

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

## **THE HANSARD**

### SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 12<sup>th</sup> May, 2020

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

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

### **PRAYERS**

**The Speaker** (Hon. Oraro): Mr. Clerk, kindly take us through the order of the day?

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

### **COMMUNICATION FROM THE CHAIR**

**The Speaker** (Hon. Oraro): Hon. Members good afternoon, welcome to this afternoon session. I have two communications to make.

One, we still thank God that in Kisumu County there is no record of positive case of COVID-19 as presented by the Kisumu County COVID-19 Response Team. Members of the Assembly are still urged to be vigilant and still sensitize the community and the electorates on the importance of keeping to the guidelines as provided by the Ministry of Health. This is paramount and it includes keeping social distance, regular hand washing with soap and running water and sanitizing where there is no soap or water and putting on masks especially in public places, this is very key and that sensitization has to continue.

Secondly, we are in the process of working in the Second Kisumu County Supplementary Estimates FY 2019/2020. I want to request the members of the Budget and Appropriations

Committee that immediately after the plenary, please remain behind because there is important information that he needs to pass to the Committee. Thank you.

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

## PAPERS LAID

**The Speaker** (Hon. Oraro): Hon. Leader of Majority.

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. To the best of my knowledge I am not very sure of the Supplementary Estimates because, it should have been the Main Budget for the current FY 2019/2020. So, there must be some kind of disconnect here, unless the Chairperson Budget and Appropriations who needs to give us some information, but I believe that is what it is, thank you.

**The Speaker** (Hon. Oraro): Chairperson, Budget and Appropriations, please approach the Chair.

*(The Speaker consults with the Chairperson of Budget and Appropriations Committee)*

**Hon. Steve:** Thank you Mr. Speaker, the Committee of Budget and Appropriations was supposed to lay the Paper on the Second Kisumu County Supplementary Estimates FY 2019/2020 today, because the Report on the same is not ready for tabling and with your indulgence we will lay it tomorrow. Thank you.

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

## NOTICE OF MOTION

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

**Hon. Steve:** Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders No. 45, I rise to give Notice of Motion on the Second Kisumu County Supplementary Estimates FY 2019/2020. Thank you.

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

## STATEMENTS

**The Speaker** (Hon. Oraro): Hon. Agolla, MCA, South West Kisumu and Chairperson, Committee on Implementation.

**Hon. Agolla:** Thank you Mr. Speaker. Foremost, let me start by thanking you because the House is aware that I was to respond on a statement that was sought last week by Hon. Miruka and you did accord the Committee more time because I had to liaise with the line Department of the Executive. Mr. Speaker, I beg to inform your Chair that I have the response.

**The Speaker** (Hon. Oraro): Chairperson, Implementation, please proceed.

**Hon. Agolla:** Thank you Mr. Speaker. Reference is made to a Statement that was sought by Hon. Miruka on Thursday, 30<sup>th</sup> April 2020. I wish to state that the Statement sought for the following;

- a) Why the Executive especially the Department of Tourism, Culture, Arts and Sports was delaying in the implementation of Development Projects in this FY 2019/2020?

Mr. Speaker, I wish to respond as follows; that, as a Committee the response that we did receive from the Executive is that the Department of Tourism, Culture, Arts and Sports, recently received a new Chief Officer, Eng. Daniel Otieno Okiya on the 02<sup>nd</sup> March, 2020 replacing Mr. Thomas Ouko. Mr. Speaker, due to reasons beyond our control, the Department of Finance and the new Chief Officer did not receive the Accounting Status of the Department until seven weeks after effect to changes which was made on 20<sup>th</sup> April, 2020.

Mr. Speaker, this necessitated the delays in the implementation of projects. Therefore, I want to report that, the Department has embarked on reorganizing of itself and ensure that the project documents are ready and start the issuance of Award Letters by close of Wednesday, 06<sup>th</sup> May, 2020 which they have already commences.

Mr. Speaker, the mitigation measures that the Department has put in place, is that the Department is planning to commence discussions with Contractors involved to move with haste and commence implementation of these projects once furnished with correct documents.

The Department has promised to liaise with respective Ward Administrators and the area MCAs to ensure that safe implementation of projects is undertaken. Mr. Speaker, specific timelines are well noted and the Ministry/Department will do its utmost best with the contractors to ensure that those who can complete projects on time are awarded commences activities on the ground.

