

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 1st October, 2024

The House met at 2.50 p.m.

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

PRAYERS

NOTICE OF MOTION

MACHAKOS WATER AND SEWERAGE COMPANY
LIMITED FOR THE YEAR ENDED 30TH JUNE, 2022

Hon. Speaker: May I invite Hon. Phillip Ndolo Chairperson, Public Accounts and Investments Committee to come forward---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I am rising under Standing Order 32 about quorum. I want to notify the Chair that we have no quorum. We only have 16 Members. Thank you.

Hon. Speaker: In that case we can have the bell rung for 10 minutes.

(Quorum Bell rung)

You may stop ringing the bell; we have quorum now. We can now continue. Hon. Ruth Wanjiru, can you proceed with the notice of motion.

Hon. Ruth Kamau (Nominated, CCU): Thank you, Madam Speaker. I want to give a notice of motion on behalf of the Chair Hon. Phillip Ndolo.

Hon. Speaker, I wish to give notice of the motion, THAT, pursuant to Standing Order 185, this House adopts the Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor General on the Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2022.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member

STATEMENT REPLY

IMPLEMENTATION OF ADP PROJECTS IN
MASINGA CENTRAL WARD FOR 2023/2024

Hon. Speaker: May I invite Hon. Dominic Maitha, Chairperson, Committee on Implementation to give a response to a request that was made by Hon. Mwonga.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. Hon. Speaker, a statement on implementation status of projects in Masinga Central Ward as provided in the Annual Development Plan for the FY 2023/2024 was sought by Hon. Joshua Mwonga on 17th April, 2024 during the afternoon plenary sitting and it was referred to the Committee on Implementation to inquire the measures that the County Government has put in place to ensure the said projects are completed within the said financial year.

The aforementioned assignment was conveyed to the County Secretary vide a letter Ref: MKSCA/PSC/CMM/IMPLI/VOL.4/41 dated 30th April, 2024 and was responded through a letter Ref: GMC/2/CS/CA/VOLX.II/53 dated 3rd May, 2024.

In his response, the County Secretary stated that “the office of the County Secretary is not in the best position to provide the requested Statement, reason being that implementation of projects across the various Wards, as spelt out in the Annual Development Plan (ADP), is the responsibility of the respective Chief Officers who are the Accounting Officers.”

Guided by the above response, on 7th May 2024, the Committee requested for an extension of time in order to complete its assigned tasks. On 15th May, 2024, the Committee conveyed the sought Statement to the related departments vide a letter Ref: MKSCA/PCS/CMM/IMPLI/VOL.4/47, 48, 49, 50, 51, 52, 53, 54, 55 as advised by the office of the County Secretary.

Hon. Speaker, the committee received submissions from the following departments on various dates as relates to the implementation of projects in Masinga Central Ward:

1. Department of Gender, Youth, Sports and Social Welfare.
2. Department of Agriculture, Food security and Cooperative Development.
3. Department of Health and Emergency Services.
4. Department of Education.

However, the Committee regrets to inform this House that the Departments of Water, Irrigation, Environment and Climate Change, Roads, Transport and Public Works, Trade, Industry, Tourism and Innovation and the department of Devolution are yet to submit their responses relating to the assigned task despite the various reminders.

In view of the above, Hon. Speaker, I hereby take this opportunity to give responses as submitted by the outlined departments:

DEPARTMENT OF HEALTH AND EMERGENCY SERVICES

Hon. Speaker, the department responded as follows:

That departmental budget allocation for the FY 2023/24 was not sufficient to undertake all the proposed projects within the financial year as provided in the Annual Development Plan but it has already awarded construction of Masinga Level 4 Maternity Wing which is almost at the completion stage.

In addition to the above, the department stated that any other projects earmarked for the FY 23/24 shall be carried forward to subsequent financial year and therefore, the department will work in consultation with the Department of Economic Planning in realization of their fiscal years work plan.

DEPARTMENT OF AGRICULTURE, FOOD SECURITY AND COOPERATIVE DEVELOPMENT

The Department issued 10 improved KALRO cocks for upgrading local chicken to star self-help group in Masinga Central the department also stated that, Pasture seeds have been procured and will be distributed to farmers in Masinga central during October, November and December rains.

