



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



(Hansard)

Wednesday 27<sup>th</sup> April, 2016

*The Assembly met at the Assembly Chambers at 2:30 P.M*

*Temporary Speaker, Hon. Dorcas Nyambura Kihara, in the Chair*

Prayer

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

*(Clerk-at-the-table confirms that there is no quorum)*

**Speaker:** There being no quorum, I direct that the division bell be rung for the initial ten minutes or until such a time within those ten minutes that the quorum will have been achieved, pursuant to Standing Order number 34.

*(Division bell is rung for two minutes)*

*(Quorum is achieved as confirmed by the clerk-at-the-table)*

**Speaker:** Quorum having been achieved, let us proceed with the business of the day.  
First order.

**MOTION**

MANAGEMENT OF VARIOUS TYPES OF MACHINERIES IN THE COUNTY'S DEPARTMENT  
OF ROADS

**Speaker:** Yes Hon. Joshua Muriithi, Vice Chair Committee on Roads, Transport and Public Works.

**Hon. Joshua Muriithi:** Thank you Madam Speaker. I beg to move the following motion:

That this House does adopt the motion on the report of the Committee on Roads, Public Works and Transport in response to the statement sought by Hon. Dorcas Kihara on

Management of Various Types of Machineries in the County Department of Roads as a report of this House and recommendations therein as resolutions of this House.

Madam Speaker, I wish first to thank the Speaker of the County Assembly for giving us permission to go and write this report. Besides, I wish to thank the Office of the Clerk which facilitated us to go and complete the exercise.

Madam Speaker, the Committee on Roads, Public Works and Transport, on its constitutional mandate decided to look into how the different types of machineries are managed in the County.

According to section 191 (5) of the Standing Orders, Sectoral Committees are mandated to:

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all county legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) 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;
- f) to vet and report on all appointments where the Constitution or any law requires the Assembly to approve ; and
- g) Make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

Madam Speaker, the committee derived its terms of reference from the statement requested by Hon. Dorcas Kihara on 27<sup>th</sup> Day of October 2015. The statement sought requested the chairperson to provide information on management of various types of machinery in the County. This report is in response to that statement.

Madam Speaker, Kenya has a devolved system of government and its territory is divided into forty seven (47) Counties. The Constitution of Kenya is founded on the National values spelt out in article 10 of the Constitution. Article (1) of the Constitution states that; the sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the

Constitution. The Bill of Rights article (39) guarantees all Kenyans freedom of Movement and gives all Kenyans a right of access to their homes, education, healthcare services, housing, water, social security and clean environment. That having been said, I wish to go to the introduction of the report.

Madam Speaker, pursuant to article 44 of the Standing Orders, Hon Dorcas Kihara sought a statement from the Chairperson of the Committee on Roads, Public Works and Transport in the following terms;

Aware that the County Government has purchased several Machineries and equipment for use in the execution of public works. Further aware that the common practice in most companies supplying such machinery do offer guarantee on service for certain period of time.

Noting that currently there are many equipment and machineries that are not being used due to mechanical breakdown and other related matters. Further noting that the County Government has currently engaged many privately owned machineries of a similar nature to the stalled ones to carry out various works for the government.

Concerned that the continuous breakdown of the machineries and equipment has resulted in the government incurring unnecessary expenditure resulting in loss of public resources. Further concerned that there are far many machinery and equipment belonging to the County government that are grounded and not in use, some due to very small problems and even lack of normal service.

Madam Speaker, from the foregoing, I hereby request a statement from the chairperson Committee on Roads, Public Works and Transport addressing the following;

1. How many machinery and equipment are in the books of the department and the status of each and every one of them
2. Who is responsible for carrying out repairs on the above machinery and Equipment, their qualification and experiences
3. What measures the department has put in place to ensure that the County government prudently uses public resources in relation to utilization of the machinery and equipment
4. Whether there exists a service charter within the department on the timelines for repair and service of the machinery and equipment.

Having been seized with the matter, the Committee held several deliberations so as to come up with a conclusive response to the statement and further identify the underlying matters, thus giving the best way forward on the issues in question.

Madam Speaker, I will now go directly to the observations and findings. After lengthy deliberations and meetings with the CECM, C.O, Works Officer and Transport Officer, the Committee made the following observations:

1. There are thirteen machineries in the Department's book of record that operate in all the wards in the County. This is observable in annexure (i) of the report.
2. There are sixteen individuals and companies prequalified to do repair works on the County machineries whenever they develop mechanical problem (Tender No: NYA/CG/40/2015-2016). This is observable in annexure (ii) of the report.
3. Measures have been put in place to maximize utility of the County machines and equipment; these measures include maintenance schedule, a road map on the use of the machines in every ward and spot checks on their usage. This is observable in annexure (iii) of the report.
4. That the department has employed four operators to operate the machineries. This is observable in annexure (iv) of the report.
5. The Department takes its staff for training with suppliers to get them prepared to deal with issues of furnishing the human resource department with the necessary skills and technical expertise to minimize cases of breakdown of machinery;
6. All the machineries that are supplied to the County usually have warrant/guarantee that allows free repairs but only two graders are still under warrant since the rest of the machinery have exhausted their warrant period.
7. The Department has three programs
  - i. To clear backlog in all the wards that had not been graded due to repairs, maintenance, breakdown of the machineries and emergency interventions;
  - ii. For grading works in all the wards per sub-county in the 3<sup>rd</sup> and 4<sup>th</sup> quarter for FY2015/2016; and
  - iii. For gravelling works in the wards in the 3<sup>rd</sup> and 4<sup>th</sup> quarter for FY 2015/2016.

