

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Tuesday, 22<sup>nd</sup> February, 2022**

The House met at 10.20 a.m.

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

**PRAYERS**

**Hon. Speaker:** Mr. Clerk, the Chair notices we do not have quorum. Can you ring the bell please?

*(Quorum Bell rung)*

Serjeant at Arms, there is quorum so the bell can stop being rung. The bell to stop ringing we have quorum. We can start the Order Paper for this morning.

**STATEMENT**

BUSINESS FOR THE HOUSE FROM 22<sup>ND</sup> TO 23<sup>RD</sup> FEBRUARY, 2022

**Hon. Speaker:** Hon. Members, under this order, we have one business by Hon. Majority Leader Mark Muendo.

**Hon. Muendo:** Thank you, Hon. Speaker. Hon. Speaker, the House Business Committee met on, Monday, 21<sup>st</sup> February, 2022 to prioritize business for the House pursuant to the provisions of the Standing Order 151(5). The Committee balloted business as follows:

Tuesday, 22<sup>nd</sup> February, 2022  
*Morning at 10.00 a.m.*

Report of Transport and Public Works Committee on Report on Status of County Major Roads Projects by Hon. Daniel Mbevi, Chairperson, Transport and Public Works Committee. Resumption of debate interrupted on Tuesday, 15<sup>th</sup> February, 2022 at 2.30 p.m.

*Afternoon at 2.30 p.m.*

Report of Finance and Revenue Collection Committee on challenges hindering attainment of Own Source Revenue target for Financial Year 2020/2021 by Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection Committee.

Wednesday, 23<sup>rd</sup> February, 2022  
*Morning at 10.00 a.m.*

Report of Devolution and Intergovernmental Relations Committee on the status of Administrative structures as Channels for Devolution in Machakos County by Hon. Grace Mutwiwa, Chairperson, Devolution and Intergovernmental Relations Committee.

*Afternoon at 2.30 p.m.*

Report of Environment, Lands, Energy and Natural Resources Committee on the Half Year Status Report for the Department of Water and Irrigation for the FY 2020/2021 by Hon. Robert Kisini, Chairperson, Environment, Lands, Energy and Natural Resources Committee.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader.

### MOTION

#### APPROVAL REPORT ON STATUS OF MAJOR COUNTY

#### ROAD PROJECTS AS AT DECEMBER, 2021

*(Resumption of Debate interrupted on 15.02.2022)*

*(Resumption of Debate on the Motion tabled on 15.02.2022)*

**Hon. Speaker:** Hon. Members, under this order we have one business by Hon. Daniel Mbevi. I am informed that this is a resumption of debate but the report had not been read so Hon. Daniel Mbevi how do you propose to go about to?

**Hon. Mbevi:** Yes, Madam Speaker, since we have the report in our website, I had done a short summary on the report.

**Hon. Speaker:** I think it is just good you read that report and the Members have had it for a while. What is up Hon. Chief Whip?

**Hon. Mitaa:** Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Mbevi just take a seat briefly.

**Hon. Mitaa:** Mine is just to inform Hon. Members that the report is available in our WhatsApp groups.

**Hon. Speaker:** Yes, that is even easier. So it is available on the WhatsApp groups also on the website. Members, we can proceed guided by Hon. Mbevi on the summary? Let us go on.

**Hon. Mbevi:** Hon. Speaker, the Committee on Transport, Roads and Public Works is mandated to deal with all matters related to County transport, including county roads, housing, street lighting, traffic, parking, public transport, ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services. It against this background that the committee carried extensive exercise to ascertain the status of County Major roads projects which had taken long to be completed.

Hon. Speaker, the Committee conducted site visits, interrogated the County Executive Committee Member and the Chief Officer in-charge of Transport, Roads and Public Works on the following road projects;

- a) Kithini-Vota road.
- b) Matuu-Equity Lane road.
- c) Mwala-Kithimani road.
- d) Matuu Hospital Loop road.
- e) Kincar-Zebra-Airways road.

