



REPUBLIC OF KENYA  
NYANDARUA COUNTY ASSEMBLY  
1<sup>ST</sup> ASSEMBLY-4<sup>TH</sup> SESSION



OFFICIAL REPORT

(The Hansard)

Wednesday 8<sup>th</sup> June, 2016

*The Assembly met at the Assembly Chamber (P.C.E.A Building) at 2.30 p.m.*

*The Deputy Speaker, Hon. Edinald Wambugu King'ori, in the Chair*

Prayer

**QUORUM CALL AT THE COMMENCEMENT OF THE SITTING**

*(There is quorum as confirmed by the Clerk-at-the-table)*

**Speaker:** First order

**COMMUNICATION FROM THE CHAIR**

**NYANDARUA COUNTY ASSEMBLY LEADERSHIP AND INTEGRITY CODE**

Hon. Members, I have the following Communication from the chair on the Nyandarua County Assembly Leadership and Integrity Code

That the Constitution of Kenya 2010 Chapter Six outlines the responsibility of the state officers in relation to integrity and leadership. In line with this chapter, the Parliament enacted the Leadership and Integrity Act, 2012 and further approved the Leadership and Integrity Regulations, 2014. Section 37 of the Leadership and Integrity Act 2012 requires every public entity to develop a Leadership and Integrity Code for its state officers. That in line with Chapter Six of the Constitution and section 37 of the Leadership And Integrity Act, 2012, this House began the process of coming up with a Leadership and Integrity Code.

The mandate developing a Leadership and Integrity Code was given to the Committee on Delegated County Legislation. The aforesaid committee came up with the report on the code which was first tabled in this House on 21<sup>st</sup> October 2014 and the report was adopted on 22<sup>nd</sup> October 2014. It is important to note that section 39 of the Leadership and Integrity Act, 2012

requires that once the code has been approved by a public entity, it is submitted to the Ethics and Anti-Corruption Commission (E.A.C.C) for approval. Further section 39 (3) of the Act provides that the commission, E.A.C.C, shall within 30 days approve the code with or without amendments for the publication in the gazette. Further section 39 of the Act provides that the public entity shall cause the code to be published in the gazette within 90 days.

I wish to inform the Hon. House in accordance with the provisions of section 39 of the Act the code was submitted to the E.A.C.C on 16<sup>th</sup> November 2015. The Commission included their input and approved the code with amendments. The letter containing the amendment and approval was received by the county assembly on 8<sup>th</sup> February 2016. The approved code was forwarded to the Government Printers for publications.

At this juncture I would like to bring to your attention that as per the provisions of the Leadership and Integrity Act, 2012, the responsibility of the public entity is only to publish the code and not to amend it. Thus once the code has been approved by the E.A.C.C a public entity (in this case county assembly) cannot amend or otherwise interfere with the amended code.

Hon. Members I want to bring to your attention that the Nyandarua County Assembly Leadership and Integrity Code was gazetted on 27<sup>th</sup> May 2016 by Gazette Notice No. 3789 which was done in accordance with Chapter Six of the Constitution, section 37 of the Leadership and Integrity Act 2012 and the Leadership and Integrity Regulations 2015. Regulation 34 (3) of the aforesaid regulations require that a state officer to sign and commit to the Leadership and Integrity Code within 7 days after the publication of the code. Further article 5 (2) of the code stipulates that a serving state officer shall sign and commit to the Leadership and Integrity Code within 7 days after the publication of the code in the gazette.

Hon. Members, from the above information it is clear that the 7 days as stated by the code and regulations have lapsed since it was published. Hon. Members, I further wish to bring to your attention that the E.A.C.C has indeed written to the Office of the Speaker and that of the Clerk vide a letter dated 13<sup>th</sup> May 2016 seeking to establish whether the code is being implemented. Further the E.A.C.C visited the Office of the Clerk on Thursday 2<sup>nd</sup> June 2016 to follow up on the implementation of the code.

. Hon. Members in conclusion I wish to state that it is paramount that the Hon. Members do sign and commit to the code as matter of urgency to avoid legal implications for flouting

the law. As leaders it is our duty to lead by example by abiding to the Constitution whose principles we took oath to uphold

Hon. Members, it is from the foregoing that I now direct that you sit with your leadership within 2 days and agree on when all the Hon. Members shall subscribe to the code.

Thank you Hon. Members.

Next order

### **PAPER LAID**

#### REPORT ON STATUS OF FOOD RELIEF IN THE COUNTY

Yes county member from Engineer, Hon. Tiziana Mwangi

**Hon. Tiziana Mwangi:** Thank you Mr Speaker, on behalf of the chairperson, I beg to table the report of the committee on Agriculture Livestock Development and Fisheries in response to a statement sought on the status of relief food Nyandarua County.

