

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
2ND ASSEMBLY- 2ND SESSION
OFFICIAL REPORT

Wednesday 13th June, 2018

The Assembly met at the Assembly Chamber at 9.00 am

[The Speaker (Hon. Ndegwa Wahome) in the Chair]

PRAYER

QUORUM CALL

(The clerk-at-the-table confirms that there is quorum)

Speaker: Very well; there being quorum, we can proceed with the business for this morning sitting. First order.

PAPERS

THE NATIONAL GOVERNMENT IMPLEMENTATION REVIEW REPORT FOR
THE FIRST HALF YEAR 2017/2018

Yes the Member for Leshau Pondo and the Leader of the Majority Party, Hon. Gathungu Kamau.

Hon. Gathungu Kamau: Thank you Mr Speaker. I beg to table the National Government Implementation Review Report for the First Half Year 2017/2018 by the Controller of Budget.

Speaker: Very well; the National Government Implementation Review Report for the First Half Year 2017/2018 by the Controller of Budget is duly tabled. The report is merely for information purposes. This will allow Members know what happens in the national government's budget planning cycle. You may want to know where Nyandarua is considered in the cycle. The report will be archived in the Library. The Committee on Budget and Appropriations might want to look at it to consider salient matters raised therein and include them in the report on county budget.

Next order.

Speaker: Yes the Member for Leshau Pondo and the Leader of the Majority Party, Hon. Gathungu Kamau.

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Hon. Gathungu Kamau: Thank you Mr Speaker. I beg to table the County Government Implementation Review Report for the First Half Year 2017/2018 by the Controller of Budget.

Speaker: Very well; the County Government Implementation Review Report for the First Half Year 2017/2018 by the Controller of Budget is duly tabled. As is expected I refer the report to the Committee on Budget and Appropriations. The latter will establish the extent of implementation, identify the weaknesses and gaps of the half year budget, recommend the requisite measures to be taken and give recommendations on the necessary sanctions. With regard to this, the chairperson of the Committee on Budget and Appropriations can indicate when the House should expect the report on this.

Hon. James Gachomba: Thank you Mr Speaker. Much has not been done Mr Speaker. As you are aware, we have passed two supplementary budget but little development has been realised. The report in response to the County Government Implementation Review Report for the First Half Year 2017/2018 by the Controller of Budget should be brought to the House very soon, and therefore my committee requires three weeks. Thank you.

Speaker: Very well, the clerkship will allocate time for tabling the report at the expiry of three weeks.

Next.

MOTIONS

DEPARTMENTAL BUDGET IMPLEMENTATION FOR THE FY 2014/15-2016/17 AND THE STATUS OF COUNTY MACHINERIES

Yes, the Member for Weru and the chairperson of the Committee on Transport, Energy and Public Works, Hon. Mbogo Mburu.

Hon. Mbogo Mburu: Thank you Mr Speaker. I beg to move the following motion:

That this House does adopt the Report of the Committee on Transport, Energy and Public Works on Departmental Budget Implementation for the FY 2014/15 and 2017/17 and the Status of County Machineries as a report of this House and the recommendations therein as resolutions of this House.

Mr Speaker, Sir, The Transport, Energy and Public Works Committee is a sectoral Committee established under the Standing Order No. 195 and its specific mandate spelled out in the first schedule to include;

- i. Investigate, inquire into, and report on all matters relating to the mandates, management, activities, administration, operations and estimates of the assigned departments;
- ii. Study the programme and policy objectives of departments and the effectiveness of the implementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;
- v. 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 Assembly;

- vi. Vet and report on all appointments where the Constitution or any law requires the Assembly to approve; and
- vii. Make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

Mr Speaker, the Committee is comprised of the following:

- | | |
|-------------------------------|----------------|
| 1. Hon Simon Mbogo Mburu | -Chairman |
| 2. Hon Esther Mwangi | -V/Chairperson |
| 3. Hon Margaret Ireri | -Member |
| 4. Hon Sammy Ngumo Ngamau | - Member |
| 5. Hon Gabriel Gathure Wambui | -Member |
| 6. Hon Paul Ngeche Wambaire | -Member |
| 7. Hon Samuel Rimui Kaiyani | -Member |
| 8. Hon Justus Gaita Wagura | -Member |
| 9. Hon Zachary Njeru Mwangi | -Member |

Mr Speaker, my Committee is grateful to the Members of this Honorable House for their support and entrusting me with the opportunity to serve the County in the capacity of the Chairman of this important Committee on Transport, Energy and Public Works.

I also wish to thank the Committee Members for their commitment and support in carrying out the mandates of the Committee and their passionate interest in matters of Transport, Energy and Public Works.

The Office of the Clerk has also been very supportive in offering administrative services, as well as technical advice, without which the Committee cannot succeed.

Last but not least, I thank the Office of the Speaker for allowing my Committee to pursue the business at hand freely and also for giving us the authority to meet away from the County Assembly premises while confirming the existence of machinery stalled outside the County. We also look forward to continuous support as we pursue the matters further, and as we endeavour to carry out our mandate.

It is, therefore, my pleasant duty and pleasure, on behalf of the Transport, Energy and Public Works Committee, to table this report and recommend it to the Assembly for adoption.

The Public Finance Management Act, no. 18 of 2018 provides for effective management of public finances, by the National and County governments, and the oversight responsibility to Parliament and the County Assemblies. The Act sets out the principles of good public finance management and spells out the oversight role of the County Assembly in Section 149(1). It states that; an accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which an accounting is designated are used in a way that is Lawful and authorized; and is effective, efficient, economical and transparent. The same Act provides for the budget making process, approval by the County Executive Committee (Cabinet) and inclusion of the public participation views as presented by the County Assembly. This formed the basis for the Committee's inquest into the status of implementation of the Budget as approved by this County Assembly, in the first House.

Mr Speaker, the County Assembly's primary duty, as defined by the constitution and our standing orders, is its oversight role over the executive, to ensure delivery of services to our electorate in line with the laid down laws. Monitoring of the budget implementation is therefore

key in ensuring that funds allocated to the respective departments are utilized both effectively and efficiently, as well as ensuring the electorates get value for their money.

The object of this report is to ensure that the Department of Transport, Energy and Public works continues to expedite their work as per the expectations of the people we represent. The recommendations cited in this report point to the gaps identified, which call for policy formulation to guide the operations of the department along with the support by this Assembly to ensure the County moves on in the right direction.

Finally, my Committee hopes to keep the Executive on its toes to ensure efficient and effective service delivery and ensure the County gets its value for money.

Mr Speaker, the inception of Devolution has presented this County with vast opportunities and unanticipated challenges. Nyandarua County, just like other Counties, has braved the challenges and established its structures over the past five years, which are yet to hold ground more so after the transition from the first County regime to the current one.

As we embark on our roles as the second Assembly, my Committee appreciates the work done by the first government, especially in the Department of Roads and Public Works, noting that many roads were opened up and others gravelled, making them passable. We also appreciate that many challenges were encountered while trying to implement the Government's agenda and consequently, the work done did not meet all the expectations of the local residents.

This being the second Committee, since the inception of the devolved Governments, my Committee thought it wise to embark on the review of the first governments expenditure on Roads, Energy, public works and Transport in order to identify any problems or bottlenecks that could have affected the budget implementation and come up with remedial measures for future implementation. This also forms the basis for the Committee's future activities while carrying out the oversight role, as it gives insight on what caused implementation impediments.

