

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th August, 2021

The House met at 10.37 a.m.

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

PRAYERS

PAPER LAID

REPORT ON THE ANNUAL PROGRESS REPORT 2019/2020

Hon. Speaker: Hon. Members, under this Order we have one business by Hon. Kieti.

Hon. Kieti: Thank you, Hon. Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the House today, Wednesday 4th August 2021; the Report of Committee on Trade, Economic Planning and Industrialization on the Annual Progress Report, 2019/2020 FY. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kieti.

NOTICE OF MOTION

REPORT ON THE ANNUAL PROGRESS REPORT 2019/2020

Hon. Speaker: Hon. Members, under this order we have one business again by Hon. Kieti.

Hon. Kieti: Thank you, Hon. Speaker.

Hon. Speaker, that 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 report on all matters relating to the County; Further, aware that Article 185(3) of the Constitution provides that a County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Further aware that, Section 47 of the County Governments Act, 2012 provides that;

(1) The County Executive Committee shall design a Performance Management Plan to evaluate performance of the County Public Service and the implementation of County Policies.

(2) The plan shall provide for among others:

- a) Objective, measurable and time-bound performance indicators;
- b) Linkage to mandates;
- c) Annual performance reports;
- d) Citizen participation in the evaluation of the performance of county government; and
- e) Public sharing of performance progress reports

Hon. Speaker, noting that the County Annual Progress Report was compiled by the Department of Economic Planning after external resources mobilization with input from departmental monitoring and evaluation champions in collaboration with sub-county, ward and village administrators who provided key data on status of projects;

Hon. Speaker; acknowledging that the 2019/2020 C-APR was subjected to Sectoral committees' interrogation, which involved presentations by the respective Chief officers and the reports presented to the committee on Trade, Economic Planning and Industrialization.

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves the Report of Committee on Trade, Economic Planning and Industrialization on the Annual Progress Report, 2019/2020 FY.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kieti.

STATEMENT SOUGHT QUERIES ON MATTERS RELATED TO EXPLOITATION OF NATURAL RESOURCES

Hon. Speaker: Hon. Members, under this order we have one business by Hon. Angela Munyasya.

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

Hon. Speaker, aware that this Assembly has enacted two pieces of legislation relating to natural resources namely the Machakos County Sand Harvesting Act, 2014 which as complemented by the Machakos County Finance Act, 2021 contains trading license charges relating to sand harvesting, natural resources extraction operations among others and the disputed the Machakos Management of Quarrying Activities Act, 2016;

Concerned that the County Executive has largely not implemented these County laws concerning natural resources and further concerned that roads leading to sand harvesting and quarrying sites are in deplorable conditions;

That no resources are ploughed back to the communities that bear the brunt of the unhealthy conditions caused by unsustainable extraction of sand and quarry materials;

Aware of the poor revenue collection systems in the County Government that lead to massive revenue leakage and that not all those who are required by law to pay revenue actually do so;

Cognizant that Section 183 of the Mining Act, 2016 stipulates that, royalties are to be distributed by the holder of a mineral right between the National, County Governments and communities at the ratio of 70 per cent 20 per cent 10 per cent respectively;

Aware that since the inception of County Governments, mining royalties have not been shared among the counties due to lack of the requisite legislation;

Further aware that by July, 2020, it was reported that the National Treasury held more than Ksh. 6 billion as mining royalties due for payment to counties and communities;

Hon. Speaker, pursuant to Standing Order 41(2)(c), I wish to seek a Statement from the County Departments responsible for Environment, Lands, Energy and Natural Resources as well as Finance on the following matters;

1. Has the County Government has mapped out the natural resources occurring within the County?

Hon. Speaker: Hon. Angela, the question is; has the County Government mapped out the natural resources, instead of 'occurring' use the terminology 'available' within the county.

Hon. (Ms.) Munyasya: I stand corrected, Madam Speaker. I repeat.

1. Has the County Government mapped out the natural resources available within the County?
2. What measures has the County Government put in place to enhance revenue generation from natural resources in the County?
3. What measures is the County Government taking to safeguard the environment and residents against the danger and nuisance posed by exploration of natural resources?
4. Has the County Government put any measures to ensure compensation of the people who have been affected by exploitation of the natural resources?
5. What is the County Government doing to ensure that royalties are distributed by the holder of a mineral right between the National, County Governments and communities at the ratio of 70:20:10 per cent respectively pursuant to Section 183 of the Mining Act, 2016?