In addition, the department stated that, 201 Extension service visits have been made to 89 aquaculture farmers in Masinga Central ward. The department further stated that, a total of 8789 cows were vaccinated against FMD in august 2023 with 1849 beneficiaries and also 5718 cattle and 4450 goats were vaccinated against LSD and CCP in January 2024with 1168 beneficiaries.

DEPARTMENT OF GENDER, YOUTH, SPORTS AND SOCIAL WELFARE

The department stated that, it provided sports kits and equipment to all registered youths within the County and that during Governor's cup tournament, 16 selected teams received a set of uniform and a ball. Youths from Masinga Central ward were beneficiaries of the program.

DEPARTMENT OF EDUCATION AND SOCIAL WELFARE

The department stated as follows:

1. That during the stated fiscal year, the department has not constructed an ECDE Centre in Masinga central ward due to budget constraints. In addition to this, the department stated that in the year 2023/2024, construction of ECDE Centers majorly took place in wards which never benefited during the financial year 2022/23. In this case, Masinga Central ward was listed in the category of the wards which benefited with an ECDE Center during the FY 2022/23 at Sawasawa.
2. The department Implemented the Feeding programme whereby, 88.5 bags of rice and 43 bags of beans were delivered to all public Early Childhood Development Centers in Masinga central Ward during the 1st phase. The ward is also benefiting from the milk program which is ongoing.
3. For matters relating to the learning materials, the department had an allocation of Ksh. 15,000,000 for the purchase and that, the learning materials have been delivered to Education Headquarters Office and logistics of distributing the same to all public ECDE Centers (1,087) within the County is ongoing.
4. On scholarships, the department stated that, the County Government of Machakos awarded full scholarship to 40 learners drawn from 40 wards amounting to Ksh. 40,000,000 and Masinga Central Ward benefited from the program.

Madam Speaker, that is the response as per all the letters that we forwarded to the relevant departments and I would say it has not been easy. We had to present this report before the House because the time we had sought had already expired and we could not continue seeking extension of time. As I said here before, we are experiencing serious challenges in terms of responses from departments but I will not like to dwell on this based on the meeting that we had with H.E. the Governor last week and deliberated on such issues, I will give it the benefit of doubt that the listed departments that have not responded will do so. As soon as we receive these responses Madam Speaker, we are going to table it before this House so that the Hon. Member can be contented with the report or discontented and then give us the way forward.

We have tried our best and Madam Speaker, a Statement is a matter of urgency that cannot be held for more than five or six months. I have always quoted the statement of Hon. Kavyu flood issues in Kinanie which was sought early January and to date I do not know whether that statement has been responded to, Madam Speaker. We are facing these challenges but I want to say for the benefit of doubt that based on the meeting we had last week, we believe that the departments are going to be responsive, timely, so that we can also be able to give timely responses for the benefit of the people of Machakos County. Thank you, Madam Speaker

Hon. Speaker: Thank you, Hon. Member. On the issue of challenges of getting responses from the departments concerned was a thorny issue and we tackled it with the Governor the other day and so I expect some changes. If they are not going to be there, then we will have to go back to the drawing table and discuss the matter further with Her Excellency. At this point, I would like to call upon Hon. Joshua Mwonga to state whether the response is satisfactory or not.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Madam Speaker. Going by the words of the Hon. Member who has responded to my Statement, I am not satisfied and I want to say that the Executive is not taking the work of this Assembly with the seriousness they should. The Statement was sought in the last financial year and we are now done with the first quarter of another financial year and some officers sitting in an office cannot respond to issues raised by the Assembly.

