

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 12th March, 2020

House met in the Main Chamber at 02:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

Hon. Speaker (Hon. Oraro): Leader of Majority, can you please approach the Chair.

(Hon. Speaker consults with the Leader of Majority)

Hon. Speaker (Hon. Oraro): Mr. Clerk can you please take us through the business of the day?

Hon. Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Oraro): Hon. Members, I have the following communication to make. Today, the 12th March, 2020 I have received a Memorandum from the Office of the Governor, Kisumu County H.E. Professor Peter Anyang Nyong'o, the Memo has been forwarded from the County Attorney's Office regarding the Kisumu County Health Bill, 2019.

Hon. Members, H.E. the Governor Kisumu Country is not in concurrence with some two sections of the Bill and I would like to read very fast;

"The Constitution of Kenya 2010 is not in compliance to the Kisumu County Health Bill, 2019.

Memorandum by H.E. the Hon. Professor Peter Anyang Nyong'o Governor, Kisumu County submitted to the Speaker Kisumu County Assembly.

“Whereas a Bill entitled the Act of Parliament to provide the Kisumu County Health Bill 2019 was passed by the Kisumu County Assembly on the 16th October, 2019 and whereas the Kisumu County Health Bill, 2019 was presented to me for assent in accordance with provisions of Constitution of Kenya on 11th December, 2019.

“Now therefore in exercise of powers conferred to me by the provisions of Article 155 of the Constitution of Kenya 2010 I decline to assent to the Kisumu County Health Bill 2019 with reasons hereunder.

- 1. Is per as section 4 (3) which is on the Management of the Boards and what was in the initial bill is as follows;*
 - a) Section 4 (3) the Hospital Management Boards and Health Facility Management Committees shall comprise a minimum of seven and a maximum of nine persons freely and fairly elected by the catchment of such hospitals and health facilities and shall comprise a representation of Women, Youth and People Living with Disabilities, a minority/, head of the facility and a person knowledgeable on matters finance and management, a representative of the County Government, a representative Member of the County Assembly of the locality and a representative of the provisional administration of the locality.*

This clause itself does not comprehensively provide for the process of election of the general population of the Hospital Management Board.

Recommendation

Following the reasons foregoing, I recommend that the Clause 4 (3) to be expunged and the following clauses be put in place.

- 1. The Hospital Management Board and the Health Facility Management Board shall consist of eleven Members who shall be appointed by the Governor, Kisumu County and by various nominating bodies as stipulated within the catchment areas as stipulated by the CEC Member in-charge of Health and the Board shall consist of the following;*
 - a) Chairperson knowledgeable on matters of Finance and Management who shall be appointed by the Governor of Kisumu County;*
 - b) Representative Member of the County Assembly who shall be appointed by the Governor of Kisumu County;*
 - c) Representative Member of the Provincial Administrative where the facility is situated nominated by the CEC Member for Health and appointed by the Governor, Kisumu County;*

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- d) A person who is in-charge of the Hospital who shall be the Secretary of the Committee and an ex-officio;
 - e) Representative Member of the Kisumu County Chamber of Commerce and Industry appointed by the Governor, Kisumu County;
 - f) A Member of Health-based Non-governmental Health Institution, nominated by the Executive Member for Health and appointed by the Governor, Kisumu County;
 - g) A person specialized in Governance matters appointed by the Governor, Kisumu County;
 - h) The following persons shall be residence of the jurisdiction nominated by respective groups and approved by the CEC Member for Health;
 - i) One person nominated by an Active Women Group where the facility is situated;
 - ii) A person nominated by a Faith based Organization dominant in the area where the facility is situated;
 - iii) One youth nominated in writing by the CEC Member for Health or the National Youth Council with the Gender Rule bias or a members nominated in that board where the facility is situated;
 - iv) One Person Living with Disability nominated by the County Office of the National Council of Persons Living with Disabilities, recognized group with a gender rule bias on other members nominated to that Board where the facility is situated.
2. The second Clause is 34 which is Miscellaneous Provisions and the clause states;
“The Executive Committee for Health may make regulations generally for the better carrying out of the provisions of this Act;
3. Clause 7 of the Kisumu County Health Bill, 2019 with other duties of the County Government states as follows;
- i) The County Government in furtherance of the duties and functions provided for it under the Fourth Schedule of the Constitution of Kenya shall be responsible for;
 - a) Implementation of the National Health Policies and Standards as laid down by the National Government Ministry responsible for Health;

The County Government in the later clause has been mandated to implement the above mentioned National Policies as such the CEC Member for Health needs to be empowered to make regulations that make for the Committees for the National Policies possible.

As such clause 34 should further clarify of the comment of the CEC for Health to make the said regulations.

Recommendations

Following the above reasons, I recommend that Clause 34 should read as follows;

“The Governor, Kisumu County may from time to time make regulations prescribing anything which may require to be prescribed under this Act and for the better carrying out of the objects and purposes of this Act and such regulations may be expressed to apply throughout Kisumu County or in any specified or defined position thereof. Such regulations may provide for penalties thereof.

Signed by;

H.E. Professor Peter Anyang’ Nyong’o,

Governor, Kisumu County,

Dated 10th March, 2020

Hon. Members, I want to commit this memorandum to the Committee of Health and Sanitation and the procedures and rules when dealing with such Memorandums be adhered to as appropriate.

Hon. Speaker (Hon. Oraro): Next order!

STATEMENTS

Hon. Speaker (Hon. Oraro): Hon. Omoro.

Hon. Omoro: Thank you Mr. Speaker. My Statement is emanating from Standing Order No. 41 (2) (b) to seek for information from the Chairperson, Water, Environment and Natural Resources on the issues of dealing with floods, providing a way-forward...