**Speaker:** The paper is duly laid and the House Business Committee has slotted in time for giving the notice of motion. Next order

### **NOTICE (S) OF MOTION**

1. 3<sup>RD</sup> SUPPLEMENTARY BUDGET ESTIMATES FOR THE FY 2015/2016

Hon. Anne Kionero, county member from North Kinangop

**Hon. Anne Kionero:** Thank you Mr Speaker, I beg to give the notice of the following motion

That this house does adopt the report of the Committee on Budget and Appropriations on the 3<sup>rd</sup> supplementary budget estimates for the financial 2015.2016 as a report of this House and the recommendations there in as resolutions of this House.

Thank you Mr Speaker

**Speaker:** The notice is duly given, the House will be waiting for the moving of the motion since time for moving it has been slotted in by the House Business Committee. Next order

2. REPORT ON STATUS OF FOOD RELIEF IN THE COUNTY

Yes county member from Engineer, Hon. Tiziana Mwangi

**Hon. Tiziana Mwangi:** Thank you Mr Speaker, on behalf of the chairperson, I beg to give the notice of the following motion:

That the House does adopt the report of the committee on Agriculture Livestock Development and Fisheries in response to a statement sought on the status of relief food Nyandarua County as a report of this House and the recommendations therein as resolutions of this House.

**Speaker:** Next order

**MOTION (S)**

1. REPORT ON LAND ISSUES IN GATHANJI WARD

Hon. Kariuki Muchiri, the Leader of Majority

**Hon. Kariuki Muchiri:** Thank you Mr Speaker, on behalf of the chairperson committee on Lands Housing and Physical Planning I beg to move the following motion:-

That this house does adopt the report of the committee on lands housing and physical planning on the lands issues in Gathanji ward as report of this House and the recommendations there in as resolutions of this House

This is a matter that was brought to the committee as per its mandate in the Standing Orders. This was done by the member for Gathanji, Hon. Samuel Thuita. Specifically he wanted to know the parcel numbers for Huho-ini dispensary, Kiheo Primary School and Kiheo Secondary School. This is an area that the committee conducted a very serious investigation on. The committee had to look for parcel numbers for those pieces of land so that they could do further investigations. The committee undertook a vigorous exercise and it established the following:

For Kiheo Primary the original land was Nyandarua/Silibwet/178 and the registered owner for that parcel was Margaret Njambi Thuo. The title was freehold and it was issued on 3<sup>rd</sup> February 1992. Later it was subdivided into two portions, which is Nyandarua/Silibwet/678

and 679. We further went through searches and examined Silibwet/678 and we found that it was also owned by Margaret Njambi Thuo. It had an acreage of 6.3 hectares. We found that a title deed had been issued to her and it was absolute. 678 was subdivided further to Nyandarua/Silibwet/793 and Nyandarua/Silibwet/794.

Mr Speaker we conducted search for Nyandarua/Silibwet/679 on 4<sup>th</sup> November 2015 and it revealed that the registered owner of that land was Nyandarua County Council and the land was reserved for Kiheo Primary School. The committee was now able to get the actual number for Kiheo Primary School which is Nyandarua/Silibwet/679. It is a big piece of land because it is 3.38 hectares. It was registered on 18<sup>th</sup> November 1992. The title is freehold.

Now that the land is registered under the defunct local authority, the actual owner of that land is this government. It can only be transferred by the Nyandarua County Government and we shall see the recommendation to that effect.

Now that we have seen the number for Kiheo Primary, it is worth noting that Kiheo Secondary is housed by Kiheo Primary. We shall make further recommendations concerning that in the subsequent part of the report.

Let us go to the issue on Huho-ini dispensary. This one we followed very closely. I remember that when I was in the local authority we visited that place but we did not have the number. We did investigation so that we could get the actual parcel number for Huho-ini dispensary. We started from the original number which is Nyandarua/Silibwet/343. The search was conducted on 15<sup>th</sup> September 2015 and we found that the proprietor is John Muturi. The parcel covers 7.8 hectares. The land is absolute. It is freehold. We also found out that that parcel of land was subdivided into two portions, Nyandarua/Silibwet/695 and Nyandarua/Silibwet/696. We found that it had no encumbrances.

We went ahead to investigate Nyandarua/Silibwet/695. We found that it was owned by Jonah Wanjohi Muturi. It measure 7.395 hectares. The parcel of land was registered on 15/4/1995 and the nature of the Title deed is absolute (freehold). Further investigations indicated that on 31<sup>st</sup> March, 1995 it was subdivided into two plots numbered 1521 and 1522 and it had no encumbrances.

We investigated Nyandarua/Silibwet/696. We did a search on 4<sup>th</sup> November 2015 and found that the owner was the Catholic Diocese of Nyahururu and it was registered on 19<sup>th</sup>

March 2009. The land covers approximately 0.405 hectares that is 1 acre. The title deed was issued on 21st April 2009, the title deed is absolute (freehold) and the land in question has no encumbrances. We could no longer follow that route because that was the end for 696.