To accomplish the mission, the Committee invited the Chief Officer for Transport, Energy and Public Works, through a letter in the month of November 2017, requesting for the implementation reports since the inception of devolution. These were then used to draw a comparison alongside the actual allocations in the approved budgets, to determine if any discrepancies existed. The Committee later disseminated copies to all elected Members of this Assembly seeking their input as to whether any of the projects listed in the report, had issues worth reporting. Observing that, most MCAs did not report back to the Committee, it was concluded that members were satisfied with the work already done in their respective wards. The Committee invited the newly appointed CEC Member in charge of Transport, Energy and Public Works Eng. Stephen Mbugua, through a letter dated 30/11/2017. The CECM honoured the invitation and responded to issues raised in the letter in a meeting held on the 7th December 2017, which were more of forward-looking noting that he was new in the office.

The Committee resolved that collation of the data presented in the implementation reports was necessary to deduce whether County funds were applied equitably across the County.

The Committee, having realized that most roads required frequent emergency repairs, it was keenly observed that a number of the machinery employed in Roads repairs had stalled at the County yard. Thus, there was need for the Committee to ascertain the existence of other machinery, which were inherited from the National Government during transition period and which are stalled in the neighbouring counties: Nakuru and Laikipia. The Committee visited the parking yards in Rumuruti, Nyahururu and Nakuru towns and confirmed that most of those vehicles were either in irreparable state or would cost a lot of money to reinstall them to operation. The Committee further

sought to know why such stalled machinery are still in other Counties while they can be boarded and allot them to learning institutions.

Mr Speaker, another major concern that continues to haunt the County Government is the accumulation of pending bills, which have created acrimony in the society. The Committee was concerned that the resolutions passed in this house by the first Assembly, on payment of genuine contractors, who had already been identified, were not implemented and that even the allocation approved by this Assembly in the supplementary budget was yet to be used for the allocated purpose. The Committee sought to know what the department was doing about the issue to avoid a recurrence in the future.

Policy issues in the procurement and financing of Road works in the Department as well as maintenance of County vehicles was noted to be wanting. The Committee proposed to fast track their formulation.

Pending bills

Mr Speaker, from the perusal of the said implementation reports, my Committee noted with concern the continuous escalation of the pending bills in the Department. It is considered that variations in the expenditure from what has been allocated in the yearly budgets to the department was likely to be the cause for the pending bills. The Committee examined the actual expenditure reports in relation to the allocated funds in the budget in order to deduce the anomalies in the implementation process. However, it was noted that, in most cases, the department absorbed part of the allocated budget and therefore overspenditure was not the problem.

As at 26th March 2018, the outstanding bills in the Department of Transport, Energy and Public Works stood at KES 221,276,794.83 broken down as:

Table 1: Source: County Government of Nyandarua, Department on Transport, Energy and Public Works

Financial Year	Outstanding amounts in KES	Remarks
2013/14	105,279,202	First year under devolution
2014/15	11,145,342	
2015/16	5,478,436	
2016/17	99,373,814	Exchequer release problems

Mr Speaker, it is important to note that the Ksh.34.7 million allocated for payment of pending bills, which was passed in the first supplementary budget Fy 2017/2018 is yet to be paid. The Committee learnt that there is a forensic audit in progress before it is paid and our worry as a Committee is that the delay in the process would lead to reappropriation of the amount and therefore more pending bills and higher costs of litigations.

My Committee also observed that in the Financial year 2016/2017, 230 million was allocated in the budget to pay for the pending bills after the County Assembly passed a resolution that genuine Contractors identified in a report by the first Roads, Public Works and Transport Committee's report in response to a petition by the Nyandarua Contractors Association.

Among the challenges that the Department said were causing the pending bills included inter alia:

- i) Late completion of works by the Contractors ;
- ii) Delay in release of funds by the National Treasury;
- iii) Sluggishness in the IFMIS processing of payments;
- iv) Budget challenges in the FY 2013/14 when the Health functions were devolved before release of funds.

Budget Implementation

Mr Speaker, The budgets approved by this County Assembly always gave the lion share of the Development vote to the Department for Roads construction, this is represented in the table below;

Table 2: Source County Governments Budget implementation review report from the office of the controller of Budget

Financial year	Amounts allocated for Roads in million Ksh.	Amounts spent on Roads in million Ksh.	Absorption rate in %
2014/15	669.08	560.16	77.3
2015/16	1049.23	875.8	88.6
2016/17	906.19	804.5	94.7

Delays in the release of funds from the exchequer was a major hindrance in the budgets implementation contributing to non payment of the suppliers.

The projects implemented in the period under review are listed according to the wards as Annexure 3. This report, however, has some overlaps, which can only be explained by the implementing department.

Misrepresentation of Projects Through Naming

Mr. Speaker, my Committee also observed, from the reports, that some projects said to have been done at the Wards cannot be identified on the ground in the respective wards they appear in the reports. There were few complaints that some of the roads mentioned in the implementation reports, could not be traced. A few Members therefore were not convinced that all the projects in the implementation are in existence yet the Committee can only ascertain if a complaint is lodged by the respective area representatives.

Another observation made is that money allocated to various projects in the budget were reallocated to other projects in different wards during the supplementary budgets thereby isolating some areas. This has brought about inequality in roads development in some wards. The Committee raised the issue with implementers seeking to know why it was not possible to implement the projects as planned and funded in the budget. The executive blamed MCAs for interference during the budget approval and said that it will be avoided in the future. The

Committee is proposing for a classification of all the County roads to eradicate the naming issue for the present and future development.

Machinery and Maintenance

The Committee observed that the County has a number of grounded vehicles some of which require lots of money to reinstall to operation. Some of these machineries are very old and are stalled outside the County. The Committee inspected the stalled machinery in the neighboring Nakuru and Lakipia Counties. The executive also submitted a report of the machinery and their operational status.

The Committee appreciates that the Governor has hired some machinery from the National Government to supplement the remaining operational vehicles but also looks forward to receiving three tippers purchased by the allocation provided for in the supplementary budget of Fy 2017/2018. This will make routine repairs of roads achievable supported with a good allocation of the maintenance vote.

Mr Speaker, the Committee noted with concern that the County at the moment does not own any low loader for mobilization of roads repair machinery and has been relying on hired trucks. This renders it impossible to ferry the roller and the crawler dozer on site on short notices. The County owns only one roller and therefore it is not possible to grade sections of roads and roll in two parts of the County at the same time.

To ensure well maintained roads, it is therefore important that the county provides enough funds for the continuous maintenance. The County also lacks a policy for the repair and maintenance of County vehicles and plant, despite having employed a few technicians for the job. The Committee observed that other Counties have designated Service and repair bays for their vehicles where routine service and repairs are done. This would save the County money considering that the engaged technicians are well trained and can perform the routine vehicle servicing at reasonable cost having procured high quality lubricants and repair parts at wholesale prices. A policy is therefore key in establishment of the mechanical and repairs section.

Disposal of Obsolescent Machinery

Disposal of the obsolescent machinery pursuant to the Public Procurement and Disposal Act 2015, accords the Accounting Officer authority to establish a disposal Committee, which will be responsible for verification and processing of all disposal recommendations in liaison with the head of procurement.

The committee proposes a comprehensive assessment report to advice on which machines to board and the ones they would prefer to be given to polytechnics which offer courses on mechanics, as training aids.

Due to changing technology, it was considered that some of the stalled machinery may cost a huge amount of money to repair and some may even lack spare parts from the markets rendering them irreparable.