Hon. Speaker (Hon. Oraro): Hon. Omoro, you are raising a Statement of Topical Concern and I want to conform that I received you request to seek for a statement. I was advised that a similar statement has been committed to a Committee during the Assembly Mashinani in Muhoroni Sub-county in that was held in Nyakoko Secondary School. This is where the Leader of Majority presented some views from the Special Programmes Department and the Committee of Water, Environment and Natural Resources is supposed to give this House a feedback and I believe that there is need to follow-up on the same.

Hon. Ameso, remember while the House was in Nyakoko, there was a similar statement that was sought. Hon. Omoro, I confirm that I received it but it is already with the Committee of Water, Environment and Natural Resources.

Hon. Omoro: Mr. Speaker, this is a new development and it is a Disaster. If you allow me let me read it.

Hon. Speaker (Hon. Oraro): Please proceed.

Hon. Omoro: Thank you Mr. Speaker. Issues dealing with floods especially now, due to the high levels of water receding from Lake Vitoria, half of K'adhambo Sub-location in Kabonyo/Kanyagwal Ward is submerged.

Mr. Speaker, this has made the residence of this areas to relocate and one primary school by the name of Oseth Primary has been closed as a result of the floods. This is water emanating from the Lake Victoria contrary to the one that was raised in Nyakoko which was coming from the hills. The pupils of these schools have been relocated to Nyamrutu and Odienea Primary Schools. The water levels in Nyamrutu Primary School is threatening, thereby putting the lives of these children at risk.

Mr. Speaker, as a result of these waters emanating from Lake Victoria, there are dangerous reptiles coming from this lake like “Ng’ielos and “Nyang” (Crocodiles, Python) which have invaded the place...

Hon. Speaker (Hon. Oraro): What is it Hon. Khan? Hon. Omoro is seeking for a Statement.

Hon. Khan: On a Point of Order: Thank you Mr. Speaker. There are some wording the Hon. Member is using like “Ng’ielos and “Nyang”. I don’t know these words because I was thinking it was “Adui Nyang” I am confused.

Hon. Speaker (Hon. Oraro): Hon. Omoro, Hon. Khan is saying that he us not understanding concerning some words in your statement? Please can you clarify?

Hon. Omoro: Mr. Speaker, I am just trying to express that gravity of this matter. I meant dangerous reptiles and these are animals that reside in the lake. “Nyang” is Crocodiles and Ng’ielos is Pythons in the Luo dialect. So, we required urgent interventions because the residents of the area approached me three times and told me that they have tried to reach the various departments to no avail. They said that this department has urgent interventions if it can be made it can save the people and the primary schools that have not been relocated and are being threatened by the high levels of water.

Mr. Speaker, one of the urgent interventions is the construction of Dykes, there is an areas where residences are recommending that if a Dyke can be constructed in that area to ring-fence the remaining high grounds in that area, the situation can be remedied. Otherwise, we are going to have three primary schools closed, the residence will have nowhere to go and there are also water borne diseases, including the dangerous animals.

Mr. Speaker, I am asking you that for this disaster to be curtailed, first, it should be classified as a Disaster in Kisumu County and urgent interventions are necessary. I am requesting you to commit this matter to the relevant Department concerned with Disaster Management so that we rescue the matter before it gets out of hand. Than you.

Hon. Speaker (Hon. Oraro): Thank you. I want to commit that Statement sought by Hon. Omoro to be consolidated with that the Committee Water and Environment is working on as was presented in Assembly Mashinani in Muhoroni Sub-county.

Hon. Speaker (Hon. Oraro): Hon. Ogutu, we discussed the matter of floods and it is already with the Committee of Water and Natural Resources.

Hon. Speaker (Hon. Oraro): Hon. Steve, whom do you want to inform?

Hon. Steve: On a Point of Order. Thank you Mr. Speaker. I believe that this is a House of Rules and Procedures and if a matter has been committed, the Hon. Member needs to know that even the Committee in which that matter has been committed, he has the window to go and present that problem and that Committee will handle it at that level. Nothing stops him from going to that Committee that matter has been committed to.

Hon. Speaker (Hon. Oraro): Thank you Hon. Steve because that is the response I wanted to communicate to Hon. Ogutu.

Hon. Speaker (Hon. Oraro): Hon. Members, any other areas of concern that has any new developments of issues of floods and disasters especially on the areas of Water and Environment? Please meet the Chairperson, Water and Natural Resources to work on those matters in addition to the two statements that have been committed to that Committee.

Hon. Speaker (Hon. Oraro): Hon. Miruka. I noticed you, or it has been overtaken by events?

Hon. Miruka: Thank you Mr. Speaker. Over three weeks ago, in this Honourable House, I sought for a Statement which was of Topical Concern to the Chairperson, Budget and Appropriations Committee regarding the issues of Pending Bills.

Mr. Speaker, in your ruling to the Committee was to deliver the same in three weeks' time. This time has elapsed. Mr. Speaker, I can see him smiling. Could you please allow him to tell this House the issues of Eligible and Ineligible Pending Bills for the following periods?

- a) FY 2013/2014;
- b) FY 2014/2015;
- c) FY 2015/2016; and
- d) FY 2016/2017

Mr. Speaker, we want to know as was sought, have they been paid? If they have been paid, which Wards and Projects and if they were paid, how much was disbursed? Is there any mechanisms that the County would develop so that issues of Pending Bills don't recur again? Thank you.

Hon. Speaker (Hon. Oraro): Hon. Members, I can see the Hon. Chairperson, Budget and Appropriations Committee in the House. Thank you Hon. Miruka, I believe I can recall committing that Statement to the Budget and Appropriations Committee.

Hon. Steve: Thank you Mr. Speaker. I am in concurrence that the Statement was committed to the Committee of Budget and Appropriations and we were given three weeks. It is very unfortunate that the Hon. Member has lost tally of the days, because the twenty-one days have not elapsed. As a Committee that is one of the key things we are working on. Even last week we had a meeting and that was the first item in the agenda. We are already working on it. As a Chair I shall present my report when it is ready at that particular and appropriate time. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Miruka, are you satisfied?

