

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th October, 2021

The House met at 2.32 p.m.

[The Temporary Deputy Speaker (Hon. (Ms.) Nzioka) in the Chair]

NOTICE OF MOTION

UPGRADING OF AMBULANCES AND ALLOCATION OF
A MODERN AMBULANCE TO KATHIANI LEVEL IV HOSPITAL

Hon. Temporary Deputy Speaker: Under this Order we have a notice of motion by Hon. Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the constitution of Kenya 2010 and Vision 2030 have spelt out the right of attainment of the highest standard of health to its citizens which calls for a comprehensive, effective and efficient infrastructural development;

Further, aware that good health infrastructure links people to health facilities and access to quality health care services;

Informed that performance of ambulance services are measured using indicators such as technical efficiency, response time, one's time and client satisfaction;

Cognizant that inadequate ambulances have been a challenge in the County since a single ambulance is scheduled to cover a large geographical area or the ambulance either has no required standard equipment or the equipment are not properly functioning;

Considering that the County Government of Machakos, since devolution, has made a great milestone in purchasing ambulances to address health emergency services;

Noting that currently most of these ambulances lack requisite equipment such as portable oxygen apparatus, portable and fixed suction apparatus, portable and fixed oxygen supply equipment and oxygen administration equipment among others;

Aware that this state of affair risks losing lives that would otherwise have been saved if the ambulance facility is well equipped with the said equipment;

Hon. Speaker, pursuant to Standing Order 44, I wish to give a notice of motion that the department of health and services in Machakos County equips the existing ambulances with all the requisite safety equipment and assigns a modern ambulance to Kathiani Level IV Hospital.

Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ndambuki.

MOTION

REPORT ON THE BUDGET IMPLEMENTATION FOR THE DEPARTMENT OF HEALTH AND EMERGENCY SERVICES FOR 2019/2020

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

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya 2010 mandates county governments to deal with all matters related to county health services and including in particular county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public cemeteries, funerals, parlours and crematoria and refuse removal, refuse dumps and solid waste disposal, fire-fighting services and disaster management;

Aware 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;

Informed that in exercise of the function vested on County Assembly in Article 185(3) of the same constitution the County Assembly through the committee of Health and Emergency Services requested for the departmental performance report for the department of health and emergency services for the financial year 2019/2020;

Cognizant that pursuant to Standing Order 190(5), the committee analyzed the report, conducted site visits and consequently compiled a report;

Hon. Speaker, I wish move the Motion that this Hon. House discusses and approves the report of the Committee on Health and Emergency Services on the Budget implementation for the Department of Health and Emergency Services for FY 2019/2020.

Thank you.

Hon. Temporary Deputy Speaker: Hon. Jacinta, you may call a seconder.

Hon. (Ms.) Luka: I call Hon Angela Munyasya to second.

Hon. (Ms.) Munyasya: Thank you, Hon. Speaker. I second the motion.

Hon. Temporary Deputy Speaker: Thank you. Hon. Jacinta, you may continue.

Hon. (Ms.) Luka: Thank you, Hon. Speaker. In the report we have the introduction, then preface, the mandate of the committee, committee composition as at the time the report was being prepared. We have Members as follows:

1. Hon. Cosmus Masesi - Chairperson
2. Hon. Pauline Munguti - Vice Chairperson

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| 3. | Hon. Paul Museku | - Member |
| 4. | Hon. Tariq Mulatya | “ |
| 5. | Hon. Peter Mutiso | “ |
| 6. | Hon. Johana Munyao | “ |
| 7. | Hon. Jacinta Luka | “ |
| 8. | Hon. Patrick Kituku | “ |
| 9. | Hon. Anastaciah Mutuku | “ |
| 10. | Hon. Daniel Mbevi | “ |
| 11. | Hon. Ikusya Kaloki | “ |
| 12. | Hon. Antony Mulu | “ |
| 13. | Hon. Winfred Mutua | “ |

We have the legal framework provided for in page four

Matter under consideration

The committee considered the following:

- a) Overall budget for FY 2019/2020.
- b) Departmental budget for FY 2019/2020 on pages 6, 7 and 8.
- c) Report of Controller of Budget on pages 8 and 9.