Going by your words, we had a meeting with H.E. the Governor and we agreed things are not going to be as usual. It is my hope and request that you order the Chair of Committee on Implementation that they do another request for response on roads, water and other departments that have not responded and given them the shortest time possible so that we can see if the Executive can respond. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Madam Speaker. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. I want to echo the words of the Chair of Committee on Implementation that in terms of turn around on responses, that is a section that needs to be worked on because whenever Statements are sought in this House they are normally intended to address a particular gap or a need that a particular section of community is facing and therefore whenever a Hon. Members seeks some answers on behalf of the people who elected them and they are not able to get that response then it becomes a challenge because people of Masinga, Kinanie and any other ward, sat down in august and agreed that they are going to send for instance if it is Machakos Central they agreed because we are not able to sit in the chamber of Machakos County Assembly, we have one Hon. Nzioka to be representing us there and it is only on this floor he can get answers to take back to his people.

On the same, I also like to advise our senior brother Hon. Joshua Mwonga, I think sometimes back the department on economic planning had a desk here on the fifth floor they had come here and invited every Member to go and check with them in terms of the ADP and what has been able to be accomplished within your ward and what is still pending so that that can be harmonized and I think that window is still open. As the Chair of Implementation Committee also pursues the same, I will advise the Hon. Member for Masinga Central also to check and see whether he can also have an opportunity to sit down with the Chief Officer, Economic Planning so that he can have a recap of what has been able to be done---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Point of information taken you allow him to---

Hon. Francis Kavyu (Kinanie, MCCC): I am done. Thank you.

Hon. Joshua Mwonga (Masinga Central, WDM-K): I want to inform the Hon. Member... even if you are done, Madam Speaker has given me that chance to inform you.

Hon. Francis Kavyu (Kinanie, MCCC): You should inform the House; I am not interested on the point of information.

Hon. Speaker: Hon. Kavyu, I have given him an opportunity to inform you.

Hon. Francis Kavyu (Kinanie, MCCC): Let him inform the House because I do not need the point of information.

Hon. Speaker: Have your seat.

Hon. Francis Kavyu (Kinanie, MCCC): I do not need the point of information, Madam Speaker.

Hon. Speaker: Have your seat, Hon. Member.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Hon. Speaker, allow me not say---

Hon. Speaker: This is procedural, Hon. Kavyu.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, sometimes it is good for Members to obey the instructions of the Speaker and when you said that---

Hon. Speaker: What was the information that you wanted to pass?

Hon. Joshua Mwonga (Masinga Central, WDM-K): Yes, Madam Speaker, I am just clearing the way. I want to inform the immediate contributor Hon. Kavyu and Chair Delegated Legislation Committee that I was the first Member when the CO Planning Department was here and I went through all the projects with him that they had done in my ward and what the Chair Delegated Legislation Committee has read or has communicated is exactly that. What else was I going to take with the CO.

Lastly, Madam Speaker, you know Hon. Kavyu I have known him for the last two years we have been here and I do not want to say he is a black man with a black heart. He is my friend. Thank you.

Hon. Speaker: That is not parliamentary language. I wish you could withdraw the black bit.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I do withdraw---

Hon. Speaker: Withdraw the statement black man with a black heart; it is not parliamentary language.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I do withdraw but withdrawing I am just changing the menu but the facts remain. Thank you. I do withdraw.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker, as I conclude with what I was saying---

(Loud consultations)

No I just said thank you; I had not completed. What I was not agreeing with was the issue of point of information---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, Standing Order 78 is very clear.

Hon. Speaker: You know you were informing him.

Hon. Joshua Mwonga (Masinga Central, WDM-K): But he said he had completed.

Hon. Francis Kavyu (Kinanie, MCCC): You sought to inform me.

Hon. Speaker: Give a minute. I took the point and you said.....sorry?

(Loud consultations)

I had told the Hon. Member to wait for you to give the information you wanted to give so allow him to finish.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. It is unfortunate when a ranking Member does not understand the procedure and he is the one who insisted I sit down so that he can inform me and it is also quite unfortunate I do not know whether if he is being a racist and he is as black as I am if the texture of Hon. Anastasia I think we would---

Hon. Speaker: Hon. Member, conclude what you wanted to conclude.

