

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th March, 2019

The House met at 10.20 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good morning, Hon. Members. How many of you have your iPads with you? That is commendable; I see Hon. Maitha is showing it to me and that is very commendable. We agreed we are going to transit into online transactions. Hon. Betty where is your iPads? You remove it from your bag; yes that is good so that we can see if we can save on paper and on the environment. If we save on paper we are going to do much more public participation and we will take back to the public so let us see how we fair this morning. Mr. Clerk, proceed.

COMMUNICATIONS FROM THE CHAIR
HOMAGE TO VICTIMS OF THE ETHIOPIAN AIRLINES AIRCRAFT CRASH

Hon. Speaker: Hon. Members, under this Order, I have one communication to make and as I welcome you back to this session in the morning, the first communication is a matter of national importance and I just want you to wake up so that we can remember the 32 Kenyans who perished in the Ethiopia Airlines aircraft. We also remember the other persons who perished with them. It is a national calamity and we should be able to be with them. So, we say a silent prayer for one minute for all those souls and for their families.

(Hon. Members stood in their places and observed a minute of silence)

Thank you.

COUNTY FISCAL STRATEGY PAPER 2019-2020

So, the other communication Hon. Members is on the CFSP that is the County Fiscal Strategy Paper; Section 117(1) of the Public Finance Management Act 2012 provides that the County Treasury shall prepare and submit to the county executive committee, a County Fiscal Strategy Paper for approval and thereafter submit the approval to the County Assembly by the 28th of February, each year. Hon. Members pursuant to this provision, the Assembly received

the County Fiscal Strategy Paper for 2019 on the 28th of February, 2019 from the County Treasury.

Standing Order 205(3) of the Assembly Standing Orders provides that upon being laid before the Assembly, the CFSP shall be deemed to be committed to each sectoral committee without question put for each such committee to deliberate upon according to their respective mandate and recommendations be made to the Budget and Appropriations committee.

Hon. Members, further Standing Order 205(4) provides that in considering the CFSP, the Budget and Appropriations committee shall consult each sectoral committee and table a report containing its recommendations on the statement to the Assembly for consideration.

So, Hon. Members pursuant to the above provisions, the CFSP is hereby committed to the sectoral committees to interrogate their respective sectors and to report to the Budget and Appropriations committee for consideration so that a report on the same is tabled before this House within the shortest time and in the first week of April, Hon. Members, because of the urgency of the matter and noting that the time is not with us and for that reason Hon. Members, the public must be consulted on that paper and I do direct that the public participation be undertaken by the committees in the week of 25th to 29th of March, 2019.

Just give me the date...the Friday the last week of March. The week of 25th is a Monday to 29th so public participation must be conducted within that period so Hon. Members I request you to note that accordingly. Thank you. Mr. Clerk, proceed.

MOTION

REPORT ON COUNTY GRADERS

Hon. Speaker: Hon. Members under this Order, we have one business by Hon. Daniel Mbevi. Hon. Daniel Mbevi; I can see Hon. Cosmus Masesi is waking up.

Hon. Masesi: Yes, thank you, Madam. Today, I beg to hold brief for our chairman Hon. Daniel Mbevi who is not yet in the House.

Hon. Speaker, that aware that transport is very vital in the development of any area and those roads are the most common means of transport used across the county and the country at large;

Madam Speaker, appreciating that the Constitution of Kenya 2010 introduced the devolved system of government which sort to bring services closer to the people and mostly aimed at equalized developed at all parts of the county---

Hon. Speaker: Hon. Cosmus Masesi that word sought is not correctly written it should be past tense of 'seek;' so it is sought. Correct it please.

Hon. Masesi: Yes, Madam Speaker. Thank you Madam Speaker, for the correction. Let me start again.

Hon. Speaker, that aware that transport is vital in the development of any area and that roads are the most common means of transport used across the county and the country at large;

Madam Speaker, appreciating that the Constitution of Kenya 2010 introduced the devolved system of government which sought to bring services closer to the people and mostly aimed at equalized developed at all parts of the county;

Appreciating that Article 174(f) of the constitution of Kenya 2010 states that one of the objects of devolution is to promote social and economic development and provision of proximate, easily accessible services throughout Kenya;

Madam Speaker, the Fourth Schedule of the Constitution mandates counties to deal with matters of county transport including county roads;

Noting that many roads in the county have been upgraded in various wards in exclusion of others;

Acknowledging that the residents of Machakos County pay taxes and revenue to the County Government;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the transport roads and public works committee report on county graders.

Madam Speaker, I wish to call upon our vice chairperson Hon. Irene to second the motion.

Hon. Speaker: Thank you, Hon. Masesi. Hon. Irene.

Hon. (Ms.) Mwende: Thank you, Madam Speaker. I wish to second the motion.

Hon. Speaker: Thank you, Hon. Members Cosmus Masesi and Hon. Irene.

(Question proposed)

Hon. Members, I invite you. Hon. Masesi yes, you are supposed to read the report. Thank you, go ahead and read the report.

Hon. Masesi: Thank you, Hon. Speaker. In front of the House is a report on the committee on transport roads and public works on status of graders in Machakos County, Madam Speaker.

Introduction

Hon. Speaker, although virtual connectivity has become increasingly important today with the emergence of new communication avenues, a good and reliable transport network remains vital. Improving the general road network in the rural areas has been used as a measure to alleviate poverty and attain the Vision 2030.

Beyond alleviation of poverty, the importance of rural roads extends to all aspects of development of rural communities including demand for and access to health, education and information. Hon. Speaker, it is worth noting that for this connectivity to be achieved, the County Government procured machinery to grade the roads and budgets have been allocated annually for the maintenance and fueling of the County Graders.