COMMITTEE SITE VISITS

Hon. Speaker, further the Committee conducted site visits to sampled Projects done in Level 5 and 4 hospitals, dispensaries, community hospitals and health centres. The site visits were done between 26th and 30th October, 2020.

DISCUSSION WITH CHIEF OFFICERS

Hon. Speaker, Article 195(1) of the Constitution of Kenya, 2010 stipulates that “a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.” Section 39(2) of the County Governments Act, 2012 states that “a committee of the county assembly may require a member of the executive committee to—

- a. Attend or appear before the committee; and
- b. Answer any question relating to the member’s responsibilities.

Further Section 18(1) of the County Assemblies Powers and Privileges Act, 2017 states that “a county assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a county assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the Constitution.”

This Committee invited the Chief Officer, Department of Emergency Services for a meeting on 9th November, 2020. The invitation was through a letter Reference No. (MKSCA/PCS/CMM/HES/VOL.3/61) dated 19th October, 2020/

COMMITTEE OBSERVATIONS

Observations from the Departmental Reports, COB Report and Departmental Budget for the FY 2019/2020

Hon. Speaker the Committee interrogated the above reports and observed the following:

1. That county health facilities were allocated budgets based on the data of patients they attended to in a given period.
2. The budget allocated under public health and community outreach program is meant for Level 3 and Level 2 hospitals.
3. The Department's absorption rate of the FY 2019/2020 Budget was very low with the recurrent and development being 46.7 per cent and 17.1 per cent respectively. Further, the sub Programme on emergency services had zero receipts despite having an approved budget of Ksh. 21,595,884. This is according to the report of the Controller of Budget.

Observations from site visits

Hon. Speaker from the site visits conducted the following were the observations:

1. That as at the date of the site visit on 26th October, 2020, the health facility at Mlolongo Community Hospital was initiated in 2015 and expected to be completed by 2019 but the pace of the works was very slow. The project was 98 per cent complete. Ksh. 10,034,368 had been paid out of the contract sum of Ksh. 13,067,695
2. According to the report from the Department, Ndithini Community Hospital was indicated to be at 40 per cent completion. This contradicts the actual status of the project as it was at lintel stage. The committee disputed the status of the project as indicated in the report and rated it at 15 per cent.
3. Mukunike Community Hospital in Kangundo West Ward was 100 per cent complete according to the initial bill of quantities. However, works were ongoing to include a placenta pit and toilets occasioned by a varied bill of quantities.
4. Kusyomuomo Community Hospital in Machakos Central Ward was initiated in 2014 and expected to be completed by June, 2015. As at the time of visit, the project had stalled at lintel stage. The project had been neglected and the stalled buildings risked falling down.
5. The renovations works done in Mwala Level 4 Hospital on the laundry and kitchen facilities had not been completed. The buildings had no doors and windows but roofing had been done. The contractor was not on site. The toilets in the hospital had been constructed to completion but they were not being used.

COMMITTEE FINDINGS

Hon. Speaker, based on the above observations the Committee made the following findings:

1. None of the County Health facilities collects fees and charges from patients because of the Universal Health Coverage Programme, which was launched by H. E the President of the Republic of Kenya on 18th December, 2018 with Machakos being one of the pilot Counties. According to the Chief Officer, the last disbursement from the National Government towards UHC was last received in April 2020. Additionally the Chief Officer highlighted that disbursements of funds to health facilities from the

