

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th August, 2016

The House met at 2.30 p.m.

[The Temporary Deputy Speaker (Hon. Raphael Mutuku) in the Chair]

PRAYERS

Hon. Temporary Deputy Speaker: Good afternoon, Hon. Members. Clerk, you can proceed.

MOTION

STATUS OF ECDE CLASSES IN THE COUNTY

(Hon. Manyolo on 10.08.2016)

(Resumption of Debate on the Motion tabled on 10.08.2016)

Hon. Manyolo: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir on the 10th August, 2016, I had presented a report and also a motion on the issue of the ECD classes and I understand the motion was laid and I also went through report. I want just to brief the members on the committees' observations on how the committee visited all the wards to bring a report of the status ECD classes. Mr. Speaker, Sir, the committees noted the following:-

Most of the classes had metallic doors to enhance safety of the learning materials except a few that had wooden doors. Some classes had cracks on the walls and roofs, ceilings were sagging downwards and iron sheets were improperly fixed leading to leakage and causing danger to the children. Most of the window frames fitted had already fallen down or were falling. This was attributed to the use of light metal gauge in making window frames which meant that windows could bend as you open.

Many contractors said they had failed to finish their contract because they were owed by the County Government a lot of money in other contracts which they had done. Mr. Speaker, Sir, the members observed that a number of ECD centers had received learning materials such as swings, blackboards but there were no seats accompanying the desks. Some of the schools where the ECD materials had been received are Kakuku (Ekalakala ward), Mulolongo (Mulolongo ward), Mavoko (Athi River ward), Kathiani (Kyeleni Ward) and Kyemutheke (Kinanie ward).

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The department of education and social welfare has received funds for those projects in two financial years yet most of the classes had stalled. The committee further observed that the report of the status of ECD classes from the department of Education, youth and social welfare, was a contract of actual status on ground.

Mr. Speaker, Sir, the committee made the following recommendations:-

1. The department of Education, Youth and Social Welfare should inspect the classes and where anomalies are noted, they order repetition of the work and payment be done only when the works are properly done.
2. That the department of Education, Youth and Social Welfare should inform the area MCA all the committee or inspection report before certificate of completion is issued for payment to ensure those who have done substandard work are not paid.
3. That the department of Education, Youth and Social Welfare should ensure all centers receive child play materials, swings, desks and chairs.
4. That the department of education should ensure incomplete classes are finished before the end of November.
5. That contractors who have properly completed their work are paid to evade situations where classes are complete and not handed over for use.
6. Contractors for the projects uninitiated should be cancelled and re-issued to ensure that the two ECD classes are built in every ward as earlier budgeted.

Mr. Speaker, Sir, on the back point we have annex of report from the department of Education which they issued showing that there are classes which are complete and others which they are going to issue. After the committee went through every ward to come up with the report, they found out that some of the classes which are said they are complete even they are not initiated.

Some which are been said they have been re-issued have not yet been re-issued because we did not find any contractor on ground, we did not get any report from the teachers nor the stakeholders of that area even from the MCAs we also consulted. So Mr. Speaker, Sir, I have brought the report to the House for discussion and adaption and Members come up to go through the report and also debate it. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Hon. Members, as it has been indicated by the chairman, the said report was tabled before this Hon. House on 10th August, and what the chairman was doing was just a recap. Therefore, I open debate. Yes, Hon. Alexander Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. Mr. Speaker, I would like to congratulate the chairman for a job well done. Mr. Speaker, as it were in this morning session, you find that there were some differences in the reality on the ground and the report we are getting from the executive side of the government, such that it leaves one wondering if we pass the report as it is,

now what next because there are some discrepancies as the chairman has just said. Some of the classes as we went round, you find them some are said to be complete and handed over but there are really major problem within the way these status of the classes are.