Hon. Francis Kavyu (Kinanie, MCCC): Yes but he should stop racism that was racism coming from someone *ata yeye ako tu kama mimi* but Madam Speaker, what I was saying I was just guiding the Member and if he has already had an opportunity and interacted with the Chief Officer planning and from what he has informed this House it is clear that he is already aware what has been done and what has not been done. So Madam Speaker, I think...I do not want to

say he is just wasting this House's time---

Hon. Speaker: You said Hon. Kavyu...let me cut you short.

Hon. Francis Kavyu (Kinanie, MCCC): He has already indicated he is already aware of what---

Hon. Speaker: He is aware and he did as per request, he appeared before that particular desk and he gave his opinion and he also checked on his projects but this particular Statement he had sought has been satisfactorily answered. That is it? Is it not?

Hon. Francis Kavyu (Kinanie, MCCC): That is it.

Hon. Speaker: So let us leave it there and let me make a ruling on the issue.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. But he is already aware of what he is looking for. Thank you, Madam Speaker.

Hon. Speaker: What is coming up is that Hon. Mwonga is not satisfied with the response to the Statement as it has been given and he also complained about the turnaround period of time, it has taken forever for this Statement to be given a response. What I direct is that and I said we had already had a discussion with the Governor over this matters of turnaround period Members of different departments not appearing before the committees and giving them the information that is required but we sat down with the Executive and agreed on modalities.

We were even requested to have some of us guide them because it appeared that maybe they did not know one or two things and we agreed and the two houses said let us work together. Everybody to play their role at this point I believe when I re-commit this Statement back to the concerned Committee there will be a better response because of the understanding we have with the Executive. So therefore this is the ruling that I hereby send back this Statement by Hon. Mwonga to the Committee on Implementation for further and thorough investigation. Check the response, call the relevant department heads and whoever is concerned. Let it take the shortest time possible because we are also getting problems with the turnaround period and let us have a report latest 21 days from today. Thank you.

MOTION

STATUS OF STALLED ECDE CLASSES WITHIN THE COUNTY

Hon. Speaker: May I invite Hon. Anastasia Mutevu, Chairperson, Education and Social Services Committee to come forward and move the motion.

Hon. Anastasia Mutevu (Nominated, WDM-K): Hon. Speaker, pursuant to Standing Order 190(5), I wish to move the motion THAT, this Assembly adopts the Report of Education and Social Services Committee on the status of stalled ECDE classes within the County tabled in the House on 2nd October, 2024. I wish to call Hon. Catherine Muia to second.

Hon. Catherine Muia (Nominated, WDM-K): Thank you, Madam Speaker. I do second.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

Before I invite Members to debate this matter, I request that the mover comes and highlights the report.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, allow me to rise again on Standing Order 32. It is about quorum and Madam Speaker, the business coming before this House is very crucial and especially to the elected Members who represent their good people. Again we have no quorum, Madam Speaker.

Hon. Speaker: This is the ruling we have quorum, let us proceed.

Hon. Anastasia Mutevu (Nominated, WDM-K): Thank you, Madam, Speaker. I wish to take the House through the report on the stalled ECDE classes and I will go straight to the status of the stalled ECDE classes Madam Speaker, if you allow me because...page 7 because page one is the executive summary, page 2 preface, page 3 is the composition of the committee membership. Page 7 I will go straight to the status of the ECDE...or Madam Speaker let me start with the introduction so that Members can understand the status.

INTRODUCTION

Hon. Speaker, Article 183 (3) of the Constitution of Kenya provides that the County Executive Committee Member shall provide the County Assembly with full regular reports on matters relating to the County. Sections 39(2)(b) of the County Governments Act 2012 which requires the County Executive Committee Member to answer any questions relating to the Member's responsibilities and Pursuant to Sections 18 and 19 of County Assemblies Powers and Privileges Act 2017.

Through a letter dated 20th June, 2023, Ref No. MKSCA/PCS/CMM/ESW/VOL 4/4, the Committee on Education and Social Services requested for a report on the status of all the ECDE classes constructed by the County Government since 2014. Consequently, the County Assembly received a report from the Department of Education and ECDE Services dated, 23th June, 2023; Ref no. GMC/4/DOEE/ASS/VOL.1/11 containing the report. Upon analysis of the report, the Committee noted that there were 17 stalled ECDE classes. The Committee therefore scrutinized this report in consultation with the Department of Education and there after sampled nine (9) ECDE classes and conducted site visits.

