

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF UASIN GISHU

THE HANSARD

Wednesday, 13th November, 2019

The House Met at the Assembly Chambers at 12.00 pm

[The Temporary Speaker (Hon. Nicholas Talam) in the Chair]

PRAYER

PAPER LAID

REPORT ON CHALLENGES FACING PUBLIC PARTICIPATION EXERCISE IN UASIN GISHU COUNTY
GOVERNMENT, STALLED PROJECTS AND DEPARTMENTAL ORGANOGAM

The Temporary Speaker (Hon. Nicholas Talam): Hon. Julius Sang.

Hon. Sang, K: Thank you, Mr. Speaker, for allowing me to table the Committee on Devolution and Public Administration Third Report on the challenges facing public participation exercise in Uasin Gishu County Government, stalled projects and departmental organogram.

Thank you, Mr. Speaker.

(Hon. Julius Sang laid the Report at the Table)

NOTICE OF MOTION

ADOPTION OF REPORT ON CHALLENGES FACING PUBLIC PARTICIPATION EXERCISE IN UASIN
GISHU COUNTY GOVERNMENT, STALLED PROJECTS AND DEPARTMENTAL ORGANOGAM

The Temporary Speaker (Hon. Nicholas Talam): Hon. Julius Sang.

Hon. Sang, K: Thank you, Mr. Speaker. I wish to give notice of the following Motion:

That this County Assembly do adopt the Committee on Devolution and Public Administration's Third Report dated 24th September, 2019 on the challenges facing public participation exercise in Uasin Gishu County Government, stalled projects and departmental organogram, tabled in the House on 13th November, 2019 with or without amendments.

Thank you, Mr. Speaker.

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Clerk, Uasin Gishu County Assembly.*

The Temporary Speaker (Hon. Nicholas Talam): Clerk!

MOTION

ADOPTION OF REPORT ON CHALLENGES FACING PUBLIC PARTICIPATION EXERCISE IN UASIN GISHU COUNTY GOVERNMENT, STALLED PROJECTS AND DEPARTMENTAL ORGANOGAM

The Temporary Speaker (Hon. Nicholas Talam): Hon. Julius Sang.

Hon. Sang, K: Thank you, Mr. Speaker. I wish to move the following Motion:

That this County Assembly do adopt the Committee on Devolution and Public Administration's Third Report dated 24th September, 2019 on the challenges facing public participation exercise in Uasin Gishu County Government, stalled projects and departmental organogram, tabled in the House on 13th November, 2019 with or without amendments.

Mr. Speaker, before you is the Committee on Devolution and Public Administration's third Report on the challenges as facing public participation exercise in Uasin Gishu County, stalled projects and organogram.

Mr. Speaker, I would wish to skip the table of contents and allow me to proceed with the preface.

The Temporary Speaker (Hon. Nicholas Talam): What is the point of order, Hon. Pius Kigen?

Hon. Kigen: (*On a point of order*) I seek your indulgence that as the Member reads the report, we don't have a copy of the same.

The Temporary Speaker (Hon. Nicholas Talam): Can the copies containing the contents of the report be supplied to Members? I think a few of you have received but some have not yet got. Please make sure that all Members are given copies for them to go through the Report.

Hon. Sang, proceed.

Hon. Sang, K: Thank you, Mr. Speaker.

Preface

Mr. Speaker Sir, on behalf of the Members of the Committee on Devolution and Public Administration pursuant to the provisions of **Standing Order No.191 (5)**, it is my pleasure and duty to present to the House the committee's report on the challenges faced while carrying out Public Participation exercise, stalled projects and departmental organogram.

Committee Membership

Mr. Speaker Sir, the committee on Devolution and Public administration as constituted by the House comprises of the following Members:

1. Hon. Samwel Choge - Chairperson
2. Hon. Jeruto Barbengi - Vice Chair person
3. Eileen Kendagor - Member
4. Hon. Noah Kemboi - Member
5. Hon. Julius Sang - Member
6. Hon Joel Rugut - Member
7. Hon. Nicholas Lelei - Member
8. Hon. Zipporah Maiyo - Member

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| 9. Joan Bittok | - Member |
| 10. Hon. Francis Muya | - Member |
| 11. Hon. Nancy Sang | - Member |

Mr Speaker Sir, ownership of the report is as shown; Members have signed.

Committee Mandate

Mr. Speaker Sir, the County Assembly is a creation of Article 176 of the Constitution of Kenya. The Constitution under Article 185 provides that the legislative authority of a county is vested in, and exercised by the County Assembly. In order to give effect to Chapter Eleven of the Constitution, Parliament enacted the County Governments' powers, functions and responsibilities to deliver services.

