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REPUBLIC OF KENYA

NYANDARUA COUNTY ASSEMBLY

3RD ASSEMBLY — 4TH SESSION

OFFICIAL REPORT

Wednesday, 4th June 2025

The Assembly met in the Assembly Chambers at 2.30 pm.

(The Speaker, Hon. Wachira Waiganjo, in the Chair)

PRAYER

Speaker: Hon. Members, welcome to the sitting of today, Wednesday, 4th June 2025, at 2.30 pm.

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There was no quorum as confirmed by the Clerk-at-the-Table)

Speaker: There being no quorum to commence the business of the Sitting, I direct that, pursuant to Standing Order No. 36, the bell be rung for an initial 10 minutes or until such a time within the 10 minutes that quorum will have been achieved.

(The bell was rung for nine minutes and quorum was achieved as confirmed by the Clerk-at-the-Table)

Hon. Members, quorum having been confirmed, we shall proceed with the business of the day.

First order.

PAPERS

1. REPORT ON RESTRUCTURING OF SECTORAL COMMITTEES IN ACCORDANCE WITH THE GAZETTE NOTICE ON REORGANIZATION OF COUNTY EXECUTIVE DEPARTMENTS

Speaker: Very well, Hon. Samuel Chege Gathirimu, Deputy Speaker and Vice Chair of the House Business Committee.

Hon. Chege Gathirimu: Thank you, Mr Speaker. I seek leave until next week so that we can harmonize the report.

Speaker: Very well. The leave sought is explained. Vice Chair, ensure that the said report is tabled next week.

We can now go back to the order 5. Next order.

2. NYANDARUA COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2024

Speaker: Very well. Hon. Isaac Mbae Kamau, Chairperson, Committee on Water, Environment, Climate Change and Natural Resources.

(The Speaker, Hon. Wachira Waiganjo, left the Chair)

(The Deputy Speaker, Hon. Chege Gathirimu, assumed the Speaker's chair)

Hon. Isaac Mbae: Thank you, Hon. Speaker. Hon. Speaker, the Nyandarua County Climate Change (Amendment) Bill 2024 was committed to this Committee. The committee on scrutinizing the bill identified stakeholders who gave their views on the bill, and is currently concluding on some contentious clauses that needs to be aligned with the PFMA and a minimum assessed coordination for the prevailing grants.

So, Hon. Speaker, the Committee seeks 45 days to compile a comprehensive report on the Bill.

Speaker: The preliminary/progress report is duly tabled. The leave sought is well-explained and deserving, and so, I grant it as sought. Chairperson, ensure that the report is ready within the time requested.

Next.

3. REPORT ON THE NYANDARUA COUNTY LAKE OL'BOLOSSAT SPORTS TOURISM AND CONSERVATION HALF MARATHON FUND HALF YEAR REPORT AND FINANCIAL STATEMENTS FOR THE PERIOD ENDED DECEMBER 31ST 2024

Hon. Rimui Kaiyani, proceed.

Hon. Rimui Kaiyani: Thank you, Hon. Speaker. This matter came up during the last sitting before we proceeded for recess. The Chair gave directions that the matter of the half marathon under tourism, which was falling under my committee, has since been moved to the Committee on Water. When this matter came up, my Committee informed this House that it is no longer capable of processing that matter because the Department of Tourism is no longer part of it.

The Chair, the Hon. Speaker, informed the House that the matter would be referred back to the House Business Committee for re-assignment. I am surprised that it is appearing under our agenda, yet the position, if you revisit the Hansard, was that the matter was to be reassigned by the House Business Committee. I therefore hold the position that the matter remains under the House Business Committee for re-assignment to the appropriate committee as per the revised gazettement of responsibilities and functions of the department.

Thank you.

Speaker: Very well. The report is under consideration for information, and it is one of the reports that were to be tabled, and the committee sought leave. Therefore, it will be addressed accordingly.

Next.