The following were some of the findings:

1. That there was poor workmanship done in some of the projects like Kithini-Vota road which had some cracks and poor drainage as elaborated in the report.
2. That the County Government had done some of the projects in collaboration with KeNHA. For example, the case of Makutano-Mwala-Kithimani road where pothole patching was done by the County Government plus 1.8 km tarmac from Kithimani Market to ABC junction and KeNHA did 6 Km from Makutano to Mwala Kwa-Indi.
3. Matuu Equity Lane had various contractors engaged to different contracts. For instance, one Fraron was engaged to do culverts, cabroworks and drainage works which were well-done while the main road was to be undertaken by the County Government and was yet to be done.
4. Kincar-Zebra-Airways road. In this particular project, the committee observed that the contractor had done drainage works on only one side of the road despite it being a major road. The road works had stalled due to non-payment of the contractor.
5. Matuu Hospital Loop road. This project was being undertaken by the County Government staff and equipment. However, it had stalled due to lack of funds.

The committee made the following recommendations:

1. Money budgeted for these major roads in this financial year should not be diverted to any other use in order to ensure that these projects are completed and the public starts benefitting as soon as possible.
2. Partnership between the County Government and the Contractor in undertaking projects should be avoided in future in order to ensure full accountability of the party executing the projects, be it the County Government or a contractor.
3. The County Government should establish a good working relationship with the Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and Kenya National Highways Authority (KeNHA) especially in projects identification and implementation in order to ensure fair distribution throughout the County.
4. The area MCA and Project Management Committees be involved when projects are being implemented and even during inspection of these projects before payment is done.
5. The mechanics undertaking their daily activities on Matuu-Equity Lane road need to be re-located once the road is completed.
6. The department needs to fast-track these projects to ensure they are completed within the contract period stipulated in the contract document.
7. The gravel dumped along Matuu Hospital Loop road be spread to avoid possible accidents.
8. Drainage to be done on both sides of Kincar-Airways road.
9. Budgeting to be done to ensure that tarmacking of Kincar-Airways road is done immediately after phase 1 is done.
10. Immediate action to be taken on the owners of the buildings which direct their sewer water into Kincar-Airways road making it difficult for the contractor to work.
11. That there was need to have a clear classification of the roads as either County roads or National government roads in order to avoid double allocation of public funds or confusion during maintenance as is the case of Makutano-Mwala-Kithimani road where the County and KeNHA are maintaining the same road. The committee therefore recommends that going forward, maintenance of this road should be under the mandate of the Kenya National Highways Authority (KeNHA).

Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Mbevi. I note that the Question had been proposed last Tuesday so that the Report became the property of the Assembly so I will not propose the Question again but will just invite Members to debate the Motion. Hon. Kitheka.

**Hon. Kalumu:** Yes Hon. Speaker. First of all, I want to thank the Chair, Roads and the Committee for an elaborate report concerning the status of major roads in Machakos County. I have had the advantage of having visited all at least projects which are ongoing. For example, in Kincar road, I was there and the project has taken almost three years since it was started and the work being done there is not one of the best and I would ask the House to visit it and see how the road is being done. It is a major project which can help the people of Machakos open that side and even open the economy of Machakos because the area is populated and it can give Machakos conducive environment for business.

The other area is Kithimani-Makutano road which has been contradicting because sometimes you find KeNHA repairing the road and there is also Machakos County Government also repairing the road. When you try to ask you hear that, they are doing it both of them and that is a duplication of works because if a road has been taken by KeNHA, what I would request the department of roads is just to hand it over to KeNHA.

One time in the Implementation Committee I saw it having been budgeted for Ksh. 16 million for the repairs while also the KeNHA is doing the same job. I don't know what we can call that because it is like we are losing because the remaining part of that road apart from the area from Muindi to Makutano, I don't think it can take such kind of money for repairs so something needs to be done.

If you go to Matuu in Yatta, you find that work is started but it takes a lot of time to be completed; if you look at the road towards the sub-county hospital, you find that even there is nowhere you can rush your patient using a car because there are some piles of soil dumped on the road. Also, you wonder why this road was being done by the county equipment and you ask yourself where the equipment is and where are the staff who were doing that. Is only spreading which is remaining and the road will be passable?

So, if it is a project, Madam Speaker, I would also second what the Chair said. If a party has been given a contract, let them do that road rather than mixing issues because there is a part for the County and a part for the contractor. So, you cannot actually say who has delayed the job because in the case of Equity road, you find that there are almost three contractors doing different parts. The best thing is if a contractor has won a tender to do roads let it be done.

