

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th August, 2021

The House met at 2.36 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
LIBRARY SERVICES

Hon. Deputy Speaker: Hon. Members, I wish to inform you that the Assembly has an existing library and the following services are available to Hon. Members. There is a reading section which has a good reading and research environment; we have a library management system which enables access and retrieval of relevant electronic information. We have reprographic services such as binding, photography, binding and scanning and lamination.

We also have lending and access to information materials on parliamentary/ legislative tradition statutes, policy documents from Machakos County and other jurisdictions and other committee reports. The library also has internet browsing and cyber-related facilities. I therefore urge all Hon. Members to utilize these services so that we can continue enriching ourselves with knowledge as we all know knowledge is power and information is also power. So use library services we have and I am sure it is going to enhance your knowledge and skills. Thank you very much.

PAPER LAID

REPORT ON AMENDMENT TO STANDING ORDERS

Hon. Deputy Speaker: Hon. Members, under that Order, we have one business which is going to be done on my behalf by Hon. Thomas Mutinda or do we have a member of Procedure and Rules committee. Hon. Nyawira.

Hon. (Ms.) Nyawira: Thank you, Hon. Speaker. Hon. Speaker, I wish to lay the following paper on the Table of the House today, Wednesday 11th August, 2021; report of Procedure and House Rules Committee on Amendment to Standing Orders. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Nyawira.

NOTICE OF MOTION

REPORT ON AMENDMENT TO STANDING ORDERS

Hon. Deputy Speaker: Hon. Members, again under that Order, we have one business to be transacted by Hon. Jane Nyawira.

Hon. (Ms.) Nyawira: Thank you, Hon. Speaker.

Hon. Speaker, that aware Standing Orders are written rules under which a Legislative House conducts its business;

Further aware that these standing orders regulate the way Hon. Members behave and how debates are organized and that they are unique to the legislative body they govern;

Informed that the committee on Procedure and House Rules as established under Standing Order 187 is mandated to propose amendments to Standing Orders;

Cognizant that under Standing Order 226, the Procedure and Rules Committee may at any time, propose amendments to these Standing Orders;

Aware that Standing Order 228 states that at least once in every term of Assembly, not later than six months to the end of the term, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended;

Further aware that this committee proposed amendments, received other proposals of amendments, considered them and subsequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report of the Committee on Procedure and House Rules on Proposed Amendments to Standing Orders.

Thank you.

Hon. Deputy Speaker: Thank you, Hon. Nyawira.

MOTION

APPROVAL OF REPORT ON STATUS OF MACHAKOS COUNTY GRADERS AS AT JULY 2021

Hon. Deputy Speaker: Hon. Members, again under that Order, we have one business to be transacted by Hon. Daniel Mbevi, Chairperson Transport, Roads, Housing and Public Works Committee.

Hon. Mbevi: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the County Assembly's oversight function is one of the cornerstones of democracy;

Aware that oversight is a means for holding the County Executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Hon. Speaker, acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs;

Hon. Speaker, cognizant of the fact that Standing Order 190(5)(b) mandates sectorial Committees to study the Programme and policy objectives of the departments and the effectiveness of the implementation;

Aware that the Committee on Transport, Roads, Housing and Public Works received report on status of County graders from the Department of Transport,

Roads and Public Works; Further aware that the Committee conducted site visits to ascertain the status of the graders indicated in the report, held meetings with the County Executive Committee Member and Chief Officer and compiled a report.

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Transport, Roads and Public Works Report on status of Machakos County Graders as at July 2021.

Thank you, Hon. Speaker. I call upon *Mheshimiwa* Irene to second the motion.

Hon. Deputy Speaker: Hon. Irene Mbivya.

Hon. (Ms.) Mwende: Thank you, Mr. Speaker. I wish to second. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Irene. Hon. Daniel, you may go ahead and read the report.

Hon. Mbevi: Thank you, Mr. Speaker. I wish to read the report.

1.2 COMMITTEE COMPOSITION

Hon. Speaker, the Transport, Roads, Housing and Public Works Committee currently has 13 members as listed below:

1.	Hon. Daniel Mbevi	Chairperson
2.	Hon. Irene Mbivya	Vice- Chairperson
3.	Hon. Grace Mutwiwa	Member
4.	Hon. Tariq Mulatya	“
5.	Hon. Caleb Mutiso	“
6.	Hon. Margaret Ndalana	“
7.	Hon. Margaret Mwikali	“
8.	Hon. Patrick Kituku	“
9.	Hon. John Musyimi	“
10.	Hon. Cosmus Masesi	“
11.	Hon. Justus Kiteng’u	“
12.	Hon. Pauline Munguti	“
13.	Hon. Winfred Mutua	“

3.0 TERMS OF REFERENCE

3.1 BACKGROUND

Hon. Speaker, during a committee meeting held on 5th July, 2021, members resolved to conduct a site visit to the Machakos County Garage to ascertain the status of graders owned by the County Government of Machakos.