4. REPORT ON J.M KARIUKI MEMORIAL COUNTY REFERRAL HOSPITAL ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30TH JUNE 2024

Speaker: Hon. Paul Ngeche Wambaire, the Chairperson of the Committee on Health Services, proceed.

Hon. Paul Ngeche: Hon. Speaker, I wish to table the report on Annual Report and Financial Statements for J.M. Kariuki Memorial County Referral Hospital for the year ended 30th June 2024. I table.

Speaker: The report is duly tabled and the same shall be processed as directed by the House Business Committee pursuant to Standing Order 157 (5) (d).

Next.

5. REPORT OF THE DEPARTMENT OF YOUTH AFFAIRS, SPORTS BUDGET IMPLEMENTATION OF Fy 2023/2024

Speaker: Yes, Hon. Mbogo Mburu, on behalf of the Chairperson, proceed.

Hon. Mbogo Mburu: Mr Speaker, Sir, on behalf of my Chair and the Vice Chair, I beg to table the report on the Departmental Budget Implementation Report for the Department of Youth Affairs, Sports and Arts for the FY 2023/2024.

I table.

Speaker: The report is duly tabled and the same shall be processed as directed by the House Business Committee pursuant to Standing Order 157 (5) (d).

Next order.

STATEMENT

RESPONSE ON CONTRACTING OF ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SERVICES WITHIN THE COUNTY, FUNDS COLLECTED AND EXPENDITURES FOR FY 17/18 TO FY 22/23

Speaker: Hon. Zachary Mwangi Njeru, the Chairperson of the Committee on Finance, Economic Planning and ICT, proceed.

Hon. Zachary Njeru: Thank you, Hon Speaker. This is a response to a Statement sought by Hon. Samuel Rimui Kaiyani on Contracting of Environmental Impact Assessment (EIA) services within the County, funds collected for the services, and expenditures therein, specifically for FY 17/18 to FY 22/23.

Hon. Speaker, this is yet another report having sought more information from the department. I will go straight to the other issues that emerged from the previous response.

As per our Standing Order 46 pertaining to presenting a statement, on the 13th day of June 2023, the Speaker directed that the statement from this committee be considered, and we report back.

The statement was tabled before the committee for consideration in a meeting held on the 20th day of June. It was resolved to write a letter to the CECM Finance, Economic Planning, and ICT seeking information on the said statement. The CECM submitted a response through the Office of the Clerk on 30th August 2023 vide the reference indicated above, and collated the following response.

On the issue to do with EIA, the CECM indicated that Environment Impact Assessment (EIA) experts engaged by the County Government to conduct studies on all construction projects in all Departments, and the following experts were involved in the assessment, having been procured from the list of prequalified suppliers:

No.	FY	EIA LEAD EXPERT	COMPANY	PROCUREMENT
				METHOD
1	2020-	Bernard Ochieng Obara	Suluhisho Africa	Request for quotation
	2021	(2848)	Limited	
2	2020-	Newton Gitonga Karuri	Contemporary Arch	Request for quotation
	2021	(7117)	Concepts	
3	2021 -	Joab Odhiambo Okullo	Medelin Investments	Request for quotation
	2022	(6598)	Limited	_

(Hon. Thinji Kiriga rose on a point of information)

Speaker: What is the information, Hon. Thinji?

Hon. Thinji Kiriga: Thank you, Hon. Speaker. I am kindly requesting that we be furnished with the report.

Speaker: Thank you, Hon. Thinji, for your attentiveness. I am informed that we are experiencing a technical hitch with the network, but the report will be sent to our WhatsApp group in a moment. We may proceed as we wait for the statement response to be sent.

Hon. Thinji Kiriga: Much obliged. Speaker: Proceed, Hon. Zachary.

