

**COUNTY ASSEMBLY OF SAMBURU**



**THE HANSARD**

**Wednesday, 22<sup>nd</sup> June, 2016**

**The Assembly met at the County Assembly chambers at 2:30 p.m.**

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

**PRAYER**

**STATEMENTS**

**The Speaker**, (Mr. Steve Lelegwe): Response for the statement 009/2016 from the Chairperson of the Committee on Tourism, Trade and Cooperative Development regarding to the *posho* mill said to have been bought by the department sought by the member for Nachola Ward hon. Lorunyei, hon. chair

**MCA Wamba East Ward**, (Hon. Jackson Lelenkeju): Thank you hon. Speaker Sir, I think this statement was sought when I was away and I had no brief from either the committee members or the CEC in charge. I kindly request to be given time to inquire from the department and I will table it on Thursday next week. Thank you.

**MCA Nachola Ward**, (hon. Lawrence Lorunyei): I appreciate the effort of the hon. Chair but according to the Statement No. 009/2016, as written in this Order Paper, I directed my statement to the Chairperson of Tourism and not the Committee on Agriculture.

**The Speaker**, (Mr. Steve Lelegwe): Order hon. Lorunyei, the statement 009/2016 was requested from the Chairperson of the Committee on Tourism, Trade and Cooperative Development and I think you have a wrong order paper.

**MCA Nachola Ward**, (hon. Lawrence Lorunyei): Thank you.

**The Speaker**, (Mr. Steve Lelegwe): Thank you. Hon. Chair, you will respond on Thursday at 2:30 p.m. Response to statement No. 010/2016 from the Chairperson of Committee on Agriculture, Livestock and Fisheries regarding the Ndonyo Wasin Livestock Market. The statement was sought by the hon. Member for Ndotto Ward, hon. Raisy Letura.

**Chair, Committee on Agriculture, Livestock and Fisheries**, (hon. Lazaro Letitik): Thank you hon. Speaker. I stand to give a response for the statement sought by hon. Letura Ndotto ward on Wednesday, last week, concerning the construction of the Ndonyo Wasin livestock market.

I refer to the above project whose construction status has been requested for by the Samburu County Assembly.

Firstly, as a matter of facts, the project work is ongoing and the constructor is on the ground. However, to quantify the progress made so far; the public works officers have been dispatched to the field to provide a detailed report on construction work. This report will be supplied to your office as soon as possible.

Secondly, it is true that the financial year is coming to an end and the department on several occasions questioned the contractor's progress of this project. He has pleaded for more time to complete the project. This is the reason the public works engineers were sent to the field to assist the department decide on the decision to be taken.

Thirdly, It is not on the know that the no monies has been paid to the contractor to date thus functionaries procurement process has to be followed before any termination of the contract is to be made.

Fourthly, I plead to members to allow the department to bring any evidence of the real status of the project. Thank you.

**MCA Ndoto Ward**, (hon. Raisy Letura): Thank you hon. Speaker. I wish to thank the hon. Chair for the Committee on Agriculture, Livestock and fisheries for the response he has brought to this House.

However, while I thank the hon. Chair, I still have some reservations. It is true as per the statement that some work is going on, but as the hon. Chair has put it, the project has really taken long. It will be prudent for the department to be pragmatic on the issue of responses being brought to this House.

Firstly, the hon. Chair has not indicated when the report is due to the House, now that the team is on the ground to assess the work that has been done. So as a matter of evidence to be conscious

of time and the Chair should have reported to this House on the timing of the report that is due for public works since they have gone to the ground.

Secondly, we have been witnessing so much work being undertaken by these county cowboys' contractors or rouge contractors for that matter. Also as a matter of evidence, the department should forward to this House the letter accompanying this report as the evidence of the contractor pleading for more time. The natural justice indicates that whenever we do services to the community, we need to make sure that when projects are delayed, the contractors are also held accountable. According to procurement rules, whenever a contractor pleads for more time, he should do it in writing.

I think that the department is hoodwinking this assembly stating that the contractor has pleaded but with no evidence of that plea through a written document. It is usually a rule that when you plead for more time then, you provide evidence by writing a letter so that you are held accountable. So, we urge the able Chair to come up with evidence. It is shameful that when you go to Ndonyo Wasin, five months beyond the time the contractor appeared, the community is still with those posts with holes dug which is also a big risk to the animals.

Therefore, we need to get serious as one cannot hoodwink the whole leadership, H. E the Governor and the entire leadership of this county by availing materials for that particular day. What will the community think of our work if that is the way to go?

On the same note, we have seen some departments giving out contract just because the Governor is passing that particular area and because the CEC or whoever is concerned wants to show that he/she is working. At that particular day, you make sure that a foundation stone is laid even when the contract has not been given. The hon. Members did change the budget concerning the three social halls in Barsaloi and Ang'ata Nanyokie. The assembly changed the budget but because the Governor was going round, the department laid the foundation stone. I don't know from which mason.