We investigated Nyandarua/Silibwet/ 1521, the search conducted on 16<sup>th</sup> October 2015 revealed the following That the registered owner is Jonah Wanjohi Muturi, it covers approximately 4.99 hectares, the title deed was issued on 3/06/2013, the Title deed is absolute (freehold) and it had no encumbrances. That was it for that.

We proceeded to investigate the other parcel, which is Nyandarua/Silibwet/1522 from the search conducted on 16<sup>th</sup> October, 2015 the following was revealed; the registered owner is Nyandarua County Council, it covers approximately 2.4 hectares, the title deed was issued on 21<sup>st</sup> June 2007, the title deed is absolute (freehold) and the land has no encumbrances. We went there as a committee... Mr Speaker allow me to read...

On 24<sup>th</sup> November, 2015 the Committee visited the land parcel number Nyandarua/Silibwet/1522 in Huho-ini Sub-Location, Gathanji Ward. The Committee observed that:

- The land occupied by the dispensary was fenced with barbed wire.
- Huho-ini Dispensary sat at the centre of the said land parcel.
- Huho-ini Dispensary constituted of permanent block of between 10 to 15 rooms and a permanent structure housing a toilet and a urinal, and
- It had electricity connection.
- .Further Committee Observations:
- The lower part of the land was during the time of the Committee's visit under potatoes and maize cultivation.
- Next to the portion of land under cultivation stood a permanent block occupied by the Assistant Chief, Huho-ini Sub-Location.
- Further, a portion of the same land, fenced with barbed wire, was occupied by the following:
  - Four complete permanent kiosks.
  - Foundations laid for the construction of seven kiosks.

- An open area ear marked for construction of kiosks.
- It was also alleged that some private citizens had been allocated plots on the same land by the defunct local authority.

Mr Speaker it is during this visit that we discovered that the defunct Nyandarua County Council had given kiosks and plots to members of the community. The local authority kind of created a small trading centre in Huho-ini. What should happen, and we shall see that in the recommendations, is that proper planning should be done so that those that have kiosks, Huho-ini dispensary, the area set aside for the market and the office of the assistant chief are properly planned. It is actually as small trading centre. I know that that place has an open market for livestock.

The committee came up with recommendations on the two plots. The member for Gathanji did not even know the numbers for these plots that is why he had us investigate. I am happy to report to this House that we had a fruitful investigation. We were able to give the exact numbers and say the other developments that have taken place on the two parcels.

Mr Speaker let me go to the recommendations of the committee and they are as follows:

#### **1. KIHEO PRIMARY AND SECONDARY SCHOOLS**

- a) That the land reserved for Kiheo Primary School, registered in the name of Nyandarua County Council be transferred to the two institutions

The community agreed that that area be hived off to create an area for Kiheo secondary school.

- b) That the County Government liaises with the Ministry of Education and be guided by the provisions of the Basic Education Act, 2013 to ensure that the proper transfer and registration of ownership of land is effected to the schools, and the ownership documents are delivered to rightful bodies for safe custody.

Mr Speaker you are aware that the primary and secondary education are not devolved functions. The land is registered under the Nyandarua county council and after devolution all the assets and liabilities of the defunct local authorities went to the county governments. Nyandarua county government should liaise with the ministry of Education in the National Government so that the modalities of transfer can be arranged.

- c) That the County Department of Lands, Housing and Physical planning does ensure that there are concerted efforts to fast track the issuance of the title deeds to the institutions.

We cannot leave public land idling because this country has a very bad disease of land grabbing. We would not want this kind of utility to be grabbed by anyone.

## **2. HUHO-INI DISPENSARY**

- a) That the land, being a public utility be secured by erecting the beacons to establish the exact boundaries and fencing it.

To fence off the whole area is important to stop the people from encroaching what is rightfully ours. I am saying ours because this is the property of this government.

- b) That the land parcel and the surrounding area, be planned but in case there is an existing plan, the same be re planned to incorporate the views of the residents and those of the relevant stakeholders.

We know that it is important to always consult the members of the public. Let them participate in decision making on matters that affect them. They are stake holders and that is why we recommended that they be involved.

- c) That the Department does carry out a verification exercise to ascertain the claims of ownership on certain plots of land allocated to individuals.

Whenever there are allocations of plots, issues of double allocation always arise. It is good to verify the records, in certain cases we may find people that have fake documents and they will claim ownership.

- d) That once the genuine individual owners are identified they be issued with the appropriate ownership documents.

Mr Speaker, we have talked about kiosks for a long time and it is good that I go on record saying that the executive is failing this county. This county has very many kiosks and as a committee we said that we would want proper recording and planning. Since the inception of this devolved unit, we have never had any transfer of kiosks. We have been losing revenue as a county. The bill (a bill the House resolve that is should be crafted through a motion by the



committee on lands housing and physical planning) would go a long way in improving the local revenue. I am sure that the new chairperson for this committee will make a serious follow up. I have been going to the executive to follow up on this matter because it is key.