3.1 SITE VISIT

Hon. Speaker, during site visit done on 6th July, 2021 the following matters were considered;

- i. The numbers of graders in each sub-county.
- ii. The current status of the graders, whether functional or not.
- iii. The current location of the graders.
- iv. The number of graders owned by the County Government.

4.0 COMMITTEE FINDINGS

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4.1 *General Overview*

Hon. Speaker, during the site visit members acquired information on the status of graders at Machakos County Garage/workshop and further inspection was done on graders in the eight sub-counties and below are the committee observations:

That seven Sub-Counties of Machakos Town, Mavoko, Yatta, Kathiani, Matungulu, Mwala and Kangundo were allocated one grader each to facilitate the grading of the rural roads and Masinga sub-county had been allocated two graders. The status of the graders per sub-county is as shown below:

Kangundo Sub-County

It was confirmed that the grader was at Kangundo West Ward. It had mechanical issues and had overstayed in the mentioned ward since it was on and off grading and had not completed the allocated kilometres in that ward.

Mavoko Sub-County

The grader was in good working conditions though due for service. It was currently working at Muthwani Ward.

Mwala Sub-County

This grader was reported to have been out of order for a long time. Issues reported were that the alternator, the starter and cutting edge were worn out.

Kathiani Sub-County

The grader had mechanical problems and was transferred to Machakos County Department of transport for repairs. To date the grader is still in Machakos County Garage.

Yatta Sub-County

The grader had been working at Ikombe ward and later transferred to Matuu Ward. However after two days at Matuu ward it developed mechanical problems and was currently at Matuu Police Station. Issues reported were; tyrod ends, balljoints, and kingpins which needs replacement.

Matungulu Sub-County

The grader is in good working condition and is grading roads at Kyeleni ward.

Masinga Sub-County

The Committee was informed that Masinga Sub-County had two graders which were both grounded. These graded were allocated to Ndithini and Masinga Divisions respectively. The grader at Ndithini is grounded at Ndithini ward and requires turning cycle and cylinder repairs. The other grader for Masinga division had been transferred to the County Workshop for repairs and is still there to date.

Machakos Sub-County

The grader had mechanical issues and is grounded. Currently it is at Machakos County Garage/Workshop awaiting repairs.

5.0 *COMMITTEE OBSERVATIONS*

Hon. Speaker, on considering the above issues the committee requested for written report from the Chief Officer, Department of transport, Roads and Public Works and

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below are the findings:

1. That all graders though some were said to be working still required funds to repair them.
2. That some graders were grounded for unknown period.
3. That grader Registration No GKA 571P was repaired at a cost of Ksh 3.6m and deployed to work at Kikesa-Kalukuni and Kithini-Vota roads projects.
4. That grader Registration No. GKA 571P had different registration number from other County Government graders.
However, transfer had been initiated and the County Government number plate will be fixed soon.
5. That the County Government had a total of 19 graders. (Annex ii)

No	Condition	Number of graders
1	Graders in working condition	6 (six grader)
2	Grounded graders due to mechanical issues	11 (nine)
3	Obsolete graders	2 (two)

6. That in the list though some graders were classified as project graders; they were used to level and murram roads before the projects were handed over to private contractors. The County government used her machinery and staff to do works which did not need technical expertise and hand over the rest to private contractors thus cutting cost on the whole projects.
7. That graders classified as others had mechanical issues and were grounded at County Government Garage/Workshop awaiting repairs.
8. That the two categories of graders (project graders and others) were not allocated to any specific Sub-County but could occasionally be used to grade roads where need arose.
9. That Masinga Sub-County had been allocated two graders but both of them had mechanical issues and grounded.
10. That some graders though due for services were still working.
11. That two graders which were classified as obsolete, had a mechanical report done for disposal and their identity and current value was as below:
 - a. KBY 940C -Ksh. 2,500,000
 - b. KVP 930 -Ksh. 1,500,000

The cost of repairs of the two graders was high and hence the exercise would not be viable since the machines were old and worn out. A mechanical report of the required repairs for the two graders is annexed in the report. (Annex i)

That the department was in the process of leasing equipment that is procuring from the National Youth Service vide their letter Ref No. GMC/TR&PW/FLEET/VOL.1/163 dated 27th July, 2021 addressed to Director General, National Youth Service.
12. That the department outlined the following challenges in the context of county graders;
 - a) The graders had to be driven long distances. However, the department was in the process of procuring a low bed loader to enable the graders be ferried from one place to

another.