*(The temporary Speaker, Hon. Dorcas Kihara, leaves the chair)*

*(The Speaker (Hon. Ndegwa Wahome) assumes the chair)*

8. The Department requires Ksh 15 M for repair and purchase of new machines against the available amount of Ksh 4.1M, the difference is Ksh 11.9M, which means if not topped up through allocation of more money, major repairs and purchases will be a huge challenge to the Department of roads and this will pose risk to roads sub-sector. Repair, purchase and maintenance of machinery and equipment depends on availability of money.

Since I do not want to take a lot of time, I will now take the House through the recommendations.

From the foregoing, the Committee made the following recommendations:

THAT:

- a) The imprest level of mechanical department be raised from Ksh.10,000 to not more than Ksh.100,000 to enable minor services like oil changing and repair of punctures be done quickly to avoid delays in work in progress;
- b) The Department should with immediate effect establish a mechanical section that will be used to carry out minor repairs that takes long when subjected the procurement way;
- c) The Department in consultation with tender Committee exploit the sections of procurement act so that it is allowed to procure part for repair and replacement when the mechanic department is up and operational;
- d) No request for machines and equipment by MCAs should be made via phone calls but should be made through writing for records, transparency and sanity;
- e) Now that the schedule is developed and adopted, the allocations of machineries should be allocated in trios of a grader, a tipper and a roller;
- f) Despite having procurement delays, the Department should prepare a good procurement plan to allow for timely procurement of parts and repairs so that the problem of stalled machines and equipment is avoided as much as possible;
- g) There be at all-time a standby grader, roller and a tipper so that this problem of unforeseen emergencies are taken care as soon as possible without interference of the schedule and the plan;
- h) The Department should come up with a policy that will guide the use of machineries and equipment;

- i) The Department should formulate a service charter to stipulate timelines for specific services offered; and
- j) The Department should cater for the machineries' insurance cover two weeks before they expire so as to solve the issues of machineries getting grounded for the that reason.

In conclusion, Mr. Speaker, the committee wishes to emphasize on the importance of a well-equipped Department of Roads, Transport, and Public Works. If properly managed, equipment and machineries will provide a pool of readily available resources for addressing the transport and public works needs of the county. This will in turn manifest itself in a properly running road infrastructure.

Good infrastructure facilitates trade, economic development and improvement in the quality of life especially in Nyandarua County where roads form 99% of passenger transport. It is therefore important to support the department with as much resource allocation as possible in order to support the economy and well-being of the people of Nyandarua County as a whole. I thus urge the members to adopt this Report with its recommendations as the resolutions of this Honourable House for implementation by the Executive.

Finally Mr. Speaker, it is my pleasant duty and privilege, on behalf of the Roads, Public Works and Transport Committee, to move the motion for adoption of this report. Thank you Mr. Speaker Sir, God bless this Assembly, God bless Nyandarua County.

Mr. Speaker, that was the report which as a committee, we were mandated to come up with. The annexes are all there and they show the status of the county machinery and the contractors/repairers working on them. It is apparent that County plant operators, whose terms of service are permanent, are three. We've got three casuals. We also have four truck drivers who permanently employed. This is evident in the annexures.

Mr. Speaker, we also have the program or the timetable that guided the machinery during road repair and maintenance works. For instance, the graders and other machineries were supposed to be in Murungaru ward by 1<sup>st</sup> to 23<sup>rd</sup> February and so on. The committee has observed that there are various graders that are grounded. In fact, the Member for Githabai, was in the office of CECM for Roads, Public Works and Transport requesting for a truck to go and deliver some road materials in his ward this morning.

The road from Naivasha to his ward is impassable. Unfortunately, he was told that all of them are grounded. It is important therefore that the House does resolve that the County should

Executive repairs some of these machineries as indicated in the recommendations of the committee. In fact, more money should be allocated to the department for the said works. I now call upon Hon. Suleiman Kihika to come and second the motion. Thank you.

**Speaker:** Yes Member for Kanjuri Ridge Ward, Hon. Suleiman Kihika.

**Hon. Suleiman Kihika:** Thank you Mr. Speaker, I rise to second this motion moved by our vice chairperson. The report reflects our investigations regarding machineries in our counties. The main problem is that Nyandarua County has many machineries most of which are grounded. In observation number 8;

‘The department requires to Ksh. 15 million to repair and purchase new machines against the available amount of Ksh. 4.1 Million’. The difference is Ksh. 10.9 Million.

This implies therefore that we need Ksh. 10.9 Million so that we can repair and buy new machineries. Since we do not have that much in our budget, there is no way all machineries can be working at the same time.