Hon. Zachary Njeru: Thank you, Hon. Speaker

3	2021	1	Joab Odhiambo Okullo		Medelin Investments		Request for quotation	
	2022		(6598)		Limited			
4	2022	1	Regina	Wanjiru	Zorlu	Enterprises	Request	for
	2023		Gathuma (5127)		Limited	<u>-</u>	Quotation	

Hon. Speaker, on Terms of reference of the Environmental Impact Assessment (EIA) Experts offering Environmental Impact Assessment (EIA) services within Nyandarua County, the duration of their term, and the process of tender Award that is contained in annexure 1.

In our report, we have a number of annexures, annexure 1 entails as much.

In our findings, Mr Speaker, the terms of reference in annexure II give a report on the background sought from existing laws like the EMCA 1999, legal notice no. 31, and the Environment Impact Assessment and Audit Amendment Regulations, 2019. It further gives the process of Environmental Social Assessment (ESIA) methodology, which involves screening, scooping, establishment of environmental baseline, review and analysis of alternatives, Impact Analysis, Public Involvement and consultation (PIC) among other steps.

Additionally, Mr Speaker, the notification of award indicates that the conditions of the contract are stated in the tender document that was not availed to the committee.

3. When and how the EIA was conducted and amounts paid for each Assessment

The lead experts conducted the assessment of all projects and submitted the ESIA reports to NEMA for approval, who then issued approval reports for each project submitted by the lead expert. Some of the NEMA reports are attached in Annexure III.

In our findings, Hon. Speaker, the committee reviewed the NEMA approvals, subject to some conditions listed in the approval letter. However, all the NEMA approvals do not relate to the period under review, because they are year 2024 approvals. It was not possible to ascertain that the firms that were contracted by the Department of Roads for the period 2017/18 to 2022/2023 got approvals from NEMA.

That, I think, was one of the major concerns of the seeker of the statement.

- 4. The National Environment Management Authority (NEMA) is the principal agent of the Kenyan government in environment management and conservation and is responsible for approval and decision-making on assessment reports and monitoring. The Authority reintroduced processing and monitoring for EIA and SEA reports with effect from 1st June 2022. The notice (Annex 2 attached) requires proponents of projects to pay 0.1 % of the total cost of a project with a minimum of Ten Thousand (Kshs.10,000) as an EIA processing and monitoring fee. The Basis of computation depends on the type and nature of the project.
- 5. The department with projects requiring EIA reports usually attaches the reports to the payment vouchers.

Procedure for actualizing in the County

The County has incrementally achieved in undertaking assessments and integration of ESS in planning, budgeting, and implementation to achieve the above compliance.

Hon. Speaker, without revisiting the legal framework, I want to go directly to the FY 2022/2023 and other years whereby is as indicated:

S.No	FINANCIAL YEAR	COMPANY	AMOUNT PAID		
1	2020-2021	Suluhisho Africa Limited (EIA for	2,460,700.00		
		Kinangop sub county projects)			
2	2020-2021	Contemporary Arch Concepts (EIA for			
		Ol'Kalou, Ol'joro-Orok, Kipipiri, and	2,474,800.00		
		Ndaragwa sub counties projects.)			
3	2021-2022	Medelin Investments Limited	4,970,000.00		
4	2022-2023	Zorlu Enterprises Limited	2,999,700.00		

4. Explanation why some projects were done undertaken without EIA contravening EMCA 1999 (Amended 2015)

All projects were subjected to EIA assessment as evidenced by NEMA reports. The EIA budgets are sourced from the bill of quantities where each BQ has the amount to be deducted at the point of invoicing through IFMIS. This means that the money is left in the vote book for the payment to the contracted consultant.

However, in the financial year 2022-2023, the provisions to deduct the EIA amount at the point of invoicing were not available due to the IFMIS system upgrade. This was realized towards the end of the financial year when most development projects were being paid. To ensure that the money was retained, the contractors had to pay at the revenue office.

Conclusion

Hon. Speaker, to conclude, the Department of Roads in the FY 2022/21, 2021/22, and 2022/23 requested quotations from prequalified suppliers who conduct EIA for the department's project. The independent assessors were paid the EIA fee through the IFMIS systems as identified by the payment vouchers.

