REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 29th July, 2020

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa in the Chair]

PRAYERS

Speaker: Clerk, can you confirm whether we have the quorum?

(Lack of Quorum confirmed)

STATEMENTS

RESPONSE TO STATEMENT ON MARMANET AND UMANDE WARD FENCE INITIATIVE

Speaker: Maybe before we start with the statements we had a statement yesterday by the Finance and Economic Planning Committee that was read by Hon. Chris Mark. That statement will be handled next Tuesday at 2.30 p.m. Who is doing the statement?

Hon. Simon Kanyutu: Thank you Mr. Speaker. The above statement (Annex 1) was read by Hon. Daniel Mugweru on 26th November, 2019 and the response was due on 17th December, 2019. The statement sought for the following answers: -

(1) Why the project had not commenced by 26th November, 2019; and

(2) When the project was expected to commence and when it will be completed.

Mr. Speaker Sir, the department was allocated Kshs. 6 million in the financial year 2018/2019 for electric fence installation initiative in the two wards and the budget was implemented as follows: -

Marmanet fence initiative

The construction of Marmanet Electric fence started on 6th July, 2018 and was expected to be completed in 14 months, that is, October, 2019. The project is supervised by KWS- Head of Buildings and Fence.

Phase I of the project covers a total of 53 Kilometres. It is located in Rumuruti and Marmanet Forest Stations of Kenya Forest Service covering Rumuruti and Marmanet wards. The project involves Construction of functional solar electric fence line of ten strands on treated wooden posts and bush clearing.

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Project financing

The project is financed by the Government of Kenya through Kenya Wildlife Service with the following as stakeholders: -

- Kenya Forest Service;
- County Government of Laikipia;
- Rumuruti and Marmanet Forest CFA's; and
- Ministry of Interior and Coordination whose mandate is to monitor and evaluate implementation of the project

The above stakeholders are also the projects technical management committee. The project's period was for fourteen months.

Project Sustainability

The County Government of Laikipia and Kenya wildlife service signed an MOU to spell out the roles of each stakeholder where the County Government of Laikipia was required to hire 14 Fence Attendants and 1 Fence Supervisor for routine fence maintenance and provide the following:

a) One motor bike for the Supervisor

b) Working gears

c) Tools

d) Maintenance materials and housing.

Progress

As of April 2020, the project completion was at 90%. The remaining sections include opening of an elephant corridor and minor repairs. The County Government of Laikipia has already hired fourteen fence attendants and one supervisor who has been deployed accordingly. However, Mr. Speaker, the funds allocated for Marmanet Ward fence was not enough to construct the fence to completion. The supplementary budget did not allocate more funds for the fence. The Ward fence was implemented to completion by the National Government. The Kshs.3 million (Part of the Kshs.6 million) allocation was used to pay salaries for the fourteen fence attendants and one supervisor at a uniform rate of 14,038 totalling to Kshs. 2,526,840 per year.

Umande Ward fence initiative

The project was factored in the financial year 2018/19 budget with an allocation of Kshs.3 million (Part of the Kshs.6 million) after which the department did an initial design. The design indicated that the fence would cover a distance of twenty-five kilometres at a cost of Kshs.

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20,266,478 as in the attached documents (Annex 2). Therefore, the allocation of Kshs.3 million in financial year 2018/19 was inadequate to implement the project. As a result, the department engaged development partners, that is, Space for Giants (SFG), to come up with a model of implementing the project. The proposal is to have the County Government purchase the fencing material in phases while SFG provides labour. This model was applied to the Laikipia West fence and currently Mathira and Ngorare solar fence projects with the same partner. An MOU was expected to be signed before the end of 2019/20 financial year.

On why the project had not commenced, the department has not commenced in the implementation of Umande Ward fence since the MOU has not been signed between the County Government and the Space for Giants.