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Angela. Hon. Members, this is a very critical Statement that is very loaded and I know you would want to make some statements or observations on it or comments before it is referred to the relevant committee for the necessary processing. Do we have any comments from any member on the floor? Hon. Hellen.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I congratulate *Mheshimiwa* Angela Munyasya for bringing such an important Statement in the Assembly. When I look at the figures like Ksh. 6 million being held by the National government and not been able to distribute

according to the formula of 70 per cent, 20 per cent, 10 per cent due to lack of a requisite legislation, I think it is the high time as an Assembly we sit down and see how we can come up with that legislation to ensure that, of course in collaboration with the Executive, to ensure that these monies are sent back to us.

Secondly, I would also request we also come up with a legislation now members of our county those affected by these quarrying activities are also compensated. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Hellen. Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. Madam Speaker, I would like to start with the first question that has been directed to the responsible departments and one of the questions is whether there is mapping of the resources available in the county. Madam Speaker, there is a law which is there in place for sand harvesting and which needed first of all before harvesting of sand, the county responsible department of environment to map where the sand needs to be harvested but that is not done. That means we have not even explored, as a county, for so many natural resources like where we have forests, like where we have gazetted resources which can help us raise revenue for this County.

So, I would like to say that I am very much cognizant that Hon. Angela brought this to help the county try to meet its resource gap because we need to have revenue resources to build our county. So, one area Madam Speaker, whereby we are missing at the point of revenue collection is one; you cannot exploit something which you don't know where it is and one of the ways which we can do is map it so that we can arrange a way on how we can start extracting it.

Secondly, the second question is what measures is put in place to enhance revenue generation from natural resources is that Madam Speaker, I will go back to sand harvesting again. The law requires some of the monies to be given back to the society but that is not done. All other surrounding counties are getting sand from our county but our people, the community are losing the income, the revenue which can help them uplift their living.

So, if there are some measures which can be put in place Madam Speaker, to make sure that, that revenue is not lost on the side of both the government and the community, we will have a better life in the villages and in the society. So, Madam Speaker, I would request if there are any possible measures like linking the collection of revenue to the internet in a way that the ICT can get machines whereby when you collect something it is sent direct to the central collection point that will help us not lose a lot of revenue.

Other measures, Madam Speaker, which has not been taken care of is once an extraction has been made, the environmental degradation has not been taken care of. You find out that sand has been extracted and then the holes are left unfilled. Even in quarries you will find that there is big mass of water, very big holes which are not filled again with anything else which can make sure that our environment is not getting worse.

Another thing is cutting trees because trees are also resources because we get rain from it and we also get timber and everything. Those measures that can be put in place to make sure that we are protecting our environment for the purposes of extracting it in the future; I think it will be very good for us. So, with those few remarks I beg to stop there. Thank you.

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Minority Leader as the last comment remember this just a Statement; it is going to come by way of report which you will debate

extensively and possibly even later by way of a bill which is a form of making a law. So, there will be a lot of opportunity to debate this just make comments.

Hon. Kamitu: Thank you, Madam Speaker. Madam Speaker as I said, mine is very short because through records that we have is that the Machakos County Sand Harvesting Act 2014 really is giving us the policies, the regulations that should be followed and aging the Quarries Activities Act 2016. What I am saying is that this is a very good statement that Hon. Angela has brought.

My concern is that Madam Speaker, we are passing a lot of Acts in this House but the follow up is not being carried out, so on this statement we are supposed, Madam Speaker, as a House and in collaboration with the Executive, we should ensure that any Act that has been passed by the Assembly should be followed because all these regulations about Sand Harvesting Act 2014 is giving us ways and regulations that should be followed to curb all these matters that have been raised by Hon. Angela. Otherwise, if we follow, we would not be far from what this Statement is seeking. Thank you, Madam Speaker.

Hon. Speaker: Hon. Minority Leader, I appreciate what you are saying but the issue of the Assembly following, once the Assembly resolves, it has done its work really. It is for the Executive to implement and because the Assembly will not have the way the funds for implementation, so your jobs are so separate and I keep on telling you appreciate this. Otherwise then you will go now start doing the work of the Executive and then you know the issue of separation of powers; you will start interfering with the COs and... so what you can do is, if they have not been implemented is now to summon those who are supposed to implement so that they can tell you why there has been no implementation, but we should have a goodwill really each of us to do our work.