STATUS OF STALLED ECDE CLASSES WITHIN THE COUNTY

Construction of ECDE centers

Hon. Speaker, in line with the National Pre-primary Education Policy Standard Guidelines 2018 to increase access to Pre-primary Schools, the County Governments in collaboration with the National Government and other key stakeholders shall ensure the laid down standards are adhered to. Since the inception of devolution in 2013, Machakos County Government embarked on construction and improvement of ECDE infrastructure.

Hon. Speaker, the committee through a letter Ref: MKSCA/PCS/CMM/ESW/VOL. 4/4 dated 20th June 2023 sought to find out the status of all ECDE classes that were constructed by the County Government from 2013 to 2021. The department, through a letter referenced: GMC/4/DOEE/ASS/VOL. 1/11 furnished the Committee with a report containing all the ECDE classes constructed by the county from 2014 to 2021 totaling to 127 classes. After reviewing the report, the Committee noted that 17 ECDE classes were reported as stalled. The committee sought to find out their status and reasons for stalling.

Hon. Speaker, the department provided the committee with a status report on the stalled ECDE Classes as follows: (see annexure I -first information report). This report contains information on the name of the project, location, contractor, budget allocation, actual expenditure, status and reasons for stalling. This prompted the committee to conduct site visits to the said ECDE classes.

Committee site visit

Hon. Speaker the Committee on Education and Social Services, pursuant to Standing Order 190(5) which mandates members to oversight the projects in the County, resolved to conduct site visits for the stalled ECDE classes to establish their status and level of implementation, establish the challenges the department was facing and make meaningful recommendations that would improve the execution of future projects.

The Committee visited nine (9) stalled ECDE classes out of the seventeen (17) as presented in the report by the Department as follows:

Kasinga ECDE class

Hon. Speaker, the class is allegedly located in Mumbuni North Ward and had a budget of Ksh. 1,000,000 and the actual costing of the class was Ksh. 988,450.

Hon. Speaker, during the site visit the committee uncovered the following:

The Department has never constructed any ECDE class at that school despite having given the County adequate space to construct the ECDE class. Only the site for the class was identified but the department never initiated the project up to date yet their report indicated complete and paid.

There is only one ECDE class donated by the primary school and is divided into two using soft boards in order to accommodate both PP1 and PP2. Hon. Speaker, the Department had reported that the ECDE Class had been completed and paid.

Mung'ala ECDE class

Hon. Speaker the class is located in Mumbuni North Ward and was allocated a budget of Ksh. 1,000,000 and the actual costing of the class was Ksh. 995,370. Hon. Speaker, during the site visit the committee uncovered the following:

- i. The Center has one class constructed by the Department which is incomplete.
- ii. The roof was poorly done in that the wood used for roofing is almost falling down which makes it unfit for occupation prompting the head to prohibit its use by the learners.
- iii. The blackboard was halfway done.
- iv. The current classrooms used for ECDE are very congested.
- v. It has a feeder school which is in a deplorable condition.

Hon. Speaker, the Department had reported that the ECDE Class was completed and paid.

Kathama ECDE class

Hon. Speaker, the center is located in Muvuti / Kiima Kimwe Ward and had a budget of Ksh. 1,000,000 and the actual costing of the class was Ksh. 995,370. Hon. Speaker, during site visit, the committee noted the following:

- i. The class is a stand-alone project and was completed for occupation. However, it was vandalized leaving it in a state that cannot be used by learners.
- ii. The Center is not secured that it is not fenced off.
- iii. It lacks amenities like offices, washroom and kitchenette for both the learners and teachers.

Hon. Speaker, the Department had reported that is has been completed and paid.

Kyandu ECDE class

Hon. Speaker, this class is located in Kangundo West Ward. It is complete and functional, contrary to the Department's report indicating that the contractor had pulled out, the project had stalled and that no payment was made. Hon. Speaker, this center is a stand-alone and has amenities like toilet for the learners and teachers. It also has a small kitchenette made of old iron sheets for preparing meals for the leaners. Hon. Speaker, the Department had reported that the contractor had pulled out.