Mr. Speaker, I support this report with the reservation that the little amount we have for repairs can be servicing the machineries. I am of the opinion that we can repair some machines before the whole amount for repair is found so that we can at least have some machines that are working. Even if it means two graders, a compactor and a shovel that are working instead of having so many grounded machines. I support this motion. Thank you Mr. Speaker.

*(Question proposed)*

**Speaker:** Yes, Member for Njabini/Kiburu, Hon. James Gachomba.

**Hon. James Gachomba:** Thank you Mr. Speaker. I wish to support this report that was a consequence of a statement sought by Hon. Dorcas Kihara on the machineries in our County. If there is a ministry that has a lot problems of implementation, I think is the ministry of roads, public works and transport.

Mr. Speaker, I know that various departments encounter a myriad of challenges probably because of insufficient resources. In the recommendations, the committee says that the imprest should be increased from Ksh. 10,000 to Ksh. 100,000. This is quite fair because I believe that this operators and their assistants encounter situations that demand that they sleep where they are

working. This may even happen for more than three days. I think Ksh. 10,000 is very little for them. Even the Ksh. 100,000, the committee recommends to be as the new imprest is still too little. I suppose they require approximately Kshs. 1 million. The rationale is that we have five constituencies and the graders should be moving around. We should see to it that the operators are facilitated to do their work effectively.

Mr. Speaker, mechanical section is also crucial and as an Assembly, we should ensure that we have a new mechanical warehouse. This will ensure that minor repairs are done in a centralized place very fast. I therefore concur with the committee that we should have a section specifically meant to cater for minor repairs of our machinery.

Mr. Speaker, the department also suffers from the hitches that emanate from the procurement process. It has taken too long for the process to get completed in order for the projects in our wards to be implemented. Our wish is that the Ministry of Roads could borrow a leaf from the National Government because the current process seems to be ineffective.

Mr. Speaker, I tend to disagree with the claim that the MCAs interfere with the machines. It is true to some extent because the machines work under specified calendar. If for instance a grader was to travel to a ward and carry out road maintenance, you find that the timetable is not adhered to at all. If you go through the document, not a single item was followed and they have never met their program. Even if we were to look at areas where the graders broke down, I don't believe the time table should be ignored. This is in appreciation of the fact that we have new 'Holland' graders that are already grounded. The department should not take us for a ride especially when various wards will get the graders for road maintenance. In fact, the Hon. Members will not stop going to those offices to ask for graders for road works because the timetable is never met.

Mr. Speaker, in respect to the amount of allocation for maintenance and repair of the machines, we do not have any problem with that section. However, when we call the people from the department to give the Committee on Budget and Appropriations their challenges, they give little information regarding that particular issue. I also think that the allocation of Ksh. 4.1 Million was way too little and it is important that the allocation be increased so that the department can do its work without any current hitches.

Mr. Speaker, the committee highlighted the issue of insuring our machineries. We do not have to insure our machineries when their time is due. Sometimes you ask for a shovel and you find that you cannot have it because the insurance has already expired yet, we have an officer employed to do that at the end of the day. These people are sleeping on their job and they should take caution and ensure that the insurance of some of these machineries is done promptly.

We have some issues about policies that are problematic. Some of the policies that we make here in this Assembly are never implemented. The report on how machineries are working shows that we have two shovels inherited from the defunct local authorities. They are not working. Another two graders, which were inherited from the defunct local authority are also grounded. I think all machineries are at the Governor's yard due to lack of maintenance yet money has always been allocated for such issues. It very unfortunate that our County is majorly agricultural due to its fertile soils yet we cannot have good roads. We need to repair and maintain our roads because our farmers cannot get their produce to the market in time. Therefore, we are demanding as an Assembly that the machines that were brought recently from the National Government be well maintained by the department of roads so that *Wanjiku* can receive the services she deserves. With those remarks, I support. Thank you.

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

**Hon. Dorcas Kihara:** Thank you Mr. Speaker. I wish to thank the committee for this report because they have shed some light for this House to understand what is actually happening in the department of roads. I requested for this statement and I have issues especially about the maintenance. In the statement, question number two is clear on what I was requesting for. It reads,

Who is responsible for carrying out repairs of the above machineries and equipment, their qualifications and experience?

There is an attachment on the people given the contract to repair county machinery. It is titled, (Tender No: NYA/CG/40/2015-2016) - Provision of Repair. However, it is not indicating the qualifications of these garages and persons given the responsibility. Maybe that could be the source of the problems we are experiencing. Although the committee has done quite a lot in an

attempt to respond to my statement, I feel the issue of qualification is not complete according to the statement.

Mr. Speaker, I am concerned about a full-fledged mechanical department in our county within the larger department of roads and transport. The department could be responsible for supervising how the county machines are repaired. This is a major problem keeping in mind that not all people have the knowledge required to repair the graders, shovels and lorries. As we are all aware, a gynaecologist in the field of health and medicine cannot do the work of a dentist or a neurosurgeon.

That is why I had requested in the statement for the qualifications of the people entrusted to repair our machines so that we can assess their suitability. This is because the tenders could have been given to people with the knowledge of repairing lorries and they might not know how to repair the shovels. This means that they will outsource from other companies which might take a lot of time leading to delays of road works within our County. This is a major concern. Even in the defunct Nyandarua County Council, there was a mechanical department whereby the staff were trained mechanics and were responsible for overseeing and inspecting how our machines are being handled and maintained. We need qualified mechanics in our departments who can be repairing our machines because it is equally expensive to contract repairers.