Hon. Miruka: Mr. Speaker, I believe that it were better if he had a progress report, but the days have elapsed because we have the Hansard to confirm from, thank you.

Hon. Speaker (Hon. Oraro): Hon. Chair for Budget and Appropriations, after consultations, we need to get your report on the 24th March, 2020.

Hon. Speaker (Hon. Oraro): Hon. Members I noticed Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker. I rise to bring to the attention of the House on a Statement that was sought by Hon. Otura on the 19th February, 2020. In your ruling you directed that the Statement be brought to this House within a fortnight.

Mr. Speaker, as the Chairperson, Committee of Roads, Transport and Public Works, we have struggled with the Department to get a Comprehensive Response which the Communication Department did post in our Website and the WhatsApp Group for Members to have a look at the response.

Mr. Speaker, before I respond to the Statement that was sought by Hon. Otura. There was equally a Statement sought by Hon. Ogendo over Nyalenda "A" Road Projects. If you look at the work-plan which has been furnished this House by the Department of Roads, Transport and Public Works in Page 1. It talks on the Response to a Statement sought in the County Assembly, Status of the FY 2017/2018 Projects in Nyalenda "A".

S/ No	Project Name	Road Length (Km)	Contractor's Name and Address	Contract Sum (Kshs)	Intended Completion Date	Actual/Expected Completion Date	Activities	% Completion	Contract Activities Pending	Remarks
1.	Improvement of Kajorum Capital – St. Johns	0.8	Martkony Construction and Supplies Ltd Box 11-40131, Paw-Akuche	4,334,253	18 th July, 2018	19 th August, 2018	Dozing, Grading Works, Graveling, Culvert Installation, Excavation, Earth Works	70%	Part Graveling, Excavation of Side Drainage, Culvert Installation	The Road has been adversely affected by frequent rains in the area. The Road is heavily encroached hindering drainage Works. No payments have been made
2.	Improvement of United Church Kogelo – Dafina Access Road	2.0	Lavrox Co. Ltd, Box 185-40601, Kisumu	3,543,253	18 th June, 2018	31 st August, 2018	Site Clearance, Earth Works, Culvert Installation, Grading and Graveling	100%	NIL	Delayance has been occasioned by Political Interference. Road is complete, though not on time, Serious encroachment on the road.

										Encroached hindering drainage Works. Road has been adversely affected by frequent rains in the area
3.	Kingdom Power – Nyaori Access Road	0.8	Efaso Enterprises, Box 224, Kombe wa	5,215,130	16 th April, 2019		Site Clearance, Earth Works and Grading Works, Graveling, Dozing Culvert Installations	40%	Site Clearance, Earth Works and Hardcore Filling	The initaaila Road was to join the Road to Chief Onunga School which was being constructed by another agency but due to community land dispute. They agreed to construct the next parallel road which is also marshy. The dispute caused

										the delays in the implementation.
4.	Improvement of Chief Onunga School of the Deaf Access Road	0.2	Ongere Africa Investments Co. Ltd, Bix 236-40102, Kombe wa	2,197,637	22 nd December, 2018		Site Clearance, Earth Works and Culvert Installations, Rock Filing, Grading and Graveling.	60%	0.1 m grading Earth works, Rock filling, Graveling 2 lines Culvert	A stretch of 100 meters was to be added to the Chief Onunga. 2 lines of Culvert to be installed. The above activities are awaiting discussions with the MCA and the School Administration. Part Payments done.

Hon. Speaker (Hon. Oraro): What is it Hon. Ogendo, because Hon. Kanga is responding to a Statement that you raised.

Hon. Ogendo: On a Point of Order. Thank you Mr. Speaker. I don't know if it is right for the Chairman to respond to the Statement that I sought because according to me bring a Member of that Committee, I am sure that as a Committee we have not resolved the report. Mr. Speaker, we undertook fact finding and we are yet to complete the report. I fail to understand if a whole Chairperson of a Committee stand before this Honourable House that I wanted bread. We are all aware that he is the original founder of taking bread in this County...

Hon. Speaker (Hon. Oraro): So, what is your issues? Do you want him to withdraw the issues of bread or you want him to first bring the report before the Committee?

Mr. Speaker, I am rising on two issues. One, I would like to request the Chairperson to sit down, we go back to the Committee, we conclude with the report so that he can present it before the House.

Second, I want him to withdraw that statement because I am not a breadometer.

Hon. Speaker (Hon. Oraro): Before I respond to that, Hon. Miruka, what is it?

Hon. Miruka: Mr. Speaker, it is almost the same, I am equally a Member of the Roads Committee and if the information was directed to us, we need to sit as a Committee and deliberate to own the report or dismiss the report. Mr. Speaker, we have never done so. So, I am requesting your permission that the matter be brought and tabled before the Committee first. Thank you.

Hon. Speaker (Hon. Oraro): I have noticed Hon. Steve, is it on the same issue? If it is on the same issue, then, let me make my ruling.

Hon. Steve: Than you Mr. Speaker Sir. I believe that we ask for your indulgence in directing the Chair for Roads and Public Works to never again belittle matters of the roads in this County. The Chair cannot stand in this House and say that the political interference was may be coming from one the MCA of the area. In fact, road is a menace in this County. We are investing a half a billion every year and we are not seeing the value for the money that we put in the roads. Let the Chair apologize.

The Speaker (Hon. Oraro): Hon. Paul Okiri.

Hon. Okiri: Thank you Mr. Speaker. I tend to agree with Hon. Kanga. This was a statement that was raised. There was no need for the committee to go out. The response can be given immediately when the Chair has facts. Mr. Speaker, give a ruling.

The Speaker (Hon. Oraro): Hon. Okumu.