Hon. Speaker, page 15 pertains to how the EIA experts were engaged, you can clearly see from that annexure. The second annexure is about the terms of reference. Annexure III highlights the payment vouchers attached for various suppliers. Annexure IV is about the legal notices, that is, special issue No. 25, and it is well listed. Lastly, in Annexure V, we have the budget lines as per the County Government budget. Then, equally, we have an annexure from the Department of Roads, Transport and Energy of development expenditure for the financial years indicated. We also have contract description that clearly lists the roads ranging from roadworks along Gathiriga-Matopeni Road. The supplier was Pikin Contractors Limited. The date of commencement, contract completion/date of expiry, and contract value price are all enlisted across all the wards from the roads department.

With that, Hon. Speaker, the Committee was able to note the inconsistencies that were raised by the seeker. With that, Hon. Speaker, I think we have been in a position, as a Committee, from the information that we received from the respective departments, to respond. I think the information is duly satisfactory and I wish to hear from the seeker.

Thank you very much, Hon. Speaker.

Speaker: Very well, the response is duly tabled and read. The seeker of the statement, Hon. Samuel Rimui Kaiyani, kindly express your satisfaction or otherwise.

Hon. (Eng.) Rimui Kaiyani: Thank you, Hon. Speaker. I want to thank the Committee for taking the time to look into the request that was placed before them—a committee of competent Members led by the Chair.

Hon. Speaker, I want to predicate my response on your words when you ushered me to respond. You said "satisfaction or otherwise." To some extent, I am satisfied, but to a greater extent, I am dissatisfied.

Hon. Speaker, my request was very clear, intentional, and deliberate. I have seen a listing of the contracted Environmental Assessment Experts. The Chair said that they were selected from

a Request for Quotation (RFQ). They are four in number. The period chosen—2017 to date—was very deliberate.

Hon. Speaker, there was certain information that prompted me to seek this statement. It was very deliberate and specific. By and large, this report is shallow and full of gerrymandering, to say the least. The intention behind this must be explained because the request was very specific.

Hon. Speaker, 2017/2018 was a financial year. That financial year had an attached itemized budget that included specific projects which required an Environmental Impact Assessment (EIA) report. A Request for Quotation was floated, and certain companies or firms were selected to conduct the EIA for that particular year.

What I would have expected to see—and I am addressing the Chair and the Committee at large—is:

- 1. The firm that was awarded the task to conduct the EIA actually performing it per project,
- 2. An EIA certificate issued for every specific project, and
- 3. The corresponding payment to the government for the fee for each particular project attached.

Along with that should have been the date within which the payment was made to the government through the government portal and the corresponding completion certificate for that particular project. That would allow me to ascertain whether the EIA was conducted after the project was done—which would be in contravention of the regulations read by the Chair—or before the project was implemented.

I also wanted to know the corresponding amount from IFMIS by the Department of Finance to the said contractor. I believe that was as clear as the clear sky to respond to.

Hon. Speaker, what I see here are things lumped together—opaque as darkness can be and as black as soot—for anyone to fathom the contents of the report. What annoys me more is the time it has taken the Finance Committee to finalize this matter.

My point here is that the Finance Committee is very competent—competent to the core. The Chair here leads the pack in terms of academic excellence. For that reason, I have no cause whatsoever to doubt his competence. I do not. It can only be deliberate for him not to perform. It is not by accident but by choice.

For that reason, I urge this House, through you, Hon. Speaker, that this matter be referred back to the Committee to do a comprehensive report. Let them take the budget of each financial year and check the projects that required an Environmental Impact Assessment. They are listed, and the regulations require that each and every project has a fee paid for that purpose independently.