Mr Speaker, it was funny and I don't know whether we will be required to attach photos because majority of the machines we have are obsolete. You will find a grader that requires KES.20 million to be repaired yet a brand new one costs about KES.10 million. So, we are urging the department to come up with a committee that is going to board majority of the machines. In fact, all machineries that we went to see in Nakuru are obsolete. Actually, they are not machines, they

are scrap metals. This is also what we observed in Rumuruti. Only one pick-up is functional in the sense that it can be donated to a youth polytechnic to assist the students there. Repairing it is more costly than buying a new one. We are therefore, requesting the department to come with a way of boarding those machines and we remain with the few that are operational and those which require simple repairs. Half of the machines that are in the annexures are written off. That is the reason why the department should come up with a way of boarding the machines or take them to youth polytechnics where they can assist the students.

On procurement of services, Mr Speaker, the Committee was concerned over delay in implementation of works owing to delayed documentation and procurement of road works and subsequent payment of the works at the end of the financial year. We said that the report ought to have come before the recess. The tenders have already been issued by now but you'll note, and it is of paramount importance and everybody knows that what we were lamenting then, is what is haunting us today. We are trying as much as possible to work amid rain and half of the work is already done. Since the report ought to have come before the recess, we were urging the executive to make sure that they move with speed so that we are able to absorb the money.

On equity Mr Speaker, the committee noted that equity was compromised especially during the re-appropriation of funds budgeted and especially during the supplementary budget. This problem was attributed to the Assembly Committees and backed by unclear naming of the unclassified roads. The committee hopes that this will not be repeated and our committee is going to be keen to ensure that no amount of money is diverted from its intended use. The CECM in charge of Transport, Energy and Public Works department assured the committee that reallocation of projects will not happen in the new regime and the committee will monitor the implementation process to curb the tendency.

Mr Speaker, on this one, you will find that a certain road is purported to be in Weru ward but when the tenders are being issued, you don't find the road. An example is in Githabai and Magumu wards where two roads had no names. It was expected there would be more re-appropriation and therefore, the CECM promised that that will not happen and we expect that during itemization we are only supposed to get money that will go to specific roads. Let us not come here and say that there is a road in Weru ward called Gatundia and it is not named there. I know members are aware of what happened on that one. The committee urges that department to ensure that a road should be named in Weru and actually be in Weru. We are going to use the key word Weru. If the road name is not in Weru but the allocation is for Weru, let that money go to Weru since we are not going to move money from one ward to another simply because of the name of a road. I know the members understand what I am saying.

On recommendations Mr Speaker, the Department of Transport, Energy and Public Works should prioritize the classification of county roads and make an up-to-date inventory of all county roads for ease of planning and for future infrastructural development investments. In this one, we even want to know which roads are supposed to be done by KeRRA. As we speak, we don't know them and that is why we find ourselves in a corner. The county budgets for some roads in our wards and the KeRRA comes in do the same roads. We are therefore urging the County Executive to name all the roads and tell us the roads which should be maintained by the County Government (feeder roads) and the roads that should be maintained by the National Government (KeRRA). This, will help us to do a follow up.

The second recommendation is that the department does formulate a policy on Standards and Service delivery in line with the National Policies guiding standards of road designs, construction, maintenance, performance and widths of the roads depending on the functions.

The third recommendation is that the Department of Transport, Energy and Public Works should formulate a vehicle repair and maintenance policy and also plan and budget for a service bay for the maintenance of county vehicles. In this one, we were recommending that the department have a section where the vehicles will be maintained. The County Government should come up with a bay for that purpose. In Rumuruti, we have a service bay where they maintain their vehicles, buy their oil and spare parts. This will ensure that this county will not be incurring high costs and expenses. If a certain vehicle breaks down today, they take them to Thika may be to repair a bearing. If we had a service bay here, we will save on costs incurred by the county. It can be maintaining all the vehicles of various departments. The savings will go to other uses needed more by our electorates. If we have a service bay, we shall get spare parts directly and the technical teams will be repairing our vehicles. We have a lot of mechanics who can do that work instead of taking our vehicles to Thika just to change some engine oil.

In number four, the committee recommended that the County Treasury does fast track the ongoing forensic audit and therefore pay the pending bills already provided in the supplementary budget before the end of the financial year and that pending bills be budgeted for in the coming budget to be paid to the suppliers who will have been approved after the forensic audit. Mr Speaker, we are saying that let the forensic audit be done on what we cannot agree on.

Number five, the committee recommends that the Department of Transport, Energy and Public Works does make arrangements to have all the stalled machinery outside the county assessed critically and have them boarded immediately. Considerations should be made to donate some to the polytechnics subject to their viability. When you go those offices, you will note that some of this machines are not projecting a good image of the county. When you propose in a budget that you want to purchase a new tipper and another one is stalled with an explanation that the tubeless tyres are not working anymore, it beats logical. There is no purpose of buying a new one. Instead, we should repair the old one. As a committee, we are saying that by doing that, we shall not be projecting a positive image of this county. It is therefore important that they be boarded and the other ones be given to the youth polytechnics and we remain with the functional machines only, which we will be repairing and taking them to their respective areas of operations.

Mr Speaker, in number six, the committee recommends that the Department of Transport, Energy and Public Works does budget for the purchase of a low-back loader truck and a compactor/roller for use when mobilizing the machinery for road maintenance. This one I had mentioned and elaborated whereby, you are expected to ferry a machine from Karampton to Magumu with a loader moving at a speed of 20Kph. It is going to spend three weeks on the road.

Number seven Mr Speaker, the committee recommends that the Department of Transport, Energy and Public Works does adhere to the procurement rules while contracting works to avoid the escalation of pending bills for works given out without provisions of finances. It is paramount to make sure that we pay, as much as possible, the contractors who have completed their work. If it has not happened, it is not their fault. It is only that the exchequer has closed and it is important that when the money is brought back, the Committee on Budget and Appropriations should make sure that the contractors who have completed their work and have not been paid are paid. These people are seeking loans from financial institutions.

In number eight, the committee recommends that the County Public Service Board does fast track the recruitment of the technical persons required in the department to ensure efficient and professional service delivery. We are requesting the board to hire some few mechanics so that we can start our service bay. This recommendation revolves around the service bay that the

committee recommends so that we don't take our vehicles to Thika or other towns for repairs and maintenance yet we can do it here in Ol'Kalou.

In conclusion, Mr Speaker, my committee is committed to the task of ensuring that the County Transport system is working effectively and efficiently, and with the support of this Hon. House, we hope to achieve much.

The committee is also cognizant of the decline in local revenue collection and is pursuing the designated parking areas upgrading to ensure that this unexploited revenue stream is realized. In the same breath, we know that hiring of such machinery to the residents for instance while digging water pans for storage of storm water is another unexploited stream in the devolved era but was a common revenue for the defunct councils. We are pursuing the department to develop the regulations to operationalize the Act passed in the first assembly.

Mr Speaker, that is the conclusion of the findings. We know that we went through the annexures about the money that was allocated. When this report is adopted and the resolutions of this House made, Members should go and confirm what we have found. It was not possible for the committee to visit every ward given the short notice we had. However, we had case examples and that is where we drew our recommendations. We are therefore urging the members to go and confirm our findings and see whether they concur with them. If they have something that comes up, they can always report to the committee so that we continue following up on how the budget was absorbed. We will then go on and compare how we will absorb this one.

So, with those very many remarks, I beg to move. I now call upon *Mheshimiwa* Ngumo Ngamau to second. Thank you.

Speaker: Very well, the Member for Gathanji, Hon. Ngumo Ngamau.

Hon. Ngumo Ngamau: Thank you Mr Speaker. I stand here to second this motion and of course, I want to thank the committee, which has worked extremely hard to ensure that this report has been tabled in this Honourable House.