- County Treasury was not consistent hence the public outcry on shortage of pharmaceutical and non-pharmaceutical supplies.
2. That apart from the Conditional grants from Danida which are directly transferred to Level 2 and 3 health facilities, the Department of Public Health and Community Outreach had Ksh. 62,313,168 for Development in the same facilities.
 3. Community hospitals were projects initiated in the FY 2014/2015 and were to be constructed in all the 40 wards. 19 Community hospitals were ongoing while 9 had stalled. Construction works in the ongoing projects was being done at a slow pace. The Committee engaged contractors in areas where construction was ongoing and the slow pace was blamed on payment certificates. The Chief Officer on the other side blamed the delay on payment of certificates to the Department of Finance where the actual payments are done.
 4. On low absorption rate of the Budget, the Chief Officer informed the Committee that they didn't have end to end access to the payment procedure and only processes payments up to the Internet Banking but the Department of Finance decides on what to be paid.
Further, there was no proper communication between the two Departments. The Department of Health gets to know what payments were made in at the end of the Financial Year.
 5. On actual receipts of funds in the Emergency Sub-Programme, the Chief Officer, Public Health and Community Outreach clarified that the funds were released at the end of the Financial Year and appropriated through the first supplementary budget of the FY 2020/2021.
 6. That status of most projects listed by the Department contradicted the actual status. This was after the committee conducted site visits in sampled projects. A good example is the status of the laundry and kitchen facility in Mwala Level 4 which was indicated to be complete. During the site visit, the Committee observed that doors and windows were yet to be fixed.
 7. The toilet at Mwala Level 4 Hospital was completed in the Financial Year under consideration but since the contractor had not been paid, handing over had not been done.
 8. The hospital staff and patients were using toilets which were in a bad state.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, this Committee hereby makes the following recommendations:

1. Universal Health Coverage funds from the National Government are not forthcoming since April, 2020. Article 185(1) of the Constitution of Kenya, 2010 states that "the legislative authority of the County is vested in, and exercised by its County Assembly." This bestows the County Assembly with the mandate to approve County Budgets. Hon. Speaker, the County Assembly has been approving sufficient budgets to fund all the programmes in the Department of Health and Emergency Services. In this regard, this Committee recommends that timely disbursement of funds to health facilities from the County Treasury must be adhered to.
2. Section 45(4) of the County Governments Act 2012, states that "a county Chief Officer shall be the authorized officer in respect of exercise of delegated power.

The committee recommends that Chief Officers be granted end-to-end access to the payment process because they are the departmental accounting officers. This way they will have full information on the budget implementation reports of their respect departments. Further, the Chief Officer will also ensure that certificates are paid on time and avoid inconveniencing the contractors.

3. The Department should ensure that they give accurate information to the County Assembly on the actual status of the projects.
4. The Department should ensure that before new projects are initiated certificates of ongoing projects are paid and completed projects are fully paid and commissioned.

CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, allow me to acknowledge the Department of Health and Emergency Services for fulfilling their Constitutional mandate by submitting the Departmental performance report for the FY 2019/20 according to Article 183(3) of the Constitution of Kenya, 2010. I wish to appreciate the Health and Emergency Services Committee Members for their dedication during site visits, committee sittings and compiling of this report.

Hon. Speaker, the Committee expresses gratitude to the Office of the Speaker and that of the Clerk to the County Assembly for the continuous and relentless support received as it discharged its oversight mandate. It is therefore my duty, on behalf of the Health and Emergency Services Committee to table this report and recommend it to this Hon. House for consideration and adoption. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Jacinta, for that elaborate report.

(Question proposed)

Hon. Members, the floor is now open for debate. I welcome you all. Yes Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity to make my contribution to this report. Hon. Speaker, I first want to applaud the committee for a well-done job. The report is very elaborate; it actually covers the whole county, so it highlights the challenges across our county in our hospitals at different levels, even though there is one uniformity on the issue of how the challenges in our hospitals.

The major issue here is on finances; our hospitals seem not to be operating properly due to lack of budget. It is unfortunate because we have been passing budgets in this House and the health department has been carrying the lions' share on matters related to budgets and I would have assumed those in charge of the department ought to have come up with a plan, and project on how to spent the finances availed to the department at different stages of the financial year. My take on this would reduce the issues of hospitals of running out of utilities like we have been experiencing and even currently experiencing.

Also, Hon. Speaker, this issue of hospitals being constructed, contractors not being paid, I think I believe before they give out a contract, the first thing they do is setting out a budget and allocating funds. So, I would believe that after they have given out works to be done in different hospitals, they ought to have the money ready so that after completion of these facilities, the contractors are paid on time.