On when the project is expected to be commenced and when it will be completed, **t**he department is expected to implement the project in 2020/2021 Financial Year but when the project will be completed will be determined while signing the MOU. The funds allocated to the fence in 2018/2019 Financial Year were utilized in implementing the 6 kilometre Ngorare Fence in Salama Ward whose construction started in February 2019 and completed in June 2019 (Procurement documents Annex 3). The fence is functional.

At the back we have the attached documents showing the BQ's for the fence that is supposed to be done in Umande and we are waiting for the MOU to be signed by the Space for Giants. That is all I have for the statement, thank you.

Speaker: Thank you, Chairperson for Agriculture, Water, Environment and Natural Resources. I want to give this chance to the Hon. Member for Umande, Hon. Daniel Mugweru, who raised this statement.

Hon. Daniel Mugweru: Thank you, Mr. Speaker for having this chance. I wish to congratulate the Chairman and the Committee. I have just received this report so I may not say much because I have not seen what is inside. In those few minutes that I have gone through the report it is very clear that the fence that was supposed to be done two years ago seems to be implemented in the next year according to the report. Having said so, I have come across a letter from the County Government of Laikipia, the department of Water and Environment that says that the County Government of Laikipia is looking to implement a wildlife fence at Umande Ward in Laikipia County. It says that we would like to invite Space for Giants to partner with us like we have done with the Laikipia West fence where we will purchase materials and you provide labour and construction expertise. That is a letter that was written by the department of Environment to Space for Giants.

There is a response that SFG gave to that letter which I feel is now the bone of contention. SFG has stated very clearly that we would like to continue our fruitful working relationship but first we need to look at some issues that are paramount to the sustainability of the proposed Umande fence. We would like the County Government to take lead but work with us and do the

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following. That is where I am concerned whether they have done what SFG requested. They are saying put down a defined route alignment of the proposed fence line, where it starts and ends. That is where we start now because I expected that maybe we get anything to show that they have gone to the ground and found the route and alignment of the proposed fence line.

That is a condition that SFG gave. The little I know is that they have not gone there. I was told to engage the village elders who went there and until today they have never tabled the report that they got on the ground because the agreement was that they will go there for four days and would get a token from the County Government. Now that the government did not pay them they remained with the report. They just went there and banked the report at their homes.

Number two, they were supposed to define other partners. On the issue of defining partners and neighbours, already the neighbours are available and we should at least have a meeting. We should have minutes showing that the County Government went to the community, had a meeting and requested the neighbours to partner with them. There is nothing like that which has ever happened. About the partnership with Ol Daiga Ranch, I am sure the fence was done by Ol Daiga. That tells us automatically that Ol Daiga has agreed to partner because what we are saying is repairing and maintaining that fence that is already existing.

About committing a plan for maintenance, that needs that we incorporate the farms that are there or even as a County Government employ some youths who will be there to maintain the same fence because some of the challenges with the fence are very minor. Maybe it is just a leaf that is lying on the electricity line. That plan can only be gotten from us and it was the request of the SFG.

Lastly, they are saying we kindly request the Laikipia County Government to formally commit to this in writing as we continue to work collaboratively to combat human-elephant conflict in Laikipia. This carries the whole weight that the County Government formally commits to SFG. We need that formal commitment and if it is not there the SFG will just keep off this work because they are just volunteers and are committing themselves to collaborate with us. The request is that we do a formal letter requesting them to collaborate. All these things that are supposed to be done, we need to ask ourselves if we have done our part. They have requested that we take lead, have we done that? They have requested us to formally commit ourselves to them, have we done so? They are requesting us to go and define the route, have we done that? They are only requesting something minor. These are things that can be done as quickly as possible.

On our part, have we done that as County Government for SFG to collaborate with us? Those are the things that I would have expected to be shown here. About the Marmanet fence, they have given everything and I can see even the BQ and all that. The work that was done was perfect and that is why I am concerned because if it was well done, I expected even that of Umande to be so because the budget was clear that it was for Umande and Marmanet fence. Thank you.

Speaker: Any other Member who wants to make a remark on the same?