There is need for follow up on the Huho-ini trading centre because it is actually a trading centre and not a dispensary alone. The area member of county assembly can confirm that. There are other public utilities within that vicinity.

Mr Speaker let these recommendations be taken very seriously. We have passed so many of them. Hoping that the members will adopt this report, the Implementation Committee should follow up on this. The resolutions of this house should be implemented within two months. We however have an executive that really drags its feet when it comes to the implementations of the resolutions of this assembly. I wish to call upon Hon. Patricia Wanjugu Njoroge to come and second this motion.

**Speaker:** Yes Hon. Patricia Wanjugu Njoroge county member from Karau ward

**Hon. Patricia Wanjugu:** Thank you Mr Speaker, I rise to second this motion. Land is very important. A man without land cannot be considered man enough. We want to take matters on land very seriously. In Gathanji there was lack of planning although this is a problem in the whole county. Most of the towns that are coming up are not planned. We are urging the department of Lands, Housing and Physical Planning to take action and plan the upcoming towns, put boundaries and give the residents the plans. Most of the public lands have no permanent beacons. They have timber poles that do not last for long. This is making some individuals to grab the land.

Proper documents should be given whenever there is an allocation of land. We find that some people have receipts, others have agreements that run for 6 months. The public utilities within the county also need those documents to prevent people from grabbing public land. With those few remarks I second the report.

*(Question proposed)*

**Speaker:** Hon. Kimani Njiraini member for Kaimbaga

**Hon. Kimani Njiraini:** Thank you Mr Speaker, I support the motion. Land is a sensitive issue. Demarcation and allocation problems are not only in Gathanji ward it is a

problem that is crosscutting the whole county. If there is no proper policy this problem will be there for years. Land in Captain is under SFT. If anyone would come claiming that they have been allocated land by the Lands Department it would become a challenge. The Lands Department needs to demarcate the pieces of land well and give people proper documents.

The confusion created by the defunct local authorities is what is bothering us. That is why people are finding it easy to grab land. Members of this county assembly have no land. They have to buy.

Unless they come up with policies on the demarcation and planning, people will be fighting because of this. I support the report.

**Speaker:** Yes Hon. David Ndirangu Mwangi, County Member from Weru

**Hon. David Ndirangu:** Thank you Mr Speaker, I support this well done report. The area mentioned in this report is Kiheo and Huho-ini. This problem is in the whole county. Most of the plots in the county are TOL allocations. The department concerned needs to come up with a proper policy on how we can convert the TOL ownerships to title deeds.

The report is saying that the properties should be transferred directly to the concerned institutions or schools. There is need for a policy to serve the whole county

Thank you Mr Speaker.

**Speaker:** Yes member for Gathanji

**Hon. Samuel Thuita:** Thank you Mr. Speaker. I would like first to thank the Committee on Lands, Housing and Physical Planning. It is clear that the committee has walked an extra mile and visited the site and what they have reported back to the House reflects what is on the ground.

Mr. Speaker, this is a disturbing issue because land was bought and money invested but up to now, no one can explain the status of the land. If you go through the report, it is clear that the people in the community who intended to own kiosks paid about Ksh.13, 000. However, despite paying this amount, the land remains idle because the people are unsure of whether to construct kiosks or not.

As the Leader of Majority Party has put it, in Huhoini dispensary there was a livestock market and actually, a signboard had been erected saying about it. With this kind of confusion,

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you can therefore not tell where the livestock market as well as the dispensary are situated. Just across the road, there exists a piece of land whose owner is unknown and it is also raising some concerns.

Therefore, I support the committee's recommendation that a plan of the said land be fast-tracked because it is very important. If you visit the dispensary itself, you will find that there is a need for expansion because such facilities as a maternity ward and staff houses are crucial and need to be constructed. And so, it is my opinion therefore that the relevant authorities should not only focus on this piece of land while addressing the issue but should have the whole picture of land in our county.

We have so many shopping centres that have freehold title deeds yet the government has continued to charge these people same rates as the ones charged on commercial plots. I thought that the first agenda of the county government would have been to ensure that the issue of land has been addressed so that the development of the county could take root. If you take an example of a shopping centre such as Kasuku, the fact of the matter is that it is growing at a very high rate yet the maps do not recognize that such a town exists in the first place. Anyone can come and claim that the land on which the town sits is his or hers because, clearly, it is not a commercial centre.

Mr. Speaker, it is important also to mention the issue of Kiheo primary school and Kiheo secondary school. The land for the two schools is still in the hands of the defunct county council. This means that in case new leaders come in future, they might go there and claim that the land meant for the two schools will be utilized in other ways. It is on these grounds that I thank the committee for saying that a title deed for this land ought to be processed and the institutions be given the documents for safe custody. With those few remarks, I support.