Mr. Speaker, I just want to report to you that, it is not the end of the road as a Committee, we will endeavour to continue following up on what the Department has promised to do in implementation of Projects and not only this Department, other departments will follow suit. Mr. Speaker, without going out of what I was to respond to, I want to report that this Department has shown commitment and we will follow up to ensure that these projects are implemented. Thank you.

**The Speaker** (Hon. Oraro): Thank you Hon. Agolla. Unfortunately, in the House, I am not able to see Hon. Miruka. Please be informed that the online passwords still stands because I can see some Members online the likes of Hon. Olima. Hon. Olima, I believe that he can get us clearly?

**The Speaker** (Hon. Oraro): I believe that he is not able to connect us well. We will proceed. The Statement was sought by Hon. Miruka who is not in the House. I am not sure if Hon. Agolla is in

possession of the Order Paper? I stand to be guided because, what is there in the Order Paper that is not what is indicated in the Order Paper. What you read was a response from the Executive.

**Hon. Agolla:** Thank you Mr. Speaker. The response that I was to give was a Statement that was sought by Hon. Miruka that was sought for during Statement Hour.

**The Speaker** (Hon. Oraro): Hon. Member, I am wondering if you exhausted all the questions that were raised and you discussed with Committee Members. Or you just gave us a progress report?

**Hon. Agolla:** Thank you Mr. Speaker. Yes we did discuss the same as a Committee because the Statement sought was initially committed to the Committee of Budget and Appropriations and it was matter to do with implementation which after deliberations was later referred and committed to Implementation Committee and that is the response that we discussed yesterday in the Committee.

**The Speaker** (Hon. Oraro): Thank you. Next order!

## MOTION

REPORT FROM THE BUDGET AND APPROPRIATION ON THE STTAUS OF  
PENDING BILL, KISUMU COUNTY.

BY

CHAIRPERSON, HON. STEVE OWITI.

**The Speaker** (Hon. Oraro): Hon. Steve Owiti, Chairperson, Budget and Appropriations Committee.

**Hon. Steve:** Thank you Mr. Speaker. This was a Statement that was sought in this House by Hon. Miruka on Pending Bills. We received a report from Executive and this is a voluminous report detailing the Status of Pending Bills was forwarded to my Committee.

Mr. Speaker, the Clerk of the Committee is probing into it because they were supposed to furnish us with a Summarized Report because in the report that was given by the Auditor General outlines the Outstanding Pending Bills as at the beginning of this Second Government of Kisumu County and the amount that has been paid so far. There was also the element of Eligible and Non-eligible Pending Bills.

Mr. Speaker, there were Eligible Pending Bills that were given a clean bill of health and there were Non-eligible ones that were discarded because of one or two reasons. It is because of that, the report is still being worked on and every Member shall receive a softcopy of this report in due course so that they can have a look at it. Thank you.

**The Speaker** (Hon. Oraro): Hon. Members, any response on that?

**The Speaker** (Hon. Oraro): Yes Leader of Majority.

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. I want to appreciate the response that was given by the Chairperson of Budget and Appropriations. However, I would wish to implore him to expedite that process because that is a matter that Members are keen on and of course it has been pending in the House for quite sometimes.

Mr. Speaker, today when we had our Business for Scheduling the House meetings and Committee Sitting, it did come up and it would be prudent that as a Committee it is dealt with expeditiously so that Members are in no doubt that there is nothing sinister. Mr. Speaker, what compounds the issue is that yesterday there was some news in our local media to the effect that there are some of the Counties that are still having some quite a bit of Pending Bills that have not been catered for and so, Members really need to know so that the matter can be dealt with.

So, thus is my plea to the Chairperson of Budget and Appropriations Committee that let them make the business an important business of the Committee like any other business? Thank you.

**The Speaker** (Hon. Oraro): I noticed Hon. Agolla.

**Hon. Agolla:** Thank you Mr. Speaker. I just want to add on what the Hon. Leader of Majority has stated. We as elected leaders we are really concerned about the issues of Pending Bills and I would like to urge the Committee of Budget especially the Chairperson that let us try and get that Comprehensive Report on Pending Bills and I would like to implore this House that we need to take some action on that report.

Mr. Speaker, as the Chair of Implementation, I have made some fact finding and realized that, I that it is not the end of the road. As a committee we will keep on following what the department has promised is implemented and not only this department but other departments too. I therefore want to report that this department has shown some commitments. Thank you.

**The Speaker** (Hon. Oraro): Thank you Hon. Erick Agolla. Kindly note that the online session is going on and I can see some Members online. The Statement was raised by Hon. Rashid Miruka and he is not in the House. Hon. Agolla, have you realized this forms part of our business today and what you read is a response from the Executive?

