

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

#### SECOND ASSEMBLY – FIFTH SESSION

Thursday, 04<sup>th</sup> March, 2021

House met in the Main Chamber at 2:30 p.m.

(The Temporary Speaker (Hon. Carren Muga) in the Chair)

### PRAYERS

**The Temporary Speaker** (Hon. Muga): Hon. Members, pursuant to the provisions of Standing Order No. 32 (2) I request that the Sergeant-At-Arms rings the quorum bell for five minutes.

*(Quorum bell rung for five minutes)*

**The Temporary Speaker** (Hon. Muga): Hon. Chief Whip Could you please confirm if we have quorum.

**Chief Whip** (Hon. Misachi): Madam Speaker, we have quorum. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you. Mr. Clerk, kindly take us through the Order Paper of the day.

**The Temporary Speaker** (Hon. Muga): Next order!!

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**STATEMENTS**

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Thank you Madam Speaker. Pursuant to the Standing Order No. 41 (2) (b), of the Kisumu County Assembly Standing Orders, I wish to request for a Statement from the Chairperson, Committee on Planning, Industrialization and ICT.

It has come to the knowledge of public, that a notice was done on 2<sup>nd</sup> March, 2021 by the Acting City Manager, Kisumu County. The City prohibited the burials and cremations at undesignated sites within the city. All burials and cremation to be done at designated cemetery or crematoria.

Areas prohibited include;

1. Mamboleo area.
2. Manyatta "B" area.
3. Market Milimani Ward.
4. Railways Ward.
5. Shaurimoyo Kaloleni Ward.
6. Kondele Ward.
7. Migosi Ward.
8. Nyalenda B Ward.

Madam Speaker, the issue on land is very emotive and it needs public participation as enshrined in the Kisumu County Public Participation Act 2015. It is against this backdrop that, I would like to seek for a statement from the Chairperson of the Committee on Planning, Industrialization and ICT regarding the relocation of burials and cremations sites.

The committee should inquire and investigate into and report the following;

1. Do the lands in question belong to the public, communal or private as per the Articles 61, 62, 63 and 64 as enshrined in the Kenya Constitution 2010?
2. Is the CEC Member for Health aware of the notice as enshrined in the Public Health Act Cap 242 Section 144 (1) and (2)?
3. Did the CEC Member of Health transmit a regulation to the Clerk for the Assembly as enshrined in the law?

Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Rashid Miruka.

**Hon. Miruka:** Thank you Madam Speaker. I have a personal statement. Yesterday, you are all aware that we had a historic moment in Nyakach where the Governor was unveiling Katito town. I want to take this opportunity to humbly appreciate all the Members who morally supported me

and attended. Allow me to do this because despite the busy schedule that they had, they honoured the invitation. I want to appreciate our Leader of Majority, Hon. Kenneth Onyango, Majority Whip Hon. Priscah Misachi, Hon. David Arao, Hon. Joseph Olale, Hon. Nancy Owiti, Hon. Beatrice Odongo, Hon. Olga Otieno, Hon. Florence Olang'o, Hon. Erick Agolla and Hon. George Olwal. I don't take it for granted but I thank you greatly and wish that you extend the same gesture to any other Member.

This was a government function. You did right to accompany your Governor and you did right to accompany your colleague Member of the Assembly. Thank you, Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Rashid Miruka. It is also important to mention that the Members had a sitting yesterday and there are Members who were to remain behind to transact the House business. Please stand informed.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Jagongo Vincent.

**Hon. Jagongo:** Thank you Madam Speaker. There are two statements that were sought by Hon. Rashid Miruka last week and I did promise that I will respond to them in two weeks' time. I may be committed next week and I have the response with me.

**The Temporary Speaker** (Hon. Muga): Proceed Hon. Jagongo.

**Hon. Jagongo:** Thank you. The Member for North Nyakach raised some issues patterning to Health and I believe that they were two. One was on Community Health Volunteers (CHVs) and I have the following response;

Delay in payment of stipends; the County Government of Kisumu through the County Department of Health and Sanitation is fully committed to ensure that the Health status of the County residents is enhanced to a greater height at all level of service delivery. To achieve this, Community Health Workers were brought on board by the County Department of Health and Sanitation with a commitment that all of them will be given a stipend of Kshs. 3,000 of which a total of Kshs. 500 would be paid to the National Hospital Insurance for each Community Health Worker as medical cover.

Madam Speaker, I do confirm to you that the payment of stipends to the Community Health Volunteers is ongoing and at the moment it has been paid up to the month of September, 2020. The payment is being done on a quarterly basis and currently the payment for the quarter running from October to December, 2020 is in the process. I totally agree with you that there can be some delay which is mostly occasioned by cash flow to the County Governments.

- I. When will payment be done: Payment is usually done immediately the County Treasury receives funds from the Exchequer.

- II. Why community Health Workers have not received their medical cover as promised by the Governor: Payment was not effected since all the Community Health Workers were initially covered under Universal Health Cover (UHC) but when MARWA came on board, they were absorbed under MARWA scheme.
- III. What the County Government has done to avert the effects of disrupted health care service delivery.

The following measures have been undertaken by the County Government;

- Promotion of all Healthcare Workers who were due.
- Recruitment of additional Healthcare Workers across the cadres.
- Timely payment of staff salaries.
- Comprehensive NHIF Medical Cover to all Health Workers including group accident cover.
- Re-designation.
- Immediate payment of all promotion arrears.
- Ongoing training of Healthcare Workers.

Question 2: Was on the Facility Improvement Fund (FIF)

1. Whether the said funds have been disbursed to various health facilities.

Response: Yes, during the current FY 2020/2021 the funds have been disbursed to the Health Facilities once that is in the 2<sup>nd</sup> quarter, period running from October to December 2020.