Hon. Okumu: Thank you Mr. Speaker. I want to inform Hon. Okiri that let us give Hon. Kanga a chance to finish reading the report. Then we shall have a discussion on the same and make a resolution. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Yes Hon. Philemon Ojuok.

Hon. Ojuok: Thank you Mr. Speaker. I want to inform Hon. Okiri that he is misleading the House and he should conduct himself as the Senior Member....

The Speaker (Hon. Oraro): Order Hon. Okiri. Order Hon. Paul Okiri. Lets us follow the rules of the debate. Proceed Hon. Ojuok.

Hon. Ojuok: Am sorry for what has transpired and I did say that the Member should behave like a senior Member of the House. A Chair of a Committee leads committee members and it is therefore correct for the committee members to own the report.

The Speaker (Hon. Oraro): Yes Hon. Ojendo.

Hon. Ojendo: Thank you Mr. Speaker. I want to inform you that whatever is being read by the Chair was a direct response from the department. The Chair should be made aware that we went for the fact-finding mission on the same and he was absent. We have not completed our work and therefore he should stop misleading the House by the report he is reading.

Mr. Speaker, what is being read on the floor is totally different from what is on the ground. Let us go back to the committee give the House a true reflection on the ground. Thank you.

(Loud consultations)

The Speaker (Hon. Oraro): Order Honourable Members. Proceed Hon. Kanga.

Hon. Kanga: Mr. Speaker, a precedent was created here the other day where Hon. Ameso who the Chair of Water Committee brought a Statement which was never discussed in our committee and it was accepted. Hon. Otura brought a Statement which was sought on locust and it was read in this House. I don't know the interest in the Roads Committee.

I want to bring to your attention that contracts were awarded and from 15th April, we shall be experiencing long rains and the contractors have not moved on sites. If you stop me from reading this statement then the contractors won't move to the sites. The reason why this statement was posted to all Honourable Members earlier for them to discuss and interrogate it today and we did a summon to the CEC so they can respond appropriately.

The Speaker (Hon. Oraro): Resume your seat Hon. Kanga. Honourable Members, the Statement by the Roads Committee is raising a lot of debate. I want to say that as you have been requested

by the Members, I want to direct that you withdraw your words on Hon. Ogendo as I give you time to proceed.

Number two, I am persuaded by what the senior Member has said that once a Statement has been sought, the Chairperson of that committee can respond immediately if he has the response but if that is not the case then it is his or her responsibility to meet the committee and do the necessary. It has been a practice that a Statement sought to be subjected to discussions at the committee level before it is being brought to the House.

As requested by the Chair under Standing Order No. 42 (d), I want to rule that we let the Chair proceed with reading the response from the CEC Roads and Public Works. I will give time for the debate on the same before I make a ruling on the same.

Hon. Kanga: Thank you Mr. Speaker. I withdraw and apologize unconditionally. I want to inform Hon. Ogendo that this is not the final report I am presenting before the House. As a committee we will proceed to discuss, invite the Chief Officer and the CEC before we draw our final report.

RESPONSE TO STATEMENT SOUGHT IN COUNTY ASSEMBLY ON STATUS OF FY 2017/2018 PROJECTS IN NYALENDA
“A”

S/N	Project Name	Road Length (Km)	Contractor Name and address	Contract Sum (Kshs)	Intended Completion Date	Expected Completion date	Activities Undertaken	% Completion	Pending Work	Remarks
1.	Improvement of Kajoram-Capital-St John	0.8	Martkony Construction and Supplies Ltd. Box 11-40131, Paw-Akuche	4,334,253	18/7/2018	19/8/2019	Dozing and grading works, graveling, culverts installation, Excavation, Earth works	70%	Part gravelling, Excavation of side drains, culvert installation	The road had been adversely affected by frequent rains in the area. Road is heavily encroached hindering drainage works. 3 lines of culverts installed. No payment made.
2.	Improvement of United Church-Kogelo-Dafina Access Road	2	Lavrox Co. Ltd P.O Box 185-40601 Kisumu	3,543,235	18/8/2018	31/8/2019	Site clearance, Earthworks, Culverts installation, grading and gravelling.	100%	Nil	Delayed due to political interference. The road is complete, though not in time. Serious encroachment on the road hindering drainage opening. The road had been adversely affected

										by frequent rains in the area.
3.	Kingdom Power-Nyaori Access Road	0.8	Efaso Enterprises Box 225. Kombewa.	5,215,130	16/4/2019		Site clearance, Earthworks, Culverts installation, gravelling, Dozing, Culverts installation	40%	Site clearance, Earthworks and hardcore filling	The initial road was to join the road to Chief Onunga School which was being constructed by another agency but due to community's' land disputes, they agreed to construct the next parallel road which is also marshy. The dispute caused a lot of delay in the implementation.
4.	Improvement of Chief Onunga School of the Deaf Access Road	0.2	Ongeri Africa Investment Com Ltd. Box 236-40102 Kombewa.	2,197,637	22/12/2018		Site clearance, earthwork, culverts installation, Rockfill, grading and gravelling.	60%	0.1m grading, Earthworks, Rockfill, graveling, and gravelling.	A stretch of 100m was to be added to access the office of Chief Onunga. Two lines of culverts to be installed. The above activities are waiting for discussions

										between MCA and the school's administration. Part payment done.
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RESPONSE TO STATEMENT SOUGHT IN COUNTY ASSEMBLY ON STATUS OF FY 2017/2018 PROJECTS IN NORTH
KISUMU WARD