- b) That budget limitation led to cases of lack of fuel, repairs and servicing of graders.

Challenge of cashflow was also outlined as key especially where funds were needed for minor repairs that are service of the graders, tyres among others.

7.0 COMMITTEE RECOMMENDATIONS

Hon. Speaker, the committee recommends the following:

That:

1. The Department should ensure that proper financial planning is done to ensure that fuel does not run out during grading exercise. This would reduce situations where grading would be halted mid-way due to lack of fuel
2. To ensure equitable grading Programme, a clear working schedule for the graders should be prepared. This should be done in consultation with the Sub-County Engineers in the specified Sub Counties.
3. Sub-County Engineers should be facilitated in order to be able to handle minor repairs.
4. The Committee recommends the department on the needs to fast track the leasing of the equipment from National Youth Service (NYS) since it will address some of the challenges they were encountering. The committee recommends that the department leasing of the above National Youth Service graders be done on wet rate but not on dry rate to address the challenge of fuel.
5. That the department embarks on doing scheduled/preventive maintenance of graders instead of the current situation where curative is the norm.
6. That the committee recommends full implementation of motion passed by the House on 15th May, 2019 on adoption of tendering method to grade roads from the FY 2019/2020 onwards.
7. Further the committee recommends for a consultative meeting between the department and the Members of the Assembly for smooth running of the grading programme.

8.0 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 and commodity 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, the committee is appreciating the support accorded by the office of the Hon. Speaker and that of the Clerk of the County Assembly during this exercise. Further the committee acknowledges the support given by the committee secretariat.

Hon. Speaker, it is my pleasure 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. Deputy Speaker: Thank you, Hon. Mbevi, for that report well-read.

(Question proposed)

Hon. Members, you may contribute to this Motion. Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. Let me start by thanking the Chair and His committee for this good job done and let me say that, Mr. Speaker as you are aware that down there in our wards, the issue of grading of roads is a challenge and Mr. Speaker, I would wish to say that this grading is done by the county government and Mr. Speaker it is a matter of buy or make decisions where you undertake to audit yourself and see the existing internal capacity for you to make and if you are not able to make then you have no choice than to buy.

Mr. Speaker, this House has been urging the county government to go the contract way; to source such functions so that we may have timely services but because of the existing graders which you have heard the status they are in, some are grounded, others are in projects, you find that the wards share the graders. Some wards like Mwala sub-county where I come from have one grader for six wards, others like this Machakos have one grader for seven wards.

So, you find for the grader to go round and offer services to all the wards, it takes a longer time and remembering that some periods have rains like April, November and December so you find that the months remaining to do grading are very few. Once now there comes that challenge of July, August and September when money or budgets have not been uploaded then you find we do very little for a year, Mr. Speaker. So, I think is the high time that the county government tries the outsourcing way so that we have contractors who can deliver within the period from now to December before the rains come so that every ward can get some service and have our roads fixed.

Even the categories of the roads in our wards differ; some can be done manually by manual shaping by our people and they get paid. Mr. Speaker, the challenge which we also saw comes from servicing. These graders sometimes even they lack oil and you find the grader stops, so the queue continues to wait. I think is the high time now we checked that are we going to continue making or we are going to outsource. But still, I appreciate the efforts by the department for also trying to check whether they can write letters to the National Youth Service and get graders from there and maybe that can take us a step higher and find that we get the services and I think this House should see to it that it helps the transport committee to fast track that process. Even if it means convening the General Oversight Committee so that we may track the success of that program.

So that if the internal capacity is increased, then obviously, I think we would have done something before the rains come. It is the high time that we can start now because now I think money will be flowing from the Treasury and we should be able to do within the three months every ward gets some kilometers of roads. So Mr. Speaker I think is a good gesture and still a lot can be achieved before time goes odd.

So, Mr. Speaker I support and say that is a good report and that should be coming to this House so that we may see. We have seen a grader here KVP; that grader belongs to the defunct municipalities and I think KVPs were in 1978, so such a machine working it might be consuming county funds and it is good that such equipment are disposed and maybe if in need others are acquired. So, I think is a good report. I support.

Hon. Deputy Speaker: Thank you. Hon. Kisini.

Hon. Kisini: Thank you, Mr. Speaker. I want to thank the committee through the Chairman for a good report which enlightens and which shows us the shortcomings more especially on this program of graders. Mr. Speaker, I want to go to the recommendations No. 1 whereby they have said that the Department should ensure that proper financial planning is done to ensure that fuel does not run out during grading exercise. Yes, Mr. Speaker the House will agree with me that most

of the time, even when these graders come to your ward, there is not enough fuel to run out that exercise.