**Speaker:** Yes Member for Kipipiri and Deputy Majority Leader, Hon. Michael Kirumba.

**Hon. Michael Kirumba:** Thank you Mr. Speaker for noticing me. I rise to support this report. Mainly, I would like to confine my contributions to the committee's recommendations because the mover gave a detailed overview of the entire report. One of the recommendations talks about having the title deeds. You will appreciate that some of the trading centres in this county have developed or emerged from agricultural freehold areas. In other words, there was no change of user. Centres like Machinery within my ward, Memo in Murungaru ward and many others came up when the owners of agricultural lands subdivided them into plots. It appears that when all this was happening, there was no consideration of public amenities.

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Just recently, I had an issue with a mushrooming centre within my ward that is now bigger than the trading centre that was there. It is difficult to get a public toilet in the area because the owners bought the entire piece of land as agricultural and then started subdividing the land into 50×100 plots. If you therefore go to the centre, some of these public amenities are lacking.

Hence, it is a question of revisiting what used to be done then, especially by the defunct local authorities. Did they provide for public amenities? If not, we need to come up with a solution for these areas. Even if we have to buy a small piece of land, let us say an eighth of an acre, we will have space to put up some of these mandatory utilities. We may attempt to bury our heads in the sand, but should there be an outbreak of an epidemic, we will be held responsible as a government.

Mr. Speaker, this report provides us with a window of how we are supposed to address such issues. Since the committee cannot do what the Executive should be doing, the responsible department should do a survey and come up with what needs to be done now that they have enough employees. I would like to propose that since some of these public amenities have not been provided for, there should be an ample budget for acquiring land to come up with these kinds of utilities. By so doing, we will have resolved some of these emerging issues. There is also the need to have all the title deeds put in a centralized place because of the land grabbing vice that plagues our country. To that end, I think this is a good report which when implemented it will address the issues facing some of the trading centres in the entire county. With those few remarks, I support the report. Thank you.

**Speaker:** Yes Member for Wanjohi, Hon. Mumba Gichini.

**Hon. Mumba Gichini:** Thank you Mr. Speaker. I rise to support this report by the Committee on Lands, Housing and Physical Planning and applaud them for a splendid work. I think this is not the first time we are saying that we have so many institutions within our county that have no title deeds. In fact, this is the reason why we have so many cases of land grabbing within our County. For example, Kaimbaga is a trading centre in my ward but it developed from an agricultural land which was subdivided into plots. Change of user is yet to happen. It is therefore very hard to build a public toilet because there is no available land.

The county government should take measures to ensure that the mushrooming centres have the public amenities they require. In Wanjohi Ward, such centres as Michore, Kiburuti, Mubao and Rironi developed from an agricultural land. These centres lack development plans

and the people who own pieces of land have nothing to show that they are the actual owners of the plots. The county government should really do something.

Actually, I believe this problem is the same one facing Wanjohi Polytechnic whereby the church has apparently grabbed the land belonging to the institution. Since the time the report about the polytechnic was brought in this House, I am yet to see any solid step being taken by the county government to the effect of reclaiming the land. These delays in implementation will make us go back to where we all started. It is the high time we started implementing the resolutions of this House immediately for the sake of future generations. With those few remarks, I wish to support. Thank you Mr. Speaker.

**Speaker:** Yes, County Member from Githioro, Hon. Dorcas Kihara.

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. First, I would like to thank the Committee on Lands, Housing and Physical Planning for the conclusive and comprehensive work they have done about Kiheo primary and secondary schools as well as Huhoini dispensary.

Mr. Speaker, now that the land issues have been devolved and we have the County Lands Tribunal, some of the issues of land in this county need to be looked into. The department of lands should in effect, try to correct the past mistakes. I understand that some of these small trading centres that have developed all over the county lack proper planning. As aforementioned by some contributors, some of them even lack proper public utilities. This is very unfortunate for our people. If a town lacks public utilities such as a market, you will find some women who sell *sukuma wiki* doing so in pavements yet they continue paying the rates. When they need to go to relieve themselves, you find that they request the people who have built their homes around the centres to allow them use their toilets. I would therefore urge the county government, now that it bears the responsibility of addressing land issues within the county and that the government has made a proposal for a land registry in the budget, to ensure that this is realized. The rationale is that it will be easy to access land documents from one centralized place. The setting up of a land registry should be fast-tracked so that they can correct the past mistakes without affecting the people who have acquired plots in the upcoming trading centres. For instance, Tigoni trading centre in Githioro ward developed from an agricultural land. It was a piece of land owned by one individual. Yet, the plan of the trading centre was approved without the consideration of various public amenities. Right now, the community in Tigoni is requesting the County Government to erect a floodlight but it is

impossible because there is no land on which it can be erected. It can only be erected on the roadside.

Mr. Speaker, this is not unique to Tigoni, it affects many other trading centres across the county. Therefore, the county government should look into this issue so that the people in these centres are helped. It is upon the people who buy land next to the towns to ensure that there are public utilities. We will, in the long term, have set up social mitigations especially for buyers of land around the centres by enforcing such a requirement.