The Committee is responsible under Standing Order No. 191(5) to:

- a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments.
- b) Study the programme and policy objectives of departments and the effectiveness of the implementation.
- c) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives.
- d) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly.
- e) Make all reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

REPORT ON CHALLENGES FACING PUBLIC PARTICIPATION EXERCISE IN UASIN GISHU COUNTY GOVERNMENT.

Executive Summary

The purpose of this process is to facilitate the implementation of constitutional provisions set out under Articles 1, 10, 35, 37, 48, 174, 201, 232 of the Constitution of Kenya 2010 to promote participatory democracy, community empowerment, enhance community ownership of public decisions and enhance transparency and accountability in decision making. However, despite having in place the Public participation Act, 2015 the County has not met the expectations of the general public that has led to several challenges being witnessed in the course of executing this exercise.

Challenges

The notable challenges include:

- 1) Dissemination of information of the intended Public participation like the supply of intended materials to the residents early/ in advance to enable them prepare and plan.
- 2) Accessing the Public participation venues in some places is difficult given the geographical terrain in some wards.
- 3) Written memorandums are not necessarily accepted as a way of expressing public opinion.
- 4) People living with disabilities are not properly represented in these forums.

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- 5) Language used is not understood by all.
- 6) Civic education has not been done to educate people on the importance of participating in these forums.
- 7) People do feel that their input or opinion will not be taken into consideration at the implementation stage.
- 8) Adverts are not easily accessible to the public.
- 9) The Act does not expressly provide options for those wards that are so wide, for example, Karuna/ Meibeki and Ainabkoi/ Olare just to mention a few.
- 10) The threshold of people attending these forums is not well defined. This is a case where you find a ward has a population of 20,000 people but those that are attending are less than 100.

Observations

- 1) The County Assembly has not created the County Assembly Public Participation Committee within its establishment that will spearhead the exercise to its conclusive end.
- 2) There exists mistrust by members of the public who believe that their views might not be considered by the County Government or its agencies at the implementation stage.

Findings

- 1) The officials coordinating the Public Participation exercise often reach the public participation venues late when the members of the public are already tired and some already given up.
- 2) There is no particular office or organ within County Government that has express mandate to spearhead the public participation process and therefore no harmony and congruence in the process and methodology.

Recommendations

Mr. Speaker Sir, the Committee, having identified these challenges, gave the following recommendations:

- 1) The number of public participation venues in each ward should be addressed by the Committee of the whole House so that those wards, owing to their geographical nature and or how wide they are, be addressed.
- 2) Let materials be availed in good time to enable residents peruse so that on the material day, they are able to make informed decisions.
- 3) The County Assembly should approve the public participation venues and these venues should be gazetted.
- 4) Create the Public Participation Committee within the County Assembly establishment.
- 5) Induct the ward project identification Committee of what is expected of them.
- 6) The County should publish and publicise public participation notices.
- 7) Use the language that is understood by all.
- 8) Amend the County Public Participation Act to create the public participation and citizen engagement office within the department of Devolution and public Administration.

- 9) Every ward should come up with a list of stakeholders so that in every of these forums the Members feel represented.
- 10) Give appointment letters to the Ward Project Identification Committee.
- 11) Increase access to ICT connectivity so as to increase the number of citizens participating in the public participation process through the ICT platforms.

STALLED PROJECTS

Mr. Speaker Sir, when projects are seen to be incomplete, the public does not realize the value of its money. The residents have entrusted their will on the elected Members of the County Assembly whose major roles are:

- 1) Oversight
- 2) Representation and
- 3) Legislation

The oversight function goes hand in hand with the value for money and the Committee resolves as follows:

- i. Make follow-ups on its oversight.
- ii. The CEC should come up with clear roadmap on the way forward of the stalled projects like the case of Moiben Sub- County headquarters which has stalled for the last seven years.
- iii. Address the issue on choice of contractors.
- iv. Address the problem associated with procurement processes.
- v. Set clear timelines between take-over of site and handing-over of the project.
- vi. Every department should prepare quarterly Reports indicating the percentage of completion at every stage.
- vii. Call upon all other departmental Committees to carry out thorough and regular oversight on projects within their mandate to ensure timely completion of respective projects to ensure value for money and improved service delivery. The committee on implementation is therefore called to lead in this endeavour.

ORGANOGRAM

Mr. Speaker Sir, organograms are important tools of management in any department or organization to assist the management in the placement of staff and also inform on the structure and effective relationship of staff in a department.

Recommendation

The Committee recommends as follows:

- 1) That for effective oversight, every department should prepare its organogram and hand the same to respective Committees within a period of three weeks.

On behalf of the Committee on Devolution and Public administration, I therefore urge this Honourable House to adopt this Report with or without amendments.