2. A break down on how funds were distributed are as listed in the response given and the total amount of money disbursed is Kshs. 204, 382,224.00.

There are also funds given by our development partner that is DANIDA which is supporting level 2 and Level 3 hospitals. We were also expected to give the measures aimed at averting the undesired effects caused by the delay or otherwise failure in the distribution of funds. These are as follows;

- a. The Facility Improvement Fund Bill has been approved by the Cabinet and will be presented to the County Assembly. This Bill will allow funds collected to be banked and ploughed back to the facility without going through CRF. We request that it be expedited to avert such occurrences.
- b. MARWA has been introduced to ensure that all the health facilities receive their disbursement in time.

Madam Speaker, those are the responses that I have for the statement that was sought by the Hon. Member. There is also a table attached to the report for the facilities supported by DANIDA and what has been sent to the facilities in the last quarter.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Jagongo. Hon. Miruka, do you have something to say.

**Hon. Miruka:** Thank you Madam Speaker and for the Chair for the response you have given. There is an item that is not coming out well. We are all aware that the CHWs were supposed to be paid quarterly but what they have received so far is for three months. I want you to prove by furnishing this House any document that you may have to that effect that what they are owed runs from September to date.

Two, the issue of the stipend that the CHVs were qualified to have as per the records that we have shall be given Kshs. 2,500. The NHIF has never been discovered. I am happy to say that do we really have to wait until the CHVs complain that is now when we pay them. The amount in question is meagre for the CHVs.

Madam Speaker, I want to talk about the Facility Improvement Fund (FIF). Our facilities are facing a lot of challenges. This is the same fund used to hire casuals. Madam Speaker, as we speak if you go to these facilities, you will find that they have been paid up to last year. You are only telling us about the policies that are yet to be brought to the Assembly. How will we ensure that the workers that we have in our facilities are well maintained? You remember they get very meagre salaries, and if we compel them to wait for a very long time for this money but it doesn't come, I believe that, this does not make any sense. I appeal to my able Chair to find out from the relevant department so that they can reassure the workers that henceforth, they will be paid promptly. Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Jagongo, do you want to say something?

**Hon. Jagongo:** In my submission I said that there is money that has been sent to the facilities. It is well indicated here that in JOOTRH, Kshs 182 million was sent for the last quarter. For KCH, Kshs 7 million was sent; among other hospitals. So, it is upon the board members of the hospitals to sit down and ensure the workers are paid because funds has been sent to the hospitals; the board must now find out the gaps that are there so that the debts are cleared.

Secondly, I want to say that the law that governs the issues of CHVs is loosely put in our county government; that is why within the next one month, the committee of Health is going to come up with a Bill to support the CHVs. We are in the final stages of coming up with that Bill and I believe that Bill will help to strengthen the operations of CHVs. As we speak, even the stipend of Kshs 2,000 is not enough and that is not a good motivation for the CHVs – looking at what they are doing to our communities. As legislators, we will need to support this Bill. Thank you.

**The Temporary Speaker** (Hon. Muga): I can see Hon. Rashid is now convinced by what you have put forward.

**The Temporary Speaker** (Hon. Muga): Hon. Pete Oiko, Minority Leader.

**Leader of Minority** (Hon. Oiko): Madam Speaker, when I go through this response, I wonder ...

**The Temporary Speaker** (Hon. Muga): Which response?

**Hon. Oiko:** The response that has been provided by the Chair of Health and Sanitation Committee and the subsequent response to issues raised by Hon. Rashid Miruka.

**The Temporary Speaker** (Hon. Muga): Of which he is saying that he is satisfied by the response Hon. Jagongo has put before the House?

**Hon. Oiko:** Madam Speaker, this is now a property of the House and every member is entitled to raise his views.

**The Temporary Speaker** (Hon. Muga): Go ahead.

**Leader of Minority** (Hon. Oiko): Madam Speaker, the questions that were raised were very specific. The first question is; why is the stipend meant for CHVs delaying for so long? And the response that has been given here is that JOOTRH was given Kshs 182 million that was sent to the facility. I doubt whether that money is meant for paying the CHVs...

**The Temporary Speaker** (Hon. Muga): What is it Hon. Vincent Jagongo?

**Hon. Jagongo:** The Member for Kabonyo-Kanyagwal is out of order because what I was responding to was a different question. The question on CHVs is different from the facility improvement funds. What he is responding to is on Facility Improvement Funds. All the response is in the paper. There were two questions - one on Facility Improvement Funds and another one on CHVs. They were raised on the same day.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Eric Agolla?

**Hon Agolla:** Madam Speaker, we are on Statement time. The Leader of Minority needs to scrutinize the response provided here before raising issues because we also have to consider time.

**The Temporary Speaker** (Hon. Muga): Exactly. I believe that I had mentioned that before and I was also going to repeat that. Hon. Leader of Minority, I want to kindly request you to take your time and read this report and then come back to give your views.

**Leader of Minority** (Hon. Oiko): *(On a point of order)*

**The Temporary Speaker** (Hon. Muga): Order!! Order!! Hon. Oiko, it is overtaken by events.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Okumu?

**Hon. Okumu:** Madam Speaker, I have just heard you mention 'excuse me' to Leader of Minority. I was just thinking this is a House of Order, not a House of excuses. I just needed your guidance

on that – whether we can bring excuses to the House based on what you have just Hon. Oiko. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you very much. What is it Hon. Omoro? Oh, sorry, you have just walked in. Before we conclude the Statement hour, I was waiting for Hon. Olwal to forward the Statement from Hon. Pamela Odhiambo and we want the response in two weeks' time.

Hon. Members, on the Statement that was sought by Hon. Pamela Odhiambo. I want to refer this matter to the Committee of Planning, Industrialization and ICT. Let them look at the statement and report back on them same in two week. I so direct.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Olwal?