The department of lands has a lot of work to do and I am urging the CECM for lands and his office to take cognizance of the magnitude of the work. In consideration of the fact that some people have parcels of land around these centres, and, there are no title deeds, the only thing they have are Temporary Allocation letters, the department should move in swiftly and attempt to rectify this situation. It should ensure that the title deeds are processed.

On the issue of Kiheo primary school and Kiheo secondary school, the National Government issued an ultimatum that all public utilities be given title deeds. Public utilities that have no title deeds are disadvantaged because the institutions cannot expand. They cannot also receive funding from the C.D.F kitty or any donors because no person or organization will donate money for construction to an institution that has no land title deed. I therefore urge the county government to look into the issues of title deeds, and, I propose that all beacons within the county should be of concrete to enhance their permanence to avoid any confusing. To that end, I beg to support this report and I now call upon the mover to respond.

**Speaker:** Mover.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker. I am glad that the members of the Assembly have supported the report. I would like to echo their sentiments. This county needs to plan the mushrooming trading centres because if this is not done, the county will be a big village in future when all of us will not be there. There is need to take the issue of planning in a very serious manner. It is unfortunate because I have been the chairperson of this committee and I know we suffer from a shortage of planners. We only have Muriuki and Cheruiyot. The latter happens to be the Chief Officer and for obvious reasons therefore, he cannot be involved in the matters of planning. As such, the chairman of this committee needs to liaise with the Executive on so that we have enough planners to ensure serious planning is done. They will also help with the documentation of ownership of plots within the trading centres so that business can be transacted properly and by so doing, we will attract investors.

Mr. Speaker, very many public institutions and utilities within our county have no title deeds. Some of them are still under Settlement Fund Trustee. This is very serious. The Settlement Fund Trustee ought to do those transfers to the county government so that it can do proper planning which is a devolved function. Once these small trading centres are planned, serious development will take place. For example, Mikaro trading centre is located within my ward. The centre does not have even a single permanent house because all along, no planning had been done. However, I am happy that the process is almost complete.

At this juncture, I wish to thank the Hon. Members for their support and I believe that the Executive will take the recommendations very seriously and fast track on implementation of the same. Once again, I thank the members for their invaluable contributions, the Office of the Clerk for facilitation, Office of the Speaker and everyone who made sure that the report was done well. With those many remarks, I beg to move.

*(Question put and agreed to)*

**Speaker:** Next order.

## 2. SIGNAGE

Member for Kipipiri and Deputy Leader of Majority Party, Hon. Michael Njoroge Kirumba.

**Hon. Michael Kirumba:** Thank you Mr. Speaker. I beg to move the motion:-

That the House does resolve that the County Government should adopt measures to ensure that the high cost being borne by the county government in putting up signage on each particular project undertaken by the various county departments and ensure that there is no arbitrary erection of signage without due regard to value for money.

That in the most demanding of the circumstances, if any signage has to be erected, the same should be erected at incurrence of a bare minimum cost to the county government.

Mr. Speaker, the notice for this motion was given before the House went for recess. I must thank the House Business Committee because when I raised the issue just the other day, they allocated this motion the appropriate time. This is part of the oversight role that we have been mandated to do. Before, I came up with this motion, I sat with the CECM in charge of roads in an attempt to help him understand why we should not spend Ksh.30, 000 for a signboard per every project. Mr. Speaker, our people are not getting value for money. Numbers do not lie. In Kipipiri alone, I have over 15 road projects. If you consider that a signage costs approximately Ksh.30, 000 and you multiply with 15, you get that the cost of signage is about

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Ksh.450, 000. If you further multiply this cost with the number of wards in this county, then, you will find that the amount totals to over Ksh. 15 million. All this amount is going to the drain.

The irony of all this is that there will be some audit queries because the signboards are vandalized immediately they are erected. The vandals are taking advantage of the fact that this county has not had a bill on scrap metal. Therefore, we will be leaving a window for any contractor who will claim money for signboards that were never done.

Mr. Speaker, if you add up all the projects within the county, you can imagine the staggering amount of money we talking about. That is why we are saying that we are not getting value for money. We are not implying that we do not require these signboards because they have been provided for in the Construction Act. The cost is usually borne by the contractor. The reason is that the signboards are meant to market the contractors. Therefore, we are not opposed to them. All we are saying is that the cost of erecting them ought to be reasonable. Ksh. 30,000 for three to four pieces of wood is obviously unreasonable.

Mr. Speaker, I am not surprised that this menace is happening all over the country. Sometimes back I was in Mtwapa, Kilifi County whereby the signboards that they had erected depicted the picture of the governor. It sent a misleading message that the projects are, 'a one man show' instead of portraying teamwork. The signboards should depict the entire government.