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Hon. Catherine Nyawira: Thank you, Mr. Speaker. Maybe just a note of concern is that when I look at the dates that this statement was raised was 21st November, 2019, and the funds had been allocated in June that year. The County Government only took initiative to engage SFG on the Umande fence later in February this year meaning that all along they had been sitting on a budget and doing nothing. Only when they were prompted by this statement is when they sought to engage SFG. I note that there is delay in completion of the work which is not a good thing. Thank you.

Speaker: Thank you, Hon Catherine Nyawira. I will give back to the Chair if he has anything to say.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I thank the Hon. Members who have been able to contribute on the same. As a Committee we have really responded to the questions that were raised on the floor of this House. As you go through the documents that we have forwarded to the floor of this House we have a letter dated 28th February, on the partnership of Ol Daiga. We also have a response by SFG, a letter written on 3rd May. As a Committee we have done to the maximum and I am sure even the department is willing to ensure this of human-wildlife conflict is dealt with to the maximum.

As I stand here, I am a proud father of four who are sleeping well without interruption from elephants in my area. I am also sleeping well without interruption from members of the community because we have been able to engage. The government did the fence and the county has engaged youths to be maintaining that fence. The concern raised by the Hon. Member from Umande, I am sure as a department we will push to ensure that what was done in Marmanet is also done in Umande. Thank you and I appreciate the Member's contribution.

CONSIDERED RULING

Speaker: Thank you, that brings us to the end of that statement. I wish to add to it. As you said you will see to it that all the concerns raised by the Hon. Member for Umande and Hon. Catherine Nyawira. It is important as a department and not only for Water, Environment and Natural Resources, but also each and every other department. I believe we do plan our work and one of the things that features in our work plans is interrogating the quarterly reports from the Executive Departments that are oversighted by respective committees.

It is at that point, we as committees should be able to see that this fund is allocated for this particular project, has it been done or not done? We might look at those reports and when they report, they will only report on what they have done. We should also be able to oversight them against expectations. What was expected to be done? If they have a budget of Kshs. 300 million, what have they initiated? Have they drawn the BQ's?

As Hon. Catherine Nyawira raised, it is because of the statement that prompted them to act. Later the money was used for a fence in Salama Ward as per the statement that you raised. If we as committees are interrogating these quarterly reports then we will be able to note that in good

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time. Already we are discussing it when it is the previous year. We need to really pull up our socks as committees and make sure that we are able to oversight on the departments of the executive.

There are quite a number of issues that have been raised in this House especially, through statements. This is when a Member or Representative of that Ward or maybe a Member with a special interest in a particular thing. Many of these things are overtaken by events as well as time. If our committees proactively look at these reports and we are able to oversight on the executive. When they bring their annual reports we are able to look at them. What money did we give?

The work of the Chairperson for Environment will be, we gave you a budget of Kshs. 100 million to undertake boreholes and fences all those kind of things. What have you done, when are you doing this, when are you expecting to complete this? If we oversight these projects, we will not be discussing of a dispensary that was supposed to be built in 2018 and we are discussing it in 2020. If all of us become proactive and look at these quarterly reports then I think we will be going in the right direction.

When we do not do these things as a committee then our people on the ground are left to suffer because of some of the services they are supposed to be receiving. For example, if a fence is not built in Marmanet or Umande it means those people still have elephants causing huge losses. There is a particular person who suffers a loss of Kshs. 300,000 simply because of something we did not oversight. I think it is important for us to look at these things.

Another example is, when a dispensary has not been built and it was a maternity wing and we have not oversighted. It means there is someone in that area who may fall into labour pains. The dispensary does not have a maternity wing and where they have to go is a long journey, that person might lose the baby along that line simply because we did not do our work but we lost a life. We need to be very proactive and also very active in our oversight. There is also another response statement by the Chairperson for Health, Hon. Peter Matunge.