I would like to mention a few words that were highlighted by the Chairperson of this Committee about the pending bills. This is a cancer to this county. I even overheard that the contractors intend to bring a petition so that they can be paid their dues, which is very sad. As the chair said, I have noted in my area that I have two or three people who have been hospitalized because their money has not been paid and it has taken three to four years since they completed their works or sold whatever they did. This is not very good.

Mr Speaker, yesterday I was in the office of the Chief Officer to talk about a father who is ailing at 94 years. He did some work and has not been paid. So, there is a history of Nyandarua not paying their dues of their residents which does not auger very well. Currently, work is not done in our wards. For example, I have two ECD classes that are being constructed. People went to the field and they have abandoned the job because they have realized that they may not be paid. If this is the case, *Wanjiku* will be on our shoulders because, for a fact, we cannot escape this kind of a thing.

As I support this motion, if there is something we can do is to let the County Executive give us the timelines of when this work will be done. This is because we did the supplementary budget on February and we are headed to July yet there is nothing that has been done. These voluminous reports that we will keep on writing in this House will not help us. We have invited the CECMs in this Assembly in our committees. They have sweet talks but very little work is done. So, we are very sad to see our people suffering.

Mr Speaker, Sir, I want to urge the Committee on Budget and Appropriations not to attempt to pass this budget. We need a lot of money to be allocated towards our roads because they in a

very sad state. I know names of the elected Members of this House who have their names mentioned in *Facebook* where people are saying, '*guku ni gute gutheri*'¹. This is because roads are not being maintained.

Mr Speaker, I urge you, the Committee on Budget and Appropriations and the Committee on Transport, Energy and Public Works to see that something is done on roads. I rest my case.

Thank you.

(Question proposed)

Speaker: Yes Member for Wanjohi, Hon. Isaac Kung'u.

Hon. Isaac Kung'u: Thank you Mr Speaker for your eye catching me so that I can be among the very first members to contribute to this very important report because it captures some very serious businesses in the wards.

First, I would like to appreciate the committee for a very elaborate work they have done although I am very confused whether I will adopt this report as it is. They have done a very good report but I have a very serious misgiving with the schedule on the projects that have been done. I will come back to that.

Before that, I want to address five points as part of my contribution. Thank you for bringing to us this information that is very much needed. These are projects that were done before we were here and therefore many of us who have come in have been able to see what has been happening in this department.

My first point is on pending bills. I think this is an issue that this House needs to look into very seriously. We are putting the sons and daughters of this County out of business and really impoverishing them. I know there is a petition but don't know whether it has reached this House or not. The Assembly appropriated KES.34.7 million to be paid to the contractors. When the CECM was invited in this House by the Committee on General Oversight, she gave us an undertaking that the contractors would be paid within the following two weeks. However, it has not happened. I don't know what is happening and we have a report in which the CECM told us that they are going through them and have finished some part of audit reports they were doing and that they would pay but they have not. It is very saddening that someone can get a loan of about KES.10 million, go and work, do a good work which is audited and fails to get paid. That money is accruing interests in the banks implying that we are killing our own people and I don't think that is the right way. Actually, I advised the contractors to bring all their machineries at the Governor's office so that when they are auctioned, the Governor can see right through why they are being auctioned. It is very saddening for this county that even when the money is available, they cannot be paid. We need to take an action on this because it is very serious.

My second point is on budget allocation. I have looked very clearly and I have seen that KES.560 million was provided for roads in the first year of the first regime. KES.875 million was provided in the second year. On the third year, KES.804 million was allocated for roads. I have seen the trend we have taken with this second regime of this county. We were proposing to have KES.128 million for roads. I don't know what has happened or maybe we have done all the roads. Probably, this is why we can take such a drastic measure. This is a report that should guide us, because we are learning from it, to know the approximate amount of money we should provide for

¹ We made a wrong choice

the next budget. The reason is that I think that the first assembly and the first government, in their wisdom, realized that roads was a priority area for our people and it remains one now.

My third point is on the naming of the roads. I know we have provided money in the upcoming budget for the database of the roads. I also think that this is a challenge that we should eliminate. We don't want to hear about the issues of 'proseki', 'porseki' or even JKM in this assembly. We need roads that are classified so that we can know that we have specific number of roads in a certain ward. We should know the number of kilometres of roads that have been done and those that have not been done. In the schedule, we are told that some roads were done but when you go to the ground, you realize they have not been done. If you are able to track, from the very beginning, the number of kilometres that have been done, let's say, in Wanjohi ward, even when I am not the representative of the ward, whoever comes in will be able to know where to proceed.

Mr Speaker, we need to be very careful when it comes to supplementary budget because when we are not careful, some projects are lost when we do a supplementary budget. For example, the naming of the projects are lost and it is very serious. The issue of supplementary budget and emergency, particularly in my ward where we have a very serious project called Bladder Bridge. I have tried to locate it within the budget but it is not there yet the contractor went there and did a very good bridge worth KES.6 million and then, that money is not in the budget. I don't know what will happen to him. He is just crying. He was given an LSO, went and constructed a very good bridge but his pay has not been factored in in the budget. It is also not in the emergency fund. I don't how these things happen. I think it is something in this department. We have very serious issues. I have a toilet that is being constructed but there is no money in the budget. It is not stated anywhere. There are very serious challenges because I don't whether these projects disappear when we are doing the supplementary budget or what happens.

When it comes to the policy of repair and maintenance, I think the committee should be very serious on this. It has become a cash cow in this county. We keep pumping money for repair and maintenance but we don't see what is done.

On the issue of disposal of obsolete machinery, this Assembly passed a motion and made resolutions that the machineries should be donated to polytechnics. If I am not wrong, sixty days are over. We have waited for the relevant CECMs to act on them but so far they have not. It is therefore my request to the committee to go further and come up with an inventory of all the obsolete machineries in the departments and give it to us so that we can follow up on these CECMs. Some of these things have very minimal financial implication. They are things that can be done but there seems to be no goodwill to implement some of the resolutions of the House despite the fact that we do them to help our people.

As I come to procurement, I think that I would like to see the committee pushing for the bills of quantities to be done between July and August. The issue of saying that they are waiting for money from treasury should cease. We have already passed a budget and we know the roads we are going to do because members do that when we are doing the itemized budget. We know the specific road to be done. They should be able to prepare these BQs early enough. In my area and some others where the soil are really bad, for example, the works should be done between November and January so that when the rains come, we shall have already done the roads and now pushing for the contractors to be paid. Right now, we have the money but there is no contractor who can go on site because of the status of the roads. The soil is clay type and there is a lot of water and therefore, nothing can be done. We should be able to push the department to do the BQS

early enough and give out the tenders for the contractors to do the roads during dry spells. That way, we shall have meaningful work being done.

I would like to talk about the issue of equity. I will keep saying this until the last day for me in this House. All our wards are not equal. Some of our wards are five times bigger than others and it is very critical especially when we come to this department. Roads are about kilometres and an area. It is saddening when we allocate Wanjohi ward an equal amount of money with a ward that is five times smaller. May be some may say that it is politics. This is a fact that can never be erased and will always be here. There are wards that are bigger than others. We should be considerate and be humble enough to accept that during appropriation of money in this department, we should consider an affirmative action to the bigger wards. This is because they are also sons and daughters of Nyandarua. We should also make sure that we give something extra to them since some of us have finished doing roads and what they receive today is for maintenance. Others have a long way to go because they have not even done thirty percent of what should be done. It is only fair that we be brothers and sisters and make sure that we are considerate to all.