**Hon. Olwal:** Madam Speaker, two weeks will not be tenable because my committee is very busy, doing other commitments that were forwarded to the committee by the House. We have Public Participation schedule to commence from 9<sup>th</sup> – 19<sup>th</sup> of March. So, I request for more time to work on it – may be one month. Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Member, I believe that this a matter of urgency - since any person can die even tomorrow. So, the family members will have problems where to take him or her. I want to request you that we want the report in this House in two weeks, please. That is a direction and I have used Standing Order No.1.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Omoro?

**Hon. Omoro:** Thank you Madam Speaker. There is a serious issue in this House in terms of furniture. There is furniture here which has even damaged my body...

**The Temporary Speaker** (Hon. Muga): So is it you who have damaged it because it is you who usually sit there?

**Hon. Omoro:** No. Madam Speaker this is a very serious issue. I have tried to shift my sitting position in this House; they keep pushing me to this place. I have really asked for this chair to be changed; I don't know what is happening. I can't keep on sitting here...

**The Temporary Speaker** (Hon. Muga): You have been complaining outside but today you have brought it before me, thank you. Hon. Omoro, it is noted.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Pamela Odhiambo?

**Hon. Pamela Odhiambo:** Thank you Madam Speaker. As the Chair Welfare, I have taken note on what the Member has said and I will act on it. Thank you.

**The temporary Speaker** (Hon. Muga): Next order Madam Clerk!

**MOTION**

**REPORT ON A BENCHMARKING EXERCISE WITH SISTER COMMITTEE AT THE  
COUNTY ASSEMBLY OF BUNGOMA**

**PRESENTED BY;**

**HON. SETH KANGA,**

**CHAIRPERSON, COMMITTEE ON ROADS, PUBLIC WORKS AND TRANSPORT**

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Steve Owiti.

**Hon. Jagongo:** A point of order Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Which Order?

**Hon. Jagongo:** The member who is on the floor is improperly dressed.

**The Temporary Speaker** (Hon. Muga): That is an African attire, which is allowed in the House.

**Hon. Owiti:** Thank you Madam Speaker for informing Hon. Jagongo. On behalf of the chairperson of the committee on Roads, public works and transport, Hon. Seth Kanga, pursuant to.....

**PREAMBLE**

Mr. Speaker and Hon. Members, pursuant to the provisions of the Kisumu County Assembly Standing Orders No. 193 read together with S.Os No. 194(2) which mandates House Committees to prepare programs and activities to be undertaken in each Fiscal Year, the Committee on Public Works, Roads and Transport prepared its Annual Work Plan for FY 2020/2021 detailing errands to be transacted which amongst them, was the approved Study Tour with its sister committee of County Assembly of Bungoma.

Following the approval of the Liaison Committee, the Speaker of the Kisumu County Assembly gave a go ahead for the Committee to conduct the benchmarking exchange to enable the two committees share and learn on best practices for the betterment of smooth running of the committee in an efficient and effective manner.

This took place between the dates of Thursday 19<sup>th</sup> November, 2020 and Tuesday 24<sup>th</sup> November, 2020.

**Establishment and Mandate of the Committee**

Mr. Speaker and Hon. Members, the Committee on Public Works, Roads and Transport derives its explicit mandate in the provisions of County Assembly Standing Orders No. 193 which stipulates as follows:

*That the Sectoral committee shall investigate and inquire into all matters relating to County Transport including; county roads, street lighting, traffic and parking, public road transport, ferries and harbors. This excludes the regulation of international and national shipping and matters related to; county public works and services including storm water management systems in built-up areas; firefighting services and disaster management.*

#### Composition

The committee as currently constituted comprises of the following Honorable Members:

- |                          |   |                  |
|--------------------------|---|------------------|
| 1. Hon. Seth Kanga       | - | Chairperson      |
| 2. Hon. Johnson Guyah    | - | Vice Chairperson |
| 3. Hon. Kenneth Onyango  | - | Member           |
| 4. Hon. Paul Okiri       | - | Member           |
| 5. Hon. George Abaja     | - | Member           |
| 6. Hon. David Arao       | - | Member           |
| 7. Hon. Jacktone Ogendo  | - | Member           |
| 8. Hon. Kennedy Ageng'o  | - | Member           |
| 9. Hon. Erick Agolla     | - | Member           |
| 10. Hon. Nancy Owiti     | - | Member           |
| 11. Hon. Beatrice Odongo | - | Member           |
| 12. Hon. Habil Nyasuna   | - | Member           |
| 13. Hon. John Atieno     | - | Member           |
| 14. Hon. Maureen Otiang` | - | Member           |
| 15. Hon. Steve Owiti     | - | Member           |

#### SECRETARIATS

- |                   |                   |
|-------------------|-------------------|
| 1. Belinder Owino | -Committee Clerk  |
| 2. Fanuel Okode   | -Hansard Reporter |
| 3. Silas Kapesa   | -Sergeant-at-Arm  |
| 4. Bill Omondi    | -Legal Counsel    |
| 5. Enock Jakoyo   | -Secretariat      |
| 6. Pamela Opinde  | -Secretariat      |
| 7. Grace Kung`a   | -Secretariat      |

#### ACKNOWLEDGEMENT

May I take this opportunity to applaud all the committee members of Public Works, Roads and Transport for their immense and valuable contribution towards the entire benchmarking study tour which took place in Bungoma County.

Equally, the Committee wishes to convey its utmost and sincere gratitude to both the sister committee and their staff for their amiable welcome and full cooperation throughout the entire process.

Many thanks to the Offices of the Speaker and Clerk of the Assembly for their tremendous support and extreme good will as this turned into a fruitful 5-day event.

It is therefore my honor and privilege on behalf of the members of the committee to table to this esteemed House, a report on benchmarking exercise with the sister committee of the County Assembly of Bungoma for consideration and adoption.

Thank You.

#### ACRONYMS

- KeRRA Kenya Rural Roads Authority
- KURA Kenya Urban Roads Authority
- KeNHA Kenya National Highways Authority
- KRB Kenya Roads Board
- MTF Mechanical Transport Fund
- CRF County Revenue Fund
- RMLF Roads Maintenance Levy Fund
- RMTs Roads Maintenance Teams
- ADP Annual Development Plan
- PPEs Personal Protective Equipment

#### EXECUTIVE SUMMARY/BACKGROUND INFORMATION

Mr. Speaker and Hon. Members, the development of the transport road network plays an important role in the economic development of a county and therefore the kilometer –age of paved roads in a county is often used as an index to assess the extent of its development. Proper development of the transport road network not only reduces the cost of transportation both in terms of money and time but also helps in the integration of various regions within the county.

Further, providing access to employment, social, health, expansion of potential markets, bringing the population in the rural areas to the mainstream and education services makes a road network crucial in fighting against poverty.

However, there are a myriad of bottlenecks facing the sector that continue to heighten largely from procurement, construction, maintenance, development and even management which ultimately impacts negatively on the members of the public who cry foul for utterly not accessing public services.

Roads department is a devolved function but still the shortcomings that were faced by the National Government before devolution still linger on in the counties and Kisumu County is not an exception. So what could be the solution to these seemingly extractable issues? It is in view of this that the committee envisaged to conduct a benchmarking visit on matters roads with its sister committee of County Assembly of Bungoma and see how best we as a county can emulate their ideologies in making amends to issues we have been grappling with, what makes Bungoma County stand out in its own unique way and what Kisumu County can also bring on the table to resolve the crucial issues at hand.

### SCOPE OF WORK

The study tour was envisaged on the following realm of activities which included:

1. Mechanisms employed to make Bungoma County roads and unique programs undertaken.
2. Status of County Roads Projects i.e. KeRRA, KURA and County Access Roads and the extent to which they have been implemented.
3. No. of Kms of road networks implemented for fiscal year 2019/2020, underway plans for FY 2020/2021 and sub-sequent financial years.
4. Policies put in place to ensure the functioning and performance of an effective transport system.
5. Milestones achieved and bottlenecks encountered during implementation of the road projects.
6. Solutions to the problems experienced.
7. Cross-cutting issues and way forward.

### BRIEFINGS

Clerk of Bungoma County Assembly

Mr. Speaker and Hon. Members, upon our arrival, we were escorted to the Clerk's office where Mr. George Walubengo had a concise one on one discussion with the committee members. He briefed the committee as below.

- That the current COVID-19 pandemic has negatively impacted the county and most of the Bungoma residents' lives have significantly changed due to the crisis with most laid off ending up living from hand to mouth.
- That the County assembly has been on and off operations as a result of the pandemic. This is attributed to the fumigation process that took place two weeks prior to another closure of the Assembly for fear of the fast spread of the virus which had seen 6 Members and 7 staff contracting the contagious disease.

Despite the pandemic having an exponential toll in the county with most of the asymptomatic cases hastening, the committee members took full precautions of protecting themselves by equipping themselves with PPEs and observing social distancing.

Committee Chairperson from County Assembly of Bungoma

Mr. Speaker and Hon. Members, our inception meeting with our counterpart committee took place within Bungoma County Assembly House where Hon. Jack Kawa welcomed us and thanked the members from the Kisumu County Assembly for showing up on time to discuss and share ideas that might help both parties try a notch higher to achieve their mandate fully.

He gave us an overview of his committee by stating that it is constituted pursuant to the provisions of standing Order No. 196(5) of the County Assembly of Bungoma. Initially it had a membership of 11 but following the amendment of their standing orders, this was changed to the current membership of 15.

On matters operations, Hon. Kawa informed us that at the end of each sessional year, the committee annually retreats to stock taking of its work and simultaneously draws a work plan for the next session. The work plan informs the committee`s activities of the sessions as follows:

1. Normal committee sittings
2. Fact finding visits
3. Training
4. Interrogation of department`s work plans and quarterly reports
5. Report writing and benchmarking visits

Programs run by the Bungoma Roads Department

1. County Projects-These are flagship projects undertaken by Bungoma County.
2. RMLF Roads Projects-These are KRB projects funded by the National Government and implemented at the county. The constituents make proposals on the roads to be executed by the department during ADP in every fiscal year.
3. Labour based Roads works technology- This is a programme undertaken by own machineries however the County has embarked in hiring of the machineries as opposed to procuring their own.
4. CRF Road Projects- projects funded by own source revenue and development partners
5. All other Projects-This includes the road highway projects made by KENHA, donor funded related projects, bridges and culverts e.t.c.

Transport Policies, County Assets, Status of Bungoma County Roads Projects and the No. of Kms of Implemented Roads.

Mr. Speaker and Hon. Members, one of the observable policies put in place to ensure performance of effective transport system is the infrastructure investment which entails building of new transport infrastructure i.e. county access roads across the entire Bungoma County, upgrading existing links and technology and improving transport services. Regulations have also been put in place to organize the transport sector (buses and matatus) and to reduce fuel emissions standards.

The table below shows the assets owned by Bungoma County.

Machinery	No.	Status	FY Procured
Excavator	3	2 functional and 1 grounded	2018/19
Motor Grader	2	Both are operational	2018/19 & 2019/20
Drum Roller	3	2 functional & 1 stalled	2018/19
Bull dozer	2	All operational	2018/19
Low bed	1	Dysfunctional(needs maintenance)	2015/16
Pick up	3	2 operational 1 needs servicing	2016/17
Lorries	2	Functional	2016/17
Back hoe	2	Both are operational	2017/18

#### MILESTONES

Mr. Speaker and Hon. Members, here are some of the breakthrough stories that has been accomplished by the Bungoma County Assembly Sectoral committee on Roads, Infrastructure, Transport and Public Works

1. Successfully done fact findings and reported on all road projects done in the county. With this, the committee has been able to identify gaps in the Department and addressed them. For instance, they had a program under MTF which they realized had a lot of hurdles and therefore decided to expunge the vote head from the budget hence they ceased to appropriate any funding for the project.
2. In their interrogation of quarterly reports, the standing committee has been able to flag out issues that were affecting the smooth execution of the departmental programs. For example, the department used to have a lot of pending bills but because of their persistent scrutiny, contractors nowadays get paid promptly upon satisfactory completion of works
3. The county works with a constant supplier(s) of machineries hired alluding to the fact that it is more efficient when it comes to dealing with problematic areas.
4. Bungoma County Assembly has a new department of public works which is mandated to oversee the public work activities carried out by the department.
5. A new county assembly is being constructed at a cost of Kshs. 441 Million. It will be completed next year 2021 and it will see the offices fully furnished with operations taking effect.
6. Labour based machinery technology is a new programme being executed by the County and so far they have seen its positive impact since its inception.

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**CHALLENGES FACED**

1. Poor cooperation from the line department. Often times the CEC Member deliberately fails to honor invitation by the committee citing engagements.
2. Lack of transparency. What is provided by the Executive as the implementation status of the road projects does not reflect the true picture of what is on the ground. Information submitted to the committee is unfounded and this makes the committee to often question the credibility of the department.
3. Clash between the National Government Agency and County. Duplication of the county government programs by KeRRA.
4. Constrained Budget. Insufficient budgetary allocation to projects. The activities should inform the budget and this has led to serious allegations that the public works generate wrong bill of quantities.
5. Oversight challenge- This still goes back to limited budget and therefore the Members are unable to utterly perform their supervisory roles.
6. Roads Politicking.
7. Low contractual capacity by some of the contractors leading to stalled projects and shoddy work.
8. Unfavorable weather conditions i.e. erratic and heavy downpour makes it difficult to make better roads in Bungoma County.
9. Unimplemented vast roads. This is because meagre funds have been allocated to development votes.
10. Bureaucracy issues imparting a lack of flexibility leading to inefficiencies in the system.
11. CEC Member does more of inspection and execution than policy making.
12. Bungoma County topography is rocky in nature and therefore constructions of roads in some areas are costly and time consuming.
13. There are completely no access roads or rather impassable ones in instances where a funeral has happened. Upon requesting for the road to be opened, the department often times takes ages to create one that leads to the burial home.

Bungoma County Assembly was also eager to learn a few things from the Kisumu County Assembly beginning with:

1. How we implement our ward based roads projects.
2. How effective is the Kazi Kwa vijana program compared to other means of Roads Maintenance?
3. Do we have instances where an organization funds the county assembly to help in issues such as training or even sponsoring a certain bill or program?

They were informed as follows:

That the County government is shifting focus to labor-intensive maintenance of roads away from contractor-based maintenance activities and it has come up with roads maintenance teams to implement a labour based programme which is comprised of groups of young people aimed to create employment opportunities for the youth. During piloting that was launched on 10<sup>th</sup> July, 2020, the team maintained roads earlier constructed and this has significantly helped in the rural

sector. This routine maintenance involves clearing of bushes, cleaning of culverts and drainage systems. However, there are bottlenecks that were encountered during the start of the program as below:

- Inadequate machineries and frequent breakdowns(i.e. this is attributed by the nature of conditions of the machines)
- Fuel mismanagement
- Pilferages and slowness in doing the work
- Timelines for the machineries and supervisory issues among others

Notwithstanding the piloting process poorly done, the success rate was 30-40%. Moving forward though, the stumbling blocks experienced during the piloting exercise has informed the department on the strengths and weaknesses likely to be encountered during the actual implementation of the program that will see the department implementing 10km per ward under this program totaling to 350kms.

On matters implementation of ward –based projects, monies from Roads Maintenance Fuel Levy fund, own source revenue (CRF) and from development partners such as CIDA are utilized to construct, rehabilitate, develop and maintain roads through optimal utilization of resources for sustainable road networks.

Mr. Speaker and Hon. Members, the committee went further to inform its Bungoma County Assembly counterpart that most of its legislative proposals are funded by Kisumu County Assembly and donors come in handy on logistical issues during training sessions and public participation process of the bills. Currently as known, the County has two Acts enacted by the County Assembly namely: The Kisumu County Roads Act, 2019 and Kisumu County Transport Act, 2019 having passed all the stages of bills processes.

## RECOMMENDATIONS

Mr. Speaker and Hon. Members, below is a list of realizable recommendations the committee made that might be able to remedy the maladies ailing us:

1. Earth roads should be left to County Government to handle and manage.
2. There is need for leasing of plant and equipment. Unlike owning of machineries by the county government which is very dear because it requires manpower employed to operate them and maintenance, hiring is cheaper when the supplier is reliable. It should also be noted that counties are not good custodians of assets at their disposable.
3. Consultations of the department with the committee should be continuous to shun from blame games and scapegoating.
4. That during any budget scrutiny, committee members should be cautious and ascertain they do not approve imprecise budget containing blank cheques as this creates intractable problems.

5. The department should consider drawing a feasible work plan/s prior to implementing any project activity and the blue print be submitted to the committee for examination to check whether it's viable and achievable.
6. Matters roads should not be treated as trivial but rather critical because they are the drivers of the economy and without roads the constituents assume that members are luxuriously sleeping on their jobs.
7. There is need to heighten the committee's budgetary allocation to assist in running its errands and achieve its mandate.
8. The department should endeavour having a workable contingency plan on unforeseen matters such as burial and other unplanned events.
9. The relevant departmental technical staff should often deliver precise reporting to the CECM on what transpires to avoid this issue of giving reports not based on facts.
10. The CECM should endeavour submitting to the Committee comprehensive and authentic weekly reports on projects status being implemented, unimplemented and those that are yet to be executed. The committee has learnt that periodic reporting is voluminous, full of errors and containing information with no filters.
11. The Budget and Appropriations committee should in the next and sub-subsequent financial years consider incorporating a Public Works Department in the County Assembly that will be independent and run its activities parallel from the executive one.
12. Follow-ups and getting genuine information from the sites should be prioritized. This would only be practical if it is a continuous process and a realistic budgetary allocation attached to it.
13. Primacy to be given to ward-based projects on matters funding and what remains could be left for other errands such as construction of bitumen roads.
14. All Committee members should be entirely involved on roads matters. This includes committee's benchmarking, site visits and committees' sitting either physically or through zoom.
15. Proper harmonization on planned activities to be executed between the department and National Agencies i.e. there is need for joint meetings to be held to explicitly define the roads to be done by both parties cooperatively and those to be executed independently.

## CONCLUSION

Mr. Speaker and Hon. Members, by linking producers to markets, workers to jobs, students to schools and the sick to the hospital, roads are vital to any development agenda. We may have good social infrastructure i.e. hospitals and ECDs but the people can't access them without roads. The bottom line is that roads are a key aspect in any Country's economic growth and this cascades down to the devolved units i.e. counties. The committee has put some efforts in reviving the department by overseeing its activities. However more still needs to be done by the committee and department holistically. The County is on the verge of its fourth quarter with less having been achieved in the roads sector. What do we mean by this? A repetition of cycle with no substantial project activity implemented raises eyebrows. Therefore, with these thoughts lingering in our

heads, i urge my fellow committee members to do their oversight role in a very serious and committed manner and refrain from lethargy. If the department fails it reciprocates back to the committee.

Effects of COVID-19 pandemic has hampered many development activities but still with the new normal, the committee is optimistic it can achieve its mandate to some extent if not fully. Let public funds materialize into something worth to be mentioned like better roads infrastructure.

Without much ado, It is therefore my honor and privilege on behalf of the Committee on Public Works, Roads and Transport to table this report before this Respectable House for consideration and adoption. I would like to call upon the honorable leader of majority, who is a member of the committee to second this report. Thank you.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Kenneth Onyango.

**Leader of Majority** (Hon. Onyango): Madam Speaker, I second.

**The Temporary Speaker** (Hon. Muga): The report has been read to the House by Hon. Steve Owiti, on behalf of Hon. Seth Kanga, the Chairperson of the Committee of Roads, Public Works and Transport, and has been seconded by Hon. Kenneth Onyango, the leader of majority. I therefore open the report for debate.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Aslam Khan.

**Hon. Khan:** Thank you Madam Speaker, I rise to support the report but with few observations. The essence of the benchmarking exercise was fruitful as clearly heard from the report. Kisumu County roads are in a mess and if we implement what was learn from Bungoma County, I believe there will be quite some change. The Bungoma County owns machinery including excavators, graders, drum rollers, and many more, which ensures maintenance of machinery-based roads.

Further, the challenges they are facing are more similar to ours but they have developed ways of curbing them one at a time. I believe that if we work in the same line, we would improve our roads as well. They have adverse climate condition which isn't favorable to their roads unlike ours which is better.

There is need to heighten the committee disparities by allocation to assist in running the errands. In Bungoma County, the Roads Committee, in the last FY 2019/2020, was allocated Kshs. 6,000,000 million unlike in Kisumu where there is just an allocation of Kshs 2,000,000 million. This is a huge difference which should be looked into and if the budget process is going on as it is right now, the committee should request for more funding so that we can have these things working in our wards, thank you.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Khan.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. George Olwal.

**Hon. Olwal:** Thank you Madam Speaker, I want to support this report but with few reservations. The work is done quite well. Apart from the second recommendation made of '*Hiring being cheaper than purchasing machinery*'.

Madam Speaker, I believe you are also aware of the Auditor General's Report, which puts our county in the limelight for mismanagement of funds that raised several Audit Queries. Hiring of machines without proper structures on fueling and maintenance will escalate the issue, and especially on fuel management. I thought that one of the members of the committee, who is also a member of planning should have advised the committee accordingly on the same because he is well informed on the Public Finance Management Act of 2012 (PFM Act). Hon. Steve Owiti should have advised the committee so that they come up with a good structure on how to advise the department of Roads, Public Works and Transport on Fuel Management.

If we are to hire vehicles, then we need to hire the vehicles with fuel in them, otherwise it will cause major pilferage on fuel mismanagement as well as more audit queries. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Olwal.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. David Arao.

**Hon. (Pst.) Arao:** Thank you Madam Speaker, I am a member of this committee and would want to associate myself with it. However, I was quite disappointed with Kisumu County when we visited the County of Bungoma. As a super county, Kisumu should not have been at a level where it has to benchmark at Bungoma County to compare better roads and the like. I believe that the committee just resorted to visit Bungoma County due to constraints of finance. Otherwise, we should be benchmarking to compare with other cities and major towns.

**Hon. Ogutu:** Point of information Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Who do you want to inform?

**Hon. Ogutu:** The House, Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Proceed.

**Hon. Ogutu:** On a point of information. Madam Speaker, I believe that when we are discussing an important issue that affects our county, we should show some form of seriousness. We have a problem in the Department of Roads, Public Works and Transport and I believe that that what Hon. Arao is talking about is not right.

Madam Speaker, we should know the objectives of a benchmarking exercise and you should ask yourselves whether that particular county is small or big. I want to advice Hon. David Arao that

what was the objective of this benchmarking? It does not matter whether the County is small or big per se but, rather, what you are going to learn from them is the important thing.

**The Temporary Speaker** (Hon. Caren): Thank you. Whom do you want to inform?

**Hon. Steve:** Madam Speaker, I want to inform the House.

**The Temporary Speaker** (Hon. Caren): Please proceed.

**Hon. Steve:** I want to inform the House that according to the constitution of Kenya 2010, there are 47 counties. None has been designated as a super county whereas others are small or big. We cannot come to the floor of this House and ridicule ourselves by referring to other counties as small or big. It is demeaning and if it gets to the members of the public, it will not be taken in good faith. I believe that Hon. Arao should withdraw and apologize for referring other counties as super or small.

**The Temporary Speaker** (Hon. Caren): Hon. Arao, I hope you have understood him well. Can you please withdraw and apologize for the remarks you have made.

**Hon. Arao:** Thank you very much Madam Speaker. Hon. Ogutu is marking my debate. I do not know who gave him such an authority. I want to say and I repeat...

**The Temporary Speaker** (Hon. Muga): You were told to apologize...

**Hon. Arao:** Madam Speaker, I cannot debate the way hon. Ogutu wants me to ...

**The Temporary Speaker** (Hon. Muga): Okay, sorry, please resume your sit.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Agolla?

*(Hon. Arao is consulting loudly)*

**The Temporary Speaker** (Hon. Muga): Can you please resume your seat!! Hon. Arao, I repeat, please resume your seat!!

*(Hon. Arao consulting loudly)*

**The Temporary Speaker** (Hon. Muga): Okay Serjeant-at-Arms please escort the Hon. Member out. You need to know that this is a serious House!! Let me not go further than that.

**The Temporary Speaker** (Hon. Muga): Hon. Arao, please can you go out? Hon. Arao!! can you respect the House?

*(Loud consultations)*

**The Temporary Speaker** (Hon. Muga): Do not force me to go further than what I have said.

*(Loud consultations)*

**Hon. Arao:** *(Walking out in protest)* Madam Speaker, you must be aware that I am an elected Member and you are just a nominee.

**Hon. Ogutu:** In this House we do not have elected or nominated MCAs. Walk out.

**Hon. Khan:** Madam Speaker, on a point of information if you allow me?

**The Temporary Speaker** (Hon. Muga): Hon. Ogaga, what is it?

**Hon. Ogaga:** Hon. Arao you are very wrong. That is very wrong of you!

**Hon. Khan:** Madam Speaker, I am a nominated member of the Kisumu County Assembly and this is my second term; in fact I am a registered voter from Hon. Arao's ward (Railways). So, if he does not respect his own voters and if he also does not respect his own party

*(Applause)*

**Hon. Khan:** Orange Democratic Movement! By the courtesy of ODM party, I am here by right not by choice.

Therefore Madam Speaker, insinuating that we are under representation of different culture, I totally disagree! I believe that the Constitution of Kenya 2010 equally gives us the rights to be elected and be nominated leaders. Thank you Madam Speaker!

*(Applause)*

*(Loud consultations)*

**The Temporary Speaker** (Hon. Muga): Noted. What is it?

*(Hon. Ogaga consulting loudly)*

**The Temporary Speaker** (Hon. Muga): Hon. Olga, please pardon.

**The Temporary Speaker** (Hon. Muga): What is it Hon. George Olwal?

**Hon. Olwal:** Madam Speaker, we are setting a bad precedence. Most of us leaders whether elected or nominated, we should be given chance to express ourselves. And we as citizen of Kenya, we are also protected by the Bills of Rights. We have a right to be heard and to defend ourselves...

**The Temporary Speaker** (Hon. Muga): Hon. Olwal, you stood to inform the House...

**Hon. Olwal:** Madam Speaker, it is wrong to send a member outside without giving him chance to defend himself. In our Standing Order No. 89, gives someone a chance to substantiate. So, it is wrong to have sent Hon. Arao outside without giving him chance to defend himself.

*Loud consultations.*

**The Temporary Speaker** (Hon. Muga): What is it Hon. Steve Owiti?

**Hon. Steve:** Madam Speaker, we are a House of rules and order. We swore to protect the Constitution of this country. And no member can be allowed to come to the floor of this House and decide to disobey the Constitution. When he is asked to apologize, he refuses, stands on this floor and utter words which are not printable.

Madam Speaker, I believe that despite the fact that we have our rights, we also have responsibilities that we must adhere to. Hon. Arao has misbehaved in this floor of the House. In fact, if we follow the guidelines of the Standing Order, he should be named.

*(Applause)*

**The Temporary Speaker** (Hon. Muga): What is it hon. Judith Ogaga?

**Hon. Ogaga:** Thank you Madam Speaker. That was a right step of action that you took. I want to say that as much as Hon. Olwal is trying to come to his defense, Hon. Arao had two mistakes. Madam Speaker you were blind; at first, he was not even well dressed. That is the problem with us especially male members of the House. For instance, if you look at Hon. Steve, he is not properly dressed.

Another mistake is that, he did not respect what you said and talked so badly to other Hon. Members. We are all Hon. Members and we should be treated equally with equal respect...

**Hon. Ogutu:** Point of information Madam Speaker.

**Hon. Ogaga:** with equal respect. There is nothing like some Hon. Members are elected while others are not. But, we are all Hon. Members, thank you Madam Speaker.

*(Hon. Ogutu is consulting loudly)*

**The Temporary Speaker** (Hon. Muga): No!! can I get guidance from ... I have not given you chance please. Hon. Agolla is on his feet please.

**Hon. Agolla:** Thank you Madam Speaker. This is a House of order and any parliamentary in any commonwealth parliament, we must expect this, and we must also expect throwing of chairs anyhow. That is commonwealth democracy. Madam Speaker, you must adhere to Standing Orders. Whether Hon. Arao went out of his way, but we should follow the law. Two wrong doings does not make a right.

Madam Speaker, Standing Order No. 86, 105, 106 is very clear on the action that should be taken against who has violated the Standing Orders. We must understand that in this House, we should not be restricted and confined in a manner in which we debate.

A member can start debating from the last word to the first word. One can start debating from the middle to the end. So, the conclusion of a member's contribution should determine whether he or she is supporting the debate or not...

**The Temporary Speaker** (Hon. Muga): Hon. Members, can you read for us Standing Order No. 86 which you have mentioned?

**Hon. Agolla:** Yes; Retraction and Apologies. This Standing Order if you read it properly...

**The Temporary Speaker** (Hon. Muga): I am saying that can you read it so that the House may be convinced.

**Hon. Agolla:** "A member who has used exceptional words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct".

Madam Speaker, this member was not given time to apologize...

**The Temporary Speaker** (Hon. Muga): Are you contradicting yourself? You are out of order please. Can you please resume your seat!!

**Hon. Agolla:** No, Madam Speaker, do not mislead the House because this member was not given time to apologize and if he fails, that is when he should be thrown out.

**The Temporary Speaker** (Hon. Muga): Hon. Erick Agolla, please, I gave you time to read the Standing Orders which you yourself mentioned and you have read it and everybody in the House is a witness of what you read.

*(Hon. Olwal consulting loudly).*

**The Temporary Speaker** (Hon. Muga): What is it Hon. Pamela Odhiambo?

**Hon. Pamela Odhiambo:** Thank you Madam Speaker. I want to say that you have really done a good thing. This is a House of rules and procedures. I was outside and I came in because Hon. Arao came outside and we asked him why the House was noisy and he said that he had told you that you are a nominated MCA whom should not tell him to go out. Madam Speaker, I felt that that was wrong. Hon. Arao was naked in this House and if he refuse to apologize then you did the right thing Madam Speaker.

*(Loud Consultation)*

**The Temporary Speaker** (Hon. Muga): Hon. Members in support of Hon. Agolla stating Standing Orders No. 86. I also want to request you to refer to Standing Orders No. 106 in support of what Hon. Agolla brought before this House.

**The Temporary Speaker** (Hon. Muga): Yes Hon. Samo.

**Hon. Samo:** Thank you Madam Speaker. Standing Orders No. 106 is talking about Gross Misconduct. By referring to Bungoma as a small County is so diminishing. In this case the Hon. Member has not defied the Speaker. Hon Arao did not use unparliamentary language by referring to Bungoma as a small county and Kisumu as a big county.

**The Temporary Speaker** (Hon. Muga): Hon. Samo this is a House of procedure and rules. I have referred you to Standing Orders No. 106. I gave Hon. Arao time to apologize of which he refused to. Please don't mislead the House because you were elected.

*(Loud consultation)*

**The Temporary Speaker** (Hon. Muga): What is it Leader of Minority.

**Leader of Minority** (Hon. Oiko): Madam Speaker, I am hearing this is a House of order and procedure. The matter at hand is this report from the committee where Hon. Arao is a Member. Hon. Arao was contributing to the report of the committee. When you rejected the Moi Stadium report Hon. Seth... it is because of the decision you made that irritated Hon. Arao to make these utterances. Madam Speaker let us handle ourselves with due respect in this House.

**The Temporary Speaker** (Hon. Muga): Can I refer you to Standing Orders No. 86 of which Hon. Agolla read?

*(Loud consultation)*

*(The Clerk at the table consulting with the Speaker)*

**The Temporary Speaker** (Hon. Muga): What is it Hon. Olga.

**Hon. Olga:** Thank you Madam Speaker I wish to call the mover to reply.

*(Laughter)*

**The Temporary Speaker** (Hon. Muga): Yes mover of the motion.

**Hon. Steve:** Thank you Madam Speaker and the Hon. Members. I want to thank all the Members for the robust and very argumentative presentation that they have made on this report. I want to ask that as we move forward I want to appeal and ask all the Members that listening to the contributions that have been made on the floor of this House, it is true and indeed factual that as a Roads Department some of the findings that the Roads Committee have tabled here and the recommendations, if they could be implemented or followed up then, they could help this County on improving the status of our roads which is very pathetic Madam Speaker.

I therefore call upon the Members of this House to support the adoption of this report.

**The Temporary Speaker** (Hon. Muga): Thank you. Hon. Members a report from the Standing Committee of Roads, Transport and Public Works on their Benchmarking visit with the sister committee of Bungoma County Assembly was brought before this House, seconded by Hon. Kenneth Onyango and debated by Hon. Members. I therefore want to put a question on the adoption of the same.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Muga): The Report from the committee of Roads, Transport and Public Works on their Benchmarking visit with the sister committee of Bungoma County Assembly is hereby adopted today Thursday 4<sup>th</sup> March 2021. I want to direct the Clerk that this report to be directed to the Committee of Implementation.

**The Temporary Speaker** (Hon. Muga): Next Order!

### ADJOURNMENT

**The Temporary Speaker** (Hon. Muga): There being no any other business to transact, the House stands adjourned to Tuesday 9<sup>th</sup> March 2021 at 2.30 p.m.

*(House rose at 4.10 p.m.)*

*Addendum*

**Hansard Team**

*Zablon Otiende - Senior Hansard Reporter (In-charge)*

*Edward Odanga - Reporter*

*Fanuel Okode - Reporter*

*Patrick Okoyo - Reporter*

*Jesca Otieno - Reporter*

*Dennis Onyango - Reporter*

*Jacklyne Otieno - Reporter*