S/N	Project Name	Road Length (Km)	Contractor Name and address	Contract Sum (Kshs)	Amount Certified (Kshs)	Funded By	Activities Undertaken	% Completion	Pending Work	Remarks
1.	Improvement of Mkendwa-Sos Access Road	2.6	Pado Logistic. P. O Box 19233 Kisumu	1,979,999	1,963,880	County Revenue Fund (CRF)	Erection of publicity sign post, Dozing (2.4 km), Grading (2.6 km) and gravelling (900m)	100%	None	The contracted activities done to completion. The road requires additional funding of approximately Kshs. 3 million to do culvert and drainage works and gravelling

										completion.
2.	Improvement of Obede - Seke-Kadison-Dago Access Road	3.1	Splendid Projects Ltd P.O Box 7499-30100 Kisumu	4,500,000	4,499,872	Roads Maintenance Levy Fund (RMLF)	Erection of publicity sign post, Site clearance (3.1 km), Grading (2.6 km), Installation of 4 lines of 600mm and gravelling (2.3 km).	100%	Nil	The contracted activities done to completion.
3.	Kambok-Dago Thim Access Road	3.1	Kisumu Maritime Center P. O Box 2453-40100 Kisumu	3,872,606.60	3,646,843.00	Roads Maintenance Levy Fund (RMLF)	Erection of publicity sign post, Site clearance (3.1 km), Grading (2.6 km), Installation of 4 lines of 600mm and gravelling (2.7 km).	100%	None	The contracted activities done to completion. The road riding surface is gradually deteriorating and it should be prioritized for annual maintenance.
4.	Bar Sidika – Buoye Access Road	4.1	JN Investment Ltd P. O Box 36404-40100 Kisumu	4,489,548	3,756,057	Roads Maintenance Levy Fund (RMLF)	Site clearance (4.1 km), grading (4.1) km, Installation of 4 lines of	75%	Graveling completion	Contractor had abandoned the site. Instruction had been issued to the contractor to

							600mm ring culverts and gravelling (1.7 km).			complete the work.
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RESPONSE TO STATEMENT SOUGHT IN COUNTY ASSEMBLY ON STATUS OF FY 2017/2018 PROJECTS IN MIGOSI
WARD

S/N	Project Name	Road Length (Km)	Contractor Name and address	Contract Sum (Kshs)	Intended date of completion	Actual date of Completion	Activities Undertaken	% Completion	Pending Work	Remarks
1.	Opening and improvement of Makini-Kibao Access Road	1.0	Melaca Link Ltd. P. O Box 4354- 40100 Kisumu	2,990,677.20	18 th July, 2018		Site clearance, grading, culvert installation, drainage works and graveling.	100%	None	Road length 1.0 km was improved to motorable state. The section of the road that was documented to be improved as per the BQ had already been done by KeRRA hence additional road sections are were added to the 0.2 km

										stretch to make it 1 km. The added sections are within Makini and Kibao. Additional activities were introduced in the contract including 3-line access culverts totaling to 26m.
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RESPONSE TO STATEMENT SOUGHT IN COUNTY ASSEMBLY ON ROADS MAINTENANCE LEVY FUND 2019-2020

S/N	Project Name	Road Length (Km)	Sub-County	Ward	Contractor's Name and Address	Contract Sum (Kshs)	Contracted Activity undertaken	% Completion	Pending Work	Remarks
1.	Improvement of Dunga-Limpopo Access	1.0	Kisumu Central	Nyalenda B	Lancone Investment Company Ltd. P. O Box 9111- 40100	1,569,770	Publicity signboard, survey and grading	30%	Culvert installation, graveling, and installation of road edge	Works on-going.

	Road				Kisumu				marker posts and side drains.	
2.	Drainage of Oboch-Kanyamunde Access Road	0.7	Kisumu Central	Nyalenda B	Moori General Contractors Ltd P. O Box 2792 Kisumu	8,51,672.00	Partly stone pitching, and culvert installation	50%	Partly stone pitching, earthworks and publicity sign post.	Works on-going.
3.	Drainage works at Rotary-Nyalenda Access Road	0.5	Kisumu Central	Milimani	Scolper Scovique Ltd. P. O Box 3534 Kisumu	2, 379,276	Stone pitching, earthworks, partly stone pitching, publicity sign post and two lines of culverts.	50%	Partly stone pitching, 1 line culvert.	Works on-going.
4.	Improvement of Jua-Kali Access Road	1.9	Kisumu Central	Railways	Mugelleh Investments	873,665.00	None	0%	Survey works, earthworks, grading, graveling, compaction, drift installation and publicity sign post.	Handed over
5.	Improvement of		Kisumu	Kaloleni-Shaurimoy	Mugelleh	1,252,510	None	0%	Publicity signboard,	Handed over.

	Polyview Estate Roads		Central	o	Investments				survey, grading, graveling, culvert installation.	
6.	Improvement of Kochung'-Dago-Kokore-Number Gee-Kahaya Access Road	3.2	Kisumu West	North Kisumu	Braze Limited. P. O Box 17834 Nairobi.	4,060,522	Erection of publicity signboard, setting out of Horizontal alignment, site clearance, and grading.	40%	Installation of road boundary marker post, graveling and culvert installation.	Works on going.
7.	Improvement of Lela-Sunrise Access Road	2.9	West Kisumu	North West Kisumu	Grademark Investments Ltd. P. O Box 34 Kisumu.	3,999,988.68	Erection of publicity signboard, setting out of Horizontal alignment, site clearance, and removal of rock outcrop.	20%	Installation of road boundary marker post, graveling and culvert installation	Works on going.
8.	Improvement of	1.8	Kisumu West	South West	Fatom Building	3,596,348	Erection of publicity	1%	Erection of publicity	Works on going. Contractor

	Obambo-Lisuka Access Road			Kisumu	Contractors		signboard, setting out of Horizontal alignment, site clearance, and removal of rock outcrop.		signboard, setting out of Horizontal alignment, site clearance, and removal of rock outcrop.	instructed to suspend works until signpost is erected.
9.	Improvement of Ogal- Got Puth-Uradi Dispensary Access Road	4.7	Kisumu West	South West Kisumu	Co & Brothers Ventures Ltd. P. O Box 55690-00200 Nairobi.	4,345,360.00	Publicity signboard, setting out of horizontal alignment, site clearance, drain excavation and part grading.	40%	Installation of road boundary marker posts, part grading, Culverting installation and spot graveling.	Works on going.