**Speaker:** Yes leader of the majority and the member for Murungaru, Hon. Kariuki Muchiri.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker for giving me the opportunity to contribute to this motion. I wish to thank the committee for coming up with this report which, I feel, is extremely important. I wish to draw your attention to a letter from the department of roads dated 14<sup>th</sup> march, 2016. It is important that our plants and machineries be operational because this will ensure that the county saves money used on fuel. These machines can reduce the amount of money we spend on hiring graders and other equipment for the construction of our roads. We are entering into the rainy season and we expect that our roads will get damaged.

I have three issues from the letter by Samuel Njogu; one being that we were assisted by the national government and although this assistance is well received, I wonder why they would give us machineries that are not in good working condition. Looking at item number four, for example, it requires an engine overhaul and although the other machines do not require anything major, I wonder how they got damaged yet they were not working anywhere else before. Why would they give us dysfunctional equipment?

The other issue I would like to raise is on the backhaul. A communication was made in March to the effect that it would be dispatched to the wards but up to date, the backhaul has not been insured. I have been going to the executive because in Murungaru, I have a huge garbage heap that ought to be disposed of. I waited for so long to have the backhaul repaired and when it was finally repaired, I was told that it had no insurance cover. This is not right. I remember we went to their offices over four months ago with the member for Kanjuiri Ridge, and we were promised it would be dispatched to our wards but until today, none of us has seen it.

The third issue I would like to raise is the issue of the programming. Although the schedules look very good on paper, they are hardly applied. You will find that the machinery is dispatched to a certain ward but even before it begins its work, it is recalled and taken elsewhere without even consulting or informing the people on the ground, that is, the ward administrators and the area MCA. We are serious stakeholders in this issue. I am pleased with the department for giving me the grader for a number of days but I am not satisfied with their response when the machines break down...

**Speaker:** Order member for Nyakio and member for Engineer, you cannot converse from where you are sitting. Proceed member for Murungaru.

**Hon. Kariuki Muchiri:** Thank you Mr. Speaker. As I was saying, when the machines break down, the time taken to repair them is far too much and the irony is that they also count the days the grader is not working. If the problem is money, I believe we have a vote head in our budget for operations and repair. These machines are not giving us value for our money when they remain grounded.

It is unfortunate that we used to get better services during the era of the defunct county council yet we had fewer machinery. This should not be the case. When purchasing machinery, it

is important that they look at the quality. I remember, quite vividly that when we bought some of these machinery, a grader broke down and all it needed was a pin that we could not access from the local shops. We are all aware of the stringent rules that govern the procurement process and it is very necessary that we avoid it at all costs by limiting our purchases. This can only be done if we get it right the first time by purchasing high quality equipment. Thank you Mr. Speaker, sir, I support.

**Speaker:** Yes deputy leader of the majority and member for Kipipiri, Hon. Michael Njoroge Kirumba.

**Hon. Michael Kirumba:** Thank you Mr. Speaker, Sir, I wish to support this report and refer you to page 6 that indicates that 3, 000 kilometres of roads ought to be gravelled. At the rate we are going, if we need to complete this work during our tenure, we must arise from our slumber.

I have an issue with the BQs because as it is, they are too expensive. Our electorate will not believe that a mere 500 metre road is gravelled with over a million shillings. We are fighting intense battles on the ground because what we are doing is patch gravelling which is hardly sufficient for our roads. I remember we had problems right from the onset of this process as we sought where to purchase the graders from and I am sure the HANSARD captured that we ought to get quality caterpillars. When we finally settled for Holland, we hoped that we would not experience the mechanical hitches we are experiencing now and then forcing the grounding of our machinery. Unfortunately, even the officers in charge of these graders are less than concerned.

I do not understand how a grader is grounded for two to three weeks and no one gets jittery about it, unless, of course the officers have vested interests and are reaping from the grounding of our machinery. You can imagine the number grading hours lost; a normal grader will do up to eight kilometres of light grading and about four kilometres of heavy grading. We ought to draw lessons from the national government. When it realized that the fleet is not being repaired promptly, they outsourced from Toyota and now we can see that something is being done. Why don't we contract the NYS to do these constructions for us? In any case, they have all the necessary equipment and I can assure you in only a week, we could have completed all these

kilometres that we are talking about. If we approached our very own CS, Madam Cecily Kariuki, with the 10 million allocated to my ward, I am sure she would release these equipment.

Mr. Speaker, a Shantui dozer, a GK 081, has been lying out there. The current market rates for hiring road upgrading machinery do not go beyond Kshs. 10,000 per hour. I wanted to source for the dozer following a demonstration in my ward on the poor state of the dumpsite there but I could not because it was to be serviced first. It was supposed to be serviced on 14<sup>th</sup> March, 2016. Somebody by the name Mr. Njogu also signed that there was a Daewoo tipper that was supposed to be serviced. When are the stated machinery going to be serviced? If there are no timelines for the same, the machinery may not be serviced.