Finally, Mr Speaker, Sir, when you look at this schedule, and that is why I was saying that I don't know I will adopt it the way it is, I always fainted when I looked at Wanjohi. I don't know about others. I want to give two examples. There is a cattle dip called C69 which was allocated KES.1.8 million but it does not exist. Who is doing this? I cannot sit here and adopt this schedule. I propose that we expunge this and then investigate before we conclude that this is what was done in the last three years.

I must say that this is a very good report, it is perfect but the schedule... no. I do not know whether I am allowed to amend this schedule; but I cannot accept what the schedule is saying that these are the projects that have been done in Wanjohi ward. This will haunt me when appropriating money for the same project. I need advice on this Mr Speaker sir.

Thank you Mr Speaker sir.

Speaker: Member for Wanjohi has asked for intervention, I agree, if that information is not correct, adoption of this report would be sanitizing and illegality. If there is agreement, since I have seen consultation by the chairperson committee on budget and the chairperson committee on roads that this might not be the true reflection on the ground, the member for Wanjohi can now move and motion to expunge the annexures on this report so that the report is left as a stand-alone. That is possible. I can see a general consensus from the reaction by members. I have also noted that a road that passes through my home has been put in Charagita. It has been said to be ongoing and Mheshimiwa Mukira can confirm that nothing has been going on there for the last one year. I can agree that this might not be a true reflection of what is going on the ground. I think if we expunge these annexures, the committee can be able to ask the members to raise issues on them and then summon the CECM for confirmation of the true status. If we allow this kind of a thing, which is not a true of reflection of the reality, we shall be doing a disservice to the people.

Members, let the clerk draft a motion. It does not require a notice or to be in writing according to Standing Order No. 56. That motion should have a modifier that it will only be part of this report once the members of respective ward in conjunction with the committee and the CECM confirm the actual status of those programs.

What is it member for Kaimbaga?

Hon. Gathure Wambui: Mr Speaker, before I contribute to this motion, I think we are getting it wrong. This report does not mean that this is what is on the ground instead it for instance indicates what went to a ward like Njabini ward as an allocation. Probably the amount was not

even used. An amount of KES. 6.6 Million was allocated to Kaimbaga but may be the person that took that contract did not construct that particular road and then someone else went and said that the road was built and the money was paid to the contractor.

If we do an amendment and strike of the road, any member would want to know what was allocated to Weru then, however it will not be in the report. The purpose of the report is to show what amount of money was allocated were. If the member for Wanjohi goes and says that the road was not built, the public money was squandered.

Speaker: I think I will intervene on that one. On these programs, if they are indicated completed it means that an officer from the roads department gave a completion certificate, which for instance says that a road was done between Kahiga B and Kahiga B. this is erroneous. Being written as complete, it means that an officer of the government gave a certificate of completion for nothing.

Hon. Gathure Wambui: On that one Mr Speaker, I agree and therefore this report means that there are some people that are going to be sacked. Money was allocated to Kaimbaga ward but nothing was done. This report is therefore giving information that we did not have. May be Hon. Githinji Mburu thought that Rurii ward was allocated KES. 10 million but in reality, it was allocated KES. 30 million. We are then going to use this report to sack and jail people...

Speaker: you are contributing and the member for Wanjohi is still on the floor. There is something I want to tell the members, and I am concerned that the member for Mirangine has walked out and that is the most affected place because about KES. 38 Million was said to have delivered roads in Mirangine and not a single cent was used there.

There is the Bladder Bridge, which we allocated KES. 8 Million, it was in the budget and it disappeared from the budget. Those are the issues we want to understand.

Let us expunge this thing, we consult and after the consultations, we shall move a motion on the annexures and say with the correct reflection of the ground it be considered part of the report passed today.

What is it Hon. John Githinji Mwaniki?

Hon. Githinji Mwaniki: Thank you Mr Speaker, I wish to support the expunging of the annexures. Some of the figure here are not a reflection of what is in the ground. According to this report, the department of roads, public works and transport budget implementation, 2014/2015, 2015/ 2016...

Speaker: I believe that appendix 1 on the pending bills has no issue and also appendix 2 on machinery. The issue is on appendix three. The member for Geta was in the floor.

Hon. Githinji Mwaniki: I do not want to challenge the report but according to the report in the department of roads, transport and public works all the work done in the previous regime has been covered. It is however very shallow...

Speaker: That can be said during your contribution on the report. We can give chance to those that have not contributed. Hon. Simon Sambigi Mukuriah. This is not the actual debate so I will allow the member for Magumu and then the chairperson committee on budget will conclude because you are hands on in the budget.

Hon. Sambigi Mukuriah: Thank you Mr Speaker, I would also like to thank the committee for this work that they have done and say that their report is an eye opener in to the various problems facing the roads department. As I look through the list of the projects that have been undertaken in Githioro, I get shocked. Some of those roads have never been touched since this world was created. A classroom that was supposedly allocated KES. 1.5 million is collapsing. I have been posting photos of the classroom. I do not want to dwell on it because you have

directed that we expunge the annexure 3. I however would like to comment generally on the roads committee. Concerning the machineries, I will say that it is a deliberate effort by the officers to ground them. Sometimes they remove a crucial part of the machine so that it is auctioned and they buy it off.

(Consultations)

Mr Speaker there are many distractions, I do not even think that anyone is listening to my contribution.

Speaker: Order members! Let us keep the consultations low. I know there are concerns that some of the pending bills might be relating to what we are questioning here. I said that that cannot affect annex one and two because pending bills are being audited before payment is made. This is an issue that I dealt with two days ago with the governor and the minister for finance, the pending bills. One of the agreements is that once the verification is done we shall get that list before the actual release of the money so that the MCAs confirm. There should be no anxiety on the payment of the pending bill. They will be audited and before the release of the money, we shall have confirmed that it was done.

Hon. Sambigi Mukuriah: Thank you Mr Speaker, we should think of Nyandarua again because it is a sinking boat. We had a report here where KES 33 million has been allocated to pending bills. When the CECM finance was here she said that she had added to become KES. 77 Million. Mr Speaker we are talking about our people and business persons who are the only ones that can spur development in the county. As we talk today I want to bring to the attention of this House that the same contractors owed millions of shillings by this county have not been given any job by this county in this financial year. I would like to ask several questions. What informed the tendering process? Can we be given the names of the companies that joined the prequalification list? Our contractors are not is it. Mr Speaker I am talking about deliberate effort to diminish the capability of the contractors. In the list of the pending bills the most affected people are the Nyandarua people. They are not on the list of those to whom tenders were awarded yet they are owed millions of shillings by the county. That is the reason for my questions. We have said many times that property belonging to contractors from Nyandarua is being auctioned. It is impossible for anyone however qualified to go and audit a road that was done in the financial year 2013/2014. If it not witch-hunting I believe that those people that did those road works then should be paid without any more delays.

Mr Speaker we know that there is a group of people that did good work and if this House was to be involved in the process we can go to the people on the ground and ask whether those roads were done. It would be easier to do that. One cannot do this from the office. I have said this before and I will say it again, we seem to be missing something. We are in a declining economy where revenue collection has declined by more than 50% hence lower county allocation from the national government.

Speaker: member for Githioro remember that we are addressing a specific issue. I understand where you are coming from because it also affects the issue of the pending bills. You will have a chance when you will be dealing with the whole report. I wanted input on... We have already agreed that there will be expunging of the works done in specific areas. I expected that you would talk of a misrepresentation of facts in Githioro ward to justify that particular amendment.

There is another school of thought and I think it is valid. Before I allow the member for Githioro to proceed, may be it would be prudent to withdraw the report so that it comes to the House when complete instead of passing part of the report and then allowing the annexure to come separately. I think that makes sense. As the member for Githioro concludes, the members should think about this because it is very viable. Member for Githioro, proceed.