This House passed a resolution saying that all roads be given to contractors for us to achieve value of money because our equipment which we are relying on, are breaking down often and they cannot go for a week.

*(Applause)*

So, for us to continue giving services to the people we represent in this House, something needs to be done on the resolutions passed in this House. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kitheka. Hon. Majority Leader; I will come to you Hon. Masesi.

**Hon. Muendo:** Thank you, Madam Speaker. Let me applaud the transport committee for that report which they have compiled very well and Madam Speaker, it reflects actually what is on the ground. Madam Speaker, sometimes when we have poor management is when we use a lot of money. Madam Speaker, the Kithinmani-Makutano road doesn't belong to this County; it is owned by KENHA. Madam Speaker when we say that we budget for money for repairs of that road, we don't know what the National Government has done and that is why sometimes you find we budget

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some money like last time we put Ksh. 16 million for repairs and then that money you cannot tell whether the repairs are undertaken by KENHA or by the County Government, Madam Speaker.

The other issue is why the County Government takes projects which are for the National Government. Why do they take roads which belong to KENHA when our small roads in our villages are not passable? That is way of trying to loot money from the County kitty. Madam Speaker, we have witnessed because we live in this County, a road like what we call Kithini-Vota, you cannot say it is tarmac. It is something black put on soil; actually its bitumen which is put on the soil. After the contractor finished, the potholes started coming up that week. Madam Speaker we are losing a lot of money on these projects when----

**Hon. Speaker:** Do we have engineers who inspect and certify the works as well done?

**Hon. Muendo:** Madam Speaker, I don't want to mention but a few like *kina* Alwanga; how can Alwanga inspect? He is always drunk, he cannot inspect anything and he is the main engineer who is in charge of all these roads and all these projects and he is never in office. Madam Speaker, I have seen a project in this County whereby it is given to a contractor and then the contractor is given the equipment to work like the water bowser, the graders and bulldozers to work with.

The Kithini cabro works was given to contractor for about Ksh. 57 million but when you pass there you used to find water bowsers and graders for the County. We have noticed that is why you find the contractors who are actually workers and also Members of this Assembly have acquired a lot of money within a short time because of stealing Machakos people's money. How can a contractor are given a project and then you be given the equipment by the County? That is what happens.

I am a contractor and we know all the contractors in this County and we know where they get the projects and how they work. The other day I was in Kangundo, Hon. Grace's area and one of the Hon. Members of this County doing a road grading with a grader of this County and these are things which we know. Madam Speaker, we pray that you become the Governor of this County because you know the problems we are facing.

Madam Speaker, when we talk of this contract like we have the Kithangathini towards Tawa road which has been there for the last four years and there is nothing. The contractor you don't know whether he has been paid or he has abandoned the project. Projects have got conditions like the time of commence and the completion time and it is indicated on the contract. If you don't finish within the stipulated time, they penalize you and it is you to pay now the client which is the County Government.

All these roads like Equity road in Matuu where I saw those heaps of soil there for the last two years and then we keep on talking that we are doing jobs yet we are not doing anything. Madam Speaker, it is the high time that this House in the remaining time we are here, let us say enough is enough, let us move and see these contracts even now we are not done.

*(Applause)*

Let us see who the owners, who are the contractors, are and what are the timelines. Let us have the documents because this report is a bit hanging without the contractor, the time to finish, and also the scope of works he was to do. We are doing nothing, we just discussing those roads and we know the situation the way they are. We don't know whether they have been paid but we know some of them have been paid and abandoned. So, Madam Speaker, we are in a mess when we come to roads in Machakos County. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Majority Leader. Hon. Minority Leader, I know I had given Hon. Masesi, allow that he proceeds; then I will come to you.

**Hon. Masesi:** Thank you, Madam Speaker. I would like first to appreciate the report by our chair Hon. Mbevi. I am a member of this committee and it is bad for this County for us to be speaking of only four main projects all through the four, five years we have been around. The report is very clear that we are not going to complete these projects within the remaining time of this Assembly. It raises a lot of questions when we do an advert for a particular project and at the cause of the implementation of the project; you find that the County is doing some works.