Therefore, this motion intends to send the message that we are going to lose over Ksh. 30 Million as the cost of signages which are vandalized as soon as they are put up. This amount could have been used to help *Wanjiku* out there to procure drugs and buying stones to maintain roads that are impassable to mention but a few. We therefore would like the Executive to pay attention to these issues because they are not auguring well with our people. People are getting concerned which is the reason that these signboards are vandalized. This is very unfortunate and it would be very worrying if continue with this trend.

Mr. Speaker, I had taken a personal initiative and spoken to the CECM in charge of roads, Hon. Muthanwa as well as the Governor but nothing has happened. It is fair therefore that the issue goes to the records so that people do not start casting aspersions that they never saw it coming. The county has a revenue collection of approximately Ksh. 200 million annually and we cannot afford to lose about Ksh. 30 million on the signboards only.

Mr. Speaker, since I would not like to bore the Hon. Members, I will now call upon Hon. Kariuki Muchiri to second the motion. Thank you.



**Speaker:** Yes, Leader of Majority Party and Member for Murungaru, Hon. Kariuki Muchiri.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker. I rise to second this motion by the Hon. Member for Kipipiri. This is a good motion because the mover has raised very pertinent issues. We all would want a situation where there is value for money. The reason why the signboards are vandalized is because no consensus was built amongst all the stakeholders. Since we do not want to waste government resources because they are scarce and we would wish to see them used prudently, it is important that we build a consensus on such matters. Let this cost be borne by the contractors at a minimum fee. Wooden signages would also work equally as well as metal signages. The reason why metal signages are being vandalized is that we have a high rate of unemployment amongst the youths and the young people want to sell these scrap metals.

Therefore, it is important that we consider this bearing in mind the number of roads being made. If you repair or maintain one or two hundred metres of road, then, you erect a signage worth about Ksh. 50,000, I don't see any value for money. If you do 30 such roads and in each of them you erect a signboard, definitely, we shall lose a lot of money.

We shall play our oversight role very effectively to see to it that proper signages are put. We want to see wooden signages and not many of them because it would not add value to what we are doing.

Again, I would like to mention the issue that Hon. Kirumba mentioned about revenue collected because it did not come out very well. The money was supposed to go to County Revenue Fund and it should go into the Official Report (Hansard) that members are raising concerns about the issue. The money was spent directly which is against the law. Therefore, when we embark on our oversight role in the second round, we shall emphasize on this one. As a government, we ought to follow the laid down procedures. For those many remarks, I second the motion.

*(Question proposed)*

**Speaker:** Yes County Member from Githioro, Hon. Dorcas Kihara.

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. I rise to support the motion because the PFMA asserts that any public money should be used prudently and the people should get the value for that money. At the outset, the cost of signages was very exaggerated. There should be a standard policy on how and what materials should be used to erect them. This is because some signages are wooden while in others they have used metal bars and rods. This implies

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that there was no standard for erecting the signboards. This is bearing in mind that Ksh. 30,000 quoted for each signboard was on the higher side.

Mr. Speaker, considering that the signages usually market the contractors because they bear their names, let the cost be borne by the contractor. The logic is that if a road is well done, the people will automatically say that the contractor is the best and definitely he or she stands to benefit. I can recall that sometimes back, I was member of a CDF committee. If CDF was doing 5 projects in a specific area such as Mawingu, all these projects were put in one signboard.

Mr. Speaker, some of these signages that have been erected all over tend to give contradictory information. You find a road that has been graded but not fully gravelled yet the signboard says that grading and gravelling were supposed to be done. The signage is not specific on how long the road was to be graded or gravelled because you find that some roads were to be fully graded but not fully gravelled. The information provided by some signboards therefore is misleading creating a lot of confusion. Signages ought to give the correct information. If grading has been done for 8 kilometres and being gravelled for half a kilometre, let the signboards indicate that. In cases where the signages give faulty or vague information, the electorates will start reprimanding the Members because they will assume the Members have 'eaten' the money for the roads.

Therefore Mr. Speaker, there should be a good policy on how to erect the signboards by involving all the stakeholders so that they can know that the signages erected give the accurate information. What will happen if any citizen sees what is written on that signage which is giving wrong information? The constitution gives every citizen a right to information. The signage is one of the way that people get information. It should therefore give the correct information to the people that are reading it.

There should be guidelines on how the signage should be done and when being done cost effectiveness should be considered. We should not use so much money to do the signposts yet the county government has other pressing issues that need money. The county does not have so much money and the little we have should be used in a prudent manner to ensure that there will be value for money. Ksh 30,000 for one is on the higher side. I hope that there will be a policy on the signage which will ensure that right information is given to the public at a lower cost so that we get value for money.

**Speaker:** Member for Wanjohi ward, Hon. Mumba

**Hon. Mumba Gichini:** Thank you Mr Speaker, I rise to support the motion and I appreciate the mover of the motion Hon. Michael Kirumba. I do not think we will be seen to know the value for money if we just keep on misusing money. People cannot bring their goods to the market. Two weeks ago there was a demonstration because they are saying that they have gravelled the road from Magomano-Nathan which is more than 7 kilometres but the truth is that they have gravelled about 500 metres of that road and they have not even completed. What do they want to show the citizens? They want to show them that they are very stupid. These people are there every day.