Secondly, the repairs and more especially the minor repairs, there are no funds to do or to facilitate those minor repairs. For example, and as they have mentioned in the report, you will find that, that grade has a tire burst and the area MCA will be forced to maybe repair that tyre; you will find that there is no lunch which is given to these people maybe the grader operators and the casuals, and the MCAs will also chip in for that. You will also see that the major breakdown happens when those tractors are maybe working at your ward and more especially at times you might be forced to repair the *jembe*, the cutting edge. So, Mr. Speaker, it comes as a burden to the MCA, it comes as if he is the one who is supposed to finance that project. So, Mr. Speaker, there are a lot of shortcomings to that effect.

The other thing I want to point out is that because of that lack of fuel, because of those minor repairs, you will find that it is allowed that people can come together of a certain area and fuel that tractor so that maybe the grading program can take place. I know it has happened; if the MCA is not fueling the people will organize themselves and they fuel so that that service can be done, which is against what is supposed to be done.

Mr. Speaker, I also want to go to recommendation No. 6 where the committee recommends full implementation of motion passed by the House on 15th May, 2019. We passed this motion that we contract this exercise because we saw all those shortcomings; I don't know Mr. Speaker what happened and then on top of that, apart from the grading, we also request for murrum. Most of the roads even if they are graded, there is no murrum and when the rain comes, it just becomes muddy and impassable.

So, Mr. Speaker, I just want to say thank you to the committee for the recommendations which are a true case and ask the House to see what we can do so that we can see to it that this program takes place and benefits the electorates. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Hon. Speaker. I stand to support this report and make just two or three comments on it. Hon. Speaker, I am a member of this committee and that is why probably I was waiting for most of the members to contribute at least I can say a word or two. Hon. Speaker, you will bear with me and the Hon. Members of this House that this department is very important to our people and if there is a department touching our lives, this is one of the departments. Hon. Speaker, you will appreciate that we are doing our best; we are trying to engage the executive, we are trying to come up with the best programs to fit our people when it comes to making our roads and most of them are in vain.

I will start with the committee recommendation No. 4. The Committee recommends the department on the needs to fast track the leasing or procuring of the equipment from National Youth Service (NYS) since it will address some of the challenges they were encountering. The committee recommends that the department leasing of the above National Youth Service graders be done on wet rate but not on dry rate to address the challenge of fuel. I think this is the best way to go about it. Hon. Speaker, all of us we have seen these graders in our areas and I brought a motion on the floor of the House when we were in *Bunge Mashinani* in Ndithini and nothing has happened from the Executive to implement this motion.

When these graders come to us, we are the one to repair, them, to fuel them we are the ones to give accommodation to the people operating with the machines and you know it cannot work this way. So, Hon. Speaker and this House, I recommend, I am a member of this committee chaired by my friend and my brother Hon. Mbevi; he is doing his best. Just the other day he invited the CEC with all the officers in his department but everything we talk we just leave it in that table and

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nothing is going to happen. I recommend on the floor of this House that we advance our approach to this department and Hon. Speaker, if you allow let all the members, the committee of the whole House come and face this department.

If you are not going to take this direction Hon. Speaker, nothing will happen because we have been engaging them, they have been telling us they have fuel, the cards are there but there is nothing happening. The last time I saw a grader in my ward, I think is a year and three months ago, so you can tell me there is two rain seasons in between here, you can tell how my roads look like. I am scared most of the times to go to our people because they will be asking me, *Mheshimiwa* where did you pass to arrive here. It is really embarrassing so I urge this House to call this particular department in the committee of the whole of this House. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mulatya. Hon. Nick.

Hon. Muia: Thank you, Hon. Speaker. First I want to congratulate the committee of transport for the good job they have done because the report is very comprehensive and well-written. We have had challenges of these county machineries not only the graders even other machines like the shovels even the machines from grading the machines for drilling water. I remember, for example if I may dwell on that, when Members were given the first Ksh. 10 million projects, there were boreholes that were to be drilled but because of these county machines being broken down and not operational some Members have not been able to achieve that.

So as my colleague and *Mheshimiwa* Mulatya has said, actually the next sitting we need to write a letter to the department to attend here in the whole House the Chief Officer should be here because I have seen they wrote a letter on 27th of July, 2021 to Director General National Youth Service (NYS) and we do not know what is the response from the NYS or what is the status. So we want to go the NYS route because the county machines are really letting us down.

I remember one time I bought tubes in my ward worth more than Ksh. 7 (??) and I have the receipts and nobody bothered to refund me that money. So I request Hon. Speaker that we make sure that the next sitting, we write a letter to the Chief Officer and whoever is concerned about this machines that we want to go the NYS route on the wet rate so that we can be able to do these roads because time is not on our side. The rains will be here by end of October or maybe early November and that will go all the way up to January.