Madam Speaker, I am very sure that in the event now we are doing the works which are on the very reception of that project, we might end up delaying the contractor who is doing the other parts of that job. Madam Speaker, we don't know and we need to be given some facts on how the payments are done because the contract sum is maybe Ksh. 130 million and we are doing part of the job. I am not surprised to find out that even the Ksh. 130 million is paid at the end of it, so you wonder where and how the County came in and the works which were done by the County how were they compensated.

**Hon. Speaker:** Hon. Masesi, you say you are a Member of the transport committee and there is something that has just come on the floor. Do you have documentation on the contractors, do you have documentation on the payments done on the contract period, what is remaining, and some of them are taking a little longer? Does the report have any annexures?

**Hon. Masesi:** I don't think we have the exact details.

**Hon. Speaker:** Hon. Mbevi, you seem to want to say something, because Members I am not sure what report you to have on the Table is conclusive, whether it is complete or whether you are satisfied by it as it is, whether you want the committee to provide further details? I am not sure it is your debate. Hon. Mbevi. Because Hon. Masesi was on his feet, it is just a clarification which came out of the contribution on the floor. A report of this nature you would expect to see annexures; this is a contractor was given to this report, this was the contract, this was the contract period, this is the contract sum, the period expired, the period remaining, the payment done. Is it done to the measure of the works executed? Something like that.

**Hon. Mbevi:** Thank you, Madam Speaker. Probably, Madam Speaker, what I would recommend is; we have been requesting for these details and sometimes they fail to come, sometimes they fail to provide documents, but from the deliberations from the Hon. Members, I have also noted that and I have taken that responsibility to get more details on the same. Please we will still ensure that we get more details on the same and if they fail to provide again, then the relevant action should be taken. Thank you.

**Hon. Speaker:** You see the issue and Members have been cautioning you for the longest time I have sat on this seat. Time is coming that we are exiting but then the way of doing things in such a casual manner. You are on the ground and you know what the people are saying. Someday you will wish that you are more thorough in what you are doing; someday you will wish that you had done the right thing when you had the opportunity to do it. A report of this nature, I don't think really it would pass the test of any report and knowing the importance of roads in the County. So *Mhehsimiwa* Mbevi has said something and we are now on the issue of..... I would have expected this even to have arisen but I note it hasn't been read, so it has been read now Members know what is in it.

**Hon. Muendo:** Point of order, Madam Speaker. As I was contributing, I said this report is not complete; it cannot be complete without knowing the contractor, the sum, and even the contract conditions. Madam Speaker, we are just talking of a road being done; we don't know how much money went there, was it paid, if it was paid, how far? It is not complete who is the contractor, and

if the completion time was two years and it is not completed, what is now the position in that. So I was saying Madam Speaker, this report is incomplete without those annexures. Thank you.

**Hon. Speaker:** I hear you. Hon. Helen.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. Mine is was also to repeat what has more or less been said because if you are not a member of Transport Committee and you are also not an active or elected Member, it is very difficult for a nominated person to listen to the report and contribute. I am sure every Committee is normally supposed to be given quarterly reports by the respective ministry or docket and these reports should be based on those quarterly reports so that we are able to listen and be able to contribute but in the absence of all that then it is very difficult for us to participate. Thank you.

**Hon. Speaker:** Now, Hon. Members, what do you propose? Hon. Masesi was on his feet; maybe we can hear him as we come to the other Members then we will agree on the way forward.

**Hon. Masesi:** Madam Speaker, as I was saying that we have been in this project for long. I think we need to summon the department as the committee of the whole House Madam Speaker, because the department has delayed a lot and we have been budgeting for this every year. So, Madam Speaker, my prayer is that you give us the date we summon and let the department be given what the House wants for them to give us as a whole House so that we can get to the bottom of this matter. Just a one-on-one.

*(Applause)*

Otherwise, Madam Speaker, the people out there wonder which departments are doing good because if you look at the transport and infrastructure department. we are doing so badly.

Up to date we still do not have medicine within our facilities. Madam Speaker, with a budget of not less than Ksh. 12 billion and we have got nothing to show that gives us a hard time especially now that some of us we are seeking for the second term and when we were passing the budget, we agreed with the Governor that we were going to have Ksh. 15 million projects within our Wards and on the side of transport which is infrastructure we gave Ksh. 5.7 Million for each Ward whereby the department says that Ksh. 1.5 million is going to fueling, Ksh. 1.2 million was going to culverts and Ksh. 3 million was going to do a project just within the Ward.