I think those are some of the things we do not wish to see again happening in this county. We also want to be the House that deals with rules because I remember that particular day we changed the budget but up to date nothing is forthcoming, the reason we were given is a lame one.

We need to be serious as a house; we need to bring evidence which makes sure that the value for money is considered, thank you hon. Speaker.

**MCA Ang'ata Nanyokie Ward**, (Hon. John Lemulugo): Thank you hon. Speaker, I concur with hon. Letura. The statement he sought has been responded to by hon. Letitik and it is clear there is something going on with all the department concerning construction just as hon. Letura has put it; there was the construction of two social halls and one was for Ang'ata Nanyokie. Concerning this statement, it is so shameful for the contractors to delay work given to them and then plead for more time. It is five months down the line since the project was started and it is still pending up to now. There must be some game going on between the contractors and the heads of departments in this county. The same project that is to be done in Ndonyio Wasin is supposed to have been started in Nkorika and up to now nothing has been done; the holes have been dug but the contractor is not there.

The hon. Chair should look into this matter because it is very crucial and we are shaming ourselves at the wards level. Now that the financial year is ending I do not know what is going to happen if the contractors are not going to finish the projects, I therefore support hon. Member for Ndoto ward, thank you.

**MCA Wamba East Ward**, (Hon. Jackson Lelenkeju): Thank you hon. Speaker. I also join my colleagues to lament on the procedure being used to do development projects in our county. We have gone round and now we are almost in a fix as we were with the community through public participation and the community did approve the projects and we agreed with them that at this particular time we shall have begun and now we are ending the year and unfortunately the procurement department is dragging behind so many projects.

I am worried on the percentage of projects which we are supposed to implement this financial year. I do not know where the problem, whether with the contractors or the heads of the departments. What of the vetting of the contractors? And as my colleagues hon. Letura put; these are 'rogue' contractors. You cannot fool play the leadership of the entire county, both the executive and the assembly. Something has to be done for sure because if the procurement department is not staffed enough to delegate dues so that they can pursue and do the projects on time. You can imagine the 2015/2016 financial year percentage of the projects we shall have implemented. It will be too shameful because we did complain of having too little from the national 'cake'. But then, how can we convince the national treasury or the CRA to allocate us more fund if there is evidence that we cannot consume the one we claim is little?

*(Applause)*

If three billion is little for the Samburu County and if we cannot consume, then why do we need more? There should be a serious meeting between the CECs and the assembly so that we get the way forward as there is a total stagnation in development issues in our county. Thank you.

**MCA Suguta Marmar Ward**, (hon. Shadrack Lesoipa): Thank you Mr. Speaker. I stand to join the hon. Members regarding the work done in Ldonyo Wasin. Some of us were there when the work was launched and the materials were dropped at the site and that is not the only scenario that we see. The hon. Members who accompanied the Governor to Nyiro ward remember that there was a tractor that was launched at the road when we were about to start the meeting. But when we left, the tractor immediately followed the convoy back to Maralal. It is becoming a PR that the county government is adapting which is unfortunate. Saying that the Ndonyo Wasin work is not finished up to now is very ironical. And to an extent of them to sitting down and produce this statement as a response. He could have asked for time to be in a position to visit the site and see what is happening. This person has just sat in the office with a laptop and wrote this statement without visiting the site to know the exact position of the work. He could have even taken a photo to give us evidence on the position.

We need a serious follow up. I also have several projects in my ward that were for the last financial year which have not started upto now. When you start following up, you are told of procurement procedure and the BQs. They are making us not to perform by making the services that we try to direct to our people not happen.

The officer who wrote the response is not serious and he is not even responding to what we asked. We sent officers to the field but he is telling us that the work is going on with the contractor on site but they cannot be able to show us the work that has been done even on a photo.

This should not be tabled in this house as a response because this is disrespectful to the committee and the house at large. We should not be handling and tabling such responses in this hon. House as a response to what has been asked. Thank you.

**MCA Elbarta ward**, (hon. Romano Leakono): Thank you hon. Speaker. I want to echo my disappointment on the work being done by some of the departments. There are many projects that were there on paper which we allocated money to but you cannot trace any project on the ground. This is how things have been coming up and now everybody is feeling it. Some of us have had in mind that we should move around one time and see the projects that are purported to be there on the ground so that we can come back with reports.

I asked the departments to issue reports but that statement is still pending up to date. This was to guide us on what has been allocated and implemented on the ground. Since the members are seeing the seriousness of this, I request that this house gets a two days recess; we divide ourselves into three teams with each team going to a sub-county and try to trace the projects budgeted for and passed in the house and make sure that they are there and their status. If this is the response that we get from the department on a simple structure for the market which takes a year for work to start, there must be a lot hidden. It is high time that the house moves around to go and feel the impact.

I would suggest that members from north... *(Interrupted by the Speaker)*

**The Speaker,** (Mr. Steve Lelegwe): Hon. Leakono, you are out of order. This house works with committees and not as members of the County Assembly of Samburu. Any suggestions you give to the hon. Members regarding the statement, contribute to the statement before the house.