What I see here are projects lumped together and an EIA said to have been done by a certain consultancy. It does not work like that. The proper procedure is that for every project appearing in the budget, an EIA must be conducted, a certificate issued, and a mandatory fee payable to the government made for that specific project. Those receipts have dates. I want to see all of them. I also want to see when the projects were paid for by the Department.

To purport that IFMIS had a problem is to suggest that either payments were not made or, if they were, someone does not want it known how they were paid. That cannot be an answer. It appears lazy, to say the least. Therefore, with a lot of respect, I expect to see a voluminous document.

Number two, Hon. Speaker, I am equally aware, as alluded to by the Chair, that the EIA fee is included in the Bill of Quantities. That raises a big question: do you put the cart before the horse, or the horse before the cart?

To me, it appears the projects were contracted before they received NEMA approval. That should never be the case. The Bill of Quantities having the EIA component should never precede the EIA process itself. You should conduct the EIA before you float tenders for that particular project. Suppose the EIA report is negative—do you still proceed with the project? The answer is no.

I want to appreciate the Department of Water, through the FLLOCA program—they are doing things right. I said it here on the Floor of the House. Before contracting any project, they first allow for an EIA to be conducted. That reveals any possible negative implications to the community and the environment before entering into any contract.

Hon. Speaker, what do we do in the Department of Roads? We include it in the Bill of Quantities as itemized elements of the projects.

Hon. Speaker, I have also heard that the contractors were paying and that the money was being retained. This leaves me asking one question: the total amount in the Bill of Quantities attracts VAT and other taxes for the government. Yet if the amount for the EIA is also included there, then who should be paying the tax? Is it the contractor or the beneficiary of the EIA funds?

Why is the contractor being punished for paying money that should be paid by someone else, by including that amount as part of the total project cost? Where are we heading? Let us separate issues. This was very deliberate.

I would also like to hear from the Committee how much was retained per financial year toward the EIA. How much of it was paid? What happened to the balances? I hear the money was recovered from the contractors—some of it collected at the Revenue Office, some recovered at the payment point.

I would want to know:

- When it was recovered at the payment point,
- How much was recovered at the Revenue Office, and
- What happened to it if it was never fully paid?

This is what I'm looking for. I expect every expenditure by this government to be above board and as transparent as daylight—not as opaque as darkness.

To retire this matter, therefore, I am completely dissatisfied, and I have no doubt in my mind that the competencies within this Committee have not been fully expended. They have not been stretched to the maximum in responding to this report.

I therefore urge this Hon. House, through the Chair, Hon. Speaker, that this matter be referred back, bearing in mind that it has taken over a year for such a competent Committee.

I would ask that you give them a very limited timeframe to bring back this report. For me, taking that long is equivalent to covering up the mess and opaqueness with which this matter has been handled to date.

Therefore, let every project have:

- A certificate,
- A certificate number,
- Confirmation that the fee payable to the government was paid, and
- A corresponding completion certificate from the department.

That way, I am able to determine whether the project was implemented before the EIA, which is illegal. If that is the case, then why did the County commit an illegality by paying someone who never conducted the EIA? You cannot conduct an EIA when the project is already completed.

Those are the irregularities and illegalities I'm interested in, Hon. Speaker. Therefore, the Committee should revisit the matter, expedite it, and bring it to a closure. I also know this will open the door for other issues to emerge.

I submit. Thank you.

Speaker: Thank you, Hon. Kaiyani. In view of the response from the seeker of the statement and there being no one else to raise other views, I call upon the chairperson. Hon. Zachary Mwangi Njeru, Chairperson Committee on Finance, Economic Planning, and ICT, to respond.

Hon Zachary Njeru: Chair, Hon. Speaker, I wish to respond as follows. Through my presentation, I indicated that it .was unprocedural and irregular, and this now forms a fundamental question: when should the Environmental Impact Assessment (EIA) be done? Is it before the project or after the project?

Hon. Speaker, we have tried as much as possible, even by relying on the available information, to identify whether this EIA was done for objectivity, viability, or just for compliance. Hon. Speaker, I think much of it was done merely for compliance.