Hon. Sambigi Mukuriah: Mr Speaker following your directive I think it will not be important anymore to make contribution on this because we are going to relook at it and make informed decision. However, let me thank the committee for compiling this report because it is an eye opener. I ask the chairperson committee on road to take that because were it not for this report we would not have known of the rot. Thank you Mr Speaker.

Speaker: I had given the member for Magumu a chance to make remarks on that are. He understands the direction we are going and also the chairperson committee on budget. We do not require belabouring on this issue anymore.

Hon. Hussein Kassana: Thank you Mr Speaker sir for giving me this chance. Mine is a little concern. What we have on this list is not the reflection on the ground. In my ward, there is polytechnic fencing but we do to have one in my ward

There are also some other roads that I am sure that they were not completed. For some is has been written ongoing but there is no work going on there. I do not know how we are going to address this matter. The roads we have allocated money in this financial year are the same roads that have been said to be complete. I can be held accountable for that yet is was not my fault.

Speaker: Member for Magumu you have made your point that the report is not complete. Chairperson committee on budget make it brief. We are almost all agreeing that *Mheshimiwa* Kung'u does not require making any amendment. All he requires to do is to ask the chairperson to withdraw the report with the consent of the Assembly so that it can be revisited so that it comes here when it is complete. Yes member for Njabini Kiburu.

Hon. Kiiru Gachomba: Thank you Mr Speaker. We do not have any objection on the same. Actually, I support what Hon. Kung'u had said earlier that, we expunge the report on how the money for roads was appropriated. The pending bills in the annexure can also be withdrawn and since the members have requested that the chairperson should withdraw the whole report, I find it right so that we can be able to have time. This will also enable the committee on roads to do its work properly.

Am urging the roads committee that, when they will be working on this document, they should incorporate all the members so that they can give their input. Some of the money that has been indicated in this document was paid by the county government to contractors who never did their work. The genuine contractors were never paid. That is why we want to know the specific contractors, the work they have done in specific wards and the money paid. I support the withdrawal of the report.

Speaker: Member for Geta, I was asking the clerkship to advice the chair on how to move your concern but you can have it registered in the Hansard on what your expectations on the report are.

Hon. Githinji Mwaniki: Thank you Mr Speaker. I rise to support the withdrawal of the entire report because it has highlighted all the projects that were undertaken by the previous regime. Like the issue of the fire-fighting engine that was allocated KES. 70 Million, the report is very silent about it and also moulders.

This report has a lot of anomalies in naming of projects and also allocation of funds. If the committee is given more time, the chair will be in a position to give a comprehensive and a detailed report after all the members agree. I rest my case.

Speaker: I think that we do not have to belabour much. A one-line motion on withdrawal under Standing Order No. 60, should be given to the chair to move. During the contribution, members can now say what they expect to be incorporated in the report.

(Consultations)

Order members. Order. Member for Weru and the chairperson of the Committee on Roads, from the interactions, I believe that you now have a way forward for this house on this issue. You can proceed.

Hon. Mbogo Mburu: Thank you Mr Speaker Sir. I beg to move a motion pursuant to Standing Order 54 and 60, the motion that, this house does adopt the report of the committee on Transport, Energy and Public works on departmental budget implementation for the 2013/2014FY, 2014/2015FY, 2015/2016FY, 2016/2017FY, and the status of county machinery as a report of this house and the recommendations therein as a resolution of this house, does stand withdrawn with the leave of the Assembly due to the issues emanating from the debate, and I call Hon. Gathure to second.

Speaker: Member for Kaimbaga, Hon. Gabriel Gathure.

Hon. Gathure Wambui: Thank you Mr Speaker. I rise to support this withdrawal motion. The issues that are being raised by members are critical. As we withdraw it, am also urging the members to liaise with the roads committee.

Every member should go to their wards with this report and check whether the said roads have been constructed and report to the committee.

I have noted one thing and as the Swahili saying goes, *Macho hayana pazia*². Sometimes the eyes see what they want to see. The roads allocation now is nothing compared to what was being allocated then.

In 2014/2015 FY, Kaimbaga ward was allocated KES. 18 million for roads. I can tell this house that those roads are constructed. I congratulate my predecessor Njiraini for that. In 2015/2016FY, the allocation for the same ward was KES. 24million and by random survey, the roads are done. In 2016/2017 FY, again KES. 26 million was allocated and some of the roads were made.

This means that I Gabriel Gathure the member for Kaimbaga, I am not going to take anything short of this for the period that I will be in the Assembly. If I cannot get the same amount as Njiraini was getting, I have no business being in this house.

This report does not capture 2017/2018 FY, I heard that he constructed roads worth KES. 30million. Do a small survey for Gatimu ward, you will find that...

Speaker: Member for Kaimbaga, this is a motion to withdraw a report. Whatever issues you are raising...I said this even when we were in the legislative Assembly and members never heard me talk about ward development fund because for me that is a non-issue. It the Assemblies that pass these budgets. Why should you go crying out there that you want WDF when you are the one who passes the budget?

In Nyandarua, we have gotten that money without any law because we have the power. If we want KES. 30million for roads, the most important thing is that that money is there and we are the people to pass the law. If the money is not there, you can talk about it but you will not get

² Nothing prevents people's eyes from seeing

it. So the most important thing is the availability of resources and as a house we have the power to do exactly what we want to see come to reality. So conclude member for Kaimbaga.

Hon. Gathure Wambui: Thank you Mr Speaker. You have said that we have the resources and the powers. This is the first year and we are going to set a precedence. I support the withdrawal of this report.

We want that when a report is brought to the third Assembly in 2022, it should read that Kaimbaga ward received KES. 30million, KES. 35 Million or KES. 40 million for roads. Thank you

(Question proposed)

Speaker: Yes Chairperson, Budget and Appropriations Committee and member for Njabini Kiburu, Hon. James Kiiru Gachomba.

Hon. Kiiru Gachomba: Thank you Mr Speaker. I stand to support the withdrawal of this document. I had not gone through it but it is a mischievous one. If the annexure that is in this document was brought from the ministry of public works and does not match what is in the ground, they are joking around with the Assembly.

I have even noted that in Njabini there is a place called Ndogoye, *sijui* Ndogonye, *sijui shaitani*, KES. 3.5 million was used. I am so bitter about this document. It cannot be allowed in this Assembly.

I do not want to talk much. I want the chairperson of the roads committee to call us immediately, we go through our wards and know which ward was allocated what amount, who did the work and who did not do so that we can be able to come here and say this is the real document.

Our work as an Assembly is to appropriate the county government's funds and not to be given this kind of documents where funds are misappropriated. We will not allow this. Thank you Mr Speaker.

Speaker: Yes leader of the majority and the member for Leshau Pondo, Hon. Kamau Gathungu.

Hon. Gathungu Kamau: Thank you Mr Speaker Sir. I lack the words to describe this document. As Hon. Gachomba has said, this is mischievous a criminal document.

Asking the institutional memory in this house, I have spoken with the Hon. Member for Kanjuiri and in his ward, there is a road he does not know. It has been allocated funds and it is being said that it has been completed and it is a person who was in this house in the previous regime.

For us who are new, we would have thought that our predecessors did this but through the Roads Committee, I believe they did not give themselves these documents. They would never have compile this document if they were to be given details by the department of roads and public works. The officers gave completion certificates and they are still in Nyandarua. If money has been misappropriated and no work has been done. The staff should be held culpable. Some of the roads in my ward that have been mentioned to have been done have never been touched since creation. I support the withdrawal of this report.