**MCA Elbarta ward,** (hon. Romano Leakono): Thank you hon. Speaker. That is why I asked for your indulgence. It is high time we get factual reports and not ones written from a desk for the house to consume. Thank you.

**MCA Nyiro ward,** (hon. Jonathan Lemoosa): Thank you hon. Speaker. I stand with a concern over the word ‘hoodwinking’ as used by hon. Letura. It is a word which is becoming an action in this county. Just as hon. Lesoipa has put it, it was an embarrassment that when the Governor was in Tuum there was a road to be graded in the town and the public was told before the Governor came that the tractor was to build the road. But before the Governor left, the tractor had already left. The other thing is the issue of committee. There is a tendency that appropriation means nothing here. We pass the Appropriation Bill to allow or authorize spending of public funds. But if you follow up to date, nothing appropriated is depicted on our budget.

If we are serious with the oversight, the whole budget leaves an audit query because nothing appropriated is spent. The whole budget is changed thereafter. I suggest that the Committee on Implementation plays its role to see that anything passed is done after three months. The essence of having the sectoral committees of the house is to ensure that the committee oversees the particular department but we don’t do that.

As we are a few months before the house is dissolved, it is going to be worse in this budget. I suggest that, if funds will allow, we have an oversight to ensure that the 2015/16 budget is complied with and we come up with a report. It is not only in Ndonyo Wasin or Tuum but almost everywhere. Nothing has been followed as per our Appropriation Bill. Thank you.

**MCA Nachola ward,** (hon. Lawrence Lorunyei): Thank you Mr. Speaker. It is serious for departments to give us a false report like this. There are projects we have allocated money, given to a contractor yet this is the kind of a report that the CEC is giving to us. We need to see how



the money that was allocated is spent. It is shameful having Kshs.1.1 billion for development but nothing is seen. It is a shock to this hon. House and to the Governor.

This is not a supplementary but the main budget approved for the projects yet money is not used. It is not in Ndoto only but in every ward. That is why I asked about the *posho* mill that the Governor was to launch. It is said that it is in Nachola but it is not there. I asked Mr. Letinina about it but he said it is in Marti. I went there but it is nowhere. I am aware that five went to East but I don't know where the one for Nachola went.

We are not over-sighting the executive on how they use the money that we give to them. I ask this house to put more pressure to know how the 2015/16 budget was spent before doing anything else. Thank you.

**MCA Loosuk ward**, (hon. Adamson Lanyasunya): Thank you hon. Speaker. I appreciate the contribution of the members. It is a requirement that CECs bring reports to the house through the respective sectoral committees so that when the chairs table the report, the Liaison Chair would be able to present to the joint assembly. For a long time now there has been a lot of laxity in that. I have written twice to the CECs, as the Liaison Chair, but they never responded. I also wrote to the sectoral chairs to bring the reports.

I remember they made an effort to go around but a few of them brought them. I will write again tomorrow to the CECs to bring the reports. As a procedure, when the CECs bring the reports the chairs are given time. We also see in the National Assembly that sectoral committees have retreats to go and compile the reports such that... (*Interrupted by the Speaker*)

**The Speaker**, (Mr. Steve Lelegwe): Hon. Members, when you go out of order, I should take you back to the current statement that we are deliberating on. Kindly, stick your contributions to the statement before the house. We can do any other matter in our respective committees or we can bring statements to the house.

**MCA Loosuk ward**, (hon. Adamson Lanyasunya): Thank you hon. Speaker. This touches to other statements like the one hon. Letura requested. Thank you.

**The Speaker**, (Mr. Steve Lelegwe): Thank you hon. Members, I now give the Chair to respond.

**Chair, Committee on Agriculture, Livestock and Fisheries**, (hon. Lazaro Letiktik): Thank you hon. Speaker. I as the Chair, feel ashamed to give this response. I was at Ndonyo Wasin when His Excellency was commissioning the market. I request my colleagues to give me one week starting from today and on Wednesday, next week; I will give a full report. Thank you.

**The Speaker**, (Mr. Steve Lelegwe): Thank you hon. Members for your contributions regarding the statement, I urge all hon. Chairs to be serious with their work as you see the statement tabled by the hon. Chair is a letter from the CEC for Agriculture which is not procedural to table that as an official response by the committee. Make formal presentations to the house in a way that is procedural because we cannot accept this letters and such kind of responses in this house.

I also urge all chairs to follow up their projects with the CECs and the Clerk of the County Assembly for the CECs to give the committees status reports of all projects carried out by their departments which can be submitted to the Chair of Liaison Committee to be debated in the house. Hon. Letiktik, you will respond on Wednesday at 2.30 pm.

Hon. Members, the time being 4 0'clock and there being no other business, this assembly stands adjourned until Thursday afternoon, 23<sup>rd</sup> June, 2016, at 2.30 pm.