RESPONSE TO A STATEMENT OF MUHONIA DISPENSARY IN NGOBIT WARD

Hon. Peter Matunge: Thank you, Mr. Speaker. Before I respond to the statement, I wish to concur with what you have just said on the issues of the committees and oversight. That tells us truly this House should work through the committees especially, the sectoral committees. It is the only way we can be able to make the executive accountable. It is high time we have a candid debate. According to *Standing Order 180 there should be a progressive report to this House.* Followed by *Standing Order 181 by the liaison committee and all the sectoral committee.* So that we can be able to answer those questions. I think it is where we are missing the track.

Thank you, Mr. Speaker. Back on my statement, this statement was read on this floor and we responded. The Member who asked the statement was not in the House, that is the reason why today it is appearing and I will just have to read again.

Mr. Speaker, Sir, a statement was raised and tabled in the Assembly by Hon. Robert Murage on 17th June, 2020 requesting for a response on The incomplete Muhonia dispensary

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constructed during the first County Government. The committee requested for a response from the Department of Medical Services and received a response on 18th July, 2020.

Speaker: Is it on 18th July or 8th July?

Hon. Peter Matunge: Sorry, Mr. Speaker. It is on 8th July, 2020. Most of the time I read my mind is faster than what I am speaking of.

1) On why the project has not been completed.

   Mr. Speaker, Sir, I wish to respond as follows. The dispensary was proposed and the construction started under the CDF before 2013 however, the project was not handed over to the County Government upon commencement of devolution. Therefore, the dispensary was not constructed during the first County Government. The project is incomplete because it has never been allocated any funds for its completion.

2) On the plan that the County Government has put in place regarding the completion of the dispensary. Mr. Speaker, Sir, I wish to respond as follows. That future plans are that the dispensary needs to be prioritized for completion in the Financial Year 2020/2021. Thank you.

Speaker: Thank you, Vice Chairperson for Health Services Committee. The Member who raised this statement is in the House, Hon. Robert Maina, the Hon. Member representative of the Ngobit people and I wish to give him this chance to make his remarks.

Hon. Robert Maina: Thank you, Mr. Speaker. I stand here to accept the response from the Vice Chair Health. The reason why I had asked for this question is because that structure had taken long to be completed but in the Financial Year 2020/21. I have already allocated money for its completion. Thank you.

Speaker: I think that that is quite a good one. I don't know whether it might be possible that we have other dispensaries that Members have not yet raised issues about and were not handed over by CDF to the County Government. The function for Health Services and especially in dispensaries, was the county to take over automatically. As per Schedule 4, was it the community or the previous CDF Committee that was supposed to be handing over that? Could we be having other dispensaries that Members have not raised issues because this one has just come to the House simply because it was raised by the Hon. Member? I don't know but the Member has already allocated money for that but you could just answer that because it is important for us to understand.

Hon. Peter Matunge: Thank you, Mr. Speaker. First I wish to thank the Hon. Member from Ngobit for allocating funds to Muhonia. I am so happy because in the next few months the Muhonia people will start getting services from that dispensary. The most important thing and what we have raised is that if there are other proposed dispensaries that were done by CDF before devolution, one thing which is very important is that when the devolution came in, the County

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Government took over all the gazetted dispensaries, health centres, sub-county hospitals and county hospitals.

So Muhonia was a proposed dispensary and gazettement is done based on service delivery and not on proposals. If Muhonia was done and completed by CDF and gazetted, then automatically it becomes a County Government project. Now that it has not been gazetted, it cannot be a County Government project because how would you qualify to say that it is a dispensary and you don't have any document to support the same because they could be doing a classroom Mr. Speaker. Thank you.

Speaker: That is very interesting.

Hon. Daniel Mugweru: Mr. Speaker, that one raises more questions because if Muhonia was not gazetted and I have heard Hon. Matunge congratulating Hon. Robert for setting funds aside for Muhonia, does it mean that he has been setting money for a hospital that is not gazetted and it is not among our hospitals? I really wonder because he is supposed to discourage him because why should you waste money on a hospital which is not gazetted?