Why should one be pushed to do their work? Like you Members being pushed to come to the Assembly and I have not lacked quorum. I must say I am happy; I have not lacked quorum for you to do the business for which you are here. So, you are doing your work, so let the Executive also do its work.

(Applause)

Thank you. So, what we will do members let the Statement be processed by the following committees; first by the Environment, Land, Energy and Natural Resources. That committee you look at Environment, Land, Energy and Natural Resources has a big role in the Statement but then we also have the aspect of financial collection and sharing with the community and so on, so that will also involve the committee on Finance and Revenue Collection and mostly looking at question No. 2.

If you see the way the Statement is framed, question No. 2 is about enhancing revenue generation from the natural resources. But Nos. 2, 3 and 5 have everything to do with natural resources the department of Environment, Land, Energy and Natural Resources. Now the two committee each should report on its respective part within one month; that is not later if it is a working day not later than. Let me rescind that Hon. Members. I notice that on 25th we will be going on a short recess, you are aware of that. So, we should have this report before we go on the short recess because there is another process that you want to put in phase still on Statement.

You can decide whether you are going to do legislation on the mapping out and of course related benefit of the community from those resources and the benefit of the County Government from the resources and indeed it may also touch collaboration with National Government. I know under the mining act 2016, the National Government collects most of the money from the quarries but we want to know what is there for the County Government so that it can be taken up also with the relevant ministry at the National Government level. So, let us have the report on or before the 25 August, 2021 and that will be the last day before we go on the short recess. Thank you, Hon. Members.

MOTION

REPORT ON INVESTIGATION ON WARD PRIORITY PROJECTS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND COMMUNITY OUTREACH FOR 2020/21

Hon. Speaker: Hon. Members, under this Order we have one business by Hon. Katumo, and I just want to notify the Members at one point in the process of this business I will step out because I am supposed to be chairing the CASB; there are some urgent matters that need to be processed. So, I will make the necessary arrangements for a continuation of the seat that I am taking. Hon. Katumo. Where you find Hon. Katumo, you don't need to read for us in the report, you will refer to us the sections.

Hon. Katumo: Thank you, Hon. Speaker.

Hon. Speaker, that aware that, the Committee on Ward Development Fund is a select Committee which draws its mandate from the Machakos County Ward Development Fund Act No. 2 of 2014 whose objects and purpose is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level;

Aware that, Section 4(1) of that Act establishes the Ward Development Fund which shall be administered by the officer administering the fund under the direction of the County Ward Development Fund (WDF) management committee; Further aware that, Article 183(3) of the Constitution of Kenya 2010 stipulates that the County Executive Committee Members shall provide the County Assembly with full and regular report on all matters relating to the County while 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, I wish to move the motion that this House discusses and approves the report on the Implementation Status for the Ward Priority Projects under the Department of Public Health and Community Outreach for the FY 2020/2021.

Thank you, Hon. Speaker. I would wish to request Hon. Alex Kamitu, Leader of Minority to second the Motion.

Hon. Speaker: Thank you, Hon. Katumo. Hon. Alex Kamitu.

Hon. Kamitu seconded.

Hon. Speaker: Thank you. Hon. Katumo proceed.

Hon. Katumo: Thank you, Madam Speaker. Report on the implementation status for the ward priority projects under the department of public health and community outreach for 2020/2021

1.2 MANDATE OF THE COMMITTEE

Hon. Speaker, the Committee on Ward Development Fund is a select Committee which draws its mandate from the Machakos County Ward Development Fund Act No. 2 of 2014 whose objects and purpose is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level.

1.3 COMMITTEE MEMBERSHIP

The Membership of the Ward Development Committee is currently constituted and comprises of the following Hon. Members;

- | | | | |
|----|----------------------|---|------------------|
| 1. | Hon. Justus Katumo | - | Chairman |
| 2. | Hon. Johanna Munyao | - | Vice Chairperson |
| 3. | Hon. Alex Kamitu | - | Member |
| 4. | Hon. Betty Nzioki | - | “ |
| 5. | Hon. Robert Kisini | - | “ |
| 6. | Hon. Agatha Mutunga | - | “ |
| 7. | Hon. Michael Mutiso | - | “ |
| 8. | Hon. Peter J. Mutiso | - | “ |
| 9. | Hon. Rozina Kanini | - | “ |

[Hon. Speaker left the Chair]

[Hon. Temporary Deputy Speaker (Hon. Ndeti) took the Chair]

2.0 BACKGROUND INFORMATION

Hon. Speaker, the Ward Development Fund is established under the Machakos County Ward Development Fund Act No. 2 of 2014 which was assented on the 18th day of November, 2014 and commenced on 2nd December, 2014. As stated in the Committee mandates, the objects and purpose of the Act is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level.