From January 2022, civil servants will be retiring or else resigning on February, so basically there is nothing much we can do. If we cannot do anything between now and November whereby we have barely two months; from December it will be rainy season, January rainy season and from February nothing much we can do because it will be campaign period. People will be asking you '*Mheshimiwa* why you did not do this road for five years now is the time you are remembering us, it is too late too little.' So let us have these machines working or else let us have the machines from NYS so that we can be able to lease at least we see each sub-county can get like two graders then from there we can be able to see.

Even we have the county tippers; sometimes they have issues even when they get a tyre burst, a puncture there is no money and the drivers no money the sub-county engineers no money it always goes to the *Mheshimiwa* because of the shame. People will ask *Mheshimiwa* 'machine *imelala hapa*, the machine is grounded just because of a tyre burst you' and end up spending Ksh. 2,000, 3000 or 5,000 and by the end of the day you end up spending a lot of money.

So, Mr. Speaker, make sure that we finish this issue. Let the letter be written today and the next committee of the whole House we want to see those guys from the transport and the CECM or else the Chief Officer to be here to address that issue. Thank you, Mr. Speaker.

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Hon. Deputy Speaker: Thank you. Hon. Kioko Kalumu.

Hon. Kalumu: Thank you, Mr. Speaker. Today's report also looks like another one which was here another day and Mr. Speaker let me congratulate my friend Hon. Mbevi for giving us another report which is very clear on what is happening on this department which is very critical on the well-being and also coming back of everybody who is elected in this House.

Mr. Speaker, you look at the report on the committee observations and you go to No. 6 you find that; let me read very clear. That in the lease, some graders were classified as project graders; they were used to level murrum roads before the projects were handed over to the private contractors.' I am on that I will dwell on that Mr. Speaker. Why am I on that Mr. Speaker? It is because when we pass budget here we see some roads being contracted and when they are contracted you find that again this equipment like the graders, the tippers and the shovels are again on the projects. You ask yourself again, Mr. Speaker; is this road contracted or is being done by the county and who is doing it are we paying twice?

A report will come back to this Assembly and show that this road was contracted this road has a contractor who is doing that road and again you will find that county equipment is being used again on the same road. You ask yourself what is happening; are we blind that we cannot see? Are we that fearful that we cannot speak over the same thing Mr. Speaker? Because if a road is given to a contractor it should remain as a contracted project; there should be no other machine which is given to that road and that machine should go and do another work in another place.

So there are double standards here which are being applied and this is an eye opener which has been brought here by Hon. Mbevi that there are machines which are for projects; you ask yourself which projects this one, at the same time you also find that that projects was given and contractor is being paid on the same.

Mr. Speaker I will also want to speak about what we call public county machine fueling which is giving us shame. One time I told my people from Kithimani ward that these machines are available for the public to fuel because the county money which we allocate in this House and give to the department, they say in each financial year that we allocate money there is Ksh. 250,000 for each ward for fuel and every time around goes to your ward you only use Ksh. 50,000. That reflects to.....because the machine consumes Ksh. 10,000 a day you find that you only have five days and the work for five days, Mr. Speaker, and you find that our wards are very expansive that the five days is just a drop in the ocean.

So you find that it is at the end of the ward and the other edge remains without the roads being graded. So you find that when you go to that side you are told you are not working for the people yet some money has been has been sent to that department. What is happening?

Mr. Speaker, our request is this; when machines are grounded like this report which is telling us, what are the ways of trying to improve on repairs and maintenance so that we can achieve for *wananchi* because *wananchi* are paying taxes and is waiting for the services and *wananchi* when you grade five days' road grading you find that it is nothing, Mr. Speaker. I know you know because one day I was in your ward and I heard people claiming the same.

So, what can be done is this.....again another problem is this. A grader comes to your ward with the operator, the operator stays in Machakos and works in Yatta so he has to travel from morning, he has to reach in Kithimani at around 11.00 o'clock. When it starts work at around 11.00 o'clock, at 3.00 o'clock he wants to return back to Machakos and the following day he tells you there is no fuel. So just compare the hours of working; it is just barely four hours because this person has to go for lunch because he is a human being.

So, the performance also of the grading services is very poor and the reason is because an operator is not staying on the station of work. That operator comes without imprest; you are the

person as the MCA to buy for him lunch, to give him fare to come tomorrow morning. If you do not give he will not come so you just there by the mercies of that person if he does not come then there is no work which goes on.