Wanjohi ward is the biggest ward in the county. It has been allocated Ksh. 400,000 for one road only for the whole ward and then deduct Ksh. 30,000 from the same amount and you want to use it for a signpost. What are you trying to say? Do your calculations, I have more than 15 projects for that ward and multiply that by Ksh 30,000, the total will be about Ksh 450,000 an amount that construct another road and help the citizens in Wanjohi ward. I keep on asking whether Wanjohi is in Nyandarua County or in Samburu County. If we have to put up these signpost, let us erect one and put them up in the town centres like those ones for CDF projects. That can give all the information they want. How do you erect one in Magomano, another in Gichigirira and also one in Michore? If you want to deliver a message take a public address system and use it and everyone will get the message you want to pass to them.

People are just complaining in Wanjohi. Go there and tell me the where the signposts they put up last week are. They were all pulled down and I do not know where they were taken. It is not good for us to misuse resources. Make a calculation of the resources that have been used in all the wards in the county and you will see the amount of money wasted. If it is only one signage that was put up in every ward it would have delivered the information but look, North Kinangop 40 signposts, Gathanji ward 80. May God help us. That is why our opponents are hitting us hard. They are asking where we were when all this was happening. With those few remarks I call the mover to respond.

**Speaker:** The mover

**Hon. Michael Kirumba:** Thank you Mr Speaker, I thank the members for supporting this. Mr Speaker, you have noted that this is a big problem. People can value project that you do. In this era when you have to be transparent, we need to tell them that Ksh. 30,000 was spent. You can imagine what they would feel and you have told them that you started doing a

road and you cannot finish. In fact this county government cannot finish all the roads that it had started working on.

Spending a lot of money unnecessarily is the biggest cause of the problem. If the auditors come there will be nothing to show for the Ksh. 11 million that was spent. All those signposts will have been stolen. You can imagine what will happen many months to come. Somebody will account for this money — that is Ksh. 30,000 multiplied by all the signposts for all the projects for which they have been erected. Concerned persons will be surcharged. We say things in this House yet most of them are ignored. We do not wish to pocket the money for the signposts; instead this money could be channelled to other projects for the benefit of, for example, the peasant farmer who toils daily. We are not in this House because of anything else but because of the mercy of God; therefore we are supposed to do what we were called to do.

We should let the Executive know that a lot of money is going to the drains in the name of erecting signposts. Actually the signposts do not communicate what is really on the ground. You know unclear communication creates a lot of problems. In fact, our political competitors would use the loopholes created by erecting signposts to fight us. Actually, our competitors would fight us if we do things ‘upside down’.

Mr. Speaker, once again I thank the Members who have supported the motion.

Mr. Speaker, allow me to donate one minute to Hon. Kimani Njiraini to say something for record because he is equally affected like I am.

Thank you Mr. Speaker.

**Speaker:** Proceed Hon. Kimani Njiraini

**Hon. Kimani Njiraini:** Thank you Mr. Speaker for granting me this chance. I thank the mover of the motion.

We understand the concerns of the people pertaining to the matters addressed by the motion. When Njata TV held its public views initiative in Ol’kalou we who attended the event like Hon. Kamau Ngotho, Hon. Wahome Kamoche and I were really confronted by the furious residents of Ol’kalou. One of the things that angered the said residents was that the signposts erected do not portray a true picture of what is on the ground. This amounts to a great shame.

Remember we agreed at Panari Hotel that the practice of erecting the signposts should stop. I remember furious youth destroyed the signpost that was erected on Mahinga road. According to the information of the signpost, the road was complete; yet, in the real sense the road was not upgraded.

Consequently, the people of Kaimbaga almost said that Hon. Kimani Njiraini had misappropriated the money for upgrading the road. Remember how hostile the people become on some of these issues.

Actually, issues touching on money are pertinent issues all over the country. People mostly think leaders are the ones who misappropriate money, yet many leaders or politicians sincerely earn money that they have worked for.

Instead of erecting signposts the Governor should have gone round Kaimbaga Ward launching all the roads he constructed there. Further, through this he could have meet with the people. I condemn the act of erecting signposts that give misleading information on upgrading of roads.

Since you gave me a minute that was donated by Hon. Michael Kirumba Mr. Speaker, I now call the mover to respond. I support the motion. Thank you Mr. Speaker.

**Speaker:** Proceed Hon. Michael Kirumba

**Hon. Michael Kirumba:** Thank you very much Mr. Speaker. Without saying anything else I beg to move. Thank you.

*Question put and agreed to*

**Speaker:** Next order

### **ADJOURNMENT**

Hon. Members, having exhausted the business for today, this House stands adjourned until tomorrow, the 9<sup>th</sup> day of June, 2016 at 2.30 p.m.

*The House rises at 4.16 p.m.*