Hon. Peter Matunge: Thank you, Mr. Speaker. The Hon. Member for Umande just needs to understand some simple facts that proposals come before gazettement and what the Hon. Member for Ngobit is doing is completing the proposal. When you want to do any dispensary in Umande you first do a proposal in the county budget. After proposal then the construction is going to be done by the County Government and then the dispensary is gazetted. The Hon. Member from Ngobit is now factoring in the dispensary in the factors of the county budget. So proposal comes, construction follows and then finally is the gazettement and after that we can be able to offer staffing and services to that dispensary.

Hon. Daniel Mugweru: Mr. Speaker, I am still concerned. The reason that they gave as to why the hospital was not completed is that because it was not gazetted. Why do they now want to complete it yet it is not gazetted. They said that they never completed since it was never gazetted. They now want to complete an un-gazetted hospital.

Hon. Peter Matunge: The Hon. Member from Umande is continuing to repeat the same thing. Just a simple illustration that since he came to the House he has proposed a number of dispensaries. They are proposed and factored in the county budget then it is implemented by the County Government. Since it has been implemented by the Department of Medical Services they then have the responsibility to gazette the dispensary.

In the case of Muhonia, it was started by the CDF before devolution. It was not started by devolution or the County Government by then. They cannot just assume that this was a dispensary. The same CDF did not go ahead to handover the uncompleted project. If they had handed over the incomplete project it then becomes the responsibility of the County Government to implement the project. That is just as simple as that, Mr. Speaker.

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Hon. Robert Maina: Mr. Speaker, I just want to make it clear to my friend Hon. Matunge on the reason as to why that dispensary was not completed. There was a query between the County Government and National Government the reason being that the dispensary was gazetted. There is no way you can start any project in any ward or constituency without gazetting it. The queries came in between the National Government and County Government.

I want to make it clear that any dispensary or sector that was devolved came out automatically. The reason why the County Government did not give it money was a question as to why the National Government did not complete the project. We have already done our own research and we know the reason why the project was not complete. This is the reason as to why I have put money for that dispensary. It will be complete in this month. Thank you.

Speaker: On this month?

Hon. Robert Maina: Next month. Sorry, Mr. Speaker.

Speaker: Okay.

Hon. Robert Maina: Two months according to the contactor.

Hon. Simon Kanyutu: Mr. Speaker, I am standing on a point of concern. It seems that we are deliberating on a project that has some issues with both the National and the County Governments. If that is what we will deliberate on here, I am sure we will be unable to get to the bottom of everything. The project was initiated by the National Government. The National Government having not completed the same project, the County Government is also intending to fund. Might we not be having a channel whereby our money may be misused? That is my concern, Mr. Speaker.

Speaker: Maybe to add on that, I am not sure whether it was allocated money. Was it allocated money last year or in 2020/2021? We are not yet done with the budget yet the contractor has been found. The contractor has promised to finish the project by next month. That is August.

Hon. Daniel Mugweru: Mr. Speaker, the committee has given the answer. My concern is that they are giving so many answers while the answer was simple. They are supposed to give a single answer that states that the project is incomplete because it has never been allocated any funds. These stories of gazetting and other stories of handing over are just putting so many lines to be seen as if they have done a lot. The answer is very simple. The project has never been allocated funds. That is the answer, Mr. Speaker. Everything else that they are saying, I just feel that this is drama.

Speaker: Are you trying to insinuate that it is not the number of pages that we do in a report but the information?

Hon. Daniel Mugweru: True, Mr. Speaker. Just a single statement carries the whole report. The project is incomplete because it has never been allocated any funds for its completion.

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Hon. Murage from Ngobit has confirmed that he has never set money aside for the same. He has set it in this 2020/ 2021 budget. There was neither hope nor expectation before. There is nothing that the people or the government expected in this hospital. It cannot be done without funds whether there is gazettment, handing over and all those things. That is a simple answer.