It seems that the concerned people do not adhere to key performance indicators. Maybe they will service the stated machinery in December, 2017 when we will be out there after the elections. In the annexures, there is a schedule of motor graders usage which indicates that a grader was deployed to Kipipiri Ward which is not true. Time will come when the Executive will realize that we face leadership challenges together and if the leadership plane in which we are in collapses, we will all go down together.

No one should be pushed to do what they are supposed to do. The leadership challenges we face do not call for rocket science. Otherwise the committee that brought this report to this House did a wonderful job. What remains is for this House to submit to the relevant liaison officer in the Executive the report together with the resolutions of this House and the HANSARD. Remember there are limits beyond which a person can be pushed. Thank you Mr. Speaker.

**Speaker:** Yes Member for Githabai, Hon. Peter Kairu

**Hon. Peter Kairu:** Thank you Mr. Speaker. I rise to support this motion. I think an overhaul should be done to the Department of Roads, Public Works and Transport. It is perturbing to see that machinery have to wait for long before they are serviced. It is as if the Mechanical unit of the stated department is not operational because vehicles can be grounded even for up to four weeks without repair. This are serious issues which should be looked into. I think favouritism is entertained when it comes to identification of works to be performed in the wards.

Actually, the motor graders have been used in some wards more than in others. Sometimes the machines are deployed to some wards and they are used to do very little work or even no work at all. I have raised this issue with Mr. Wahi; I have always asked him what the graders have been used to do in my ward. In fact, he does not receive my calls anymore. He blacklisted me. A motor grader came to my ward for only three days during which it broke.

Road C69 which connects to Naivasha has been spoilt by running water and it has been rendered impassable. I have reported this to the CECM for Roads, Public Works and Transport and he claimed that there was no money to repair the road. How long are the people who use the said road going to suffer? Because the road is impassable, *matatus* drop passengers at Karate and the latter find their means to their final destinations. If there are no machinery under the department to repair the roads, why can't the same be hired? Suppose a patient is to be ferried urgently to Naivasha using that road, would they really be ferried in time? Mr. Wahi claims the machines have been grounded. It could only take a day to repair the said road, which is very crucial with regard to facilitation of economic activities. Officers in the county government should work without favouring or discriminating anybody. With those remarks I do support the motion.

Thank you.

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

**Hon. Kimani Njiraini:** Thank you Mr. Speaker, Sir. I commend you Mr. Speaker for the comments you made on Inooro TV. I wish to thank the Committee on Roads, Public Works and Transport for the good work it has done. We have many vehicles and machinery in our county and that could be used to perform a lot of works if they are well maintained. A good example is the water boozer, registration no.: GKA 467A. It can be used to serve our people with water. In addition, if the four tippers owned by the county government are repaired, they could serve all our 25 wards excellently. Even the backhoes, if well repaired, could be used to dig water pans in the wards that would supplement other water supplies for our people. It seems someone is sabotaging this county by not paying the money for machinery repairs. The machines should be repaired in order to be used to do works in the wards for the benefit of the electorate.

One of the New Holland motor graders was grounded because of lack of a twisting joint pin. This is a thing that was identified in the first week after the grader was bought. I was told

that CAT graders are long-lasting machines. In fact, the CAT motor grader belonging to the CDF does more work than the New Holland motor graders owned by the county government. CAT graders should be bought in future. If there were suppliers who were awarded the tenders to supply the said machines and they did not, they should be blacklisted and the tenders be awarded to suppliers who can supply the machines promptly.

Last week the Star Newspaper published a photo of a road in Kaimbaga Ward that was upgraded using emergency money. Shoddy work was done on the road and the newspaper claimed that it was Hon. Kimani Njiraini who did the work yet the work was done by the Executive. Actually, only 26 lorries of murrum were used to upgrade the road whereas the same was allocated one million shillings. People who have no interest of Nyandarua County at heart should never be contracted to perform any work(s).

Graders have in the past been diverted to work in other wards other than the ones they were programmed to work in. In my ward, for example, there are three burials to be performed. I have requested for a motor grader to upgrade roads leading to the homes of the deceased but it has been in vain yet the motor graders have been programmed to perform emergency works in some wards.

No road has been scheduled for gravelling in Kaimbaga Ward. There are many feeder roads in Huruma estate, for example, which have not been graded. I received a letter from the DO's Office requiring me to erect floodlights in Kaimbaga Ward but this letter should have been directed to the Governor. It is also not my fault that there are rape and robbery cases in my ward. The Executive sits comfortably without considering the problems that the people of Kaimbaga are going through. Mr. Speaker, I rest my case.

**Speaker:** Member for Karau, Hon. Kamau Ngotho.

**Hon Kamau Ngotho:** Thank you Mr. Speaker, I would first want to congratulate the chair of the Committee on Roads, Public Works and Transport, the committee members and the secretariat for the good work done. History has it that when the white man decided Nairobi was to be the capital city, they started drilling water in 1942 from Sasumua dam; so they prepared before they implemented things. Nyandarua County Government has been doing things the other way.

HANSARD reports are produced in this House on our deliberations. We talked about maintenance unit within the county government but it was never established, no wonder the so many grounded machinery. Even if they were to tell you today that the 2 vehicles KBJ and KBW, which are in perfectly good condition are grounded and therefore not working, can we ascertain that for sure? As for the grader, the last time I checked it was in Leshau and was to be dispatched to Ol'kalou but it never came. So, in short, we do not have machinery within this county.

What I would like to change first is in page 2 of the attached paper where it is stated that grading in Karau ward started on 1<sup>st</sup> June up until the 21<sup>st</sup> of June, implying that it worked for 20 days. This is erroneous because in actual fact, KCA 231F started working in Karau from 17<sup>th</sup> June to 21<sup>st</sup> June. I do not intend to challenge the committee as it has done a good job but with your indulgence, I would wish to take this House back to 2013. I say this with authority because you, Mr. Speaker, our area MP and the Kipipiri MP were totally against the purchase of equipment but the House, myself included, supported vehemently the purchase. Now we have learnt the hard way. Equipment buying is, in the long run, too costly.

The committee has done a very good cost benefit analysis and as I have said, I do not intend to poke holes in their report. However, they ought to have done a comparative analysis between the cost of hiring and buying. Allow me to do a little math; Honourable members, I planned for it to be my secret for 2017 but I will share it with everyone. Should we have chosen to hire, hiring one grader per day costs kshs. 40,000 which translates to kshs. 200,000 in a five-day week. Fuel cost for one day is approximately kshs. 10,000, kshs. 50,000 in 1 week. The total expenditure in a week is kshs. 250,000 with no regard on who is operating the machine and not being required to repair it when it breaks down.

In one month, we are talking about only 1 million. If we hire the graders for 3 consecutive months, we are talking about 3 million shillings. We will spend 6 million on 2 graders with 1 grader doing 5 kilometres of heavy grading or 7 kilometres of light grading, we will do on average 6kms per day. In only 3 months, a total of 45 days, we will manage to grade 260 kilometres of road. We hire lorries by the government rates of kshs. 28,000 a day which translates to kshs.140, 000 for five days. The fuel cost is kshs. 5,000 a day, kshs. 25,000 for five lorries. We are talking about Kshs 165,000 if it works for 5 days, that is Kshs 660,000. For 5 of

them it is Kshs 3.3 million in 3 months 9.9 million. A lorry, in a good day, makes 18-20 trips to the quarry when within Ol Kalou. In Njabini, the lorry does 4 trips. On Sunday I was in Hon Suleiman's ward and the lorry was doing 7 trips a day and so I do not know why Mirangine has 2 lorries. Anyway, having said that, in 3 months with 5 Lorries, you can cover the 3,000 kms of gravel. If we had listened to the MPs then, we would not be talking about this. Now if you do the calculations, we are talking about 15 million per ward.

The roadwork fund within my ward was not 15 million. If this year I am given ward development funds of about 25 million and I allocate 15 million to roads, I can assure you that I will grade every road in my ward, that takes everyone to their homes and this problem will be fully solved. It was my secret but if anyone wants to follow the way which, may I add, is a very easy way, they are welcome. I hear the ministry of public works plans to use 1 billion, 2% which translates to kshs. 200 million has been set aside for inspection. From my earlier calculations, 15 million which I feel is sufficient to grade all the roads in one ward, multiplied by the 25 wards totals to around 300 million shillings. Therefore, the money being spent on supervision is enough to cover all the roads in the county.

Currently, the contractor does 1km for Kshs 1.4 million but since that is the recommended government rate, we cannot change it. We must reinvent the wheel, and, Mr. Speaker, this is happening in Bomet, Kericho, Machakos and all over the country. They have gone the hiring way and when the machine breaks, they let it go and bring other machines. I wish I saw it in 2013 but it is never too late. We could still address this issue in this financial year and go the hiring. Thank you as I now beg to call the mover to respond.

**Speaker:** The mover, vice chairman Committee on Roads, public works and transport Hon Joshua Muriithi.

**Hon Joshua Muriithi:** Thank you, Mr. Speaker, I wish to thank the honourable members for supporting this report and I believe the resolutions will be communicated by way of a directive. Thank you.

*(Question put and agreed to)*

**Speaker:** I think I do not have much to say on this one as the members are very clear on the roadmap we should carry in this issue. This also calls for an urgent meeting with the relevant department and His Excellency the Governor, so that we can agree on the roadmap to use in 2015-2016 financial year as it means a lot to us. We could either move to the next level or be doomed forever so I will treat this with a sense of urgency with consultation with the members of the house. Next order.

**Speaker:** Yes, Member for Kipipiri and deputy leader of majority, Hon Michael Kirumba.

**Hon. Michael Kirumba:** Mr. Speaker, I rise, pursuant to standing order number 33 which gives any member an opening to air anything the member may feel is of county importance. This is in regard to a letter I found in my pigeon hole which has very serious implications in terms of what is happening and what might not be the true scenario. For the record and with your permission, I wish to cite this letter from the Clerk to the assembly, Purity Kamuruci, dated 18<sup>th</sup> April 2016, requesting for arbitration between the board and the Clerk on issues of tender and reference is therein given.

This is now in the public domain and it is only fair that we, the legislatures get the nitty-gritty of this matter. We might bury our heads in the sand and end up not helping our county. I think if it is not resolved at this early stage, we may have various perceptions as people interpret things differently as this is the human nature, I do not know whether you want me to read the letter for record.

**Speaker:** I think it might not be appropriate to read the content for the reason that I would not wish to answer to the concerns raised in the letter from where I seat. I have just received the letter here and you have seen the commissionaire bring it to me although it was read to me by an *M-pesa* agent in town but I have not gone through it yet. However, I think it is important, for the purpose of record and because we said we shall be judged by our accountability and transparency, that the letter be tabled but we have agreed with the leader of majority and members of the board that the leader of majority calls a Kamukunji tomorrow. Then there will be briefing as I take you through these issues and you will understand everything. Let's have the letter tabled then have a *Kamukunji* immediately after this.

**Hon Michael Kirumba:** Thank you Mr. Speaker and with that direction I beg to table this letter dated 18<sup>th</sup> April, 2016 and duly signed by...

**Speaker:** You can state the date of the letter, to whom it is addressed and who has written the letter.

**Hon. Michael Kirumba:** Yes the letter is referenced number NCA/OFTC 2016/001, dated 18<sup>th</sup> April 2016 and is addressed to all members of Nyandarua County Assembly, seeking arbitration between the board and the Clerk on issues of tender reference number NCA/T/3/2015-2016. I table. Thank you.

*(Hon. Hon. James Gachomba rises on a point of order)*

**Speaker:** What is it member of Njabini Kiburu? Hon. James Gachomba, we should not dwell on the content of those issues. With time we shall explain everything. We should also appreciate that according to Section 9 of the County Government Act, what the members are being told to do is illegal. They are being exposed to a mess and that is why we do not need to discuss the letter here; we just retain it for the record of this House.

**Hon. James Gachomba:** But Mr. Speaker, I believe it is an illegal document as it has been brought from outside....

*(Laughter)*

**Speaker:** Order Member for Njabini Kiburu. We would want it to be history. We said we do not do these things for ourselves. It will be on record so that when anybody comes even in years to come, they will see what we did about it and the procedure we followed; that is, what transpired in the *kamukunji*. There has been issues I wanted to communicate concerning the issue but unfortunately I was held up in the Court of Appeal and I thought I would be through by 11 0'clock but I was not through until lunch hour. I found that the House had already gone through the communication; but am invoking Standing Order no. 1 to make some communications that I think are important at this stage:

Hon. Members, first I wish to render congratulations to the specially elected members of this House for their triumph at the Supreme Court in petition number 1 of 2015.

*(Applause)*

The journey has been long but you have faced all the challenges along the way with courage, determination and hope. You never at any moment lost the desire of your objectives which was to retain the seats which you all duly deserved. You all along planned, build a wall, fought and won the war and the battle with your appeal being revoked on Tuesday 26<sup>th</sup> April, 2016 by determination of the highest court in the land. By that determination, you shall forever remain part of the constitutional and participatory jurisprudence on matters pertaining to election disputes and related matters. Therefore, despite the hardships as I had said, you have played your part in enriching our purposive jurisprudence.

You are now fully settled and the House will be better off with the reality of your fortunes of the said white Tuesday. It now will be our individual duty to thank God selflessly and serve the people to the best of your ability. Thank you.

*(Applause)*

The next communication is on the loss of our former first lady, Her Excellency Lucy Kibaki. On behalf of Nyandarua County Assembly Members and staff I wish to take this opportunity to send a message of condolences to the family of the former president, His Excellency Mwai Kibaki, following the demise of the former first lady, Mama Lucy Kibaki. I want to state that she was the mother of the nation, who was an example and reserved no effort in the protection of the integrity of her family; she was always on the frontline in the battle against HIV/AIDS, for the sake of all Kenyans.

Besides making efforts to stop its spread, she also worked tirelessly to give dignity to all those infected. Her demise is therefore a loss not only to her family and Nyeri County but to all Kenyans. We felt that she belonged to Nyandarua County's family and therefore we empathize with her family at these hard times and pray that God may give her family comfort, fortitude and strength to bear the loss. At this difficult moment we sympathize. Hon. Members, following a worthwhile request, we can stand for a minute of silence in honour of the late Mama Lucy Kibaki.

*(The Hon. Members rise and observe a one-minute moment of silence)*

Thank you very much, and at this juncture, I would grant chance to whoever feels they would want to express empathy and concerns about the demise of Mama Lucy Kibaki. One minute for each Member. Let us start with the Leader for Majority, Hon Kariuki Muchiri.

**Hon Kariuki Muchiri:** Thank you Mr. Speaker for according me this opportunity to pass a message of condolence to the family of the former president, His Excellency Mwai Kibaki. It is with the most heartfelt concern we feel, that this country has lost one person that has supported it bearing in mind that for every successful man there is obviously a woman besides. She for all those years served this nation tirelessly and supported the former president during the turbulent times in his tenure as president and as a minister. We therefore pray that God gives her family peace and strength at these times and we pray as an Assembly that the Lord rest her soul in eternal peace. Thank you.

**Speaker:** The deputy Leader of Majority, Hon. Michael Kirumba.

**Hon. Michael Kirumba:** Thank you very much. Mr. Speaker. I equally take this opportunity to pass my sincere condolences to the family of the former president of this republic, His Excellency Mwai Kibaki. It is on record what she did especially after the inauguration of His Excellency Mwai Kibaki, when he was on a wheelchair following an accident.

She came out strongly to comfort the former president so that he could take this country to the next level. She is also on record for helping the disadvantaged people in the society especially those with HIV/AIDS and these are the things we cannot just ignore. She also was supportive of the coalition government which was a calling for her. As the people of Kipipiri, we cannot forget that it is during the tenure of the former president that the road from Ol'kalou to Njabini was tarmacked and therefore she has contributed directly or indirectly in our development. With those few remarks may the Almighty God rest her soul in peace and give her family strength to go through these trying moments. Thank you.

**Speaker:** Member for Mirangine, Hon. David Ndirangu.

**Hon. David Ndirangu (Mirangine):** Thank you Mr. Speaker. On behalf of those people I represent in this Assembly, I send condolences to the family of the former president Mwai

Kibaki and wish them well during these trying moment, when the former mother of this nation has passed on. It is my sincere prayer that God gives her family strength. Thank you.

**Speaker:** Yes, Member for Central, Hon. Peter Mwangi.

**Hon. Peter Mwangi:** Thank you Mr. Speaker. I take this opportunity to send my heartfelt condolences, on behalf of the people of Ndaragwa Central, to the family of the former president Mwai Kibaki. Having learned of the demise of the lovely former first lady, Mama Lucy Kibaki, it will be remembered in the world and in this county that she championed the fight against HIV/AIDS and really looked upon bringing the health services in Nairobi to greater heights by helping establish Mama Lucy Kibaki Hospital.

She will go on record as one of the ladies who stood with this nation during the hard and the good times. I can for example, remember that during the promulgation of the new Constitution, she was dancing with joy to the song by Emmy Kosgey. She was a teacher, a mother and will always be remembered. May her soul rest in eternal peace. Thank you.

**Speaker:** Member for Githabai, Hon. Peter Kairu.

**Hon. Peter Kairu:** Mr. Speaker, Sir, I also wish to send my condolences to the family of former president for the passing on of Mama Lucy Kibaki who was a great warrior. She was a woman who did not entertain nonsense. You remember she fought very hard against those who tried to tarnish the name of her family. She once stormed the Standard Media Group offices in Nairobi after the latter published something against her family.

It is my humble request to the ladies that they have to always stand firm with their families, especially their husbands. She also helped in the establishment of various hospitals and therefore contributing more to health services and should be remembered for that. On behalf of the people of Githabai Ward and my family, I send condolences to the beloved former president and may they find peace. May her soul rest in eternal peace. Her name will always be remembered in future by the generations to come. Thank you.

**Speaker:** Yes, County Member from Engineer, Hon. Joyce Ng'ang'a.

**Hon. Joyce Ng'ang'a:** Mr Speaker, I also want to send my condolences to the family of the former president Mwai Kibaki. I learnt a lot from Mama Lucy although I was a small girl in

high school during their ruling era. She was a woman whose leadership taught us to be strong and courageous and to stand by our principles. So we have lost a very good leader. May her soul rest in eternal peace.

*(Applause)*

**Speaker:** Member for Kaimbaga, Hon. Kimani Njiraini.

**Hon. Kimani Njiraini:** Thank you Mr. Speaker. On behalf of people of Kaimbaga Ward and my family, I send condolences to the family of the former president Mwai Kibaki for the demise of her lovely wife. May her soul rest in peace. Thank you.

**Speaker:** Member for Karau, Hon. Kamau Ngotho.

**Hon. Kamau Ngotho:** Thank you Mr. Speaker. I have to say this; in 1991 I was barely 10 years and I remember Ol'kalou was a Ford Asili zone and Kibaki came here in a Peugeot 504 and was accompanied by his wife. He was being called General 'Kiguoya' and I remember the driver trying to speed away but Mama Lucy told the driver to stop. I remember she asked her husband to speak. Eventually Mwai Kibaki spoke though he was roughed up a little bit by the people but at least he had his word and that is the woman we are talking about.

I read *Mheshimiwa* Kariuki Muchiri's comments in the newspaper as he was solemnizing the death of the former first lady, Lucy Kibaki, and he said that it was after a tour on which the first lady accompanied President Mwai Kibaki, Muriuki Karue, Muchiri Kachara, Mwangi Waithaka and Amos Kimunya that led to the construction of road C69. I believe if Kitobu Imanyara wrote of her, no one in this country should say anything bad about her. Mr. Kitobu faced the real wrath of Mama Lucy. May her soul rest in eternal peace. Thank you.

**Speaker:** Very well. I think that is sufficient as we have shown our solidarity with the family of the deceased and therefore it shall be noted that we were together with the family during these trying moments. We can now proceed with other businesses.

Next order.

## ADJOURNMENT

Very well, the businesses for today having been exhausted, Hon. Members, this House will now adjourn to tomorrow, Thursday 28<sup>th</sup> April 2016 at 2:30 P.M.

*The House rose at 4.24 P.M.*