The Ksh. 3 million some Wards have been effected but the Ksh. 1.2 million for the culverts, we had an advert but the contractor was not given the works. So, Madam Speaker, we still again need to demand and know the position of those funds which we budgeted for during the budget time, Madam Speaker. Thank you.

**Hon. Speaker:** Thank you. Hon. Minority Leader.

**Hon. Kamitu:** Thank you very much, Madam Speaker. I want to comment on the information we have heard from Hon. Members and they are relating; we are talking almost on the same line in a sense that we are not repeating but Madam Speaker to me, what I would like to say is although we are transiting or almost ending our term but looking at this report that we have been given by the transport committee, they are informing us that there is some confusion because they are not defining the roads that belong to the County. We are not very clear roads that belong to KeRRA, roads that are defined for KURA so in that confusion that is why you are hearing most of the Members who have spoken even there is also confusion in regard to payment, in regard to knowing who is the contractor who is responsible for this road.

A good example is if you go to Makueni, we have got our fellow brothers who are in Makueni where roads that belong to the counties, in fact they are well done because one, the project

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management committees have been empowered and if there any advertisement in regard to the county roads, they cannot start that road until the contractor and the people who belong to that area that is the project and management committee sit down and agree on the situational analysis on each road. Who is the contractor, how much is the contractor being paid and after the completion of that road what they normally do the contractor is not delayed because after the completion he is exactly paid for the work done and there are no pending bills.

So, Madam Speaker, you can see here there is a lot of confusion because you cannot know who has been paid what. Madam Speaker, frankly you cannot know the pending bills that we have in regard to the road department itself. Even forget about the department of health, forget about the department of education so Madam Speaker, my humble contribution would be, although it is not very late, if we can borrow a leaf of what Makueni are doing in regard to road projects and we define what belongs to KURA, what belongs to KeRRA and what belong to the County Government roads.

By that we will be having no problems in regard to the payments, we would have no problem regarding to knowing who are the contractors and the like. So, Madam Speaker, my humble request, I do not know and I had even approached the secretariat if you can look for a Bill in regard to roads so that it will be a guideline to us even if we will not be in this Assembly the incoming Assembly will be able to sit down and see how exactly in regard to when there are road projects the way they are supposed to be done and perfectly we shall come up with a solution because we must have a solution.

We must have a way forward because it is a big problem in infrastructure. I sit down and say, let us look forward for the best because of action that we can take .Thank you, Madam Speaker.

**Hon. Speaker:** *Mheshimiwa* Mitaa if you can allow what I am getting is that the report lacks critical information. What is your point, Hon. Chief Whip?

**Hon. Mitaa:** Thank you, Hon. Speaker. Hon. Speaker, we had invited the Chief Officer---

**Hon. Speaker:** You are a member of the committee?

**Hon. Mitaa:** No. I am not a member but last week while you were away, Hon. Speaker, this House resolved to have a committee of the whole House with the Chief Officer and it is supposed to be on Monday, 28<sup>th</sup> February, 2022. Hon. Speaker and my humble plea is that this report is also involved in all other deliberations with the Chief Officer on Monday and a communication made to him to avail all that information which is missing because whatever is rotating in this House I raised it in 2019, Hon. Speaker.

I actually sought a Statement; unfortunately that statement was not well-received by the Executive side and some of the Members of this Hon. House. Hon. Speaker, I want to be very categorical all methods were applied to have that report not see the light of this House. Indeed, the chairman informed this House that he was very frustrated to get the information I sought and I guess the main reason was to buy time from the other side so that we may exit without getting the information.

In the request I had actually sought what Hon. Kamitu is raising; we need to have those committees on the ground, Hon. Speaker. Hon. Members might have faced what I faced once. These projects which are being done in our wards, the CDF have a committee but our projects do not have those committees. Hon. Speaker, in fact it becomes a problem because the community demands that we establish a committee and the contractors are not willing to pay those committees wherever we try to establish some and the cost ends up being transferred to the area MCA. It is something I have faced in my ward Hon. Speaker and you find in the BQ there is cost for those committees.