Mr. Speaker, this is the county we are in the county No. 1 where you can work for four hours and achieve enough roads grading for the people who elected you to go and bring services to them. Mr. Speaker the services of this graders need to follow that motion which was brought by Hon. Mulatya the other day and I do not know what happened up to now nothing has been happening because it is no one's money, it is nobody's money this money belongs to the people of Machakos and anything that gives them value for their money should be done.

If outsourcing the machines from NYS will improve the services of roads grading to *wananchi* then do it; let us have it like tomorrow like today if it is possible. Without much ado I do not want to speak too much because I am annoyed. I am annoyed because of the services we are giving to *wananchi* yet they are expecting too much and the money is there and everything is there possible to give *wananchi* what they want. Thank you so much.

Hon. Deputy Speaker: Thank you. Hon. Josphat Kasyoki.

Hon. Kasyoki: Thank you, Hon. Speaker. Hon. Speaker, I wish to thank the committee for coming up with the clear picture of what is happening with our graders. These graders if they were to be used or to be doing what they are supposed to be doing, I think no Member would be making any complaints but the graders have problems but the problems is not the graders. It is the management of that department so it is high time Members we call the Chief Officer of roads to come and tell us what is happening.

I have seen here when No. 6 Matungulu sub-county the grader was in Kyeleni; I agree it was in Kyeleni but you when you hear Hon. Speaker, a grader is in a ward you should know that that Member is using his own money and not money from the department which is supposed to do the repairs and pay allowances to the operators.

The other thing is about the service. These graders are not serviced so if you have a grader in your ward you have a problem and since we have to use those graders because nothing on the road has been done since we came here, it is only through the graders that we are doing the little we are doing in our wards but to have a grader in your ward is very costly.

Mr. Speaker, some graders have operators who are very unfriendly; you know these are officers employed by the County Government but when they come to your ward they want you to give them money to rent a hotel to sleep, take lunch, supper and if you do not give them that is the end of the grader, it will not work again.

The other thing is about graders being used by contractors. I have never seen this and I would like to hear from the Chief Officer why they are giving some contractors graders which are supposed to be working in the wards for free. You can have a grader like the one in Kyeleni now it has been borrowed more than three times. I know one time gave it to my colleague Hon. Kisini, he had a function but the other times it has been taken away from Kyeleni without us being told where they are taking it and after doing my follow up, the operators tell me we have been solving a small problem to a contractor

To me, there is a connection between the graders, our contractors not all of them, some. So, Hon. Members, I do not know what we will do. I think when the Chief Officer comes we should be ready; we can even vote him a vote of no confidence to the Chief Officer because what is happening in the wards is pathetic. We are now going into the final year and nothing has been done, so---

Hon. Mulatya: Point of information.

Hon. Deputy Speaker: Point of information, Hon. Mulatya.

Hon. Mulatya: I wanted to inform my colleague and my friend that it will be in order because Hon. Kasyoki is agreeing with me that we call the officers from the department here. There is one mistake I noticed we normally do and I noticed that mistake when we were doing the report. When the Clerk Assistants prepare the questionnaire and they go to know it, they come here prepared and they will tell you what you want to hear because they already know. So, I wanted to inform Hon. Member that if we are going to do it, let us not prepare the questionnaire let them come and meet the Hon. Members.

Hon. Deputy Speaker: Noted. Go ahead Hon. Kasyoki.

Hon. Kasyoka: Thank you, Hon. Member. Hon. Speaker I was saying, if the Chief Officer comes we will be ready we do not even need papers to ask questions because what is happening in the field is not good and some of us will lose their seats because of doing nothing to our electorates.

So, I wish to thank the committee; they have done a good job and it has been doing good because the other time when we were in Kola we had a report on how money is being used in that department. We have so many things to know from that department. Hon. Speaker, I support the motion. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Johanna Munyao.

Hon. Munyao: Thank you, Mr. Speaker. I support the report by the committee of transport. Mr. Speaker, I am a fresh victim because as we speak here one grader is lying in my ward for the last three or four weeks. It has become a shame because I want to admit that I worked in that department sometimes ago and the intention of having to procure graders was to supplement the works which are supposed to be procured through contractors and the arrangement was we know the mathematics which goes with contracting.

We were supposed to do the grading and contract to do the concrete works, installation of culverts and at times murraming and that was going to save the county a lot of funds. Such a nice arrangement is turning out to be a shame for this county because, the graders are ever in very bad condition; it is rare to find a grader working for a month continuously and even in our own private businesses, if a tool is not serving you right, the option of even replacing portrays the wisdom of a person who is ready to perform.

I want to say that the issue of recalling graders and I am speaking as a representative of Machakos Sub County. I want to admit that we are the worst-hit because we are very close to the headquarters; the grader for Machakos sub-county also doubles as the pool grader for the local running and the other projects which are being done within the headquarters. So it is very rare to find a grader working for two weeks without being recalled. It beats logic why we cannot have graders in good condition each with a file monitored right from the way it is operated by whoever is assigned to it. We should be able to track even the frequencies of breakdowns and find out whether it is the incompetence of some of these operators or deliberate or the fault of the machines.

Mr. Speaker, we ought to be a bit more organized as a county and I support that we invite the Chief Officer here and his team so that we can get to know why we cannot have a well-organized department and why the grading and other road works cannot be carried out as budgeted for and as planned. I want to say that we pass budgets here and provide for even allowances for

upkeep of some of these officers. I have also been able to pay for accommodation for some of them, provide lunch and it is very clear that we should be able to facilitate our people to work.

We should not subject them to very unfriendly inhumane conditions yet expect performance from them. I want to end my submission by supporting the report and support that we invite the Chief Officer here to come and shed some more light on why the programs are never a success. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Irene Mbivya.

Hon.(Ms.) Mwende: Thank you, Mr. Speaker. I wish to applaud my Chair for the elaborate report and the committee as a whole. There is a saying that people who know better do better and knowing better and refusing to do it ain't better at all. We already know that roads are everything and they provide good infrastructure, they facilitate trade, economic development and improvement in the quality of life. We know that *mama mboga* will benefit from roads and business persons and it is important that the County Government implements the motions and the budgets that are given from this House.

The first function of the Executive is to implement what the County Assembly passes and I am not sure that we have been able to see any implementation so far so it is the high time that we stop being moved by our emotions but by the promises that the Governor and his Executive gave to the people of Machakos because development will benefit the whole not an MCA *per se*. Whether you elected him or not because we all come from different parties and I believe if you have children from different mothers, they are all your children and they ought to benefit from what your own blood child deserves.

Mine is to urge the Executive led by the Governor to execute what the Assembly passes because elected MCAs are under threat and sometimes you bring change due to the threat that is on the table. The threat in our case especially for the elected Members is 2022 and you will be told you did not do this, you did not give us roads yet in your manifesto you had it. So, for me it will best for this financial year because we have a budget that we do justice and whatever hardships or chains that circumvent developments or change, we can overcome that and do justice and bring development as it ought to be. Thank you, Mr. Speaker; I support the report.

Hon. Deputy Speaker: Thank you, may the mover of the motion respond please.

Hon. Mbevi: Thank you, Mr. Speaker. First, I wish to congratulate and appreciate the recommendations that have been made by my fellow Members and I am happy. The way I am feeling as the Chairperson of Roads committee, fellow Hon. members are also feeling the same way like me because sometimes you fail to understand as the Chairperson and you do not know whether to resign or what because every time we have a meeting we just have the same thing and we repeat and nothing is done.

I want echo what Hon. Members have just said. What *Mheshimiwa* Mulatya has just indicated that let us just give a questionnaire to the members of the Executive because firstly they would have read our minds and they come prepared to tell us what we want to hear. Probably, in my thinking, they may be having solutions with them but if we just direct them on what we want..... you know they have to stick to what we have requested for because if I look at their qualifications, the way we relate, the way we have our meetings, they are qualified for that.

I do not know where the problem is and may be because of the questionnaire style, they just stick to what we want to hear. Probably, they may want to tell us why they do not perform because according to me Hon. Chair, the way we talk and discuss issues, there is a problem and

it is not them.

I also support the meeting with the Executive at the General Oversight Committee of the whole House because they must tell us where the problem is. We pass budgets that they bring to us and later they tell us in our meetings that our proposal in the budget was this but you gave us this and we do not know where the budget allocations are changed. So I think it is important we have a Committee of the whole House, invite them and allow them to tell us where the problem is because there is a problem. There must be a problem because the graders are there; money is there because we allocate them money in the budget so they must tell us where the problem lies.

Lastly, I would comment on the Motion we passed. As the Chairperson of Roads Committee I saw this problem and I communicated to my fellow Hon. Members and I told them that unless we get to contracting we will not get anywhere. I brought a motion which we passed and it has never been implemented and I do not know why, Mr. Speaker. I stand to be guided because I think whatever we say here has to be followed by the Executive.

The other issue is us being here in this our last financial year, Mr. Speaker. When it comes to development, even to our electorates, actually they term roads as development. They do not even have think much about other things; our performance as Hon. Members is based on roads. So I think it is important we have this meeting to see if we can get some of us Hon. Members getting back to this Hon. House.

Our roads are in bad shape and like in my case, I have a grader that came yesterday and unfortunately it has rained and I have one week to do that grading. Now, three days will be lost because it will not be operational so I have four days with that four-hour operation because of the issue of the operators coming from far. So what will happen in my ward? Is there much that will be done in my ward? I think it is important we have that meeting of the whole House to see what we can do and go the hiring way because the monies are there.

Let us see what we can do and hopefully I think the Chief Officer and the *Waziri* will tell us the way forward because probably once they let us know where the problem is; probably the problem might be some of us. It might be some of us Hon. Members who are block to others so it is important we have that meeting of the whole House to deliberate on this because much as we are here like Daniel Mutuku Mbevi, I would wish to get back to this House, Mr. Speaker.

Unless I perform and make roads for my people, there is no other way; I will have to go home and I will not complain but if I go home having done what I was supposed to do to my electorate, I will have no regret. So, Mr. Speaker, I thank Hon. Members for their deliberations and I look forward to having that committee of the whole House with the Executive. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you very much, Hon. Daniel Mbevi.

(Question put and agreed to)

(Applause)

Hon. Members, before I conclude, I just want to echo some of the sentiments which Hon. Members have put before the House and they are critical. We have talked about the issue of grades which are grounded; I have seen 11 graders are grounded and we have two graders for projects which are working. You will never find these two graders which are for projects not working but the graders that are supposed to work in the wards are grounded.

What is the purpose of contracting work if it is not grading? You grade a road for a

contractor; that is the most difficult part of the work and then you give him the road for putting murrum on a graded road surface. Then if you look at the rates the contractor is being paid and it is for grading and murraming yet the grading has been done by our graders. It does not make sense and that is the reason why you find that a Hon. Member said it is to some specific contractors whom we all know and we are all aware of.

That cannot be allowed because if we continue having Members or contractors making money with County equipment and then the rest of you are not getting our roads graded, you will end up not getting re-elected while some people grow rich and as a result they get re-elected. So it is important for us to look at those things.

Machakos Town sub-county where I come from, we have one grader for seven wards; even if we say the graders is going to be in one ward for one week and before it goes round, it is minimum eight weeks or two months and that is when it is working every single day. Bring the issues you have heard about breaking down and all these we will only get three wards graded every season.

We will be lucky if between now and October, we get three wards graded because by time it moves from Mutituni and goes to Mua where it now bound to stay for the rest of the period so people like me will not expect to see any grader until after the new year. At the same time we are being told that there are graders which are for projects so I think that is something that cannot be allowed.

On leasing of equipment, there is something that has been talked about over and over again. I have heard about the wet rate versus dry rate; this is something we need to look at critically. Wet rate means that they fuel; NYS fuels and gives the grade when it is fueled while the dry rate means they give the grader and you fuel it yourself. Wet rate would be the best rate but the question is; you need to look at the two very critically because with Ksh. 100,000, you can fuel a grader for seven days and if that is for 10 days and if that is working grader, you might up finding that getting it a dry rate and fuelling it if their card does not have money might be cheaper and more efficient than the wet rate because again the wet rate depends on whether NYS themselves will have the fuel.

They are also listening to you and expecting money from the same government where we are also getting money from; remember NYS is funded by the National Government just like we are funded by the national Government. So you might a wet rate, they bring the grader and tell you to wait for them to get fuel. So we will need to look at those two clearly when they come here.

Based on the report that has been read before this House, I am directing the Table Clerk and the Clerk Assistant of that Committee to summon the Chief Officer to appear before the General Oversight Committee in the next two weeks.

(Applause)

In the next two weeks we need to meet the Chief Officer for Roads to appear before the General Oversight Committee. The reason why I am saying the Chief Officer is because the Chief Officer is the Accounting Officer and he or she will come with everybody. We are talking of the CEC Member and everybody in that department and they will come here and there is no need for us to give them a heads up as to what we are asking for because Hon. Members, you have heard all grievances that are here is all they need to answer when they are sitting before the General Oversight Committee.

We have given them budgets and IFMIS is now operational; the system is up and the Controller of Budget has said Machakos is one of the Counties which complied by passing the budget within time so there should be no reason whatsoever why now we cannot be able to go

ahead and do our grading, our contracting and our leasing whichever method you want to use to ensure that our people get quality work from this.

So Chairperson, follow up and ensure that we organize that meeting of General Oversight Committee. The letter should be written early enough; I would be suggesting if that letter can go tomorrow and then we sit with the Chairperson and agree on a date. Put the date two weeks from now so that they do not say it was a short notice. We want to give them time when we know that when we give you two weeks for you to prepare to come and be able to meet with Hon. Members to discuss this very weighty issue.

ADJOURNMENT

Hon. Deputy Speaker: Thank you very much, Hon. Members and with that the House is adjourned to resume again on Tuesday, 17th day of August, 2021 at 10.00 a.m. Enjoy the rest of the evening.

The House rose at 4.01