Hon. Speaker, another thing which I should highlight is on these issues of lack of medicine in our hospitals due to lack of payments is not supposed to be coming out at this age. Madam Speaker, I believe we source medicines from different sources and we have established relationships with our suppliers so that when we ran short of funds, the source must also be there to cover the County through supply of medicine and whenever the funds are available the departments make payments on what is due at that time.

Hon. Speaker, again we need also to take into consideration and prioritize projects under health department which have stalled; I have always been talking about the mega clinics which were constructed in the year 2014 and most of them have not been completed. They have stalled and it is very important especially now when the term of this government is coming to an end, they ensure that they do not leave white elephant projects behind. So, they can take that issue as a matter of urgency and ensure that the stalled projects are completed before the end of this fiscal year.

So, Hon. Speaker, I want to thank the committee for the report and I hope once we adopt the report the Executive will be able to implement on the issues which have been touched on. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mitaa. Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker. Let me start by thanking the committee for the good job, Madam Speaker, and thank you for the opportunity that you are heading this Hon. House today. Madam Speaker, let me say that this report is good and timely and I would wish that the House approves it and that I think it is important that whatever is happening down there is given priority so that our health systems are working.

Madam Speaker, I think it is the high time that this House monitors the usage of monies in the department of health because that is where we give big budget from all the monies we have for the County and the main reason is to have our people taken care of and have good health because good health will give wealth. So I think it is important to note that those payments or those who have not been paid is important to have them paid. When we are talking of accountability is when we are able to say; this were the funds allocated for this department of this purpose and it has been used.

Being used is not when we see or as I have heard that repairs were done somewhere; the things are missing but the payments have not been done because if funds have been allocated for a purpose, let the funds be used for that purpose. So, I think it is important that we ensure, even in the department of health, other departments, on the level of accountability, we have to ensure that as we do accountability payments have been done.

I am privileged to have served at a time when we used to use performance contracting; unless you have proof of payment of what you say or you purport to have done then there should be proof of payment that so that accountability is taken to account. So, Madam Speaker, I support the report and also say that it is important that we go the preventive way of treatment so that we ensure that a lot of emphasis is on preventive health care and on that I would wish that the committee health volunteers (CHVs) are supported. It is important that the issue of CHVs is checked; remember this House passed a big budget to have them paid and I think up to now they have not been fully paid for the months which had worked. So it is important that those CHVs are paid so that they continue offering services.

Actually, it is not a pay but is just a stipend or something to keep them going like to pay a motorcycle when they are moving within the area. So, if we have to ensure that we have preventive health care working for us then we have to have those groups checked and supported. So, with those few remarks, Madam Speaker, I support the report. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mutinda. Yes Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I applaud you for the seat you are sitting on this afternoon. I am just concerned by one report where they said when they had a site visit and they found that a toilet had been completed and it was not being used. So I am only advising that the contractor makes use of the resources; when a facility is completed and it is not being used that is total wastage of county resources. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Members, I now call the mover to reply.

Hon. (Ms.) Luka: Thank you, Madam Speaker. I think the report shows well how the hospitals have been funded and we see that during that year there has being may hiccups because contractors are not getting the money as expected and that delay makes the facilities to be commissioned late or never commissioned at all and the patients suffer because the hospitals or facilities are not in use. Still we find that in hospitals, medicines are not there because hospitals have not been funded. So, I think much is needed in our hospitals so that there can be smooth running of the hospitals. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Jacinta.

(Question put and agreed to)

Hon. Members, as we know very well, in our Constitution Article 43 every Kenyan has a right to health. It is my advice to the elected members that when we are giving projects financial year 2021-22, please propose some money in the stalled projects because when you start a project and we have another one which is not completed then we are wasting resources and I know if you put health into consideration, we will move ahead. It is my plea to the CECM health and emergency services and the CO to take up this mantle and make sure they work tirelessly because they have been given the mandate because of the people.

ADJOURNMENT

Hon. Temporary Deputy Speaker: So, Members, thank you very much for today and now the House stands adjourned until, Tuesday....we will resume on Tuesday, the 19th day of October, 2021 at 10.00 a.m. Thank you.

The House rose at 3.12 p.m.