So my query was, in 2019, why do we have some funds set for committees in the BQs and yet there is no law in this County which gives mandate before any project a public participation is done. Now we have some roads which are being made in some Wards, Hon. Speaker and Hon. Members are being called to go and do public participation. When you go and do that public participation, you are supposed to identify a committee which will be in charge from the onset to the end but what we do we just go we introduce the contractor whom we do not even know, we leave him or her at the site and that is the end of our mandate, Hon. Speaker.

So, Madam Speaker, we might also be blaming the Chief Officers wrongfully because the county Government and I sought this thing County government of Machakos has to have a law like Makueni County which establishes those committees so that before any project is done they move together with the contractor and they sign upon completion of these jobs they sign and now that will also mandate the County Government to make payments. So, Hon. Speaker, my plea is that you rule that on Monday whatever is missing is this report is availed and we will be able now to unearth more, Madam Speaker. Thank you.

*(Applause)*

**Hon. Speaker:** Members, you still want to contribute to a report which you feel needs to be worked on further. Hon. Kamulu.

**Hon. Kamulu:** Thank you, Hon. Speaker. Madam Speaker, still on that report and especially on the contribution done by the Chief Whip that we include it on Monday issues, Madam Speaker, I do not think that is viable because we only sit in a committee for a short while especially one hour as per the programs of the committee---

**Hon. Mitaa:** Point of information, Hon. Speaker.

**Hon. Speaker:** Hon. Mitaa point of information.

**Hon. Mitaa:** Hon. Speaker, I humbly wish to inform Hon. Kamulu that whatever we will have that day is not the committee sittings; it is a committee of General Oversight, so we will have all the time, Hon. Speaker. Thank you.

**Hon. Speaker:** Hon. Kamulu.

**Hon. Kamulu:** Thank you for that correction but still on the same Hon. Speaker, I think the best way to go is to give the committee ample time to be thorough on all the issues that have been mentioned here because if we come and out our agenda on a date where other issues have been put in place, I do not think whether they would be thorough enough because you have noted so much confusion in those four roads up to and including the annex we are requesting and the confusion actually Madam Speaker between KeRRA being given work, the county is also getting in there is a lot to be unearthed and when you look at the recommendation, there is no action which is indicated as per the questions which this House is raising.

**Hon. Masesi:** Point of information, Madam Speaker.

**Hon. Kamulu:** So, Madam Speaker, my independent view is that we give the committee more time so that they can go and dig more on actually what is happening as far as the roads are concerned in this County because it is actually true that a lot is being hidden and a lot has been hidden from our County.

**Hon. (Ms.) Mueni:** Point of information, Madam Speaker.

**Hon. Kamulu:** So, Madam Speaker, that is my view that the committee actually we are not doubting them but there is nothing wrong with the committee digging further so that we can have a lot of satisfaction and if they do not provide what is requested, Madam Speaker, I know the law; there is what it requires we follow it to the letter. Madam Speaker, thank you very much.

**Hon. Speaker:** Now the difficulties we have as an Assembly is that Members, I guided you on the formation of a General Oversight Committee and the thinking was that anything that a committee finds to be difficult, they needed to move and the matter be brought to the General Oversight Committee. No report, no requests whatsoever has been made not only on the issue of roads, not only on the issue of anything else until now a statement was brought by Hon. Kituku on the issue of drugs supply in hospitals and that is why we started again the seeking of the intervention of the General Oversight Committee and it has always been there.

So one would not know what happens in the committees unless the matter is brought as a request that this matter goes to the General Oversight Committee and we remember when we were setting it up, the guidance was that I learned from other Counties that if it is a matter that a committee feels is beyond the ability because of dealing with the Executive, come and bring it to the General Oversight Committee and then it becomes actually the Assembly sitting in a General Oversight Committee for effective delivery of services.

But then you keep quiet until now we get a report of this nature and then when I look at this invitation of the CECM and the Chief Officer, it is the same issues that really are in the same report here. These are the issues that the Members are raising saying; look, where is the contract, who is the name of the contractor, what about the contract description, the contract sum and all that which now Members are dealing with here. Is this not the same letter?