Speaker: Yes member for Murungaru Hon. Kariuki Muchiri

Hon. Kariuki Muchiri: Thank you Mr Speaker, for granting this chance to contribute on the motion of withdrawal of this report. Mr Speaker you said that we should give proposals in what should be included in that report. What we expect to be included in this report is a plan for

paying the genuine pending bills. There are those that are genuine and they did good work. In my ward, there is one who did a road worth KES. 3 Million. It was not in the supplementary budget and we need to have a plan for that. You can remember the famous John Macharia Bridge. That man did a super nice job and he has not been paid. It is would be very bad if there not plan to pay him.

We want to know the works that have been done and the ward in which they were done. That way, members will counter check. Let there be an explanation because there are our people that supplied road works materials from their quarries and they have not been paid. They go there to ask for payments and they are told that their case is with the EACC. Let the EACC finish with that because the genuine suppliers were not paid but the criminals were paid.

Finally I want a clarification, in 2013/2014 that is the Kirobi-Kahuho road that was paid KES. 2.6 Million. The next year the same road was paid KES. 2.5 Million. I stopped and I told you...

Speaker: Member for Murungaru, this is a small intervention, although I am feeling that is very cold and things are cool, I am told that there was a lot of heat sometimes and I feel that there should be some discourse. I can see members clocking out and I wonder where the heat has disappeared to.

(Laughter)

I expected that if people want to get information... though my *Kamukunji* has been pre-empted by other small ones, I expected that any member would stick here and know what the Speaker would want to say. Member for Murungaru, proceed

Hon. Kariuki Muchiri: I want the chairperson committee on roads to not clearly. I stopped that construction and wrote a letter to stop the payment towards that road. The truth has now come out. Shoddy job was paid in 2013/2014 financial year. In the financial 2015/2016 another contractor was given that job and he did it. Construction of that road was paid twice. This first contractor was not supposed to be paid. Those are the issues I will be addressing in the meeting. I have so much to say but I want to give others a chance I support withdrawal of that report.

Speaker: Member for Central Hon. David Mwangi Maitai

Hon. Mwangi Maitai: Thank you Mr Speaker, I support the motion on the withdrawal of this report. It was not comprehensive. Shoddy job was done and so many errors have been noted. I will start with pending bills. It is true work was done by people from Nyandarua and they should be paid. It is however important to go through it and see whether the work was done. That is why we are calling for forensic audit. I have gone through all the pending bills and I have seen one contractor who is claiming 21 pending bills. Were all contracts awarded to that particular contractor? I do not think it is in order that he was the only person that was given all those contracts he was paid some and others are pending.

Naming of roads is very important. I have noted some names of roads in my ward that I have never heard of. It is indicated that they are done and completed. It is good that we have a database of all the roads in the county with proper names. By doing this, we are going to close the loopholes of duplication and double allocation.

There is the classification of roads. It is good that we know which roads belong to KERA, KENHA and county roads. Some of the roads have been indicated to have been done by the county but they were done by KERA for instance Wayumiririe-Kiandogoro road, Ndaragwa Boys road which they have indicated that it was done at a cost of KES. 2.26 Million and it completed yet it is being done now and the contract was awarded recently. Even if it might not

give us deeper details, one can always tell a road that was graded even if it is after ten years. That road is virgin and this is the first time they are doing the grading.

I urge the committee concerned to be comprehensive. It is good that they make reference to this report and they compile the next one. They should indicate what the MCAs have found out.

I have also noted that a lot of money was allocated to roads in the previous regime although there is very little notable difference especially in my ward. Even if we are saying that we should move ahead we should have value for money. We should push very hard so that those contractors do good work to prevent them from being paid even after doing no work. I support the withdrawal of this particular motion and we get to give them time. I urge all the members to have their input so that we can come up with a very comprehensive report.

Speaker: Member for Engineer, Hon. Njatha Kinyanjui.

Hon. Njatha Kinyanjui: Thank you Mr Speaker, I rise in support of the withdrawal of the document, and also because I have some few things to comment about.

As much as the document will be withdrawn, I suggest that it be kept in a safe custody because what is purported to be a document and what is in it exactly, ought to be properly kept so that follow up can be done. What is presented here, there are people who pocketed government resources. Just to comment on some roads that have been mentioned here from my ward, I do not even think there are in existence. This the reason I am saying that this document should be kept in safe custody just in case we require it in future. I would urge the chair roads to be cautious since it can get lost.

Additionally, there is a road here called Mutarakwa Kanamba, this road is not in my ward. It is in Gathara. Mugutio Rugongo crossing, they have been captured as complete and there is nothing like this. With your guidance Mr Speaker, we would like to know who the beneficiaries that were paid are. We might be talking of pending bills and could some of them have been paid and there is just a double reflection. We should also be told those that were paid and did not do the work and find a way of getting back our money so that we get to do what was never done. I will preserve my comments for when the document is brought back to this house. Thank you.

Speaker: Yes member for Gathaara Hon. Andrew Kamau Kimani.

Hon. Kamau Kariuki: Thank you Mr Speaker, I rise to support the withdrawal of this document because if one is to go to my ward, the roads have been given different names and there is double allocation. I therefore want to say this, we have to properly name these roads. Lack of proper names is what gives a chance for double allocation. In Gathaara there is a road by the name Mbaruku Gathege road and Kiarahu Mbogo road. This is one and the same road. It was allocated for 2.8 Million and 1.9 Million respectively, this is a total of almost 5 Million on the same road. We should consider proper naming so that we kill these criminals that take our money.

In Mwaura Ngandu road, not even a kilometre is constructed, but in this report it was allocated for 1.5 Million and completed. This is wrong, I support the withdrawal of this document and the chairman of this committee should go to the ground and come up with a report that will show what exactly is on the ground.

Another issue in on equity, looking at this document, one can tell some wards were given a lot of money, when they will be bringing the report back, just like Hon Kung'u said, there should be equity. Some wards have been given so much money and they are small geographically. Njabini Kiburu ward is a good example. Hakuna Mhesimiwa half here, we should be given money for our roads equally. Lobbying happens, some people visit the offices and they are given money this is not good, let the chairman of this committee look into this and come up with a good recommendation on equity.

Speaker: Member for Karau, Hon. Kenn.

Hon. Kenn Mukura: Thank you Mr Speaker. I also rise to support the withdrawal of this document. It is worrying to find that a road that has been in existence since independence has never passed a vehicle yet it has been indicated that is done and complete.

Secondly Mr Speaker, a road has been allocated for money for three years consecutively, purported to be complete while actually it has never been done. We need to do a life style audit of a number of officers in the public works department, I do not know if we have that mandate from this house, but we need to come up with clear recommendation for this house. We need to find out what has been happening before and we need to also find out, will this still be happening in the next four years? If this document reached the public, it would be so bad, it make the public doubt its leadership. It is for this reason that I request this document to be withdrawn and a thorough document be written.

They are talking of culverts being done on quarry road at cost of 3.8 Million, it is sad that even one has not been done. I use this road every day and nothing has ever been done. If the public gets to know of this it will not be easy for most of us to convince them otherwise.

We also need to summon the officers concerned through the chairman concerned, we could be playing hide and seek with one another. We need the right people to be brought to books, if we need to suspend some officers, then they should go and pave way for thorough investigation. It is time for us to act, and make sure that our legislative roles are felt by members of the public so that they can build trust with us, but if we will be withdrawing motion on interests of people who are sleeping on their job and squandering *Wanjiku's* money then it will be sad for this house.