Matetani ECDE class

Hon. Speaker, the class is located in Kangundo Central Ward. It was allocated a budget of Ksh. 1,000,000 and the actual costing of the class was Ksh. 980,454. Hon. Speaker, during site visit the committee noted the following:

The project had stalled and at the time of visit the contractor was not on site. Members observed that the class was done up to roofing stage, doors and window grills were fitted with no window panes and the inner wall was not plastered.

The Committee was informed that the Department had constructed the classroom up to the lintel level and later the former Member of County Assembly had done the roofing level which was not up to standard. Hon. Speaker the Department had reported that the contactor had pulled out.

Kangundo DEB ECDE class

Hon. Speaker, the center is located in Kangundo central Ward and was allocated a budget of Ksh. 1,000,000 and the actual costing of the class was Ksh. 980,454. Hon. Speaker, during site visit the committee noted the following:

- i. The project had stalled by the time of visit and members were informed that the project had delayed for almost three years.
- ii. The class had been done up to the lintel.
- iii. The committee found out that the Department had initiated construction of a new class which was at foundation level at the time of visit.

Hon. Speaker, the Department had reported that the ECDE Class project had been re-advertised.

Kivani Township ECDE class

Hon. Speaker, the center is located in Kangundo East Ward had a budget allocation of Ksh. 1,000,000 and was to be done at a cost of Ksh. 987,630. Hon. Speaker, during site visit the committee noted the following:

- i. The Department had visited the school and was shown the site to construct the class. However, the construction never took off.
 - ii. The ECDE learners are using a class donated by the primary school.
- Hon. Speaker, the Department had reported that the ECDE Class was complete.

Uvaini ECDE class

Hon. Speaker, the center is located in Masinga central Ward and was allocated a budget of Ksh. 1,000,000 and the actual costing of the class was of Ksh. 999,989. Hon. Speaker, during site visit the committee noted the following:

- i. The class had been constructed up to the walling stage at window level.
 - ii. It is a stand-alone center and is not secured.
 - iii. The ECDE learners are using a class that was constructed by the parents.
- Hon. Speaker, the Department had reported that the ECDE Class project was pending cancellation.

Kasuangove ECDE class

Hon. Speaker, the Committee visited Masinga central Ward and found that there was no ECDE center by this name contrary to a report given by the department that there class was awarded to one contractor by the name Samto Civil Works Ltd pending cancellation.

Other stalled ECDE classes

Hon. Speaker, due to time constraints the committee was not able to visit the remaining eight (8) stalled ECDE classes. These classes include:

- i. Kyambuko ECDE Class -Machakos Central
- ii. Kusyomuomo ECDE class -Machakos Central
- iii. Tumutumu ECDE class -Ndithini Ward
- iv. Mwendwa ECDE class -Muthesya Ward
- v. Ielanthi ECDE Class -Masinga Central Ward
- vi. Mwatungo ECDE Class -Masinga Central Ward
- vii. Mathunya ECDE Class -Mitaboni Ward
- viii. Kwamavui ECDE class -Masinga Central Ward

The Committee also did interrogations of the CECM education on the same. Hon. Speaker. The Committee invited the CECM Department of Education and ECDE Services on 30th October, 2023 who was accompanied by the Chief Officer Education and ECDE services and Director ECDE services to clarify to the committee on the discrepancies in their report and the findings of the committee during site visit. The department defended their report by affirming that there were some omissions in the report and that they would provide an authentic one within 14 days.

Hon. Speaker further the committee sought to find out if the department had any plans to complete these stalled ECDE classes. The response from the CECM and Chief Officer was that they had not made any provisions in terms of allocating a budget under pending bills to cater for the same.