**Hon. Agolla:** Thank you Mr. Speaker. I have represented a response that was sought by Hon. Rashid Miruka.

**The Speaker** (Hon. Oraro): Have you exhausted the questions that were raised and discuss with the Committee Members, or is this just a progress report?

**Hon. Agolla:** Thank you Mr. Speaker. Yes we did discuss as a committee and remember the Statement was also committee to the Budget and Appropriations Committee and the Implementation from the Department of Tourism was referred to our committee. That was response we did discuss a committee.

Mr. Speaker, as the Chair of Implementation Committee, I have been on a fact-finding mission and I realized that a good number of contractors cannot do their work. Their excuse is that they have worked for this Government and they have not been paid. You will realize that some projects were handed over to the contractors in our Wards and two or three months down the line and nothing is going on. It is better we don't allocate money for projects but pay for the pending bills.

It is all over in the social media of a young man from the Chair's Ward that took his life because he was actioned until he remained with nothing. We should dispense with the Pending Bills once and for all. As a Member and as a House, we are really concerned about the pending bills.

**The Speaker** (Hon. Oraro): Hon. Genga, do you want to say something?

**Hon. Genga:** (*Via Zoom*) Not at the moment but in a short while if you allow me Mr. Speaker.

**The Speaker** (Hon. Oraro): Yes Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker. I concur with the Chair that we all need to get this information. A number of contractors have declined to proceed with their work because they believe they will not be paid. Why are we denying our people an opportunity to prosper? We must be a society that cares for its people. We need to roll up our sleeves and address the issue of Pending Bills. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Yes Hon. Atieno, MCA, Kobura Ward.

**Hon. Atieno:** Thank you Mr. Speaker. I stand to support the sentiments echoed by the Chairperson of Budget and Appropriations Committee. He has stated that the document that was presented to the committee is voluminous. I am perturbed by the choice of the word 'Voluminous' because the National Government gave a decree that all Pending Bills from the Year 2013 to 2016 ought to have been paid by now. That is roughly four years of settled bills, therefore there is only one to two years left for the Pending Bills. It surprises me to hear the Chairperson talking about a voluminous list of pending bills. I think that as a House, we haven't taken this matter seriously, and this could be a contributing factor to the delayed development of this entire country. It is known that for one to siphon money from the Government, they ought to have a list of Pending Bills because it is in the list that fictitious work is put so that they are paid before the actual work is done.

Mr. Speaker, the Assembly needs to rise to the occasion by doing their work as an oversight entity so that this issue of Pending Bills which derails the morale of our contractors, and those who are ready to invest their money in order that our projects are completed in time.

The Executive should also indicate the location, the Financial Year, and the specific wards so that all Members can see and verify in certainty that specific works were done in our wards. I therefore urge your office, Mr. Speaker as well as this Honourable House to pressurize our authority in making sure this issue of Pending Bills is settled forthwith. Thank you.

**The Speaker** (Hon. Oraro): Hon. Members, I want to make this ruling; the success of every County depends on the Assembly and the oversight role given to the Assembly lies with the Members of the Assembly. I am in agreement with Hon. Atieno's sentiments. I want to inform the Chairperson Budget and Appropriations Committee that, what the Honourable Members wanted to understand was not just the list but the Status of Pending Bills for the entire County of Kisumu. They want to know the following;

- a) how many projects were executed but not paid;
- b) locations of these projects and what cost needs to be paid for these projects, and;
- c) extent to which the County Government has gone to settle these Pending Bills.
- d) Eligible and non-eligible payments.

In addition, the list ought to have been shared by Members so that they can understand their respective wards in order for them to confirm the manner in which the lists were divided into eligible or non-eligible payments. In doing that, it would have eased the Assembly's decision making on whether payments to be done are eligible or non-eligible.

The same applies to the Committee of Implementation. In line with what Hon. Pamela is saying about a contractor not going to visit the site because they have not been paid, we need to understand that the concerns of any Project Manager is to know whether the contractor is capable of doing their job or otherwise. Before any site visiting, there has to be signing of an acceptance letter. The Committee of Implementation should therefore follow up with the Executive on what they are doing about Project Management. In a case where a contractor who is in breach of the contract, it is their responsibility to complete the project. They should not relate one Pending Bill of their previous projects to another. However, if they are not ready to execute the project then they should not hold on to the contract but rather terminate or reject the contract altogether.