									40%	Installation of road boundary Marker posts, Grading, Culvert installation and Gravelling	Works ongoing
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Improvement of Port Florence-Pen state Pri. Sch. Access Road	1	Kisumu West	Central Kisumu	Afilo General Suppliers Ltd. P. O .Box 44 Rabuor	2, 163,260.80	Erection of publicity signboard, setting out of Horizontal Alignment, Drain Excavation	20 %	Installation of road boundary Marker posts, Grading, culvert installation and Gravelling	Works ongoing
Improvement of Soko junction-Michura Access Road/Cgk/Rt&Pw/Rmlf/Nyk/Smj/19-20/044	2.4	Nyakach	South East Nyakach	Apple Road Enterprise s. P.O. Box 1364 Kisumu	4, 300,0000.00	Setting out of horizon alignment survey, demarcation of road boundaries & commencement of excavation works	1%	Excavation, grading, gravelling and culverts installation	Works ongoing

Finally, Mr. Speaker, I want to urge Honourable Members especially the Implementation Committee led by Hon. Agolla to move with speed and see to it that these projects are done and contractors move on site. We are soon approaching the long rains Mr. Speaker. Last year, we also experienced long rains.

We will ensure to move around as the committee did yesterday led by the Vice-Chairperson and we implement what is should be done. Mr. Speaker, we need to push the Department of Roads. I want to urge all elected Members that this is a concerted effort. This is because the responsibility lies with elected Members. They understand better the condition of the roads. Some could be indicated as 50 per cent done yet no work has been done.

Mr. Speaker, we do not only need to work as a committee but work with all elected Members from respective Wards. Otherwise, I am happy and know that Members will interrogate this report accordingly. We will ensure that we do what is required of us. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Thank you so much Chair for Roads. I know there is a lot of concern on that report. I heard the Honourable Chair challenge me to give a record of roads in my former Ward and which are reported to be 100 per cent complete. I have seen three reports. The first one is indicating 70 per cent; the other is 75 per cent and another 100 per cent. This is what I want. Honourable Members, kindly resume your seats.

I want to appreciate what Hon. Seth has done. He has presented the response form the CEC Roads and the Chief officer Roads so that each Member representing a Ward can know the status of the roads as per the departmental understanding. In addition. I would request that all the concerns be directed to the Committee of Roads. I go ahead and make a ruling that this report, as per concerns by Members has not been debated or discussed in the Committee of Roads. In addition, the Chair has given an opportunity for each Member to present his views to the committee. There is work in progress.

Therefore, present all your views and concerns whether what has been presented is true on the status of roads so that they bring a report as a motion to be adopted; together with recommendations on what you expect us to do as a House. Roads is a key concern to everyone. Therefore, I am not going to open it for debate. I want to direct that each Member present his views to the Committee of Roads. What is it Hon. Paul? I have just made a ruling that views be taken to the Committee of Roads.

Hon. Okiri: Thank you very much Mr. Speaker. First , I would like to apologize to Hon. Ojuok for the afternoon mishap. This was based on the work we are doing in the Assembly. Mr. Speaker, I beg Hon. Ojuok for apology.

Mr. Speaker, I will not use rude language over this matter. However, I thought there were important issues that we should have put across so that whether the Chair is going back or will direct such issues, and some Members are not here; and it is the first time we are seeing this; remembering that it is the same Member who had proposed we allow the Honourable Member to read that report; because by then we had noticed some information which we wanted him to read.

Mr. Speaker, my concern is about misappropriation of funds. Mr. Speaker, we have seen what they have done. We have zero kilometres road which has been allocated about Kshs. 4 million and work is indicated as ongoing.

The Speaker (Hon. Oraro): On which number are you Honourable Member?

Hon. Okiri: Number 31 Mr. Speaker. It is zero kilometres, yet money is allocated and the contractor is on site working.

The Speaker (Hon. Oraro): Honourable Member, I think that is a box culvert

Hon. Okiri: No. We are talking about the length Mr. Speaker. Kindly see No. 31

The Speaker (Hon. Oraro): But the box culvert is an item. It cannot have distance

Hon. Okiro: Mr. Speaker, zero culvert means we do not even have a culvert in the first place.

The Speaker (Hon. Oraro): Honourable Member, I think it is not good to mislead the House. What I am seeing is zero kilometre and the description is rehabilitation of Okwach Makindu Box Culvert, which cannot be quantified in terms of kilometres. It is an item.

Hon. Okiri: Mr. Speaker, we are told that it is a box culvert and indicated as 0 km in Muhoroni. I think we are on the same page. The same has been allocated Kshs. 4, 167,880.00.

The Speaker (Hon. Oraro): Honourable Member, if you look at the headline in that particular column, it is Roadless. Therefore, in this case, we are talking about a box culvert. I think an item should not have any length measured in kilometres.

Hon. Okiri: Of 0 km?

The Speaker (Hon. Oraro): Yes, it is an item.

Hon. Okiri: Obligated Mr. Speaker

The Speaker (Hon. Oraro): Looking at the time, we are out of Statement hour. Let me do this. Due to demand, I will restrict contributions to one minute each Member. I will start with Hon. Atieno then Hon. Steve, Hon Philemon then finally Hon. Otura. Strictly a minute please.

Hon. Atieno: Thank you Mr. Speaker. I seek your indulgence. An Honourable Member is pointing at me, which makes me wonder what is going on. You know he can do anything in this House if given chance. Mr. Speaker, Sir, it is high time we agreed as a House whether to continue with this nonsense we are seeing here. Why am I saying so? You will find that 100 metres road costs Kshs. 3 million.

