Speaker I am sorry if that has really ached the Hon. Member but I was just referring her as to her level of Education but not as a Member of the University of Nairobi but as a Member of this house who is pursuing higher education at the University of Nairobi, so if that aches the Hon. Member then i withdraw the statement Hon. Linda, to continue you can clearly see that Hon. Linda has put it across that we do not want statements that we are being told that they are 100% complete, we want it proved by technical persons, we want issues like the evaluation reports before the work is paid for so that the Members can actually assess what is happening, like Hon. Leshoomo has said, I think that we have witnessed a lot of roads that are not done up to the right standards, just maybe to go out of my way, the probes road, you have seen it in the social media the way people are complaining about the probes roads, you have seen that there is no site engineer, those are just by the ways, and we are not sure if it is the same Malaysian who is taking the contracts who is also the site engineer, and I think that it is universally accepted that there must be a site engineer and a resident engineer who actually has to oversee the particular work, you cannot give a contractor work and then again make his on overseer, we want to know what is exactly going on in the roads, with your wisdom as the way Hon. Linda has said, we do not have to postpone this issue, because the Hon. Linda has said that she does want anticipate debate

about the *Elnino* rains, this are not debates and it is not about anticipation, this are facts and data that have been collected by the meteorological department, so this are scientifically proven focuses, so they have been done and for sure the *Elnino* rains are in Sierra Leon and they are moving towards East Africa, so we must act, with your wisdom let us save this County from the impending *Elnino* rains and also from the Ministry of public works that has taken to do all the shoddy work in Samburu County and to do things upside down, thank you Mr. Speaker.

The Speaker (Mr. Steve Lelegwe): Thank you Hon. Members who have contributed on the matter before the house on the statement sought by Hon. Shadrack Lesoipa regarding Lchingei road, as the chair I have noted that there are several issues that are coming up which need us to do independent statements and also independent requests as committee members, as chairs of committees or as chairs or as Members representing those wards regarding the same departments, and in that we can only be able to address such issues as raised by Hon. Leshoomo, Hon. Linda Naserian and Hon. Lanyasunya as we can only be able to respond on them independently when it brought in front of the house inform of statements or petitions from the Members of the public, so I therefore give this chance to chair to give a response in regards to the statement as sought by Hon. Lesoipa so that for any Member who has any issue regarding the department or any other issue then to do it independently through formal statement petitions and any other avenue before this house, regarding the matter as raised by Hon. Linda Naserian, that this issue be given to the committee on implementation to investigate and table a report in the house, that is in order but the statement was from the department and the implementation committee can go ahead and do their work independently and also table a report and which should first start with a statement and then we will proceed to respond to that statement through that committee on implementation, Hon. Lanyasunya, when the Chair is addressing you do not need to request a chance to speak until I finish so that you can continue, okay continue Hon. Lanyasunya.

MCA Loosuk Ward (Hon. Adamson Lanyasunya): Sorry for that I was just trying to capture what I wanted to say before the chair speaks who was also competing raising his hands and I was just requesting and this goes to all the sectorial chairs to because we also have the resources even to do monitoring as the committees in the house and also as to be communicated by the departments because this questions they are also supposed to answer and they are also supposed to implement, so I would just request that whenever the Members ask questions it is good that...because it does not take long for the respective chairs to rush to the field and bring statements that has evidences because I am just assuming that if the chair for Lands rushes to Lchingei which is less than ten kilometers then he will even be able to bring photos of that section

The Speaker (Mr. Steve Lelegwe): Order, Hon. Letura

MCA Ndoto Ward (Hon. Raisy Letura): Mr. Speaker, I am just standing on a point of order, I do not think that Hon. Lanyasunya is speaking as a liaison chair because he is directing as the Chair of chairs he is directing the members of the Assembly to undertake responsibilities Mr. Speaker

The Speaker (Mr. Steve Lelegwe): Order Hon. Letura, take your seat

MCA Loosuk Ward (Hon. Adamson Lanyasunya): Thank you Hon. Chair, as long as I am not ruling as the Speaker because the Speaker is there and it is not wrong to even to speak as a liaison because that is my role in terms of coordinating the committee and I think that is what the standing orders say so I think that is what the Hon. Member is saying that it is not in order, and I think that it is also my suggestion that... (Interrupted by the Speaker)

The Speaker (Mr. Steve Lelegwe): Order Hon. Members, order Hon. Lanyasunya, when I allow Members to diverge on the issues that are not on the floor of this house, then we are breaking the rules of this house, if any Member has any interest of a particular project that has not been done or has been done poorly then we will be dealing on the issue as you bring your statements, but now we are going back and give advices on how to do or how not to do without dealing with the statement as sought by the Hon. Members, that is the procedure of the house, continue Hon. Chair and I will not allow any other member because Hon. Lesoipa we have to conclude on this matter so that we can go to the next order.

MCA Wamba North (Hon. Christopher Lentukunyei): Thank you Hon. Speaker, I have noted a lot the concerns of the Members of this House and when you are asked to give a response we always answering specific questions as per the requests, according to the answers that Hon. Lesoipa was asking on why the roads were never completed, and another question in the same request was why are the materials still on sight, so it is the members who are forcing us to give answers that are not even of importance

The Speaker (Mr. Steve Lelegwe): Thank you Hon. Chair I echo the sentiments of Hon. Lentukunyei who is the chair, responses are responded to when there are specific reference points and that is the actual work of the committee that is concerned, I also take you back to our roads of the sectorial committees and the committees of this house that if the Hon. Members of the said committee of road which the chair chairs is not aware of the response of the CEC, I think it is not in order, so I urge all committees that when such responses are being asked for responses from the committees to have committee meetings and evaluate on the responses from the CEC and see to it that if it meets the threshold and if it actually answers of

the questions as asked by in the statement, Hon. Chair, Hon. Lentukunyei, by the mood of the house the chair gives the direction that the statement is not adequately responded to, the response of that statement is not adequately answered therefore I refer the statement back to the committee for further deliberations and tabling of a report or a response of that statement before this house on Thursday next week, thank you, Hon. Lesoipa.

MCA Suguta MarMar Ward (Hon. Shadrack Lesoipa): Thank you Mr. Speaker, I am still standing on my statements and there is a statement that I requested a long time ago in this house that was brought and taken back again but it never appeared back Mr. Speaker, the statement was concerning the issue of the conservancy drivers, it has been a persistent statement in this house that came and went back un answered Mr. Speaker, so I stand again today to ask if that statement has been answered Mr. Speaker.

The Speaker (Mr. Steve Lelegwe): Thank you Hon. Chair for informing the house that there was a delay in responding to the statement, I direct the committee of labor to answer the statement or table the response on Wednesday next week.

MCA Ndoto Ward (Hon. Raisy Letura): The vice chair for the same is around and I do not know if the she can answer for labor Hon. Sarah Lekisaat

The Speaker (Mr. Steve Lelegwe): Thank you Hon. Member and the matter was before the committee and if the chair is around the chair give us the response on when it is possible to respond, and so as the chair directed it stands as that and we proceed to the next order, next order.

Clerk: The Samburu County Finance bill 2015, Samburu gazette supplement No. 15, bills No. 12, first reading, Hon. Leshoomo.

MCA Lodokejek Ward (Hon. Jarius Leshoomo): Thank you Hon. Speaker, the Samburu County Finance bill 2015, a bill of an act of the County Assembly of Samburu to provide for the imposition...(interrupted by the Speaker).

The Speaker (Mr. Steve Lelegwe): Order Hon. Leshoomo, you read the motion as contained in the order paper, Hon. Leshoomo is in the order paper; I take you back to order number 8.

Clerk: Order number 8, the Samburu County Finance bill 2015, the Samburu gazette supplement number 15, bills number 12, first reading, the Samburu Finance bill 2015, a bill for an act of County Assembly of Samburu to provide for the imposition or variation of various permit fees, cess, licenses, fees or charges and for connected purposes.

SCA/242/3/2015 (9) COUNTY ASSEMBLY OF SAMBURU DEBATE 1

The Speaker (Mr. Steve Lelegwe): Hon. Members the time being 20 minutes past four o'clock and there being no any other business, this Assembly stands adjourned until Thursday afternoon, first October 2015 at 2:30 pm.