So then it would even look like the better way is just to continue with the General Oversight Committee meeting unless Hon. Kamulu you have another reason why you think that the matter should still go back to the committee. Then the committee has prepared a report and brought it here; they have finished their report but then you see issues arising now on the floor that the report is incomplete and there was always that alternative of the General Oversight Committee. The Members who do not sit in that committee do not know that there is a problem that you summoned officers and they did not come. Remember, even the ordinary Committee has the power of summoning which includes even taking somebody to court on a warrant but it does not get that far. Hon. Musyimi.

**Hon. Musyimi:** Thank you, Madam Speaker. I am also a Member of that Committee and I want to applaud the words of the Chairperson of that Committee Hon. Mbevi. He said we had been requesting for some documents from the Executive side to be provided to the Committee but I can testify that they were hardly being provided; they were not sufficiently being provided to the Committee.

**Hon. Speaker:** And why did you not say then?

**Hon. Musyimi:** Madam Speaker, we were thinking they will provide but in long run, it was in vain because they were never provided as requested. So, I can say as a Committee we did our part but there is something which is not very clear from the Executive. According to the words said by Hon. Kamitu, he talked of the Project Management Committee (PMC) and Hon. Mitaa talked about it too. Madam Speaker, it is not good to Hon. Members who are representing the people in the ground. In my ward, for example, I had a project which was recently done and I formed such a PMC but now the committee is on my shoulders demanding and requesting for money. They come to my home every morning and I have been telling them to wait I consult the contractor or find money to pay them.

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Yesterday I was in the Committee and the Chairman is here and he can attest to that; I mentioned to the Committee about the PMC of which they told me that is not in the law and I heard Hon. Mitaa say it is budgeted for in the BQs. So, Madam Speaker, we need clarity on the same because this is something which is putting our names to blackmail in the community. Thank you, Madam Speaker.

**Hon. Speaker:** You know Hon. Musyimi you were doing the right thing and that is an administrative issue. You do not even need a law for that; it is about transparency and accountability. If the Executive wanted the roads properly implemented, they would have just done it as a policy issue. If it is in the contract, it is provided for; so now the PMC members are coming for you because you tried to do the right thing only that you do not have the right backing. So Members, if you still feel you need to do a law, you will still do it but hope there will be implementation.

I have also noted that the summon by the General Oversight Committee is on KRB roads and this report is not on KRB roads so the advice I am getting from the Table Office is that this report needs to be referred back to the Committee and for the Committee to summon whoever it is. If Members want to interrogate it alongside the KRB roads, questions can still be put and call these officers back even after Monday. Hon. Mitaa.

**Hon. Mitaa:** Thank you, Hon. Speaker. I still request that you assist the Committee to some extent. The same thing Hon. Musyimi is raising was raised by the Chairman and Hon. Speaker, I sought this Statement in 2019 and this is 2022 and the Chairman confessed last week that he has been unable to get any information sought from that department, Hon. Speaker. To me, it means they have already raised their hands and are at the mercy of the General Oversight Committee. My plea is that because we will have time on Monday, 28th February, 2022, let us include this report and there is still time for a letter to be done to the Chief Officer or whoever is concerned to come prepared to respond to the issues we are raising.

**Hon. Speaker:** With similar information?

**Hon. Mitaa:** Yes, Hon. Speaker.

**Hon. Speaker:** So, now does the Committee withdraw the report? Table Clerks, what happens because there is already a business on the Table which is not complete?

*(Hon. Speaker consulted with the Clerk at the Table)*

So we will still end up referring this report or send it back to the sender; we refer it back to the Committee and before we conclude on it, Hon. Mwikali what is your point?

**Hon. (Ms.) Mwikali:** Thank you, Hon. Speaker. I rise in desperation because I am a Member of this Committee and my Chairman has really been on their back. Every day the Chairman asks them; why don't you be genuine and give us the right information and do the right job. Madam Speaker, I have heard you say that you are going to send it back to the sender; I pray and we raise our hands.

**Hon. Speaker:** The question is *Mheshimiwa* Margaret, I have always told you Members you have a lot of powers but you refuse to exercise the power. Why is it then you proceeded and prepared this report. If the matter had not arose through Members here that the report is incomplete, would you have had the Assembly vote on it and go home? Why did you not even make a report saying you do not have much to say on this report because we have been frustrated and let the Assembly do what it needs to do? But the way you have done the report is that; we were to come

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and debate it and then we vote. There is no prove of frustration here; *hamjaonyesha mulikuwa* frustrated.