Hon. Speaker, in the Financial Year 2020/2021, this Hon. House approved a budget of Ksh. 91,820,163 under the Department of Public Health and Community Outreach to undertake various ward priority projects. Section 11(2), of the Act states that, all disbursement from the fund shall be for specific projects as submitted by the Wards in accordance with the procedures outlined.

Pursuant to Article 183(3) of the Constitution of Kenya 2010 that stipulates that, the County Executive Committee Members shall provide the county assembly with full and regular report on all matters relating to the County, the Ward Development Fund Committee requested for information from the Department of Public Health and Community Outreach on the ward priority projects earmarked to be undertaken by the Department in the FY 2020/2021.

3.0 COMMITTEE REQUEST FOR DOCUMENTS

Hon. Speaker, on 9th April, 2021, the Committee wrote a letter to the Chief Officer, Department of Health and Emergency Services under the public health and community outreach requesting to be provided with documentation relating to the implementation status on all ward priority projects earmarked to be undertaken by the Department in 2020/2021 financial year.

The Chief Officer made a presentation to the Committee on ward priority projects allocations; their status and the year of completion in three phases as provided in the following matrix.

PHASE (I) ONGOING WARD PRIORITY HEALTH PROJECTS (COMMUNITY HOSPITALS) IN FY 2020/2021

S/No.	Sub County	Ward	Project name/ community hospital	Budget Estimate (Ksh)	Completion status (%)
1	Kathiani	Upper Kaewa	Kaviani	10,810,700	70
2	Yatta	Kithimani	Kithimani	10,135,085	95
3	Mavoko	Syokimau	Mulolongo	10,067,695	95
4	Kathiani	Lower Kaewa	Ithaeni	10,211,627	80
5	Matungulu	Kyeleni	Kyeleni	10,220,786	70
6	Mwala	Muthetheni	Muthetheni	10,178,888	70
7	Yatta	Ndalani	Kisiiki	8,669,830	80
8	Mavoko	Athi River	Kyumvi	14,236,120	50
9	Kalama	Kalama	Kalama	10,662,574	90
10	Machakos	Mua	Mua	8,527,260	90
11	Mwala	Kibauni	Katulani	8,875,362	90
12	Masinga	Kivaa	Kithyoko	10,875,362	80

PHASE (II) PROPOSED WARD PRIORITY PROJECTS (DISPENSARIES FOR RENOVATION) IN FY 2020/2021

	Project name/	Ward	Sub County	Budget Estimate (Ksh)
1	Ikulu Dispensary	Muvuti	Machakos	856,968
2	Wondeni dispensary	Muvuti	Machakos	1,023,392
3	Kyanzasu	Kalama	Kalama	1,182,597
4	Kyawango	Mwala	Mwala	2,457,069
5	Kamuthanga Disp.	Mutituni	Machakos	1,023,392
6	Kakuku	Mananja	Masinga	1,353,553

7	Muvuti dispensary	Muvuti	Machakos	964,656
8	Kwa Mutalia	Matungulu W	Matungulu	1,131,750
9	Kituluni Dispensary	Matungulu N	Matungulu	2,950,000
10	Mua hills Dispensary	Mua	Machakos	1,773,746
11	Kwa Kalusya	Muthwani	Mavoko	1,162,490
12	Kithia	Kathiani Central	Kathiani	1,918,430
13	Mikuyu dispensary	Mua	Machakos	856,968
14	Kauthuluni Disp	Kikesa	Yatta	489,370
15	Ekalakala Toilet Block	Ekalakala	Masinga	1,800,000/=
16	Miu HC Toilet Block	Muthetheni	Mwala	800,000
17	Mumbuni Dispensary	Mumbuni North	Machakos	8 Million
18	Masii Level 4 hospital	Masii	Mwala	110 Million
19	Level 3 Facility	Machakos Township	Machakos	10 Million