Mr. Speaker, you see also in this report there is no annex which is showing even by demanding in vain to be issued with the report of how many contractors have been paid, how much has been paid, how much is pending, when it was paid and this report was not issued to the committee. So we were forced to bring the report as it is. So there are reports which are supposed to have been issued of the status of payment which is lacking in the particular report, Mr. Speaker. So, I think also you would realize that this was the budget for 2013/2014 Financial year. We did a supplementary of the same and the following year 2014/2015, 2015/2016, Mr. Speaker, and you would realize on that particular letter which is written to the Clerk that is part of the annex which is the status of ECD classes as at 30th March, 2016.

So, this letter was supposed to be accompanied by the status of payment report because most of the contractors are still complaining that they have never been paid. For those few who have finished the construction of those classes, so as Members are making recommendations, Mr. Speaker, I would urge them to maybe advice the way forward on this report because it is not complete. Maybe, probably, it would require the same route we took in the morning that is, maybe form an *ad-hoc* committee of implementation and education to dig further and find out exactly because there is a lot which is missing in the report. Thank you, Mr. Chair.

Hon. Temporary Deputy Speaker: Maybe, Hon. Alexander Kathinzi, for the purpose of record, you can clarify on the issue that you were forced to. We need to understand whether the committee was forced to bring the report or is a report in the committee.

Hon. Kathinzi: Mr. Speaker, you would realize that the clerk, when we have the committee meeting, we requested the Chairman to allow the Clerk to request, in writing, to the department requesting for the details of how, for instance in Kathiani/Mitaboni, you realize that it is complete and this particular fellow is the one who maybe did another class, I want to be very particular because you have requested for that.

In my ward, that is Miangeni, allow me to go through that one, when you go to page 3, Mr. Speaker, you will find that in Masinga Sub-County is Miangeni ECD class which says 'the reality on the ground is the class is complete and in use although ceiling was faulty with bats having inhabited in it. The true position of this class is properly complete, it was complete last year by November and the contractor was not paid until something happened.

You find that this contractor was the same contractor who did the same class in Mitaboni which I was trying to highlight, if am not wrong. So we wanted to see if he was paid part-payment, we would want to know, was he paid the class in Miangeni or the one in Mitaboni because some of them are complaining. When we try to do what we call finding the truth, what really happened, you find that this contractor is complaining.

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He locked the class in Miangeni primary school for almost two terms and he said there is no way he can hand over class while he has not been paid. So these are the issues and as you requested me to highlight. It is not in order to go and force a Chief Officer or the CEC member, to write a letter which is required by the committee. We assume that the letter has been given, we did the second request and nothing came from that side so we could not hold this report as a committee to wait until the end of the term so that we can say we requested this letter, this is the letter which did not allow us to bring those reports to the assembly. So that is the position, Mr. Speaker.

Hon. Temporary Deputy Speaker: Yes, Hon. Leonard Katela.

Hon. Katela: Thank you Mr. Speaker. I stand to support the report because, at least, it is well researched and I congratulate the committee because they even called me from the ground but then I am afraid Muthetheni seems to be not part of this county because it is not even annexed on ECD projects status from the department. So, I also want to ask the chairman, what happened. Which Muthetheni where you calling from if now Muthetheni is not annexed here? Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Maybe, chairman you can note, then I will give you time to respond as we go through. Hon. Kimata.

Hon. Kimata: Thank you Mr. Chairman for giving me this chance or opportunity to contribute on this important report. While I appreciate the effort made by this committee but to my side of my ward, let us turn to page 6. To my side of Mwala/Makutano ward, nothing has been done. I was allocated two classes to be constructed but nothing has been done. One school is Kavunyu primary School and the other is Maweli and as you are aware, Mr. Speaker, we allocated this money for this exercise since 2013/2014 and nothing has been done.

The contractors claim they have not been paid that is why they never started any kind of the job. So, my request clarification from the Chairman is you should give has the exact date when they will start this exercise so that the residents of Mwala can be satisfied. So, if he wants the members to be on his side to this report, as we appreciate, he should make arrangements and pay those contractors so that they can go to the site and start this exercise. Thanks.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Joseph Muli.