Mr. Speaker Sir, the committee on Devolution and Public Administration in discharging our mandate identified those three key areas which we sought to try and address. The first one as

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I have read is on the issue of public participation. At every stage of engagement and executing services to the public, we are required by law to engage the public in a process that has been widely known as public participation. Although we have identified number of challenges and in summary, I wish to say that public participation in this county is still far away from actually realizing the benefits therein by engaging the members of public. For example; we have identified the problem of late supply of materials. For example when we are engaging the public in matters of budget; budget document is a voluminous document that has very difficult words, it is using terms which are technical in finance and budget. That old woman, that *mama mboga* who would wish to participate in that process feels left out because of the heavy words that are used in the document.

So we are saying, Mr. Speaker, could we have a situation where the county engages the public by prior giving this document and the papers to the public so that they can at least study and ask their neighbours and their children; what does it mean? How do I go about it so that we engage the members of public in a more constructive way; what we have seen because the Honourable Members in this House always participate in public participation especially when it comes to budget; when we are there you would actually see the old ladies, the *mama mbogas*, the *boda boda* guys, they are actually floating; they are just waiting for the time to be asked the question: Do you agree with this and they say yes or sometimes those who are strong enough may say no, but actually they do not understand the nitty-gritty of the document that is being presented before them.

Mr. Speaker, we are saying as a committee and as a House that something needs to be done if we are to engage our citizens in a more constructive way. Let us prepare documents ahead of time because we are giving notices not less than seven days. What are waiting for? Why don't we prepare those reports as we give the notice in newspaper, on radio? I believe that is something that can be done by the County Government so that we engage the public in a better way.

We have also addressed the issue of use of language. Sometimes we prepare these documents in English and we know that not all the people of Uasin Gishu understand English, Let alone the heavy words that have been mentioned; that are associated with the technical subjects like budget. Mr. Speaker, how I wish that we could prepare some of these documents in the language that most people understand, and we know Kiswahili is a national language. Could we then as a House recommend to the county government that they prepare some of these documents in Kiswahili so that most people can read and appreciate what the document is talking about? So when they are contributing, when they are giving their views, they actually contribute from a point of view that they understand the document. Sometimes I feel that some of these people are just there; they are just contributing because they have come but in the document, they have not really understood. Mr. Speaker, you know when you understand something, you say what is exactly in your mind and in your heart. But most often, our people just contribute because it is a requirement; we have told them "come for the public participation. This is the document. This is what we are discussing today." and the document is so voluminous and in a matter of a few minutes you ended the session. Do you have your input? One person will ask a question; a project that was not done five years ago. They do not actually follow what is in the document.

Mr. Speaker, some of the challenges that we have identified are hampering...

Hon. Werambo: Point of order!

The Temporary Speaker (Hon. Nicholas Talam): What is your point of order, Honourable Ramadhan?

Hon. Werambo: Thank you, Mr. Speaker. Just for me to understand as the Member who is presenting the report reached somewhere and said *blaah blaah blaah*... I do not know, can he substantiate for us to be together and understand.

The Temporary Speaker (Hon. Nicholas Talam): Honourable Ramadhan, you do not understand the language he is using *blaah blaah blaah* is not understood. Can you be clear?

Hon. Werambo: It is not me; it is the Member who has just said *blaah blaah blaah*. I think, Mr. Speaker, you are listening. So I did not understand what the word *blaah blaah blaah* means, so he has to go deep and explain further for us who are listening to understand what it is.

The Temporary Speaker (Hon. Nicholas Talam): Honourable Sang, can you be clear on the *blaah blaah blaah* and of course it is not a parliamentary language. Observe that.

Hon. Sang, K: Thank you, Mr. Speaker. I have even forgotten the context that I used that word but I meant that sometimes because the members of public do not understand what we are presenting to them, they will actually use *blaah blaah blaah* because they even do not know the language that we use. I am sorry, Mr. Speaker, if the Members have not understood what I said but it is coming from what we have seen in the public participation forums because *blaah blaah blaah* means something that is not clear, something that is not coherent, if I may use that word. That means that is the situation on the ground. The people do not understand what we are presenting to them, so it is not clear...

Hon. Malel: Order Honourable!

The Temporary Speaker (Hon. Nicholas Talam): What is your point of order, Honourable Malel?

Hon. Malel: From which dictionary are we getting that definition, Honourable Speaker? and even if I want to imagine the way Honourable Member representing Megun wants to put, even the word *blaah blaah blaah* from the normal understanding is whatever is written which is just only being read but the members of the public could not understand. But not things that are not appearing in that...so the best thing is for him to withdraw that word and apologize.

The Temporary Speaker (Hon. Nicholas Talam): Honourable Sang, that word does not exist and I think it can never be used in the House. So may you kindly withdraw and continue.

Hon. Sang, K: Thank you, Mr. Speaker. I stand guided and I withdraw that *blaah blaah blaah*. Thank you, Mr. Speaker, for the indulgence. I want to proceed and...

The Temporary Speaker (Hon. Nicholas Talam): Honourable Sang, we are running out of time please.

Hon. Sang, K: Thank you, Mr. Speaker. I wish to conclude very fast. I have enumerated a number of challenges that we have seen in the public participation and we have also gone ahead to give recommendations, which I wish this House can support so that we can further enhance the quality of public participations that we conduct in our Wards and in the county government of Uasin Gishu. This is a better way of enhancing service delivery and I believe that engaging the public in a more structured as given by the recommendations therein, I believe will further improve the relationship that we, the county government, have with the people of Uasin Gishu.

Mr. Speaker, with those very many remarks, we also addressed the issue of stalled projects; we know within the department of Public Administration and Devolution, we have a number of projects that we have undertaken and...

The Temporary Speaker (Hon. Nicholas Talam): What your point of order, Honourable Jenny Too?

Hon. Jebet: Thank you very much, Mr. Speaker. It appears in the document that only five Members out of the 11 of the committee have actually signed the report and that nowhere in the report does the Chairperson signature appear. Maybe seeing as we are...I do not know but I think that there is an anomaly. Thank you.

The Temporary Speaker (Hon. Nicholas Talam): I think the Members are around here; they can still append their signatures. I think some Members have already signed the report and I think Honourable Sang is acting on behalf of the Chairperson who is not with us.

Hon. Jebet: But, Honourable Speaker, only five Members out of 11 have signed and the Chairperson has not signed. If the Honourable Members are around, then maybe it would be prudent for us to allow them time so that we follow the regulations to ensure that the Chairperson's signature is actually appended in the report.

The Temporary Speaker (Hon. Nicholas Talam): Point taken, Taking into account the fact that the time is with us and we are not going to discuss this until in the afternoon. Therefore I think by then the Chairperson will be around to append the signature. Honourable Sang, proceed.

Hon. Sang, K: Thank you for that ruling, Mr. Speaker. I believe the Honourable Member is now convinced. We have a number of issues in the stalled projects as we have said...

Temporary Speaker (Hon. Nicholas Talam): Honourable Sang we are running out of time the second time.

The Hon. Sang, K: Mr. Speaker, I am finishing in one or two minutes. Mr. Speaker, on the issue of stalled projects, we have said let the County Government come up with timelines so that we complete these projects so that we can see value for money.

With those very many remarks, I wish to ask Honourable Muya to second.

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Nicholas Talam): Honourable Muya, Member representing Langas Ward!

Hon. Muya: Thank you very much, Mr. Speaker. From the onset I want to take this opportunity to thank the Almighty God for He has taken care of our Leader of Majority. We know he was not fit to be in this House; he was on a plaster but we thank God that we can see him; dad is around, everything is okay. Therefore I say thank you God for taking care of our Leader of Majority.

Mr. Speaker, allow me to second the third report from the committee on Devolution and Public Administration led by our able Chairperson, Honourable Choge whom, I am sure, is going...it is a valid concern raised by Honourable Jenny Too. We are not taking it for granted but we are taking your direction that by afternoon, the other Members should have signed.

Mr. Speaker, with very few words, I want to say that the Public Participation Bill is a very important Bill because whatever we do as a county is not for the leadership; it is meant to

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originate from the public. Therefore if we get it right from involving the public by giving their views, by participating in making sure that the priority of a given Ward...

The Temporary Speaker (Hon. Nicholas Talam): What is your point of order, Honourable Pius Kigen?

Hon. Kigen: Thank you, Honourable Speaker. In view of our Standing and cognizant of the fact that no Member has ever raised the extension of this House, then this House Honourable Speaker, we seek your guidance you need to adjourn.

The Temporary Speaker (Hon. Nicholas Talam): Honourable Members, the Honourable Member who has just been on the Floor can conclude and then we adjourn the House.

Hon. Muya: Mr. Speaker, most obliged.

The Temporary Speaker (Hon. Nicholas Talam): What is it, Honourable Leader of Majority?

Hon. Lowoi: Mr. Speaker Sir, I think this is a House of rules and procedures. The Standing orders are very clear that when that time reaches 12:30 pm, the Speaker will just rise on his feet and the Member who was contributing will come and continue later. We cannot extend even one minute because it is a procedure, Sir.

ADJOURNMENT

The Temporary Speaker (Hon. Nicholas Talam): Honourable Members, before I adjourn the House, I want to recognize the presence of our Leader of Majority who has been away because he was injured while undergoing some training in Chebororwo. We are glad that you are here with us today and we are happy to be with you in the House.

The House is adjourned until 2:30 pm and the same Motion will continue. Thank you very much.

The House rose at 12:32 pm