Speaker: I think we have Hon. Robert Maina. We should then rap up that debate now that the project has been allocated money and it will be done. There is hope for the people of Ngobit. My concern was on the completion time. It goes to our HANSARD records that it will be completed in next month. The County Government must have then been very proactive to do the BQ's bid for this year and sorted contractors even before they have a budget. We do not do work before the budget is complete.

Hon. Robert Maina: Mr. Speaker, the reason as to why I have said that it will be completed in the two months' time is because we have already found a voluntary contractor. The contractor said that if money will be allocated to that dispensary it will then take two months to complete it. Thank you.

Hon. Catherine Nyawira: Mr. Speaker, just a point of concern. Once again Mr. Speaker like you were saying that every information goes to the HANSARD, I do not know whether the County Government has changed how it does its procurement procedures. There is no procurement procedure that is voluntary. Everything must go into a competitive bidding so that jobs are allocated to the right competitor who quotes, shows capability and sticks within the budget.

Hon. Peter Matunge: Yes, Mr. Speaker. My concern is that we are not yet through with the process of budget because we are not done with the Appropriation Bill. There are procedures for procurement in the Government as Hon. Nyawira was saying. I think it is not true that the project can be completed in the next two months. It has to go through the process for us to get a competitive person to do the same.

The Hon. Member from Umande has said that we are giving stories. The statement had two questions and we have answered the two of them. Question one and two on issues of the stories of gazettment, as a diligent committee we must do our background information and have a lot of information. That must be on our backside when questions are raised in this House. We are answering the questions that are raised in complementing or supplementing what we have already answered.

We cannot come to this House to answer a question when we do not have enough information. We have all the reasons as to why we are talking on the issues of gazetting and the CDF. The questions are asked as per the statement and then there are the other questions that the Members ask. That is why we are giving the stories of gazetting.

Speaker: I wish to finish with Hon. Robert Maina on this issue of voluntary contractors. If it goes to the HANSARD record that even before we had completed the budget, a contractor was already sought who could do that dispensary in two months, that is something that we need to

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withdraw or correct so that it does not seem as if the County Government will do things without following the right procedures.

Hon. Robert Maina: Mr. Speaker, I want to make it clear. Since that dispensary was not allocated any money, I with the people of Muhonia have already set a date for a *harambee.* We cannot allow the people of Muhonia to suffer because the County Government is not allocating any money. If I did not allocate any money for that project, we could have done on our own. That is why I am saying that that contractor was voluntary. He was just waiting for money from the *harambee* that we could have done. He could complete it in two months. That is what I am saying.

Speaker: I think it is now understandable. Now that the *harambee* has been set aside and there is hope from the government, we will now wait for the government procedures, the way that the government works are done. I think that is okay. I think that brings us to the conclusion of that report. The Health Committee has answered correctly.

CONSIDERED RULING

Speaker: Hon. Members, I wish to just bring to our attention that we are doing the Appropriation Bill. It is scheduled by the House Business Committee to happen this afternoon. It is important that we improve our attendance. As we know, the HANSARD record has it that we have been ringing the quorum bell. I just wish to request you. I know that we are busy people but let us try to always be here in time. We do not have to keep on waiting for our Members to come. I know that we are going to do that. Just be your brothers' or your sisters' keeper.

When you are not able to come early due to various engagements as you might be going to certain offices, just call your friend to know whether your colleague is in the House. It is only one or two Members who may cause us not to get the necessary quorum. If we do not have enough Members we may then not have the quorum. It is important to be your brothers' keeper. Just ask your colleague, are you in the House today? I am supposed to be sitting at the Speakers' Panel, are you there if I am unable to come? If it is the Hon. Member for Marmanet who is the Chair for Agriculture, just call the Vice Chair in case you are busy somewhere else. Are you there so that you are able to respond to that statement? It is important for us do to that.

ADJOURNMENT

Speaker: The sittings of this House stands adjourned until later today Wednesday, 29th July, 2020 at 2.30 p.m.

The House rose at 9.50 a.m.

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