PHASE (III) STALLED COMMUNITY HOSPITALS

No.	PROJECT NAME/COMMUNITY HOSPITAL	WARD	SUB- COUNTY	ESTIMATED BUDGET REQUIREMENT (Ksh)
1	Ndithini	Ndithini	Masinga	12 Million
2	Kathukini	Muthesya	Masinga	8 Million
3	Kikesa	Ikombe	Yatta	12Million
4	Kusyomuomo	Machakos Central	Machakos	9Million
5	Wamunyu	Wamunyu	Mwala	12Million
6	Matungulu	Matungulu North	Matungulu	17Million
7	Kitambasye	Matungulu North	Matungulu	17Million
8	Kawauni	Kangundo Central	Kangundo	12Million
9	Ngiini new	Kangundo Central	Kangundo	14Million

4.0 MEETING WITH THE CHIEF OFFICER

The Committee invited the Chief Officer to a committee meeting that was scheduled on 20th April 2021, via *skype* and another physical meeting on 28th June, 2021, to shed light on matters of concern which were raised by the Members. Some of the responses given by the Chief Officer are as outlined below:

During the interrogation, the Chief Officer indicated that they had experienced success in the Department in FY 2020/2021, though the COVID-19 pandemic had disrupted their normal

performance but still were able to complete community-based hospitals, which were planned to be constructed in each Ward in that particular year. He also added that those that had begun were 37, and those that had been completed are 20, with 17 still in various stages of development although some of which started in 2014 and others in 2015.

Hon. Speaker, in order to ensure that all contractors awarded contracts in the FY 2020/2021 and the previous financial years are paid upon presentation of their completion certificates, the Chief officer elaborated that his Department usually has a timely payment scheme in place where, once certificates are presented, the same is entered into the IFMIS system and paid on time; but, if they are not paid in the current Financial year, they are factored into the supplementary budget or captured under the pending bills hence given priority in the following Financial year.

Hon. Speaker, the Chief Officer pointed out that, the Department had completed a total of 27 projects in the last two years with a number of dispensaries awaiting operationalization. Some of the cited dispensaries were; the Kaseve and ole Sheikh Dispensaries.

Hon. Speaker, due to a staffing shortage brought about by some of the dispensaries not being operational, the Department has made plans for certain facilities to be used for outreaches once or twice a week by hosting a health activity such as a camp or an outreach to raise awareness that the facility will soon be ready for use. So far, they have conducted outreach at ten facilities in the hopes of opening them in the near future once they have the necessary personnel, equipment, and resources. He said that there was a plan in effect, and a recommendation had been made to the County Public Service Board for replacement nurses and other health employees who have left the service due to natural attrition, such as retirement, relocation, transfer or death.

Hon. Speaker, in his final remarks, the Chief Officer indicated in terms of development, they had depleted their finances, resulting in 98 percent absorption of funds budgeted. He further stated that, the remaining 2 per cent shall be integrated in the forthcoming supplementary budget for the Department to have 100 per cent absorption.

5.0 COMMITTEE VISIT TO THE SELECTED WARD PRIORITY PROJECTS

Hon. Speaker, in examining the status of ward priority projects by the Department of Health and Emergency Services under public health and community outreach for the FY 2020/2021, the committee's primary approach was to elicit background information as to how the budgetary allocations made for the construction of ward projects were utilized verses their implementation status.

The exercise involved visiting sampled projects in the wards for physical verification of the project's completion status *vis-a-vis* the status report submitted by the Chief Officer.

6.0 GENERAL FINDINGS

- i. The Committee found out that most of the Community hospital projects had stalled with numerous incomplete buildings going as far back as five years yet they are critical for the economic wellbeing of the county.
- ii. The Committee found out that funds have been rolling over from one financial year to another since 2014 to date resulting to stalled community hospital projects in wards due to issues such as land disputes, change of contractors and budget.

- iii. The reasons for slow projects completion as provided in the letter forwarded to the committee by the Chief Officer included:
 - Delays in disbursements from National Treasury as a result of Covid-19 pandemic.
 - Slowed construction by the Contractors awarded due to their own internal challenges of finances/ competencies and as a result of strict adherence to project regulations.
 - Disputes arising therein after award.
 - Unavailability of land.
- iv. Committee found out that some contractors had no capacity to undertake the projects assigned successfully within the stipulated period forcing the Department to terminate their contract and re-tender hence resulting in delay or stalling projects.