Lastly, I think the document is not complete, so to the chairman roads, we are going to also give reports from our respective wards because a number of issues have not been well captured in this document and we need them captured. So that when we question, we are to question the right thing with the right information.

Speaker: Member for Githabai Hon. Rimui Kaiyani

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker, first off all I take this opportunity to welcome us back to this assembly. We were missing to come back and like you rightfully said, there will be fireworks crisscrossing everywhere and we are looking forward to the *Kamukunji* just to set the right temperatures. I know we mean goo, we will speak well and the intentions are proper.

I rise to support the withdrawal of this document observing that there pertinent issues that have been raised. They are issues from various wards that actually raise eye brows and we really need to scrutinise this document well

Like the Hon. Members have alluded to the fact that matters raised in this document are legalistic dimension like you like saying, they also have the social and the moral dimension s as well. We therefore need to dig deeper and scrutinise this issues and bring them out to light. I will be repeating myself if I go deeper in what has been said, but I want to observe the following two issues. One is that the issue on equity was not observed and it should be observed. I am concerned since the allocation and appropriation was done by this Assembly. There were injustices and they were perpetuated by this Assembly so this Assembly does stands indicted by that fact, I would imagine that the budget should have had resemblance and equity. Indeed the report reflects the disparities that were perpetuated. And I would imagine that going forward Mr Speaker sir that equity and distribution of resources fairly across the entire County in all the wards should be upheld. In fact should this not be the case we are likely to have a report similar to what we have now. What the committee of roads did was to compile this report. This is information that was done by the regime that was. The committee through our able chair was able was able to get this

information only. My question none the less is, was this appropriated in the previous budget, and if so did was the Assembly involved in passing appropriations that were so skewed that we wonder if some wards are really part of Nyandarua.

We need to be very careful going forward Hon. Speaker not to be part or even to be counted to be perpetuating injustices of this magnitude. If you look at a Ward called Githabai, like I have said constantly and repeatedly, there is no single staff who works in this Assembly from my ward I will not shy away from saying this. This ward has been marginalised in resource allocation and in Human resource staffing. It feels bad that I represent a ward that does not have even a single staff in this Assembly. We keep asking if we really belong to this ward, when it comes to voting, we come out in large numbers to vote, *Kuumera kuumera ta thiraku* (getting everyone out probably to vote). We question if it is worth it, this injustices should come to an end.

Mr Speaker, back to the document, I am looking at some of the projects that are said to be done in Githabai, and coming from a background in building and construction, I will refer to the two bridges purported to be done in Githabai. One of the bridges cost KES 2 million while the other one was 1.5 Million. Truly even with a lay man, can a bridge really cost KES 1.5, really? Who is fooling who? There is a cat and mouse game being played here and we rally must delve deeper into this document and I believe this document through our able chair and other committee members, this document should be scrutinised with a toothpick in order to bring out the issues. Matters that are criminal in nature and Mr Speaker you will agree with me, matters with a legalistic dimension should take the legal route.

Cases of corruption and impunity from whatever circle and from whoever, no matter who they are, it should be brought to book. All this contractors that are said to have constructed it is time they are brought before the Committee and give details of what they did. This is a sword that cuts both ways, the one that gave d the one that received. I support the withdrawal, however this withdrawal does not mean that this document be put in a shelve but it should be scrutinised and appropriate action taken and implemented expeditiously.

As I sit, I want to note that I have seen a ward occupying three pages, the chairperson budget come s from this particular ward, and I am bitter about this. Does this mean anything? Is this the way we should be going forward, if I am given the chair of sports, that all matters pertaining to sports should go to Githabai, is it the reason I was given this docket. That the chair budget should appropriate all the roads in Njabini Kiburu since he is the Chairperson budget at the expense of the other wards? In fact Githabai has only four which can be counted. And yet the roads from the chair budget are...

Speaker: Hon. Kaiyani, you know the rules of debate concerning mentioning a member adversely, I allowed you to mention it as a by the way, but when you ineptly mention it, it is very clear in the Standing Orders, that in mentioning a member ineptly you have to move a substantive motion. Conclude

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker sir, I am well guided, facts will be facts and we will follow this in future, I saw him walk out, I wish he was sited there because he would have been able to explain further, in future let us appropriate resources equitably and fairly.

Speaker: County member from Rurii, you know your name escapes me because you know how I refer to you normally, continue member for Rurii.

Hon. Geoffrey Kariuki: Than you Mr Speaker, I rise to support this withdrawal motion, in particular from where I come from, this road on Mugumo- Gakorofa road which was allocated 953 Thousand and it was never done. I know my area MCA has allocated money again for this road to be constructed. Wakafuti road was also allocated 1.8 million twice. This is wrong. On the

issue of equity, we should try and be equal. My ward was given 10 million while Njabini Kiburu was given 20 million in 2014/15 Financial Year. In 2015/16, Njabini Kiburu was allocated for KES 51 Million yet Rurii was given 10 Million, you can all see, on a lighter note that some MCAs are serving for a second term and my former MCA is not around...

(Laughter)

Let us support this issue of Equity because Hon. Members will be retained in this house when they work. I support this motion and I call, the mover.

Speaker: Yes Member for Weru Hon. Simon Mbogo Mburu

Hon. Simon Mbogo: Thank you Mr Speaker, I will start by saying that all the sentiments raised here are genuine and it is for the good of this County, it is not important that we come and adopt a documents for purposes of adoption only which will not be of any help to us. With my abled Deputy Chair and members of the committee. I will urge all of you that you come up with a report indicating the changes or what should be scrutinised from the document which has now come as an eye opener to all of us. We will get to scrutinise, write reports and draw graphs to show which wards benefitted name of contractors and even who received the money.

As a committee we are not taking this a challenge for the report not having gone through, we are taking it as an eye opener, for we are going to come back having armed ourselves and as one mentioned, with a toothpick, and get to look at everything. We will then give this house a requisite report with all that we will have found out, even with the issue of pending bills and a true reflection of what is on the ground. With this remarks I beg to move.

(Question put and agreed to)

Speaker: The motion is considered withdrawn. Hon. Members I believe the chairman and his team are up to the task. We expect that within sixty days we will have been able to go back to annexure three and be able to come up with a comprehensive report. We expect that they will consider the input of the Hon. Members, both the elected and the nominated, because even the nominated know there wards and they will see the issues that they will add. So the chairman will invite all the members, we are going to help you with the secretariat to invite then ant tell them what they are required to present, and also send them again this annexure for scrutiny.

I know for a fact that the Chair and his team requested the members to look into this annexure but no member responded to you, so when the members are complaining here, I know that they had been invited by the committee in writing through a message that they present information but none responded, this time round, please let us respond.

The member from Githabai, it is correct that the contractors under Article 185 of the Constitution that we can invite anybody or Summon anyone and we did that in the first Assembly, we interrogated so many Contractors, actually about fifty of them, and we were able to get so much information. This is a critical document because it will inform where we are going to, the issues of skewed allocation of resources, the issues of lack of equity, those that pertains to discrimination, we shall be able to address them if we deal with this report in the right manner. So anybody trying to introduce any mischief, they will get to know that all of us are watching the space and what is happening. This Communication will therefore be done. The Chair whenever you need support, we shall do it, send the communication through the secretariat to the Minister so that he can be

able to respond and we can even get to sit with him before the final report and get direct communication from him in all this issues.

Next order.

ADJOURNMENT

Speaker: Hon. Members, the business for this sitting having been exhausted, this house will adjourn to today again, Wednesday 13th June 2018 at 2:30 P.M.

(House rose at 12:30 noon)