Hon. Speaker the CECM department of Education provided the committee with a second report (*see annexure II -second information report*) which contradicted the first information (Annexure I) and the discrepancies were as follows:

- i. In Mumbuni north Ward the department reported to the committee that Kasinga ECDE was replaced by Manza ECDE Class but the due process was never followed to change the site.
- ii. In Muthesya and Ekalakala Ward there were additional ECDE classes namely Kwambo and Isyukoni ECDE respectively which were completed and not paid.
- iii. Some of the ECDE classes were captured as complete in the first information report and in the second information report they are captured as uninitiated and to be re-advertised. An example of Tumutumu ECDE in Ndithini and Kivani ECDE in Kangundo East.
- iv. In some instances some ECDE classes that were in the first information report were deleted in the second information report without explanation. An example of Kasuangove ECDE class.
- v. In some instances the department had begun a new ECDE class whereas there was a stalled one in the same location/site for instance Kangundo DEB in Kangundo central.
- vi. The committee noted that there were other ECDE classes that had stalled but were not captured in the report by the department an example of Kikule ECDE class in Muthesya and Metuma ECDE class in Mutituni Ward.

Hon. Speaker, aware that in any government contract, there is valid documentation that is initiated for a contract to be signed so that a contractor can commence work; further aware that if a party decides to terminate the contract, the due process ought to be followed. The committee requested for details of award letters, and contract termination letters indicating reasons why the contractors pulled out in writing through a letter Ref: MKSCA/PSC/CMM/ESW/VOL.4/11 dated 25th July, 2023 and MKSCA/PSC/CMM/ESW/VOL.4/14 dated 10th August, 2023.

Hon. Speaker, the department frustrated the committee by not availing all the required information. Further through a letter MKSCA/PSC/CMM/ESW/VOL.4/45 dated 26th February, 2024 and MKSCA/PCS/CMM/ESW/VOL.4/50 dated 25th March, 2024 requesting for the same information.

1. The department responded through a letter Ref: GMC/4/DOEE/ASS/VOL.1/20 dated 2nd April, 2024 indicating that the stalled ECDE classes were as a result of contractors pulling out from sites fearing eventual lack of payments due to the transition of the government to which the committee ruled out because these classes had stalled since 2013.
2. Hon. Speaker, further the department in the same letter indicated that the department personnel had transited and the status of the documents available could not authoritatively authenticated, to which also the committee was not convinced because in public service there is no vacuum in government offices and once an officer leaves office the data or documents should still be available in the files for access when required.
3. Hon. Speaker, the department through the same letter advised the committee to liaise with the personnel who had exited to provide such essential information

to which the committee felt that the department was eluding their responsibility.

COMMITTEE OBSERVATIONS

Hon. Speaker, the committee made the following observations:

- i. The department failed to facilitate the Committee with required information even after several requests as indicated in the report thus contravening section Article 183 (3) of the Constitution of Kenya 2010.
- ii. That some of the stalled ECDE Classes were abandoned at walling stage of construction like in the case of Uvaini ECDE class in Masinga central ward. This prompted the committee to conclude that these ECDE projects were mismanaged. This led to stalling of the ECDE classes despite having a budget and timelines to complete the classes hence poor workmanship.
- iii. That, where some ECDE Centers had stalled the Department had initiated new classes without completing the stalled ones. For example, Kangundo DEB Primary.
- iv. That, award letters for some contractors had fewer ECDE classes awarded *vis-a-vis* the payment voucher which had more ECDE classes paid. (Observation derived from procurement documents availed by the CECM before the committee).
- v. That, in some instances the report indicated the ECDE classes as complete but during site visit the committee established that there was no existing ECDE class citing the case of Kasinga in Mumbuni North ECDE.
- vi. That some classes constructed did not meet safety standards e.g., the roofing was done using poor quality of timber and was falling off, like Mung'ala in Mumbuni North ward and AIC Matetani ECDEs in Kangundo Central ward where the classes have never been occupied for the fear of posing danger to the learners.
- vii. That, some stand-alone ECDE Centers had been vandalized even before occupation due to lack of security around the ECDE Center an example of Kathama ECDE Center in Muvuti Kiima Kimwe.
- viii. During interrogation of the report by the committee it came out that there are other stalled ECDE classes that were not captured in the report from the department citing an example of Metuma in Mutituni ward and Kikule in Muthesya ward.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, in regard to the above observations, the Committee made the following recommendations:

- i. The committee recommends that the County Assembly opens an inquiry within thirty (30) days of tabling of the report to consider the issue surrounding the stalled ECDE classes and report back to the House.
- ii. That, within 14 working days after tabling of the report, the Chief Officer to give a clear direction and guideline on how the stalled ECDE centers will be completed.

- iii. That, due procedure should be followed whenever a case of change of location of an ECDE class arises. This will avoid misinformation on status of the projects and ensure fair distribution of the classes within the County.
- iv. That, contractors who were given projects and pulled out before completion without a written notice and justifiable reason should be blacklisted and ought not to be awarded contracts by the County.
- v. That, ECDE classes that are substandard ought to be redone to the set standards so that they can be used for intended purpose.

CONCLUSION

Early childhood offers a critical window of opportunity to shape the trajectory of a child's holistic development and build a foundation for their future. Early childhood education is important for promoting the cognitive development of a child, fostering their social skills and introducing the child into numeracy and literal skills.

Quality Early Childhood Education programs have been shown to significantly benefit children's development and the county government should invest adequately in ECDE because it plays an essential in promoting equity, enhancing child development, boosting economic productivity, and building a stronger society for the future.

ACKNOWLEDGEMENT

Hon. Speaker, the Committee is grateful to your Office and that of the Clerk of the County Assembly for the continuous and relentless support throughout the entire process of compiling this report. Allow me to also thank the Committee members for their dedication during site visits and committee sittings. Further, the committee acknowledges the support given by the committee secretariat in the compilation of this report.

It is therefore my duty, on behalf of the Education and Social services Committee, to table the Report on status of stalled ECDE classes in Machakos County for the period between 2014 and 2021 and recommend it to this Hon. House for consideration and adoption. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you very much, Hon. Member. Members, it is your turn to debate this matter. Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I want to make an application to you. Going by the mood and the weather of the day and on the basis of importance of this report, I beg for your guidance as to whether I can seek leave of the House that we continue with this debate later and I call upon Mheshimiwa Kitaka to second.

Hon. Francis Kitaka (Ndalani, WDM-K) seconded.

Hon. Speaker: So therefore, it will be a continuation of debate?

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Yes, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member, I will permit that we defer the matter for continuation on another date when the mood is okay and when we have everybody on board because it is an important debate and therefore, I grant. Yes Hon. Member.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, sorry for interjecting. I wish to make this application. Madam Speaker, when you listen to this report, based on what we had in the morning sitting, you are left to wonder and I wish to make the application that the Leadership of the Assembly including Committee Chairs, that the resumption of debate of this motion has extremely and properly well lobbied so that we can have at least 100 per cent realization so that even the Hon. Chair can repeat and even request she repeats reading what she has just presented here so that we can debate it with understanding of what is contained in the document.

It leaves one to wonder whether we have competent government or civil servants or we just have quacks. So, I would request that when we resume the debate on Tuesday next week, first thing in the morning, we have proper lobbying by all leaders and ensure that every Member present can listen to this report so that we can come to a conclusive debate. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Dominic, Hon. Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Madam Speaker, for catching my eye. I want to thank the Leader of Majority for reading my mind. When I was raising the issue of quorum this is what I had seen. I am a member of this Committee and I know what is contained in this report.

Hon. Speaker: Quorum is there

Hon. Joshua Mwonga (Masinga Central, WDM-K): I withdraw that there was no quorum; I agree with you. What I want to say is for you to invoke Standing Order 1 and let us have this report next Tuesday in the morning sitting and I want to assure you, we will have Members. Thank you.

Hon. Speaker: Thank you very much. At this point, I want to rule that we shall continue with the debate on this matter coming Tuesday. I want to believe every Member will be in this House because it is an important debate that we are having with us and I call upon all the Members who are not present today to be present on Tuesday we continue with this matter. Thank you, Members.

ADJOURNMENT

Hon. Speaker: The House adjourns to today, Tuesday, 8th October, 2024 at 10.00 a.m. See you then Members.

The House rose at 4.00 p.m.