7.0 COMMITTEE OBSERVATIONS

Hon. Speaker, based on the reports, site visits and discussion with the Chief Officer, the Committee observed the following:

1. That the Chief Officer's report on projects undertaken, amount, and status appeared to have a number of inconsistencies or rather differences in terms of monies expended, contract amount, project start date, and expected completion date, as well as project description and rate of completion.
2. That the data provided under phase II on proposed ward priority projects, lacked a column to show the status of renovated dispensaries and the amount spent thus making it difficult for the committee to make a follow up.
3. That the data provided under phase III contained the stalled community hospital projects but the committee was never given enough reasons as to why the said projects have stalled for such a long period of time.
4. That there is need for rationalization/fairness in distribution of funds as some projects had been allocated very high amounts of money as compared to others. An example being the Masii Masii Level IV hospital with a budget of Ksh. 110 million and Mumbuni Dispensary with a budget of Ksh. 8 million.
5. That some of the completed projects especially the dispensaries were not operational due to lack of staffing.

8.0 COMMITTEE RECOMMENDATIONS

Hon. Speaker, based on the committee findings and the observations made from the report forwarded to the committee by the Chief Officer, the committee recommends as follows:

1. That, given the importance of finalizing the ongoing community hospital projects, resources allocated for the projects should be monitored and evaluation framework be put in place to ensure that these projects are completed within the stipulated timeframe as indicated in the status report submitted by the Chief Officer. This is to forestall cases of many stalled projects witnessed by the committee within the health facilities.
2. The Committee recommends that the County Executive Committee Member on health through the County Secretary forwards to the Assembly a report on all the

stalled ward projects in the FY2020/2021 providing a work plan on how the County Executive intends to complete the stalled projects within 60 days of receipt on this report. This would help in reduction of a white elephant projects in the County.

3. The Department should ensure that all contract time frames/periods are adhered to and that the contractor whose payments have been made and contract period has lapsed should be taken to task.
4. The Department should ensure proper evaluation of successful contractors is done before handing over projects to avoid delays and sub-standard construction and also ensure that project inspection/supervisions is done at all stages of implementation before payments are made to the contractors to avoid incidents of contractors abandoning the site before finalizing the assigned job.
5. That all completed projects that are not operational should be revived with immediate effect in the current Financial Year like Ole-Sheikh in Athi River and Kaseve in Matungulu North.

9.0 CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, the Assembly committee on Ward Development Fund appreciates the assistance provided by the Speaker's office and the Clerk of the County Assembly during committee meetings. I would like to express my gratitude to the Hon. Members of the Committee who gave up their time to help with the plan review and the drafting of this report.

Hon. Speaker, it is thus my honour to present this report on the ward priority projects and continuing projects for the fiscal year 2020/2021 on behalf of the Ward Development Committee. Thank you very much, Hon. Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Thank you.

(Question proposed)

Members, I now wish to invite you to debate on this motion. Hon. Masesi.

Hon. Masesi: Thank you, Hon. Speaker and congratulations. First I would like to appreciate the report by the chair, Ward Development Fund Committee Hon. Katumo and it is comprehensive report giving us the status of the ongoing projects within the County though my concern is if you look at the report it is really totaling to big sums of money but when we were doing the budget, this financial year, what was meant for development was only Ksh. 34M. The budget for this fiscal year 2021/22.

So my concern is how we are going to implement this and as pointed by the committee, we have one Masii Level 4, whereby last financial year there was Ksh. 50M budget and again this fiscal year the executive again had requested for Ksh. 100M, so when you look at that number in terms of equity, you realize that so many votes and areas will be left unattended since we are doing a lot of money in one particular ward. So, Madam Speaker, my plea to the Executive is to make sure that there is equity when we are going matters of health because we

know health is wealthy and every part of Machakos County there is need for these services to our people.

My concern and the work of this House is to make sure that these stalled projects, and the many of the ones which have been completed, they are not up and running, we know there is shortage of health workers and so is the budget and so it is my plea for us to see how we can still employ more within the department. We still know that it still takes almost 50 per cent of the County's budget and still the staffing is not enough. So, Madam Speaker, it is up to this House to see what can be done to have more staff employed and occupy these facilities. Thank you.

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

Hon. Mitaa: Thank you, Hon. Speaker, for allowing me to contribute. I first want to applaud Hon. Katumo, Chairperson Ward Development Fund committee for a job well done. I am actually very proud of him; he has delivered the report in a way we would not have thought about. Hon. Speaker, this report is long overdue; it has given a summary of projects which have been undertaken by health department since inception of devolved governments. It has also gone to give status of different projects in various wards and it is not pleasing to talk of a facility which started in the year 2014 and up to date it is not complete. Matters related to health have timelines; there was need to identify areas which needed these facilities Hon. Speaker.

I believe enough study was done and a need was identified to have such facilities wherever they were started Hon. Speaker. It pains to imagine that residents from these areas since 2013 are still travelling long distances to get medical attention yet every year we are passing budgets and a humble request is your indulgence Hon. Speaker if we can have a committee of a whole house and have a sitting. We invite the chief officers both for the upper and lower hospitals and even the CECM health, we need to interrogate them and put them on spot to explain to this Hon. House why our people, why the Machakos electorates is still suffering and yet every year we are getting budgets and we are passing budgets.

In fact, this department is getting the lion share whenever we are passing budgets and yet they are unable to complete or to implement the budgets we are passing. Hon. Speaker, my ward is a victim; I have a facility under phase 3, stalled community hospitals, Ngiini community hospital. You can see it was allocated Ksh, 14M and since 2017 I have been to these offices day in day out making follow-up. You look at the facility it is only waiting for roofing and then equipping and our people get services there. It must go to records that my ward, Kangundo central ward does have even a dispensary Hon. Speaker. They only rely on Kangundo Level 4 which serves sub-counties and there is a law that each ward must at least have a Level 3 facility and I have been promised that they will work on this facility but even when I go to finance CECM I get only promises empty promises.

I believe it is time now we take action. We should not have white elephant projects in Machakos County when indeed we are passing budgets every year. Our budgets are full of something called pending bills; we do not know which pending bills are being paid and yet facilities like these are stalled. So we need to engage a different gear and see that before the end of the current government, every facility, every development project which had been initiated is completed so that the government which will be coming in the next elections they don't start dwelling on stalled projects from the previous government.

We can ensure that where there are some weaknesses they are corrected and we move forward and we put our energy to such projects so that going forward we complete what has been

started before we embark on new projects. Thank you, Hon. Speaker. I support the report.

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

Hon. (Ms.) Nziva: Thank you Hon. Speaker; congratulations for sitting on that seat and we are proud of you. I wish also to congratulate the committee on ward projects led by Hon. Katumo for such a wonderful report and ask that, I have a stalled project called Kikesa in Yatta which was started in 2014 and I believe I have been talking to the Chief Officer Public Health on the same and when we allocate budget I remember last financial year there was promises that it will be done. My people have waited and I believe this is the time the project will be implemented because I have talked to him. Kikesa is some few kilometers from Kithimani and I believe when the project will be done, it will aid in decongestion at Kithimani.

People go all the way to Kithimani, they will now go to Kikesa and have services since health as the chair talked earlier, health is wealth and we need to have our people treated in the most appropriate way. So, thank you, Hon. Speaker and I hope the same will be implemented for my people to benefit. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Maitha.

Hon. Maitha: Thank you, Hon. Speaker. Congratulations! I want to comment the committee on Ward Development Fund headed by Hon. Katumo for such a wonderful report. I also want to comment them on the visiting of hospitals and dispensaries in the whole of county to check on what is happening down there. Hon. Speaker, people are suffering because there is no medicine. Even if you go to hospitals nowadays, many people are told to go and buy medicine which is unacceptable knowing that we have voted a lot of money to that ministry or that department.

Hon. Speaker, the other thing which comes to my concern is the stalled projects. When you look at No. 6, you can see Matungulu Community Health Hospital and in fact in Matungulu North ward there is no community hospital by the name Matungulu. It was there during the First Assembly, that name, it was receiving some money and I think one time when we had a committee of a whole House, I wanted the officer concerned to tell us what the name Matungulu, where that project is. Possibly it might be Nguluni community hospital so I would wish you clarify to the House that name Matungulu in Matungulu West ward because by records what we know on the ground that name Matungulu community hospital does not exist. Thank you, Hon. Speaker and I support the report.

Hon. Temporary Deputy Speaker: Thank you, Hon. Maitha. I beg to move to the other side. Hon. Mutinda.

Hon. Mutinda: Thank you, Hon. Speaker. I start by congratulating you for that opportunity and again thanking the chair and the committee of ward development projects for this job well done. Hon. Speaker, I think they have done a good job and it is worth to note that these projects which have been done down there will go a long way in improving the lives of our people. However, like in my ward I happened in 2019/20 budget to have a maternity ward which was being completed and it is serving me but near that ward there are staff quarters which have not been completed and there is another male ward which has not been done.

So following the Executive order from H.E the President, he said that all projects should be completed. Three years down the line that has not taken place. So I think it is important that to have value for monies and value for money in terms of time, those projects should be completed. It is worth also to note that health services and public health are so much close with issues like water. My dispensaries do not have water tanks and if do not have water tanks, and then it will be so hard for those dispensaries to deliver.