So, what you needed to do is to say sorry House, we cannot complete this report, we have been frustrated and we want assistance from the House and this assistance is that this House has a lot of power.

**Hon. (Ms.) Mwikali:** Hon. Speaker, on behalf of the Chairman because as I look at his eyes I can see he is actually for it; we raise our hands and say sorry to this House and request that we combine the two reports and for the General Oversight Committee because it is urgent and soon the House will go for *sine die*---

**Hon. Speaker:** There will still be Members who will come back.

**Hon. (Ms.) Mwikali:** But it will be so embarrassing that this House was never able to execute this report. Madam Speaker, I still request on my knees that we combine the two reports and having said sorry, we do it as a General Oversight Committee. Thank you, Madam Speaker.

**Hon. Speaker:** When did the Committee start on this business? *Mheshimiwa* Dan Mbevi.

**Hon. Mbevi:** Madam Speaker, I think it is the Clerk Assistant who has missed out that point of frustration in this report.

*(Applause)*

If I may say because I had indicated it to her and I would also wish and request that. We started this report last year October; we started struggling with it for almost three months now with the Executive. I wish to say that from now, as Hon. Members have indicated, I have noted all that is required but I still request if you can allow this report be referred to the General Oversight Committee . So, Madam Speaker why I am doing this---

**Hon. Speaker:** I am saying, now make the request and let it go on record.

**Hon. Mbevi:** Before I do the request, I want to say that today I had to do another Statement on the Ksh. 15 million projects.

**Hon. Speaker:** Let us finish this one first.

**Hon. Mbevi:** I would request if this report could committed to the General Oversight Committee it would be of great importance to this County and even to the Committee. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** What we will do in view of the sentiments expressed on the floor of this House is this report is being deferred on the voting and the issue of documentation that is now expressed by the Chairperson of the Committee that there has been frustrations in getting this report, that issue will be referred to the relevant CECM and the Chief Officer of the same department so that the documentation that needs to be availed to make the report complete should be availed to the General Oversight Committee and not the committee on Roads and Transport.

*(Applause)*

I note that the two officers had been summoned to appear before the General Oversight Committee on 28th February, 2022 at 2.30 p.m. A fresh letter will have to be done so that the invitation for the earlier appearance which related to KRB roads is now joined with an invitation on account of the roads that are covered by this report and any other roads that the Members want to be included for information.

Now that more information is required to be brought by the two officers, the date is going to be pushed to 1st March, 2022 at 2.30 p.m. I know we have plenary sitting on that day but Members will have to do an adjournment motion in the morning so that the sitting in the afternoon is translated into a sitting of a Committee of the whole House.

Let the letter be done in a clear manner to the officers and I am also being informed that you have also invited the Chief Officer Finance and 2.30 p.m. on Tuesday. We can still decide whether we have the whole of Tuesday not as a plenary but as a day of appearance for these Members. Which means tomorrow you will have to do an adjournment motion because I understand there was an invitation that had been done for tomorrow. Let us not do things haphazardly; let us be orderly so that we can get into the root of the matter.

Which means tomorrow, we will do an adjournment motion for Tuesday so that the whole day will be about the appearances. The matter of the roads will be Tuesday will be 10.00 a.m. and the finance remains at 2.30 p.m. We will see what we can do in the interests of the public through those summonses which would have been done all along because you have always had this General Oversight Committee but let us see what we can do.

The issue of the Ksh. 15 million roads is up to you Members. You know how to move the House? *Mheshimiwa* Mbevi you are the one who talked about it. (.....inaudible) I know you are sitting there because there is some relation between the roads and the Ksh. 15 million but that is a totally different issue and let us not mix issues because you will get lost in the midst of all that. So, move the House whichever Member on the account of the Ksh. 15 million; not now, the Table Office will assist you so that we do things in an orderly manner.

### ADJOURNMENT

**Hon. Speaker:** With that Hon. Members, that brings us to the end of the Order Paper for this morning sitting. The sitting of the House is adjourned to resume at 2.30 p.m.

The House rose at 11.44 a.m.