On the issue pertaining to timelines, Hon. Speaker, we usually rely on the information provided and when it is provided. That is why I would beseech my good neighbour, Hon. Eng. Rimui Kaiyani, to come up with a motion regarding the same, so that we can be in a position to identify whether we have been having a policy gap or what exactly has been happening, so that we can streamline how these things are done.

We have tried as much as possible to give a breakdown of the projects. Individual departments, like the Department of Roads, which has multiple projects and programs, Hon. Speaker, we have been able to cover as much as we could.

Hon. Speaker, on the issue of IFMIS, you have no control over it because it is purely a matter handled on the other end. We cannot tell whether it was a fabrication or truly a system breakdown.

Hon. Speaker, over and above the EIA, two issues have been recurring, and that is why I have been beseeching the Hon. Member to seek another avenue other than a statement, so that at least we can have objectivity. We have an issue with the EIA levy, commonly known as the contractor's levy. This has been coming up repeatedly, and we need to agree on how it should be handled.

Whether this contractor's levy—Hon. Speaker, I don't intend to introduce another topic beyond the matter at hand—but we need to understand whether it constitutes double taxation. Is it a fee? Is it revenue? Or how should it be classified?

Were it not for the fact that it had not been captured in the statement, those are the two fundamental questions that the said Member, Hon. Eng. Rimui Kaiyani, has been concerned about.

If the motion route is not ideal, then we can have a committee on general oversight, so that we can bring all the key stakeholders on board, starting with the CECM for Finance, to respond to all those issues, Hon. Speaker, and provide a long-lasting solution.

(Hon. Rimui Kaiyani rose on a point of order.)

Speaker: What is it, Hon. Kaiyani?

Hon. Rimui Kaiyani: Thank you, Hon. Speaker. Is the Chair of the Finance Committee in order to suggest that another committee — specifically the Committee on General Oversight — should handle this matter? Is he, in essence, admitting that the Finance Committee is too incompetent to delve into the matter? If so, he should go ahead and propose that a Select Committee be constituted to unpack the details that pertain to the opaqueness surrounding this issue.

Is it an admission of incompetence, incapacity to deal with the matter, or an acknowledgment that they have hit a dead end? In that case, Hon. Speaker, let him formally propose the formation of a Select Committee to expedite this matter — and this House must be cautious that the previous Select Committee does not morph into the same body again, to avoid duplication and repetition.

Thank you.

Speaker: Hon. Kaiyani, the Chair is simply giving options. Ultimately, the direction will be given by the Chair. Proceed, Hon. Zachary.

Hon. Zachary Njeru: Thank you, Hon. Speaker, as I wind up. Hon. Eng. Rimui should be fair. When I indicated that we do not just want to present a report on the Floor of the House, I meant that we aim to table a report with actionable recommendations.

Hon. Speaker, that is why I stated that it is clear there exists a policy gap. The question, then, is: what needs to be done? The Finance Committee is simply an extension of this House. That is why I offered that proposal.

That notwithstanding, I believe it is imperative that we have a serious engagement with the relevant department, so that they can explain the process from procurement to payment. Even though they presented payment vouchers and related documents, there are still lingering questions raised by the Hon. Member.

Through your indulgence, Hon. Speaker, I beseech that this matter be treated with the seriousness it deserves. I am not implying that the Finance Committee has been unserious, but we must endeavor to bridge the policy gaps identified in the Committee's response.

Thank you.

Speaker: Thank you, Hon. Kaiyani. Your concerns have been duly noted, including the weight and gravity of the matter as presented. In light of this, the Chair shall give guidance on the way forward in the next sitting.

Next order.

ADJOURNMENT

Speaker: Hon. Members, there being no other business to transact under this sitting, I now adjourn the House to Tuesday, the 10th day of June 2025 at 9.30 am.

(The House rose at 3.28 pm)

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