The Speaker (Hon. Oraro): What is it Hon. Seth. I had given you a chance

Hon. Atieno: I need your protection Mr. Speaker because this Report has got a lot of vested interest. If you will not protect me Mr. Speaker, then I will be eaten alive because I am stepping on other people's toes.

The Speaker (Hon. Oraro): Hon. Atieno Just resume your seat. Yes Hon. Kanga.

Hon. Kanga: Mr. Speaker, Hon. Otura sought for a statement and the Clerk of the Assembly wrote a letter to the CEC and the CEC responded accordingly. Is it in order for Hon. Atieno to term the report which you have accorded me time to read as nonsense?

The Speaker (Hon. Oraro): Hon. Kanga your point is taken but I want to rule you out of order because Hon. Atieno called it nonsense and he stated explaining why he is calling it nonsense. I was keenly listening to understand his justification for the same. Otherwise you are rushing into making decisions that the Chair is supposed to make because he has the privilege of substantiating on why he is saying so. That is not parliamentary and I know but let us give him time to explain why.

Hon. Obura: Thank you so much Mr. Speaker. Just as I had said that if you won't protect me then I won't conclude with my submissions because I am stepping on a lot of peoples' toes since there is vested interest in this kind of report. The reason as to why I am talking the way I am talking is very obvious. You find that a road is one Kilometre and it is allocated 4 million and you find that the same road in the same sub County is 2.7 Kilometres and it is allocated 3 million while another road in the same sub County which is 5 Kilometres is allocated 4 million. Who is fooling who?

The Speaker (Hon. Oraro): Order Hon. Kanga. Order Members. Hon. Atieno resume your seat. I had agreed to give one minute each for contribution because I thought you are going to raise some issues but it's like you have opened the matter for debate. I said if there is any issue regarding roads in each of the wards that you represent are to be represented I form of a report to the Chairperson of roads or the roads committee so that they bring us a final report that we shall debate but for now I am not going to open the matter for debate. Yes Hon. Ngeta.

Hon. Ngeta: Mr. Speaker we don't want a debate where there are insults.

The Speaker (Hon. Oraro): Hon. Ngeta resume your seat. I have just made a ruling and I have given the chance to Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker...

The Speaker (Hon. Oraro): What is it Chief Whip.

The Chief Whip (Hon. Misachi): Mr. Speaker I thought and believe that was an answer to a statement which was sought and I believe that your direction of each Member giving his/her opinion of what they think about the road in his/her ward was going to be satisfactory. Kindly control the House before the mighty people eat us.

The Speaker (Hon. Oraro): That is what I have said that I have given one minute to the persons for the Members have pointed so restrict yourselves. Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. I am not going to restrict myself to my ward but to the matter that I have at heart. We are spending 500 million every year on roads...

The Speaker (Hon. Oraro): Hon. Steve Owiti you are out of order. Yes Hon. Otura.

Hon. Otura: Mr. Speaker due to the fact that I am the one who sought for this statement, I would like to indulge this House that you give me even 2 minutes.

The Speaker (Hon. Oraro): Hon. Otura we are not debating so just go straight to the point that you need to add for the committee to look at.

Hon. Otura: Mr. Speaker it is true that the report is well presented and I congratulate Hon. Kanga for his quick response. The response is positive with a few reservations. Mr. Speaker, if you go to item number 32 which is from Muhoroni sub County which is worse than item number 31 which is written 0 kilometres.

The Speaker (Hon. Oraro): Hon. Otura, I have directed that if it is matter that is presented here then take those concerns to the committee of roads. Yes Hon. Arao.

Hon. Pst. Arao: Mr. Speaker you can just use the following words to those who are not contended and standing that is; denied and rejected.

The Speaker (Hon. Oraro): Yes Hon. Ogendo.

Hon. Ogendo: Thank you Mr. Speaker. I want you to instruct The Chairperson of roads to listen to what I want to say. It is a very sad day for me and as a law abiding citizen I will respect your decision but with a lot of reservations. Earlier on before you gave the Chairperson of roads permission to read the document we as Members of the same committee raised some concerns and I am quite disappointed with the Chairperson of roads committee on the way he is handling the committee as a personal property.

Mr. Speaker even if you give a ruling that we go back and raise our concern in relation to what is happening in our wards, I really doubt if it will be done in a fair manner because this is the same Chairperson who stood and said that the Clerk wrote a letter to the CEC and this is a response

from the CEC. I have evidence to what I am talking about and I can even lay it before you that there are contradicting responses from the CEC and signed by the same CEC. One example to that effect is a road in my ward which is Improvement of Kajoram Capital – St. John access road. There is one document that is signed by the CEC stating that road is 100% done and the report that was read by the Chairperson of roads committee states that the same road is 70% done. I fail to understand how this statement response got its way into the floor of this House whereas all these documents are in our files at the committee level and that we are not dispensed with it. It is very wrong for the Chairperson to take a document to the floor of the House without the knowledge of the Members of his committee. We won't allow the Chairperson to run a committee as his personal property. That is why I am saying that I respect your ruling but with a lot of reservations because I am not sure whether the roads in my ward will be handled fairly if a document can get its way to the floor without the consent of the Members of a committee. Thank you.

The Speaker (Hon. Oraro): Thank you. I think that I made it very clear that I allowed the Chairperson of roads committee to read the report so that we have concerns but I have directed that all the concerns that we have as per the report should be taken to the committee of roads. We made a ruling that the report of roads committee must come to the Assembly on 24th March 2020 and that is why I am pleading to the Members to raise the complaints to the committee of roads. So I do not want to open this response for debate. Yes Leader of Minority.

The Leader of Minority (Hon. Pete): It is good that the issue of KRB has come up today for debate for this Assembly.

The Speaker (Hon. Oraro): Hon. Pete we are not debating. The report shall come to this House and we shall debate.