Hon. Muli: Thank you, Mr. Speaker. Mr. Speaker, first, let me applaud the chairman of the committee for education for shedding light on what is happening in our County, Mr. Speaker,

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about the ECD classes, Mr. Speaker. Even I thought it was my ward which has not benefited but according to the approximation, it has been identified well with this project of ECD has only been covered 50 per cent work which has been done which means according to the budget which we already passed for ECD, only 50 per cent has already been done, Mr. Speaker and I would like to request the Chairman and also the relevant organs which are concerned, to move with speed to make sure the issues of ECD has been completed before they become white elephants.

Time is not on our side, Mr. Speaker, and according to the report which has already been brought here, I would also request the Chairman to be considering the ECD classes which have been cited where there were no other institutions. For example, in my ECD in Mchoka Bure, we don't have toilets. Reason? Where it was located, we sat down as leaders in Ndithini and we proposed to be located in a place whereby we had already not started any other school. Therefore, such classes or such nurseries cannot proceed without toilets. Therefore, Mr. Speaker I would like to request the chairman for Education committee, to consider certain factors to make the running to be smooth. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Joshua Mwonga, Leader of Majority.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. I want to start by applauding the committee for what they did. It was not an easy task to visit all the 80 primary schools or ECD and come up with such a wonderful report, Mr. Speaker. Mr. Speaker, to some extent, I want to differ with this committee and their chairman particularly on the issue of Masinga Central ward. Mr. Speaker, the report here says that Masinga sub-county is lucky because the report says they started with Masinga, they went to Kivaa ward and Masinga Central ward. Mr. Speaker, what I can say, what is in this report and these are not findings or the report which they got from the officers concerned from the executive, it is the committee report, Mr. Speaker and I am wondering if these are the reports we will be getting from committees when they go out there giving what is not the true position or status of our projects and Mr. Speaker, I would beg the Chair to forgive me for this; we should not be getting such reports.

What is in Makila, the report says 'Makila the class was complete and in use.' Mr. Speaker, I want to dispute this. Last weekend, I was with the Headteacher Makila Primary school where this ECD class is being constructed and he was asking me about the whereabouts of the contractor because the contractor was last seen on site about one year and some months ago and the class is not complete yet the report here, in our Assembly, says the class is complete and in use. Who are we going to trust if we cannot trust our own committees, Mr. Speaker.

It is a shame and I want to repeat myself, to have such reports here which have been compiled by members of this Hon. Assembly, in their respective committees and yet they are not giving us the actual position or status of these projects. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Maybe before we proceed, we can have the point of order and we go to the chairman. What is the point of order?

Hon. Nzeki: Thank you. According to Majority Leader, he has read that the class has been completed but what I read and what we wrote and what we saw, it is clearly shown here that it has never been initiated. So, it is a typing error, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Order, Hon. Member. I think you are out of order and I would invite you to page 3 of the report from the committee. After Kaluluini, Masinga Central ward, we have No. 4, Makila in Masinga Central ward. Maybe, we can read together. I understand that is where the Leader of Majority disputed.

Hon. Nzeki: If, Mr. Speaker, Sir, you happen to go to the other page on the other paper, Makila in Masinga Central is said that the contractor was Flexim Agencies and it was un-initiated.

Hon. Temporary Deputy Speaker: Hon. Member, your point of order is overruled. The Hon. Member was raising the discrepancy between the report from the committee and report from the department and the second one which you are taking us to is the report from the department. Maybe, I can allow the chairman to respond on the issue that has been raised.

Hon. Manyolo: Thank you, Mr. Speaker, Sir, and the House at large. I first go to where Hon. Katela had a concern about Muthetheni and in page 6, we are having Ngelesi Primary School in Muthetheni 'where the class was complete and was waiting handover. The contractor has not been paid.' The other one is Kalamba Catholic Church where 'the contractor had done foundation and had disappeared.'

How comes that Hon. Katela does not read between the lines and see that Muthetheni is also annexed in the report. If you go to the report from the department, on the last page, we have Muthetheni, Kalamba which was also given the contractor and it was to be re-issued and then Ngelesi to be re-issued. You mean Hon. Katela is so blind that he cannot see Muthetheni.

Mr. Speaker, Sir, the other issue. Maybe, I understand, we have two different copies here, there is one which is so dark and the other one which is clear, maybe you have been given the on photocopied which is not clear. Mr. Speaker, Sir, the issue of Masinga, Hon. Member standing and saying that the committee lied and is trying to bring a false report in the House, I don't agree with it because we all made efforts. I understand we have members of education committee here like Hon. Charles Nguvi, Hon. Renson, Hon. Christine---

Hon. Temporary Deputy Speaker: Order! Hon. David Kiviu Manyolo.

Hon. Manyolo: Coming to the point, that the member says, Makila is not complete. The member who was assigned because we split the group into four, I understand we had Hon. Alice and Hon. Mbithi and also Hon. Kathinzi who visited that side and even they have some photos of those classes. Mr. Speaker, Sir, it is not in order for a member to stand and say the class is not incomplete and he just met a teacher in the streets and we don't approve whether he met any teacher. Mr. Speaker, Sir, I am the Chairman of that committee and I took time and days---

Hon. Temporary Deputy Speaker: What is your point of order?

Majority Leader (Hon. Mwonga): Mr. Speaker, I think we should be serious with our business. This is also order and procedure and is a Hon. House. Mr. Speaker, I am a representative of Masinga Central ward and it is me who the people are looking at to answer on queries about projects in my ward. Mr. Speaker, when I said I met with the head teacher of that primary school, it is true, Mr. Speaker, I was with him last weekend and he was complaining of the same and not even complaining, Mr. Speaker, I am aware the project is incomplete.

About two months ago, I had a meeting in the same school and I saw that the project is not complete. When you say, and this is not from the executive, it is from the committee report because it is under committee ECD classes' visitation, Mr. Speaker, it is the Members of this committee. My concern was if a committee will bring to this Hon. House a report which is not the true picture or the status of the project in our wards, who else will we rely on? Mr. Speaker, the point is that Makila ECD class is incomplete and it is not in use. When you say a class is in use, it means there are pupils who are studying in that class and this is not the case, Mr. Speaker. Thank you.

Hon. Temporary Deputy Speaker: Hon. Members, at the beginning, we understand that one Hon. Alexander Kathinzi noted that there are discrepancies and I would invite the chairman to the report from the department which is talking of Makila which was awarded a contractor Flexim Agencies. It is talking of the status as un-initiated.

Again I would also like to invite you to page 3 were the report from the committee where it is talking of Makila in Masinga Central ward that the class was complete and in use. Maybe you can substantiate which is the right position because the member is disputing.

Hon. Manyolo: Mr. Speaker, Sir, as the Hon. Member is saying that the class is not complete. Mr. Speaker, Sir, we took time with the committee members and as earlier said that because of the timeframe for us to come up with the report, we split the committee into four where the Hon. Members from Masinga went to Masinga and brought the report to the committee.

The other Members from Yatta, for example I visited Yatta and also Mwala and Hon. Christine visited Machakos and we all retreated to Naivasha where we received from every

member whom we had sent and also at Naivasha, I understand we elected members who are representing wards also to give us the true picture also because we did not want to come up with a report which is not fully compiled but Mr. Speaker, Sir, the issue of Hon. Mwonga, I understand, maybe it is the member whom we sent there who did not visit but you see they brought the report to Naivasha where we retreated.

Mr. Speaker, Sir, so, I understand the report we are giving here is the real report he had reported the status on the ground.

Hon. Temporary Deputy Speaker: Hon. David Manyolo, are you moving an amendment on Makila?

Hon. Manyolo: We are talking Makila. We are not talking of Makila itself but talking of the 80 ECD classes in Machakos County.

Hon. Temporary Deputy Speaker: Order, Hon. Member. The matter that is being disputed is the Makila issue. Are you moving an amendment that the class is not complete?

Hon. Manyolo: I am saying, the issue of Makila, let me seek for just two days for me to go and consult clearly from the other report which we had on whether it was a typing error or whether it is the true report we have, Mr. Speaker, Sir, because when we were compiling those reports, we also called the Hon. Members and they can also ascertain that we called them to give us the report clearly. So, Mr. Speaker, Sir, maybe Mr. Speaker, Sir, it is a typing error---

Hon. Temporary Deputy Speaker: Can I have that point of order.

Majority Leader (Hon. Mwonga): Mr. Speaker on the point of calling Members, the respective Members of these particular wards to say whether the project is complete or not, whether it has been initiated, Mr. Speaker, that did not take place as they have compiling this report. Mr. Speaker, this reminds me, I was called by one of the Members who were to visit the ECDs in Masinga. It is not that they went physically to Makila but I remember I was called and I said the project is incomplete, Mr. Speaker.

Mr. Speaker, the issue I was raising here is members should be serious on the work that they are doing. Otherwise, we will end up making resolutions which are half-baked and which are wrong, Mr. Speaker. Mr. Speaker, no members visited Makila ECD site, Mr. Speaker. Thank you.

Hon. Temporary Deputy Speaker: Another point of order. What is the point of order?

Hon. Matheka: Mr. Speaker, Sir, I would like to draw to your attention that there is no quorum in the House. Thank you.

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Hon. Temporary Deputy Speaker: Yes, you have another point of order?

Hon. Manyolo: Not a point of order but also clarification to the immediate contributor, Hon. Kiilu Mwonga. Mr. Speaker, Sir, let members not lie to the House. We visited all classes. When we were calling, we were at Naivasha. How can I call you when I am at Naivasha and then you say I did not visit and then we were there to compile the report---

Hon. Temporary Deputy Speaker: Order, Hon. Member. Hon. Chairman, the contentious matter is on Makila which is in Masinga Central ward. Maybe, you can give us the final word on that.

Hon. Manyolo: Mr. Speaker, Sir, I have said maybe it is a typing error because we discussed everything and have said I be given around two days, Mr. Speaker, Sir, to go and also consult my clerk to see whether it was a typing error on Makila.

Hon. Temporary Deputy Speaker: Hon. Member, another point of order?

Hon.: Mr. Speaker, can we know from the chair what was the essence of this committee or the chairman himself calling the Members when he had sat with his committee to compile a report. That tells us they did not visit these ECD classes and that is why they were calling all the way from Naivasha what was the essence of calling. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: On the matter of Makila maybe I will give direction maybe, we can proceed and then I give direction on the same. Yes Hon. Christine Mutune.

Hon. (Ms.) Mutune: Thank you Mr. Speaker, and the House at large. I want first and foremost, to say that, as a committee, we did our work. We went to the ground and we divided ourselves into groups and when we were compiling the report, we called Members who are elected to make a clarification because we did not want to contradict ourselves not because we did not go to the sites. What I want to say is that this Makila is just a single class. We did about 64 classes.

I have not heard any other member complaining meaning that if one school has a mistake, that does not mean we did not go there. Mine is to say this, the clerk who was writing our report might have missed the point. So, we are going back to our notes and check what went wrong with Makila but the rest of the report is the true picture of what is on the ground. I have not heard any other member complaining. We have seen the report for the---

Hon. Temporary Deputy Speaker: Order, Hon. Member. It is a right of every member to raise issues where he feels that it is not right so it is not a matter of complaining. Every

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member has right to contribute on a matter that is within his jurisdiction. Yes, Hon. Peter Nzioki, what is the point of order?

Hon. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, I would like to bring to your attention that there is no quorum in the House.

Hon. Temporary Deputy Speaker: Clerk, you can confirm that. Hon. Members, I am advised we do not have quorum and I would therefore proceed to order the bell be rang for eight minutes.

(Quorum Bell rung)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, I am advised we do not have quorum and therefore the House adjourns until the next sitting tomorrow.

The House rose at 3.13 p.m.