The manner in which the Assembly does its oversight makes it responsible for the growth or failure of the County. The Assembly means us Members and our management of various Committees, so we need to take our work seriously. I want to urge the Chairperson of the Committee for Budget and Appropriation to expedite the release of copies of lists to all Members to be conversant with it and ease accuracy in their comments and satisfaction. I have allowed for remote working, so take as much time in ensuring that is done efficiently. I also want to urge

Members to visit the Auditor General's website and get all the reports. I request the Chairperson Budget and Appropriation Committee to kindly share the report with the Members through the WhatsApp forum, personal WhatsApp numbers or to their direct emails, once he downloads his report.

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

### MOTION

COMMITTEE FOR IMPLEMENTATION'S REPORT ON THE IMPLEMENTATION OF  
PROJECTS AT THE DEPARTMENT OF TOURISM, WILDLIFE AND HERITAGE  
BY  
HON. ERIC AGOLLA.

**The Speaker** (Hon. Oraro): Hon. Agolla is that the same report you were presenting a statement on?

**Hon. Agolla:** Thank you Mr. Speaker, Yes it is the same one we replied as a Committee, which was directed to the Department of Tourism, Wildlife and Heritage.

**The Speaker** (Hon. Oraro): Thank you, However, I want to direct that any time a statement is raised and committed as a Committee; it should come as a report so that Members have time to debate. Nevertheless, I gave time for Members to give their response but there was none so we are just going to proceed to the next order.

**The Speaker** (Hon. Oraro): What is it Hon. Pamela?

**Hon. Pamela:** On a Point of Order. Thank you Mr. Speaker, I need to make some clarification of my earlier statement because it had gone to the Hansard. When I said that I am afraid that I am not going to have my market because the department has not even advertised for the public to go and seek employment there. What I meant was that due to the time that has elapsed, people have lost interest because all these will go to Pending Bills.

**The Speaker** (Hon. Oraro): Hon. Pamela you are contradicting yourself because on one side you are saying that they lost interest due to the time that has elapsed which would lead to Pending Bills, while on the other side you say that contractors have refused to do their work due to unpaid Pending Bills.

I want to challenge the Chairperson of the Committee for Implementation to follow up on the issue of contractors signing acceptance letters but fail to execute their projects.

Currently you are talking about tenders that have not yet been uploaded for bidding, while on the other hand you claim that the contractors aren't willing to bid for them. How can they bid for what has not been uploaded for bidding?

**Hon. Pamela:** Mr. Speaker that is what I wanted to clarify because when I went to check the projects coming to our wards, there were no contractors coming to site. The reason was that they have huge amounts of money classified as Pending Bills.

**The Speaker** (Hon. Oraro): Have they been advertised for bidding?

**Hon. Pamela:** Yes Mr. Speaker and people were afraid of bidding because they dreaded not being paid.

**The Speaker** (Hon. Oraro): Yes Hon. Leader of Majority and then Hon. Paul.

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. I have a little problem with what the Hon. Member is saying because that is subject to a lot of miss information. If at all there is that kind of problem then it is most prudent for the Hon. Members of that Department so that they clarify where the hitches are. However, if a Member comes with that kind of information, the impression created is that the Member is trying to do oversight and wants to engage in matters of implementation. I believe that there is need to call Members of those Departmental Committees and interrogate them if at all there is confusion of the level where the tendering of any project may have reached. Thank you.

**The Speaker** (Hon. Oraro): Hon. Pamela, the Leader of Majority is asking you to substantiate the fact that tenders have been advertised yet no contractors are going for them. Kindly clarify yourself.

**Hon. Pamela:** Yes Mr. Speaker. Today is 12<sup>th</sup> May 2020 and these projects need to be done before the 30<sup>th</sup> of June, 2020. If is a building, how are these people going to work? What I meant was that we have limited time, which only means that several projects will go undone and not the issue of tendering because tenders were done but people aren't bidding. If things are not moving on well, we need to check as the MCA of the area.

**The Speaker** (Hon. Oraro): Hon. Pamela.

**Hon. Pamela:** Yes Mr. Speaker.

**The Speaker** (Hon. Oraro): Remember that you are on Hansard and you are confirming that the Department advertised for tenders but the bidders did not come for bidding and the bidders never approached the department?

**Hon. Pamela Odhiambo:** I am talking about a project in my Ward any other Ward. I am talking about what I know.

**The Speaker** (Hon. Oraro): Honourable Members, let us give Hon. Pamela time to clarify herself because what she is saying is not affecting her Ward alone. It could be affecting other Wards as well. Are you talking of one project or a whole department because I am getting confused?

**Hon. Pamela Odhiambo:** Mr. Speaker, I always go and check the projects every time they are being done. I always want to know what has been done and what is left. I do follow and all my foot bridges and how they are been done. The outpatient block is being been done and so I had to check with other departments the progress of other projects.

Mr. Speaker, I found out that some departments have already placed the advertisements while others have not. This means that we are late. This is what I meant.

**The Speaker** (Hon. Oraro): For this case, have the departments placed the advertisements?

**Hon. Pamela Odhiambo:** Yes, for the market. However, no one applied and they now want these projects re-advertised. We have about two weeks to June when the Financial Year lapses. I am sure that nothing will be done.

**The Speaker** (Hon. Oraro): Hon. Members, please allow me to give the Chair of Implementation chance to speak. Chair Implementation, the Statement was raised by Hon. Rashid Miruka and I can recall there were series of questions. His concerns were that the Department of Tourism, Culture and Sports have not rolled out their projects yet the Financial Year is coming to an end! Hon. Pamela Odhiambo has that some of the reasons they advertised, like in the case of her Ward, but no one responded. I didn't get you clear when you were giving the reply that that was tackled.

**Hon. Agolla:** Thank you. Mr. Speaker, under Standing Order No. 89, a Member must be very clear on his or her statement. The Hon. Rashid Miruka did ask the implementation on the Department of Tourism, Sports and Culture. Mr. Speaker, ordinarily when the House is seeking for a clarification or a Statement, the County Assembly Clerk writes to the County Secretary. The County Secretary will channel the Statement sought to the relevant department.

Mr. Speaker, there is no way the Executive could respond to the issue of the market not raised by Hon. Pamela then. What I believe Hon. Pamela could have raised is that, she was concerned about the implementation of market development in her Ward.

Mr. Speaker, as Members of the County Assembly, we cannot turn ourselves to be Procurement Officers. We cannot take up the role of procurement officers in various departments. Mr. Speaker, a time comes when an advert is placed, the contract uploaded in the website and bidders fail to turn up. It can happen that only two bidders turn up! There is a way that any department can handle that but, in the case Hon. Pamela is taking about, she must come clear and mention particular project she is talking about so that this Assembly can take from the Hansard records and take appropriate action.

Mr. Speaker, if Members did ask the implementation of all the projects, then we could liaised with the County Executive so that we submit a comprehensive report. This is what I wanted to bring as a point of information or clarity. Thank you.

**The Speaker** (Hon. Oraro): Hon. Okiri, senior Member.

**Hon. Okiri:** Thank you Mr. Speaker. Mr. Speaker, I concur with Hon. Pamela Odhiambo. What is not adding up is the way she is presenting it. However, the truth of the matter is that we are here to represent our people; one of which is to see how projects are ongoing. Mr. Speaker, I agree with your earlier statement that this thing is affecting all the Wards. Mr. Speaker, even if you are defending the government in whichever way as Hon. Agolla is indicating, you are not supposed be so.

Mr. Speaker, it is the elected Members of this House that find it rough when they get back to the electorates. Mr. Speaker, we pass the budget which included the projects. However, Mr. Speaker, during implementation, we were not in the picture. A common man at home would not understand anything. In a well set up structure, each project should go as from 1<sup>st</sup> of September July to 30<sup>th</sup> of June. All projects should be done within this period. However, Mr. Speaker, today we are left with about a month and half before the financial year elapses.

Mr. Speaker, the reason we are talking about this is that, the contractors fear taking projects because it would take about three to four months to be completed. However, after completion payment becomes a problem. The challenge we have is that the people in the procurement do not feel the pressure we experience. Yes, we can go with their pace as they deem fit but at least when the month ends, they get paid. In fact, they are not even concerned and no one will ask them to explain why a particular project was not done. They keep on living their lives as usual with lots of excuses.

Mr. Speaker, this is a matter that ought to be taken seriously. For example, the issue of the ECD should be handled and completed in good time. Mr. Speaker, the Hon. Agolla has said that we should not be on the procurement side of it, which I totally agree with. However, if up to today, the 12<sup>th</sup> day of May, some have not been tendered; the people who were ready to work on that project are now turning down because of various reasons chief of which is the issue of Pending Bills.

Most of them are not concerned whether or not the work on site is done. Once a contractor fails, they readily terminate the tender. Mr. Speaker, with the powers vested up this House, I believe that we can do something. I am planning to come up with a motion that every project passed by this Assembly and a department if not completed within a given period, then such an officer face disciplinary action and sacked if found guilty. Mr. Speaker, we cannot allow them to give us lots of excuses that do not add up. Thank you.

**The Speaker** (Hon. Oraro): Before I give you Hon. Atieno, I have noted Hon. Genga raising his hand for a while now. I think it is better if I could give him an opportunity because he is contributing via zoom.

**The Speaker** (Hon. Oraro): Hon. Genga. Please proceed!

**Hon. Genga:** (*Via Zoom*). Yes, Hon. Speaker we are coming close to the financial year, yet there projects that have not yet been awarded, and some of the ones that have been awarded have not commenced. So, Mr. Speaker, it is important for us to carry out our oversight role so that we don't throw blames here and there.

Mr. Speaker, with your directive, we ask the this House be furnished with implementation reports of each project, as a matter of urgency, because there are some departments that have not rolled out projects and yet we are only remaining with about six weeks to the end of the financial year.

Mr. Speaker, I am not sure if the Chairperson of Budget and Appropriations Committee has tabled the list but I also request for a List of Pending Bills so that members can verify if it matches with what is on the ground. Thank you.

**The Speaker** (Hon. Oraro): Thank you Honourable Genga. I want to agree with him. But before I make my ruling I noticed Honourable Atieno Otieno, honourable Steve Owiti then Honourable Genga. I will then make my ruling.

**The Speaker** (Hon. Oraro): Honourable Atieno, proceed.

**Hon. Atieno:** Thank you Mr. Speaker for giving me this opportunity. What Honourable Pamela has brought to the attention of this House is very important and crucial and is affecting and is affecting all the 35 elected members.

Mr. Speaker the law requires that we pass budgets by 30<sup>th</sup> of June. There is a reason for that so that, we give the Executive ample time to implement these projects. But Mr. Speaker I am concerned that we are only remaining with six weeks to the end of the financial year yet crucial projects like Construction of ECDE classrooms and the famous K'ochieng' Tomato Project have not yet started. Now, if they were not able to implement these projects in the last eight months, how sure are we that they are going to do it in the remaining six weeks?

Honourable Pamela was right yet the Chairperson of Implementation was taking it very lightly. We are not procurement officers and we are aware that and we are not trying to compete them, but what Honourable Pamela was saying is perceived delay by the Procurement Officers. Any right thinking contractor right now would know that he is not able to complete the work within the remaining six weeks. Definitely his pay would go to Pending Bills which many contractors do not want to be associated with because of the delay to process the pending bills.

Mr. Speaker, this is a serious matter because it affects my ward and other wards. Like most ECDE Projects have not been rolled out, yet they are buildings which require about two to three months to complete. So most contractors will shun applying for these jobs.

Mr. Speaker I call upon this House to ensure the projects are implemented in time and not rushed to beat the deadline of a financial year. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Members, I had promised to give Honourable Steve. Hon Eric Agolla you have the right of reply but let me first give honourable Steve Owiti. Please proceed.

**Hon. Owiti:** Thank you Mr. Speaker. I was just wondering why we are really putting Honourable Pamela to task to explain the obvious. Mr. Speaker it is very unfortunate that one of the areas of weaknesses that this County Government has had is implementation of projects. It has reached a situation where in some wards projects are not implemented simply because the Chief Officer or whoever is in charge does not like your face. These are some of the obvious things that we meet on the ground. I urge Hon. Members that, when the obvious is expressed let us say the truth that it is wrong.

I believe the Chairperson of Implementation is having a very hard task in the next budget moving forward, I urge that we take implementation of projects seriously.

Mr. Speaker, I believe there is no good reason for failure to implement most of the projects in this financial year.

Mr. Speaker, I want to cite one notorious department – Education. It is like most ECDE Projects that are very critical to our people are not going to be implemented. What is the reason? When you follow up, you don't get any good reason.

Mr. Speaker there are even roads that were tendered in the last financial year a good example is the KRB Roads whose funds are available. But when you go the wards you find the roads have not been constructed. Reason? There is laxity or simply because somebody does not like your face or thinks that they can frustrate a member simply because they are not in agreement. It is not about frustrating a member of the Assembly but the people of Kisumu County who are suffering.

There is money, the budget has been passed; why is it that somebody is failing to implement the projects? That is the highest level of incompetence.

I believe that this Assembly should come out strongly and resolve that before we go home in 2022 as they normally say somebody should be sent home. Thank you.

**The Speaker** (Hon. Oraro): Hon. Majority leader I promised to give Hon Philemon so I don't know if you will bear with me. I know as per the Standing Order I should give you the first priority.

**Hon. Ojuok:** Thank you Honourable Speaker for giving me this chance. I want to say that this issue has come at the opportune time. The state of Implementation of Projects in the County is concerning. Honourable Speaker I want to tell you that it is like members of the county assembly have taken over all the jobs in this county.

Mr. Speaker and Hon. Members, It is like the public are not holding the Executive accountable but is holding every Honourable Member accountable on everything. You find that if somebody is holding a particular job that he is supposed to implement, he is just sitting on it, forcing Honourable Members to follow up with Executive every day. I want to blame Honourable Members also, to some extent. When we approach these issues this way, the answers that should be coming to the Assembly should be exhaustive. What Hon Pamela is saying is true. It is like the Executive have an idea which projects to implement and the ones not to implement. So there are certain projects that will be deliberately delayed and later abandoned.

I want to disagree with the Chairperson of Implementation, Hon Agolla. There is nothing like Honourable Members engaging in procurement. We are required to oversight every activity including procurement. Procurements are processes. If a procurement process has delayed, the officers in charge are supposed to tell us why that has happened.

The last time we were asking about the Human Resource Audit here, one of the reasons that prompted me to ask for that is because there were claims of delays at the Department of Public Works which was attributed to few officers. So, it is the time we bring each Department to account. There is a time we wanted to tie the budget of each department to absorption so that they will be motivated to implementation of projects knowing that if you don't absorb, you don't get the budget. This is the practice in the National Assembly, I don't know why we have not adopted it here. Oversight runs everything. It is wrong for the Executive to go on sight or launch projects without honourable me. Who is over sighting whether you are carrying out the process in the right manner? So oversight should be at every stage.

Mr. Speaker, I request that you direct the Chairperson of Implementation to bring a Comprehensive Report on the Status of Projects and why there are delays in their implementation. If there is an executive member who did not do his job then the action should be taken.

Performance Management and Contract Management of the Executive should be checked. Thank you very much.

**The Speaker** (Hon. Oraro): Honourable Majority leader I need to bring this matter to a conclusion so you will have to be very brief.

**The Speaker** (Hon. Oraro): Leader of Majority!

**Leader of Majority** (Hon Onyango): Mr. Speaker, I will be very brief. I want to say that the matters that the Honourable Members have raised are very weighty issues in this House. But Mr. Speaker, I have a problem with Members who want to go on a fishing expedition because these are issues that must follow due process.

Mr. Speaker I have got a problem that Members want to go on a fishing expedition because these are issues that must follow due process because we are supposed to oversight. Are we going to oversight the 35 wards and the Departments in the Executive to check the Status of Projects? Is that the due process that this House is supposed to follow? We are supposed to hold this people accountable by identifying those specific problems and calling the relevant departments to this House and interrogating them so that we make a decision.

Mr. Speaker we are not going to make serious decisions when we want to say there are so many KRB roads that have not been done. We should be specific so that when we are doing oversight we do oversight with facts. I empathize with the situation that the Hon. Member is in. Yes, it can be true but let us do things the right way so that nobody turns around and calls us “*Tenderpreneur*” because that may also be happening. If we want to do things the right way then let us follow the right process. That is my take on this. Thank you.

**The Speaker** (Hon. Oraro): Yes Hon. Pamela.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker. I want to inform the Leader of Majority that his work is to invite Members of this Assembly and know what is really bothering us in this County Assembly. The Leader of Majority should always stand in this House to ask if at all we have problems. Mr. Speaker we have been having problems each and every year about these projects. He is supposed to represent us at the executive and yet he is not doing that. If the Leader of Majority could be doing his work well then I think nobody could be facing these problems. We even passed a Supplementary here with the projects and some projects have been removed. He should not think that we are always fighting the Government.

**The Speaker** (Hon. Oraro): Hon. Pamela, your information has been relayed but I want to rule you Out of Order and the reason is we have Sectoral Committees and each Sectoral Committee has a purpose and has a Chairperson. There is a responsibility for each and every Sectoral Committee and there are also Select Committees. I want to agree with what Hon. Ojuok has said that it as the Members of the Assembly who are tasked with the responsibility of doing oversight. If there is anything that is going wrong in the County, then, it is op to the Members of the Assembly to bring it up. I also want to agree with the Leader of Majority that it is the responsibility of the Members to do oversight.