So the issues of treatment and health services are also a matter of qualitative aspect and not more so on quantitative aspect. It is important that those dispensaries are supplied with water tanks because the roofs are there even if you don't have a borehole or a water project running nearby they can harvest rain water so that they have some water to run them.

The other thing is on the current situation where in our wards you find *bodabodas* are so many and accidents are happening every time. The time those *bodabodas* have accidents you find somebody is referred to a place like Mwala or Machakos to come and get an x-ray. Those are things which I think they should be considered so that there is an x-ray somewhere nearby and especially in my area where Kitui road passes by.

I have a major road which has so many vehicles and accidents do happen there. If only those people can be assisted in Machakos which is quite some distance. So Hon. Speaker, I think it is important we improve our health facilities so that our people get services closer and anytime we require them. With those few remarks I support and I say that is a good job from the committee. Thank you.

Hon. Temporary Deputy Speaker: Hon. Kamitu.

Hon. Kamitu: Thank very much, Hon. Speaker. Through the leadership of the chairperson Hon. Katumo and Hon. members of the committee, in the report you have heard that we actually went on the sites in regards to the stalled projects in the health department and to be brief and you have seen in our recommendation is that people in the health sector at this time they should be made to move out because the big problem is that we have got our Chief Officers, directors, works officers who are responsible for ensuring that any project that has been approved through the collaboration of this House and the Executive who are the implementers the officers in the department should move out so that when we make a report we compare the report of the committee responsible and the department responsible. This will ease the work of the Executive.

Therefore, Hon. Speaker, it is very important that all the project that we visited there was lack of supervision from the department. Another aspect that we saw is that there were incompetent contractors who were given those projects to do so we are saying that it is very important because when we are talking about the health of the citizens, a healthy nation is a wealthy nation. So we are talking about stalled dispensaries which it is really affecting the health of the community of the electorate.

So, Hon. Speaker, my emphasis is that the department should ensure that a project that has been given, there should be that follow-up. That is when the contract was started, the work ongoing and the progression report of that project. That will outright account for ease of payments and it will prevent stalled projects.

The other thing is that, within the department of health, the dispensaries, we found out that there were some projects that were completed but there were no staff in the dispensaries, so we are also asking the Chief Officer and the Executive to ensure that once a very important

department like the dispensaries that officers or staff are provided in those completed projects so that members or the electorates are given fast services as required.

Otherwise it is a good move by the committee. So after the health department the Ward Development Committee should also move again to go check on the other departments where we have got also projects of that nature. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: May the mover of the motion come and make his remarks? Hon. Katumo.

Hon. Katumo: Thank you, Hon. Speaker. Firstly as you have seen how Members have contributed I want to thank Members for your positive contribution towards the report, actually in this committee we are trying to strike a balance of understanding between a stalled project from 2014 or 2013 and then we still have projects that are completed and are not in use. Although a column was not provided, you find that some of the said projects were complete but they were not usable.

There was something additional that had to be met to be usable and therefore as Hon. Minority Leader has said, I think we have some competencies in terms of raising the BQ or the contractors that were given the work to do and therefore you find at the end of the day our money is misused doing things that are not beneficial. Health is very important and projects done under this department should be taken seriously.

Secondly, some of these were the negotiated projects by the Hon. Members with the Executive to make sure that they are done within stipulated time as we are saying 2020/21 and therefore it is important that most of them are completed and then they become operational. On the issue of the Matungulu West ward name, it is an issue that we raised with the Chief Officer and he still maintains that we have a facility going on and that the estimated budget is Ksh. 17M. In a nutshell, I thank members for your positive contribution and the committee members for being there and making sure that we work---

Hon. Maitha: Point of order.

Hon. Temporary Deputy Speaker: Point of Order, Hon. Maitha.

Hon. Maitha: Thank you, Hon. Speaker, Can the chair, Ward Development projects, request the officers concerned to ask me and the team to tour that facility they are calling Matungulu and we see the name Matungulu in that facility?

Hon. Katumo: Thank you, Hon. Member, your point taken. I will do exactly that. Thank you, Hon. Speaker.

(Question put and agreed)

ADJOURNMENT

Hon. Temporary Deputy Speaker: The House adjourns to Wednesday 4th August, 2021 at 2.30 p.m.

The House rose 11.57 a.m.