Hon. Speaker, Article 174(f) of the Constitution of Kenya, 2010, states that one of the objects of devolution is to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya; further the Fourth Schedule of the same Constitution mandates counties to deal with matters of County Transport including County roads.

Committee mandate

Hon. Speaker, pursuant to Standing Order 190(5)(a) and (g), the Committee on Transport is mandated to investigate, report, recommend and even propose legislation under its mandate.

Further, in the Second Schedule of the Standing Orders, this committee is specifically mandated to deal with all matters related to County transport, including county roads, housing, street lighting, traffic and parking---

Hon. (Ms.) Mene: Madam Speaker, we are a bit concerned because the vice-chairperson of transport committee is here; we are just wondering why Hon. Masesi is doing the report on behalf of the Chair. Our Vice-chairperson transport is here; Hon. Irene. I am assuming she should be doing the report.

(Applause)

Hon. Speaker: That is why you are consulting loudly and discussing the procedure. I noted Hon. Helen, Hon. Nzioki and Hon. Phoebe; in fact, Hon. Irene was not even consulting herself. So, why are you consulting loudly and disturbing the reading of the report. The Standing Orders states that when the chair is not there---

(Applause)

Hon. Speaker: Point of information.

Hon. (Ms.) Mwikali: Yes, Madam Speaker. I am concerned because I sit in the committee of transport and we had the meeting yesterday and unfortunately our vice chairperson who is Hon. Irene was not there and we think it is not wrong for any member to be given that opportunity by our able chairman Bw. Mbevi who has actually given Hon. Masesi that opportunity. I support Hon. Masesi reading our report.

Hon. Speaker: Hon. Members, for me there is nothing wrong with the member reading the report; if it is a matter of house-keeping in the committees, please finish it there before you come to the floor of the House. Hon. Cosmus Masesi, proceed.

Hon. Masesi: Thank you, Madam Speaker. To add something on Hon. Mwikali, I even consulted in the morning---

Hon. Speaker: Hon. Masesi, the issue is finished; please proceed with the report. Madam Speaker, I was at the committee mandate second paragraph. Madam Speaker, further, In the Second Schedule of the Standing Orders, this committee is specifically mandated to deal with all matters related to County transport, including county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.

Committee composition

Hon. Speaker this Committee comprises of the following members:

1. Hon. Daniel Mbevi -Chairperson

- | | |
|---------------------------|-------------------|
| 2. Hon. Irene Mbivya | -Vice Chairperson |
| 3. Hon. Caleb Mule | -Member |
| 4. Hon. Cosmas Masesi | “ |
| 5. Hon. Antony Mulu | “ |
| 6. Hon. John Musyimi | “ |
| 7. Hon. Margaret Mbithi | “ |
| 8. Hon. Patrick Kituku | “ |
| 9. Hon. Pauline Munguti | “ |
| 10. Hon. Grace Mutwiwa | “ |
| 11. Hon. Margaret Ndalana | “ |
| 12. Hon. Tariq Mulatya | “ |
| Lastly but not the least: | |
| 13. Hon. Justus Kiteng’u | “ |

Hon. Speaker: Where is it written 'last but not the least?' Just be reading what is in the report.

Hon. Masesi: Thank you, Madam Speaker.

Matter under consideration

Background

Hon. Speaker, Hon. Mark Muendo sought a Statement in this Hon. House seeking;

1. The number of graders procured by the County for the purpose of grading County roads
2. The current status of the graders specifically the ones that are functional and the ones that have broken down or are irreparable.
3. The work schedule of the graders.

Hon. Speaker, during a committee meeting, members resolved to conduct a site visit to the eight Sub-Counties to ascertain the status of graders that are owned by the County Government of Machakos. This was to confirm the status as provided in submissions from the department. The reports are annexed.

Site visit

Hon. Speaker, the following matters were considered during the site visits:

- i. The numbers of graders procured by the County for the purpose of grading County roads.
- ii. The current status of the graders, whether functional or not.
- iii. The current location of the graders.

Hon. Speaker, it is important to note that delay in submitting this report to this Hon. House for consideration has been occasioned by lack of a substantive Chief Officer in the Department.

Committee findings

1. Mavoko Sub-County

Hon. Speaker, grader registration number CHSG18ADLF3000858 whose make is Shantui is in good working condition and stationed at Mavoko Sub County. At the time of site visit, the grader was allocated to grade Mavoko Stadium.

2. Machakos Sub-County

Hon. Speaker, grader Registration number KBY 942C whose make is Power Plus PP14G-VI is allocated to Machakos Sub-County. The grader is under repair and will be available by 27th February, 2019.

3. Kathiani Sub-County

Grader Registration Number KCE038D whose make is power plus PP12G-VIII is assigned to do road works at Kathiani Sub-County and is currently working on Kaviani-Kathiani road.

4. Mwala Sub-County

Hon. Speaker, grader registration number KCA 958F whose make is power plus PP14G-VIII is assigned to Mwala Sub-County and is in a good working condition. The grader is currently allocated to Masii stadium. Grader registration number KBG 247C whose make is Sany is grounded at Vyulya market.

5. Matungulu Sub-County

Hon. Speaker, grader registration number KBY945C whose make is PowerPlus PPI4G-VI is in good working condition and is allocated to Kitui Stadium.

6. Kangundo Sub-County

Hon. Speaker, grader registration number KBY 948C whose make is PowerPlus PPI4G

Hon. Speaker: From Hon. Maitha.

Hon. Maitha: Hon. Speaker, I think the Hon. Member or the committee forgot to---

Hon. Speaker: Hon. Masesi, resume your seat.

Hon. Maitha: They forgot to write Kinyui stadium and wrote Kitui stadium. And it is in the ward and he cannot read Kinyui instead of Kitui.

Hon. Speaker: Who are the members in that committee, Hon. Cosmus Masesi, for purposes of correction is it Kitui or Kinyui.

Hon. Masesi: Madam Speaker, it is Kinyui stadium.

Hon. Speaker: Kinyui stadium; so we correct it. Thank you Hon. Maitha. Is there a Kitui stadium? In Kitui County. So we correct it to Kinyui in Machakos. Thank you.

Hon. Masesi: Thank you, Madam Speaker. Grader registration number KBY 948C whose make is Powerplus PPI4G was in good working condition but was in need of some minor

repairs. At the time of the visit, grading works were ongoing at Kakuyuni-Hospital-Mbaa Kieti road

7. Yatta Sub-County

Hon. Speaker, Grader registration number KBY 946C whose make is PowerPlus PPI4G at the time of visit was grounded. The Chief Officer informed the committee that the grader is under repair and will be availed by 27th February, 2019

Grader registration number CHSGI8ADLF3000843 whose make is Shantui SG18 is also in good working condition had been allocated to work in Ikombe Stadium.

8. Masinga Sub-County

Hon. Speaker, grader registration number KBY 944C whose make is Powerplus PP14G was grounded at the time of visit. The Chief Officer informed the Committee that the grader is under repair and availability of spares for defective transmission overhaul had been confirmed by supplier.

9. Machakos Garage Yard

Hon. Speaker, as at the time of visit, grader registration number CHSG18ADLF3000856 and whose make is Shantui SGI8 had been grounded and was awaiting repairs. This includes wheel end unit, steering cylinder, steering cylinder ball joints and batteries. The estimated cost of the repairs had been put at Ksh. 990,000.

Grader registration number KBY 941C whose make is Power Plus PP14G was grounded and awaiting repairs. The estimated cost of repairing this grader had been put at Ksh.1,450,000. Grader registration number GKA571P whose make is Komatsu is grounded at Pan-African Equipment Kenya Ltd in Nairobi.

Hon. Speaker, the following graders, registrations numbers: KBY947C and KBY 943C whose make was Power plus PP14G were grounded and awaiting funds to enable repairs. The estimated cost of their repairs had been put at Ksh. 1,675,000 and Ksh. 3,160,000 respectively. As at the time of this site visits, these graders were at the Machakos Garage yard.

The following graders, registration numbers KBY 940C a power plus PP14G and KVP 930 a Caterpillar make, had been considered to be beyond economic repair. These graders were stationed at the Machakos garage Yard.

Committee observations and findings

Hon. Speaker, based on the site visit conducted, the Committee made the following observations;

1. The only expenses that the department incurred during the grading works were fueling, repair and maintenance and facilitation of the personnel. Cases of lack of fuel and minor breakdowns were reported as the main challenge facing the grading of roads.
2. The Committee also noted that graders had to be driven long distances to be fueled. For instance, the grader in Masinga Central and Ekalakala wards was being fueled at Matuu town which is approximately 20 kilometres away.
3. Residents especially in Matungulu and Kangundo Sub-Counties alleged that the graders operators were not properly trained and were doing substandard work.

4. That the graders were usually taken for service after every 250 hours but there were cases of delays. These delays were occasioned by inadequate funds yet during the Machakos County Appropriation Act of 2018 allocated a large amount of funds to the department.
5. That four graders had been allocated to the stadiums being constructed in the County. This was affecting the road grading works in the Wards.
6. There was no set out schedule on how the graders were working noting that some wards had been marginalized in the grading works.

Committee recommendations

Hon. Speaker, the committee recommends the following: That;

1. The Department should ensure that proper financial planning is done to ensure that graders do not lack fuel since such provisions are made in the budget. This will avoid situations where Members of the County Assembly are forced and use their own money to fuel the graders and no refunds are done. Mechanisms of proper fueling have to be put in place to reduce wastage especially on cases where the graders have to be driven long distances to the fueling point. This is in line with Article 201(d) of the Constitution of Kenya, 2010 which provides that 'a public Finance System should promote an equitable society and in particular public money shall be used in a prudent and responsible way.'
2. That the Department should dispose the two graders that are beyond economic repair pursuant to the Public Procurement and Assets Disposal Act, 2015. Proposals to procure other two graders should be included in the 2019/2020 Budget.
3. The department of Transport should ensure that they train the plant operators on the best practices and techniques for grading on different types of terrain.
4. Article 174(e) of the Constitution of Kenya, 2010 provides that one of the objects of devolution of government is pro-the interests and rights of minorities and marginalized communities. In this spirit, the Department of Roads and Transport should issue Masinga sub-county with two graders because the geographical area of the Sub-County is vast. One grader will serve Ndithini and Muthesya Wards and the second one will serve Ekalakala, Masinga Central and Kivaa Wards.
5. A clear working schedule for the graders should be set out. This should be through consultation between the Members of County Assembly in a Sub-County. This way, grading works will be done equitably for the residents of Machakos.

Conclusion and acknowledgment

Hon. Speaker, good infrastructure facilitates trade, economic development and improvement in the quality of life, especially in Kenya where roads carry over 80 per cent of passenger transport. Roads are one of the modes of transport of people and goods and are used to interconnect other modes as well as provide access to basic social services.

Hon. Speaker, it is therefore my privilege, on behalf of the Committee to table the Report on Status of Graders in Machakos County in this Hon. House for adoption.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Masesi.

(Question proposed)

So, Hon. Members, I now invite you to debate the motion. Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. I will start by thanking the committee for the good report. If you look at the report, you will find that the county purchased 16 graders and some machinery work to open up our county for business. Madam Speaker, communication and transport is one of the serious issues that should be done for improvement of income to our people and to raise the standards of living for each and every Kenyan live in Machakos County.

So, with that in our minds, the County Government of Machakos had a very good idea and a very good reason to purchase these graders. Looking at how they are distributed, you find that also that was a very good idea but everyone will agree with me here, those ideas and whoever had that idea that we are in agreement that our roads are in pathetic situation; where we come from. So, purchasing of these graders does not beat any logic because the goal which was to make sure that our roads are passable has not being achieved.

There is no economic value of money of the people of Machakos for purchasing these unless it is revisited in a very organized way that the schedules, the allocated money to the department of transport is made clear and is followed to the letter. If you look at Yatta where I come, from the sub-county, our grader has been in pathetic condition; it is irreparable. It cannot be repaired, I once was given that grader I even used my money to repair it but it was not repairable.

So, if this Assembly, this Hon. House continues to give money or to allocate resources to such kind of spending that money is given for example to Machakos Sub-County or Yatta Sub-County and the grader is not working you find there are questions there which need to be asked.

We are also aware that according to the report that these stadiums which are here being allocated a grader have people who win tenders to build and to work in those stadiums while we still allocate...and those people who win those tenders should come with their machinery to work in that project so that these machines can go to open up our areas for business and make possible for our people to fast-track their time and spend their time well.

When a road is good the movement is fast. So, unless we get right structures and organizations which can make this investment give us a good return, Madam Speaker, this County will fail in that department. So it is the time that this House will give direction and good direction to make sure that every sub-county has a very good working grader and a grader that is organized in a way that any area that has a problem, the road is graded well and murramed and then the achievement of communication and transport will be achieved.

The way it is, Madam Speaker, you look around here and every Hon. Member is quiet but deep in their hearts, they have seen the allocation of the machines but they are not working in our areas. So, why were they purchased if a grader is in Yatta and it is not working? A grader is in Matungulu and it is not working, for example. Why was it purchased?

We need to come down to that question and ask ourselves; are we utilizing our resources well because we know very well resources are limited and they need to be utilized so that the goal of achieving Vision 2030 because roads are everything, Madam Speaker. Roads will help us

have businesses because unemployment is very high in Kenya, roads will help some of the ladies and our wives to go give birth in good hospitals not in the villages---

Hon. Speaker: What about the others? You said 'some of' them. What about the others? Why not all of them?

Hon. Kalumu: Some of them cannot achieve that because the roads are in pathetic situation but unless the graders are used well, that is only time when we can achieve that, Madam Speaker. So, I support the report; it is well written, we also want to know because we know these machines were rented. We also want to know in the budget where that money goes because we know that. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Helen Matee.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I stand to support the report; I think the committee concerned did a good job. Looking at the report, the County Government has invested in these machines; however, it seems like they are unable to maintain them. When you buy a machine, you normally sign an after sales service contract with the seller of the machines but when you look at this report, it is like the County Government bought the machines and even if they peg in some budget for repairs, it seems like that is not working.

What the County Government needs to do is to ensure that they get trained mechanics from suppliers of these machines so that they can get them working 24 hours. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Matee. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. First and foremost, I want to take this opportunity and congratulate the committee. They have done a great job and given us the real situation back in our wards. Madam Speaker, I want to start on page five number four where there is Mwala Sub-County. Madam Speaker, to be very honest, it is been said that the grader was currently allocated to Masii stadium of which, Madam Speaker, I do not think whether by that time the committee was on the ground.

The Stadium was not yet even started; the clearing of the bushes and I can attest that it is only some weeks back whereby the County Government went to the site and they started clearing the bushes---

Hon. Speaker: Hon. Betty, this report is dated March, 2019; could it be the committee did some fact-finding as at the current status.

Hon. (Ms.) Nzioki: Yes, Madam Speaker, because the time they went, that is the time the Executive were planning to start the stadium. Also about the grader that is grounded, it is true that the grader registration number KBG 247C whose make is SANY is grounded at Iiyani primary school that is in Vyulya, Masii ward. Madam Speaker, this grader was grounded even when we were doing our elections. It has stayed there for years and I can remember reporting to the Deputy Governor to act on it and it is still there.

So it is my cry and a humble request to the County Government through the executive and the department of transport for them to know how they are going to get it out of there because I think even there are some spare parts that have been removed.

Madam Speaker, I also want to go to page seven on Committee observations and findings,, number five 'that the four graders had been allocated to the stadium being constructed in the County and this was affecting the road works in our wards.

Madam Speaker, I want to speak about Masii ward whereby I represent my people; my roads of my people are impassable and I can remember one day we has a burial somewhere in Kawaa village and Madam Speaker, the Father In-Charge stood and spoke bitter words about the status of our roads and, in fact, he challenged us and I can remember Hon. Margaret Mwikali was present and he told us 'it is so unfair when our people die that is the time we run up and down looking for graders so that they can be graded for the people to carry the body home.'

Madam Speaker, I want to ask this Hon. House and also the Executive; let us be fair and square for our people because Madam Speaker, even the allocation of the schedules that we were told to do per Sub-County were not followed. Some of our wards were sidelined, some of our wards have never had anything done and you find like in our sub-county, we are six of us but three of us were completely sidelined.

So, I want to urge this Hon. House and even the county executive; please let us be fair and square for our people and I want to support this report and I wish we could follow the recommendations and that I know we shall go far. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Betty. Hon. Stephen Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. I want to appreciate the work that was done by the committee on roads but I was just going through the annexure where I realized the County Government of Machakos purchased 19 graders and in less than six years, only as per the records only five are in good working condition as at now. Out of 19; what does that tell you, Madam Speaker? That tells you it is a system that is not viable for our people.

I think it is good for the County Government and if I could recommend I could have said the County Government could sell all these graders and maybe adopt another system that was introduced in our previous budget. That we allocated Ksh. 1 million per kilometer for each and every kilometer so that we may contract contractors; this will even help our people out there to get money but you see if we use our own graders that is why you find in our County our people are still crying of employment because we are not contracting some of these works.

If you go through Ksh. 1 million that we allocated for each kilometer that was allocated in each ward an allocation of Ksh. 20 million representing 20 kilometers in each and every ward for grading and marraming; that will be the best option. We cannot keep on grading and grading our roads throughout because each and every year, we have rains and if we grade this year, next season we will still need to grade the same roads that were done previously.

So, my opinion we do away with the graders much as we are waiting for them in our wards just to save the situation as it is now. Our people are crying of the poor road network that we have but the best option and lasting one would we contract people, grade and murram our roads so that we may have a lasting solution to this issue of roads. As you have seen, the Masinga grader is already grounded with many others from many sub-counties and it is funny that some of the graders we were told are working, some members are still saying that they are also grounded.

It shows there is a serious problem. The money we have seen indicated here for repairs is a lot of money and instead of using so much resources on repairing these graders, as I was sitting here with the chairman budget and appropriations committee, Hon. Dominic he also told me that theirs in Kathiani Sub-County because I thought they were getting some services, he told me even theirs is also grounded. So, it is good for this County Government to look for a viable way and get a lasting solution to our roads. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi. Hon. Musau.

Hon. Musau: Thank you, Madam Speaker. From Mbiuni ward, the land of multiple MCAs---

Hon. Speaker: What do you normally mean by that, Hon. Musau? What do you mean by the ward of multiple MCAs?

Hon. Musau: Madam Speaker, this is what I mean; we have an elected MCA, a nominated MCA, an imposter MCA and another eyeing MCA Madam Speaker.

Hon. Speaker: For this House, the only MCAs the House knows are those who are specially elected and those who are elected. If there are others who are impostors, please do not bring them here.

Hon. Musau: Well-advised, Madam Speaker.

(Laughter)

Madam Speaker, I put my hat off, I put my thumbs high for this committee for the thorough work because consolidating a report for the whole county in the whole eight sub-counties is not a small job, Madam Speaker. May I say congratulations and may we work the way they have worked for the greater achievement of this county, Madam Speaker.

Madam Speaker, I fully support the report as at that date they compiled it. As one of the Hon. Members has said, we can see this county had very great ideas for our roads by purchasing the whole lot of these graders, Madam Speaker, but the viability of this project, I think has not worked as expected and I would stand by the observations of Hon. Mwanthi that contracting; actually if I put the word 'privatization' might be the best option.

If you look a grader is going for more than Ksh. 12 million, the maintenance the work force and yet we fail to achieve what we wanted, Madam Speaker. I believe a contractor may work better than our employees, Madam Speaker. This aspect of a grader waiting to be fueled for three days is wastage of time.

If I put it in black and white, Madam Speaker, the road work networks and the efficiency at the goodness of the roads actually creates a very good image of what we are doing in this great County, Madam Speaker. A road in the hospitals may not be seen but pathetic roads will be spontaneously spotted by any pass-by, Madam Speaker. I have seen the distribution of graders in our sub-counties but I would advise the committee, if they were very keen actually they would write and recommend the distribution of the graders in some wards because during that time there was a lot of skewed distribution.

I thank I can see a positive change of attitude. I think the whole of last week, all county engineers were reaching the sitting and elected MCAs on the priorities of the roads they need to be graded, which is a positive step and I think this is the duty the 'handshake' we had, Madam Speaker. If we follow to the letter, I know the road network in our county is going to be the best we have in our nation.

Transport is key; my area happens to be the leading producers of citrus fruits and if these roads are not passable, my farmers lose millions of shillings as these fruits rot due to inaccessibility of the area. My cry is that; let us have equality, let us have equity, let work be done to all wards and we shall be proud of having been the members of the Second Assembly of this great county.

I know if these engineers are serious and are going to work in each ward as they purport, we shall proudly say, 'we have worked.' The best thing we can do is to work for our people. The best thing we can do is to mind our brothers and sisters, Hon. Members as I have 100 kilometres done in my ward and yet another ward has not received any kilometer, then that is not advisable.

Madam Speaker, I am worried if we have 19 graders and my ward for the one year and three months, we have comfortably settled in this Assembly, I have just 1 kilometre done in my ward and it is pathetic. I know with the change of attitude, things are going to work the right way, Madam Speaker. I want to appreciate once again the keen observations of these members of this House and I want to reiterate once again, let us go the contract way.

These all many reasons given for these graders not to work can be solved and fully solved if we contract. A contractor will give time to finish his business. They have periodicity (??) and I am very sure he will work round the clock to make sure he finishes the job within the stipulated time and again I say, the work they do is usually better than the one done by employees.

If we go and take examples of the parastatals Madam Speaker, when these parastatals are privatized, we see better results, better works and the end of the day, the fruits are better than when the parastatals was being run by the government itself. The Chief Officer, the CEC Member may not be able to supervise to the dot the work being done by these employees. We cannot mind a lot on the security of the job of our employees and sacrificing the quality of the job to be done.

I reiterate once again, Madam Speaker, the Ksh. 1 million allocated per kilometer in our roads is enough money to solve all the problems in our roads. At this point, I would urge for clarification because as we reported our roads to the engineers they said, 'some roads are national government roads' yet our area MPs are saying the same roads were devolved and taken back to the county governments.

So, in future we may seek Statements to know which roads particularly belong to the county government and the roads that belong to the national government such that we may be efficient. Thank you, thank you Hon. Members, thank you our Assistant Clerks; we have been forgetting to say thank you to you. Thank you so much.

Madam Speaker: The report says 'thank you' to them but it is also good you adding it on the floor. Thank you, Hon. Musau. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I also wish to contribute on the report which is ahead of us. Madam Speaker, I wish to say the report is good. The committee members who went around came up with the report. To me, the report is exactly what was happening at that time; the time they were visiting the various sub-counties, Madam Speaker, but as of now, I

believe the situation has changed because the report we are getting, I personally visited the office of the Minister for public works and transport this morning and he made it to me---

Madam Speaker: That is---

Hon. Ndawa: Eng. Aluanga.

Madam Speaker: Hon. Macharia?

Hon. Ndawa: For the county.

Madam Speaker: The only minister for transport is Hon. Macharia.

Hon. Ndawa: The CEC; I am sorry for that, Madam Speaker, Eng. Aluanga. He made me to understand that 18 graders have already been repaired and they have already.....that is the information got this morning and I am talking and I can see my immediate neighbor, Hon. Steve wants to rise; kindly hold on. I am just giving a report. Madam Speaker, if what is being said is true, I believe the problem is almost solved. As we talk, one of my colleagues who has talked before me has confirmed that sub-county engineers were moving around to collect information on the roads which are urgently required to be worked on. That means that if I connect what the MCA has said in this House and what I have got from the CECs office, there is a connection.

I also got information that the Yatta Sub-County engineer has already been summoned to come and bring the report for the failures what is in the Yatta Sub-pCounty. I believe that is happening in other sub-counties. So, Madam Speaker, the situation has changed and what Hon. Member from Mbiuni has said, there is a positive attitude change. I want to say what we agreed last time when we were at the Governor's office, this is a new dawn and Madam Speaker you said very well and I can quote your words, 'if we don't do what we promised, we will be cursed by God.' Madam Speaker, those are your words and I can see the prayers that we had are working.

(Applause)

Madam Speaker, the only challenge that we have in Machakos County; when I was in school, my teacher defined the word 'management' and he said management is having work being done through others. We have the senior-most managers and they don't go to the field to work themselves; they send others. The only challenge we have in our county is that, once we delegate duties to be done, there is no proper follow-up because the issue of delegation, if I remember the definition given, delegation is transfer of duties and authorities from a senior manager to a junior manager. Once you delegate, you are also required to supervise to ensure that what we have delegated is exactly what is been done.

Madam Speaker, as the Hon. Members are saying, we give out money for maintaining these graders and also fueling. The only challenge we have is if the grader is broken down, who consumes the fuel because the grader is grounded, it is not moving and there is fuel which was allocated for that particular grader when it is not operational.

(Applause)

By the time it is okay, no fuel. So the question is, 'who consumes the fuel? Is it the grader or somebody is consuming the fuel?' That is the point we need to emphasize and ensure since we said this is a new dawn, let us ensure if you send to do something, you do it.

Madam Speaker, during the colonial time, if a police officer was sent to go and investigate a certain matter, the moment he leave the person who is sending him, another person was being sent to follow that one and investigate him and during that time, the crime was too low because information which was brought was correct. This time we are sending people and we believe they are going to deliver. Not everybody adheres to what the Bible says. We should be honest and when we are discharging our mandate, we should ensure that we do it to the best of our knowledge.

Madam Speaker, about the roads we are talking about, my economics teacher told me that some needs recur even after satisfaction. We satisfy a certain ward or a need, then after a while it recurs. We are talking about grading roads and we are not talking how to have the water removed from the roads. We grade today, the rains come tomorrow and the situation will go back to where it was.

So, Madam Speaker, as we organize and as we talk on how to grade our roads, let us also focus on the issue of drainage because that is the one which is causing us to repeat what we did last week, what we did last month. Let us have the budget for removing water, if it is culverts, let us have them. I am very sure if we grade well, and we have culverts, we remove all the water from the roads, the roads can remain even for the season or two without grading. The same roads we grade today are the same roads that we are going to grade next month even when the rain comes.

So, Madam Speaker, the report according to me, is very okay and I would support the recommendations which have been brought by the committee. Let us have equitable distribution of resources.

(Applause)

When President Obama came to Kenya before he left office, he said we must appreciate that we are living in the world of limited resources but the few limited resources we have, if we spend them well, I am very sure we can change the situation to a better situation. From where we are we can go ahead.

So, I support that we have equitable distribution of resources, let us have work be done in every ward. Let us have work done in every sub-county and I am very sure if we do that even God Himself will come and say, 'you have done what is required of you.' Madam Speaker, to finalize, I want say the rains are just around the corner and if we don't move with speed, the rain is going to get us. The roads are impassable and if the rains come when the roads are the way they are, the cost of repairing those roads is going to double.

So, let us do all we can. Let the other side, that is the executive because they are the implementation arm, also move with speed to ensure that before the end of this week if it's possible, let us have the graders on site so that we can anticipate the situation before it gets out of hand. Madam Speaker I support the report 100 per cent. Thank you.

Thank you, Hon. Ndawa. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. First of all, I want to thank the committee for a very good report which they have brought to this House. I want to thank all the Members for saying that we want equitable distribution of resources in all the wards in Machakos County. If you look at number five where Matungulu Sub-County, we have one grader and it is supposed to be doing Kinyui Stadium but that is not what it is doing, Madam Speaker.

It is also doing the roads in Matungulu East ward and when the roads are done in that ward, the Hon. Member posts in a wall, the roads which have been done so that people see the Member as if he is working and other Members are not. I would wish we all be fair to one another.

Hon. Speaker: Point of information from Hon. Masesi.

Hon. Maitha: Madam Speaker, I talked of the Member but not Ngula.

Hon. Speaker: Hon. Maitha, I wanted to hear the kind of information the Hon. Member has; I know you didn't mention a name but you mentioned a ward. That ward is represented by a Member who is seated here

Hon. Masesi: Thank you, Madam Speaker. Of course, Hon. Maitha mentioned me by mentioning my ward and if the Member wants us to spill the beans, he is on record saying that he has some money for fueling because we were told the grader is there and no fuel.

Hon. Speaker: Hon. Maitha, Hon. Masesi, you will take your wars back to your wards. Don't bring it here so that whatever it is that you do on the walls that you share as neighbors, don't bring it here; let us discuss the motion.

Hon. Masesi: Thank you, Madam Speaker but still the Member was out of---

Hon. Speaker: Hon. Masesi, take a seat. Hon. Maitha, you will need to address this Assembly without referring to that ward you have just referred to.

Hon. Maitha: Madam Speaker, I am well-guided.

Hon. Speaker: Proceed.

Hon. Maitha: That grader has been in that ward for three weeks now---

(Laughter)

We are asking the engineer on the ground to hasten what he is doing because other wards also need their roads to be done.

Hon. Speaker: So what you are saying is equitable distribution.

Hon. Maitha: Equitable distribution of time and resources. Madam Speaker, Matungulu West ward is the largest in Machakos County.

Hon. Speaker: Which one do you represent?

Hon. Maitha: Matungulu West ward has 11 Assistant Chiefs and there is no other ward with 11.

Hon. Mwanthi: Point of information Madam Speaker.

Hon. Speaker: Hon Steve, do not interrupt let Hon. Maitha finish.

Hon. Maitha: There is no other ward with 11 Assistant Chiefs other than Matungulu West ward and I am pleading with the Executive, if the Executive thinks Kinyui Stadium is a priority, let the other wards in Matungulu sub-county be given another grader to do the work in the other wards. The engineers who are manning the graders are also not good because when we try to query why they are doing what they are not supposed to, they say some donors have donated fuel to other strange things in other wards.

Therefore, I am asking the Members who are here to also be fair to other Members; if you are to post things in walls don't try to post everyday what you have done in your ward, even to the extent of posting a letter we got from the Clerk requesting us to set a site where our offices can be done.

Hon. Speaker: Hon. Maitha, I was going to tell you to hold on a bit as I consult about this report; why did you hurry up to finish?

Hon. Maitha: I am on, Madam Speaker.

Hon. Speaker: You are still on; just a moment.

(Hon. Speaker consulted the Clerk at the Table)

Hon. Maitha, please proceed.

Hon. Maitha: Thank you, Madam Speaker. Lastly, I am urging the Executive to transfer all the engineers from Matungulu Sub-County to other sub-counties and we get new ones because the ones there are compromised. Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: You want to transfer trouble to other places.

Hon. Maitha: Yes, Madam Speaker, because they are compromised. In fact, one of them abused Hon. Kamitu on phone and Hon. Michael is a witness. Therefore, it is better they go and we get other from other wards that are not known to the local leadership.

Hon. Speaker: Thank you. Hon. Kingori.

Hon. King'ori: Thank you, Madam Speaker. I support this report and I would like to recommend something to this report if it will deem fit; that we should change the attitude of grading; we should think more about contracting and tarmacking our roads so that we avoid repetition of jobs every time and then. We should put a budget to each ward, maybe two kilometers each year which will ease the problem of grading year in, year out, same roads every time and then so that the people on the ground can see change coming to their wards. At least two kilometers each year and that is around 10 kilometers which I think members of the public will notice difference in leadership between us and the former Assembly.

It is the high time we think of the future and not the present only; we also need to think about the gains we make as Assembly because we represent the present and the future. Madam Speaker, I want to say, in Mavoko, I am happy to hear they are working and I will never complain again because I now know that all animals are equal but some are more equal than others and I have agreed to do the same.

I am happy to say that I got some donors who have given me life again in Muthwani. I am going to give street lights in my entire ward and also help my neighbor here who is complaining so that he doesn't complain again.

(Laughter)

Also to I will donate some to Mheshimiwa Kamitu; I thought he was in the Government but I now know for now they are not because they don't have what I have. So, join us in making Machakos a better place to live in by doing the right thing; share with others.

About these roads of Muthwani, I have come to understand that Muthwani needs more roads but the fact remains that if you cannot get it from the County, there is a better way to do things in this county by taking leaders to be accountable for what they are doing.

The Executive which we have a good relationship now, they will understand that each person who lives in Machakos pays taxes and needs services. Every person no matter which ward he resides in is a member of the county and deserves services which they also pay for. That is why I don't complain about Muthwani although we contribute 40 percent of the resources to this county but we get nothing but nowadays I don't say nothing because I have known there is a better way of getting things. Thank you, Madam Speaker.

Hon. Speaker: And you want to share with the others to get it also? Hon. King'ori, thank you. Hon. Mutiso.

Hon. P.J. Mutiso: Thank you, Madam Speaker. I congratulate the committee which came up with this good report. Mine is simple because most of the Members have spoken; my worry is in page six. It has said that, when the committee was going around, they found some graders are in Machakos garage yard which is in Machakos Central Ward where the roads are very poor and most of these Members because they live in Machakos Central.

One would wonder, because when you are washing you start with your face and not the toes; when they repair the graders, they test it and the garage is at Bomani, Industrial area but roads there are bad and impassable. Hon. Mitaa, I was with him there sometimes back and we were not able to access to the coffee factory because of the road.

So, I request the Executive to be fair enough and if they want to do good, let us work for our people because I cannot punish the whole Assembly because of Madam Speaker, as an example. So, let the engineers do the right thing.

To give an example, we all know the neighboring wards and it is only two wards which are marginalized; so before the rains, I request the Executive to do something in Machakos Central and Mumbuni North. I also thank God because the Member from Mumbuni North told me yesterday he had a grader which did something but it was recalled and taken to Katheka Kai and I don't know whether it is back to Mumbuni now but let us be fair and we want to see value for our money as we pass budgets because there is no need for us to pass budgets then we don't see things going on.

When it rains, there are boys who collect or scoop sand on the roads yet we need to those roads to be filled with the sand so that it may not remove the murrum. On your way to Kangundo, you can see the boys removing the sand when it rains and the inspectorate are within but here in Machakos town chasing women and hawkers when other things are happening which they are supposed to look into.

So, I urge the Inspectorate to do the right thing but not just for the sake of collecting money because here in Machakos Town... I am finishing, Madam Speaker---

Hon. Speaker: I was going to stop you. What I am saying is; the issue of Inspectorate you were right when you linked it to the roads but just leave it there.

Hon. P.J. Mutiso: Thank you, Madam Speaker but---

Hon. Speaker: You do not say 'but.'

Hon. P.J. Mutiso: Thank you, Madam Speaker. So, the report is good but we had a good plan in the beginning where the Executive came with a good timetable where every ward was given a grader and we were to work with 100 days but that did not work out well. Like in Machakos Sub-County it never worked so if they can repeat the same, it can be good for us. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mutiso. Hon. Kamulu, I was going to call upon the mover to respond.

Hon. Kamulu: Thank you, Madam Speaker. I support the report because it is a good one. It is evident that with all the graders with us, the term grading is very popular in our discussions but we are forgetting the term murraming and culverts. The word fuel is also popular but if we only grade and don't murrum them, I don't think we are doing the best. I urge the Executive to follow the budget as they talk of the fuel, they also budget the murraming and culverts so that the roads can be passable throughout.

In the committee findings, number three on Kathiani Sub-County, the committee reported that a grader was working on Kaviani-Kathiani road; I don't think this one is correct because it is just a short while you get to the tarmacked road then you proceed to Kathiani so I don't think a grader could be allocated to that place.

The other road from Kaviani to Kathiani is a road which is worked on by KeRRA so there was no grader allocated to that place. It is always good to be sincere when we are giving reports and I think the person who was giving this report gave a false one.

In my ward, it is the most hit as far as roads are concerned; as I speak, there was a tractor which stayed at Kaviani hospital for more than two months, they worked on a section of about half a kilometer then there was no fuel. These people were picking it, taking the tractor to Kangundo and bringing it back and I don't know where the tractor is now and nothing has been done. They must be serious because I have five sub-locations in my ward and it is only one where they have done less than four kilometers. Other places are worse off so that is something the Executive should be keen on and that is why Hon. Moffat is complaining that there is creation of war between the MCAs.

People are saying; so and so is working and the other side is not worked on and so there is need for equity on performance and doing roads is concerned. So, Madam Speaker I emphasize on grading, murraming and culverts but not grading, grading, grading. I also support the fact that we contract instead of using our own tractors because this is not helping us. In fact, if contractors come, we can even use manpower to work on some of the roads so that we can employ the people the way KeRRA is doing; we use human labor instead of the tractors. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamulu. I call upon the mover of the motion to reply.

Hon. Masesi: Thank you, Madam Speaker. Allow me to thank the Members for their positive contribution towards the report. I would like to remind the Members that we have gone digital and it is good for the Members to update themselves and keep electorates knowing what is happening within their wards.

The report is very clear; to sum up, on page 14 we have the number of graders procured by the County Government, a total of 16 composed of 11 PowerPlus and five Shantui; the county also inherited two graders from the defunct councils and got one from the National government, totaling to 19 graders.

My appeal, now that we had a handshake deal and hope all will be well is that Members for each sub-county to know the amount of money available for fueling so that we can budget ourselves within that amount. For instance, in Matungulu Sub-County, we have one and we intend to divide ourselves in one weeks' time. So it is good for Members to know what budget is there for fueling in a particular time so that we don't sit on one ward for long.

We wish we could also sustain the fueling for long like one year; what has been happening is that we do for one week and the fuel is no more. We need to budget a lot on the side of roads. Last week, we were at Kyeleni Health Center with the Heath Committee and we noticed the road is impassable and it doesn't need grading but a lot of murram because it is full of stones and there is no way you can grade that road.

Madam Speaker, in this sense, we need excavators and lorries to carry the murram and do areas which don't need grading.

It worries a lot when a road has been tendered for and it has a contractor and again our tractors are doing the same road. It is a big question and answers need to be given on where the budget for that road is going. I want finally to thank the Members for seeing the importance of this report and ask us to unite to make use of the big development money which is there before the lapse of this year. Thank you.

Hon. Speaker: Thank you, Hon. Cosmus Masesi.

(Question put and agreed to)

Hon. Members, on the way forward of this report, I want to start from the point of Article 183(3) of the Constitution which states that 'the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County.' That is the basis of the direction that the Chair is going to give on this report.

Hon. Members the direction is as follows:

1. The report and the HANSARD on the debate and resolution on the report be immediately forwarded by the Clerk of the Assembly to the Chief Officer, department of transport and public works.
2. The said Chief Officer should provide a report on his response to the issues that are raised by this House in relation to this report to the Implementation Committee of the House within 60 days.
3. Upon receipt of the response from the Chief Officer, the implementation committee must file the response to this House immediately.

It is so directed, Hon. Members.

ADJOURNMENT

Hon. Speaker: At this stage Hon. Members, the sitting of the House is adjourned to resume on 12th March, 2019 at 2.30 pm. Thank you.

The House rose at 11.57 a.m.