Hon. Members, I want to indulge Members that if anything comes to a committee, kindly take it seriously. It is our responsibility to undertake oversight. The reason why I was saying that we do not understand why a contractor should accept the contract and fail to go to site, there is no relationship between a new contract and a contract that you had done. Therefore, it will be the responsibility of the Assembly to question why the things have not been done and why the Executive has not taken measures for contractors to go to site. Any time our contractor accepts the projects it needs the technical responsibility.

Hon. Members, I also want to agree with the Hon. Members that, the Pending Bills which is a great concern in Kisumu County. There is no way that the County Government would initiate a project without a budget. If they have initiated the project and somebody has worked then, he/she needs to be paid and if he/she has not been paid then he has the right to inquire why the payment has not been done. All those are the responsibility of the Assembly to verify.

Hon. Members, I want to direct as follows; that I did allow the Members to do the oversight remotely at the sub Counties level. That is an opportunity for each and every Member especially the elected Members to present their case at the Sub-counties on the 2018/2019 Projects that have been completed and those that have not been initiated to be presented to the Chairperson of Implementation and present it to the Assembly and we form an oversight role through the General Oversight Committee and work on the necessary needs to be worked on. I want to agree with the Leader of Majority that, if there is any question then we need to bring them on board and make necessary recommendations including the responsibilities in any way possible. I want to direct the Chairperson of Implementation to the statement that was raised by Hon. Miruka and going by the discussion from the Members that they are not satisfied by the answer so it is important that you go back to your House Committee and dig deeper to understand how many have been implemented and if there is any reason as to why they have not been implemented. We should also be aware that we are only having 6 weeks to the end of the financial year. I also want to request the Chairperson of Budget and Appropriations Committee that, as we look at the Budget of FY 2020/2021, kindly let us take into consideration the level of implementation in the previous year in relation to what is being proposed in the new Budget Estimates.

Hon. Members, you are aware as I said during the communication that there is a Supplementary Budget Estimates which is with the Budget and Appropriations Committee. Kindly take your time and read those proposals from the Executive and take note of projects that have been suspended and those they are implementing so that you can also give reasons as to why you feel it is not possible to do some of them in any case some of the funds can be direct to mitigate COVID-19.

Finally, I want to challenge each and every Chairperson of every House Committee to take his/her work seriously. The failure or the success of the County is pegged on the Assembly. Thank you.

**The Speaker** (Hon. Oraro): Next Order!

### **MOTION**

COMMITTEE FOR COOPERATIVE, FINANCE, TRADE AND ENTERPRISE  
DEVELOPMENT REPORT ON THE CHIEF OFFICER NOMINEE FOR THE FINANCE  
AND ECONOMIC PLANNING, MR. DANIEL AKAKA RAMOYA

BY HON. PAUL OKIRI

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

**Hon. Okiri:** Thank you very much Mr. Speaker. As the new system works in the Assembly nowadays, I was to give a Notice of Motion on Tuesday and I was offline that I could not reach the Assembly. Mr. Speaker I want to promise this House that I will give a Notice of Motion on the Report on the proposed nominee for position of Chief Officer for Economic Planning tomorrow so that you can advise on when it is going to appear.

**The Speaker** (Hon. Oraro): I want to confirm that, we did discuss the issue of that report in the House Business Committee and we were not able to slot it for debate because the Notice of Motion was not given and the Order Paper of today was released last week. I can confirm to the Hon. Members that the matter was slotted for notice tomorrow and I believe the House Business Committee did schedule it for presentation this week.

**The Speaker** (Hon. Oraro): Next Order!

### **ADJOURNMENT**

**The Speaker** (Hon. Oraro): There being no any other business to transact, the House stands adjourned to tomorrow Wednesday 13<sup>th</sup> May 2020 at 2.30 p.m.

*House rose at 3.55 p.m.*

*Addendum*

**Hansard Team**

|                        |   |                           |
|------------------------|---|---------------------------|
| <i>Zablon Otiende</i>  | - | <i>Head of Department</i> |
| <i>Edward Odanga</i>   | - | <i>Hansard Reporter</i>   |
| <i>Fanuel Okode</i>    | - | <i>Hansard Reporter</i>   |
| <i>Patrick Okoyo</i>   | - | <i>Hansard Reporter</i>   |
| <i>Jacklyne Atieno</i> | - | <i>Hansard Reporter</i>   |
| <i>Dennis Onyango</i>  | - | <i>Hansard Reporter</i>   |
| <i>Jesca Otieno</i>    | - | <i>Hansard Reporter</i>   |