The Leader of Minority (Hon. Pete): I remember raising this issue that KRA roads has been brought as a blocked figure in the budget. We never knew the way it has been tabulated and we demanded it when we were looking at the Supplementary budget. Let us be keen and interrogate this and if it was necessary then we should go further than this because we need to know the value. We cannot be told that we are spending 194 million on our roads but we don't see the value on the ground.

The Speaker (Hon. Oraro): Thank you. Yes Hon. Philemon Ojuok.

Hon. Philemon Ojuok: I would like to thank the Chairperson for roads committee for bringing this comprehensive report that is actually exposing the plunder of public resources at the roads department. Mr. Speaker I want to tell you that if roads were human beings then this matter would be worse than health. I have roads in my ward that are worse and have been allocated huge amount of money. Hon. Speaker I want to request and it is good that you have ruled that the committee of roads are going to sit and look into this issue. This plunder must stop. Thank you.

The Speaker (Hon. Oraro): The matter is taken back to the committee of roads. Hon. Chairperson of roads committee, you have noted the concerns of Members and they are very serious. In fact I want to agree with Hon. Philemon that let us be very serious on this issue of roads because there is no way that you can have 4 reports on the same roads with different figures and percentages of completion.

Next Order!

MOTION

COMMITTEE REPORT ON COUNTY FISCAL STRATEGY PAPER FOR FY 2020/2021

BY HON. STEVE OWITI

CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. The County Fiscal Strategy Paper FY 2020/ 2021 was committee to the committee of Budget and Appropriations and the committee has held 4 meetings and in the meetings there are other issue that we need to synchronize with the other documents that are also committee to our committee like the CIPROP and we are asking that we be given more time so that when we give the CFSP report we will be able to handle most of the emerging issues since most of them are technical in nature. We are hoping that by 18th March which is the end of next week, we should be able to present this report to the floor of the House. In an even when we will not be able to do that then we will explain to the House but we know that based on the fact that we have already started a new budget cycle and there is a proposed pre-budget conference which is coming up next week, there are a number of issues that we intend to iron out there so that the CFSP, ADP and the other documents that will follow can be synchronized so that we agree with each other. Thank you.

The Speaker (Hon. Oraro): Hon. Steve Owiti were you moving the motion or withdrawing it?

Hon. Steve Owiti: Mr. Speaker that is a status report on where we are at the moment and I think that we should be given more time.

The Speaker (Hon. Oraro): I get you Hon. Steve Owiti and the reason why I asked you that is that in our order paper is indicated a motion and you are giving a progress report and you have the recommendations of the progress report then you need somebody to second and we agree or disagree with your proposal.

Hon. Steve Owiti: Thank you Mr. Speaker, I ask Hon. Khan to second that we be given more time.

Hon. Khan: I second.

The Speaker (Hon. Oraro): Hon. Members the Chairperson of Budget and Appropriations committee is giving a progress report on the committee report on the County Fiscal Strategy Paper which has been seconded by Hon. Khan and therefore I want to propose a question that their presentation be open for debate. Yes Hon. Philemon Ojuok.

Hon. Philemon Ojuok: Hon. Speaker I think that it is in order and I would support the request because this document needs to be harmonized and the fact that whatever we pass here will inform the budget and we will not be able to amend it, I think that it is in order that if we are able to pass it the way it is then whatever we will do will be an exercise of in futility. Thank you.

The Speaker (Hon. Oraro): Hon. John Atieno.

Hon. John Atieno: Thank you Mr. Speaker, I would like to concur with the Chairperson of Budget but I have got some reservation because this is a very important paper that I would request that the whole House to get the information that is contained there because once it is adopted in this House there is nothing else that can be done on it. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker I wish to call the mover to reply.

The Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. First I want to agree that when you look at the legal requirements on the presentation of the CFSP it should be by 19th which we still have time. The involvement of the Members as a concern raised by Hon. John Atieno; there is a reason why we have organized a pre-budget conference and we hope that in that pre-budget conference we will be able to handle those issues like the setting of the ceilings which comes up in the CFSP and we will be able to have an agreement long before we go to the main budget so that when we come to the budget some of the issues that we have been struggling with in the past will no longer be there. Thank you.

The Speaker (Hon. Oraro): Thank you. I will not put a question on that debate on the progress report that is presented by the Budget and Appropriations committee but I would say that looking at the calendar, the CFSP should come to the Assembly by 28th of March and on counting the dates excluding the weekends then I think that 19th should be last day according to the PFM Act that requires 14 days from the date of submission which is 28th of March. So I still believe that you have enough time to organize yourself so that we ensure that you pass the CFSP within time. I want to call upon the Members that you raise your concerns on time on the issues of budget ceilings and the issue of priorities and the issues of arrangements of projects.

The Chairperson of Budget has alluded to a pre-budget conference which shall be attended by all Members. Yes Hon. Steve Owiti.

Hon. Steve Owiti: Thank you. As you are ruling it would also be important to inform the Members that we expect each Member at the pre-budget conference to bring forward their areas of priority, how they would want the budget to be handled and more so we will be looking at the projects which we will be able to have an understanding of how we would classify the projects. We hope that at that particular point that when we are able to agree on those projects in good time then even the issue of the capping will be covered.

The Speaker (Hon. Oraro): Thank you. I want to urge the Hon. Chairperson that you circulate the CFSP to all Members through the forums and Members should take their time to read the CFSP in detail. On the same not all Members should keenly look at the CIPROP where so many projects have been presented on it and make recommendations as appropriate.

Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): I want to make a communication that on Tuesday 17 March 2020 we shall have a Speaker's 'Kamukunji' immediately after the plenary. There being no any other business to transact, the House stands adjourned to Tuesday 17th March 2020 at 2.30 p.m.

(House rose at 4.15 p.m.)

Addendum

Zablon Otiende – Head of Department

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter