

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 07th July, 2021

House met in the Main Chamber at 9:00 a.m.

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

PRAYERS

The Speaker (Hon. Oraro): I want to request that pursuant to the provision of County Assembly Standing Order No. 32 (2) I implore the Serjeant-at-Arms to ring the quorum bell for five minutes.

(Quorum bell rung for five minutes)

(House resumes after attaining the requisite quorum)

The Speaker (Hon. Oraro): The Deputy Majority Whip, could you please confirm if we have quorum.

Deputy Majority Whip (Hon. Obonyo): Madam Speaker, we have the quorum.

The Speaker (Hon. Oraro): Thank you. Madam Clerk, kindly take us through the Order Paper of the day.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, welcome to this session. Just wanted to remind you that the Covid-19 is real because I can see a number of Members are not putting on their

masks. Ensure that you cover both your nose and mouth. I am also reminded by the Serjeant-at-Arms that our dressing code is not pleasing. The African attire is accepted both at the Senate and the National Assembly but it looks like the Members are misusing the privilege. Casual wear is not an official dressing. Let us not misuse or abuse these privileges. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION

IMPLEMENTATION COMMITTEE REPORT ON THE KISUMU COUNTY BUDGET IMPLEMENTATION STATUS FOR THE FY 2019/2020 AND 2020/2021

BY

HON. ERICK AGOLLA

CHAIRPERSON, IMPLEMENTATION COMMITTEE

The Speaker (Hon. Oraro): What is it Hon. Roy Samo?

Hon. Samo: Thank you Mr. Speaker. I rise to present this report on behalf of Hon. Agolla.

The Speaker (Hon. Oraro): Please proceed.

Hon. Samo: Mr. Speaker and Hon. Members, please allow me to move the following report;

IMPLEMENTATION COMMITTEE REPORT ON THE KISUMU COUNTY BUDGET IMPLEMENTATION STATUS FOR THE FY 2019/2020 AND 2020/2021

BY HON. ERICK OTIENO AGOLLA

CHAIRPERSON, COMMITTEE ON IMPLEMENTATION.

PURSUANT to the Kisumu County Assembly Standing Orders 41(b), a statement was raised on the Floor of the House by Hon. Johnson Guyah regarding the implementation status report for Financial Years 2019/2020 and 2020/2021 of the County Government of Kisumu on Wednesday 24th February, 2021 (see annex 1). In accordance with Article 185 of the Constitution of Kenya, 2010 read together with Standing Orders no. 193, the Hon. Speaker instructed the select committee on Implementation to inquire, investigate and thereafter give a comprehensive report after a fortnight.

Consequently, the office of the clerk notified the respective departments vide the County Secretary to provide detailed responses to the attendant issues raised on the statement sought by Hon. Johnson Guyah.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members, the committee explicitly derives its mandate from Standing Orders No. 191 (2) (3) of the Kisumu County Assembly which state as follows:

2. The committee shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee Member and examine

- a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
- b) whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

3. The Committee may propose to the County Assembly, sanctions against any Member of the County Executive Committee who fails to report to the relevant select committee on implementation status of projects and programmes under his/her docket without justifiable reasons.

Composition

The committee as currently constituted comprises of the following Honorable Members

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|-----------------------------|---|------------------|
| 1. Hon. Erick Agola | - | Chairperson |
| 2. Hon. Roy Samo | - | Vice-chairperson |
| 3. Hon. Aslam Khan | - | Member |
| 4. Hon. Philemon Ojuok` | - | Member |
| 5. Hon. Inviolante Adhiambo | - | Member |
| 6. Hon. Maureen Otiang` | - | Member |
| 7. Hon. Maurice Ngeta | - | Member |
| 8. Hon. Caleb Omoro | - | Member |
| 9. Hon. Sally Okudo | - | Member |
| 10. Hon. Vincent Jagongo | - | Member |
| 11. Hon. Steve Owiti | - | Member |

Secretariat Present

- | | | |
|--------------------|---|--------------------------|
| 1. Belinder Owino | - | Clerk Assistant |
| 2. Jacklyne Atieno | - | Hansard Reporter |
| 3. Rose Baraza | - | Sergeant-at-Arms |
| 4. David Ayieko | - | Public Relations Officer |
| 5. Macreen Laja | - | Secretariat |

ACKNOWLEDGEMENTS

Mr. Speaker and Hon. Members, I would like to express my profound gratitude to all Members of the Implementation Committee for their valuable contributions during this inquiry.

Many thanks to the Offices of the Speaker and the Clerk of the County Assembly for their extreme support and good will in ensuring the report writing was done in a conducive atmosphere despite the unending third wave COVID-19 pandemic, which seemingly has and is still having a toll on both the health care and other economic sectors.

With those few remarks, i humbly submit this report for consideration by the House on behalf of the Committee of Implementation.

LEGAL FRAMEWORK OF THE INVESTIGATION

Mr. Speaker and Hon. Members, the subject matter of this inquiry was guided by the following:

- Article 185 of the Constitution of Kenya,2010
- Section 166 sub-section 4(a) of the PFM Act, 2012 &
- The Kisumu County Assembly Standing Orders No. 174 and 191.

TASK FOR THE COMMITTEE

The following were the tasks to be undertaken by the committee:

1. To investigate and inquire into all the projects implemented in the FYs 2019/2020 and 2020/2021.
2. To compare the absorption rates of Development Expenditures with what was allocated to them.
3. To probe into when the departments intend to execute those projects that are yet to be executed.
4. To know what happens to those projects which would not see the light of the day

BACKGROUND INFORMATION

Mr. Speaker and Hon. Members, a project has five phases in its life cycle namely the initiation stage, formulation (planning stage), execution (implementation) and Monitoring and Evaluation and the site handing over stages. The County Assembly comes in to do their oversight role at the M&E stage before the closure and surrendering is done. Every financial year, projects are often identified in the ADP process during public participation and these developments form part of a department`s approved budget and sometimes when there is a deficit on the plan, some projects are rolled over to the next financial year.

Mr. Speaker and Hon. Members, having said that, it is a requirement Pursuant to Section 166 sub-section 4(a) of the PFM Act, 2012 and I quote “Note later than one month after the end of each quarter, the County Treasury shall consider the quarterly reports and submit them to the County Assembly”).

TERMS OF REFERENCE

The Committee on Implementation convened on Monday 1st March, 2021 at 4:00pm within the Assembly Precincts and resolved that the following terms of reference would guide the Committee in its quest for inquiry:

- i. Invite all the 10 CEC Members together with their Heads of Departments to discuss the subject matter. Time was to be scheduled to meet at most 3 departments independently until the committee exhausts the invites.
- ii. In a case where the department failed to show up for the meeting because of unavoidable reasons, then the department to submit comprehensive documents on the status reports. This was to be accompanied by answers on queries probing their intentions of not overly implementing projects.

Summary of the Recurrent Budgetary Allocation vis-a-vis the absorption of the respective departments

Departments	Revised Budgetary allocation for FY 2019/2020	Utilized	Variance	Absorption rate
Agriculture, Livestock & Fisheries	237,733,430	222,841,093	(14,892,337)	94%
Tourism, Culture, Arts & Sports	104,560,663	61,581,287	(42,979,376)	59%
Energy & Industrialization	51,406,179	24,692,363	(26,713,816)	48%
Business Cooperatives	31,472,602	21,709,394	(9,763,208)	69%
Public Works, Roads & Transport	176,527,192	122,697,147	(53,830,045)	70%
Health and Sanitation	3,569,181,584	3,186,132,097	(383,049,487)	89%
Governance and Administration	517,673,228	464,167,160	(53,506,068)	90%
Education, HRD &HCD	396,583,660	167,821,622	(228,762,038)	42%

Water, Environment, climate change and Natural Resources	78,153,775	41,917,498	(36,236,277)	54%
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Summary of the Development Budgetary Allocation vis-a-vis the absorption of the respective departments

Departments	Budgetary allocation for FY 2019/2020	Utilized	Variance	Absorption rate
Agriculture, Livestock & Fisheries	167,364,452	102,630,922	(64,733,530)	61.3%
Tourism, Culture, Arts & Sports	35,500,000	4,109,440	(31,390,560)	11.6%
Energy & Industrialization	71,300,000	9,741,749	(61,558,251)	13.7%
Business Cooperatives	156,748,824	32,323,562	(124,425,262)	20.6%
Public Works, Roads & Transport	455,905,750	162,539,959	(293,365,791)	36.5%
Health and Sanitation	234,550,000	117,661,149	(116,888,851)	50.2%
Governance and Administration	34,000,000	-	(34,000,000)	0%
Education, HRD &HCD	225,640,600	88,390,727	(137,249,873)	39.2%
Water, Environment, climate change and Natural Resources	228,436,566	43,344,681	(185,091,885)	19.0%

Response from the Department of Agriculture, Irrigation, Livestock & Fisheries Findings/Observations

Mr. Speaker and Hon. Members, below are some of the observations and concerns noted with regards to the agricultural projects initiated and implemented in the Fiscal years 2019/2020 & 2020/2021? They are as follows:

1. The alleged projects of Mboha and Namthoe's funds were set aside for combating Covid-19 pandemic yet they claim to have implemented these projects to a 20% and 100% status respectively.
2. That most ward projects that the department implies to have been executed are a sham. For instance: supply and delivery of day-old chicks, vaccines, cassava cuttings and even supply of bull semen, which the Members were oblivious of.
3. That some of the projects the department insinuates to be 100% implemented are white elephants because apparently these projects were shoddily done and do not deserve such status. e.g. construction of a cattle dip in South West Kisumu ward at a cost of Kshs. 1.2 Million.
4. That a number of dairy cows distributed to group farmers have ceased to exist and therefore the members were questioning their lifespan. It is essential to note that out of the 8 dairy cows procured and distributed in a particular ward, only 2 or 3 often survive.
5. That there is no realization of value for money in some of the projects like construction of water pans.
6. Only Kshs. 102,630,922 was used in development out of Kshs. 167,364,452 allocated to the department representing an absorption rate of 61.3%
7. There was a general concern on the criteria employed to select the ones to be trained as value chain actors and how they were equitably distributed in all the 35 wards.
8. Misplaced priorities on the projects to be executed which are not of preference in certain wards. For instance the flagship project of supply and delivery of fish solar dryers at Kaloka beach being implemented in East Seme. The aim of the procurement of the project is to dry Dagaa yet in real sense there are no such fish species being reared in the beach. In addition, it is evident that public participation did not occur because if it did, the people could not have requested for a fish solar drier yet they aren't supplying Dagaa to be dried.
9. Poor distribution channel on matters fertilizers. Complaints have emerged probing the supply of these inorganic fertilizers such as CAN, DAP e.t.c to respective wards. It is very costly to have one distribution point where all farmers are required to pick them.
10. That no due process was followed to the latter on the issue of supply and delivery of a dredger which was allocated a sum total of Kshs. 30,000,000. This project is quite controversial because there was no review in this supplementary budget of FY 2020/2021 which apparently has not seen the light of the day in terms of approval by the County Assembly. This dredger project has been revised to purchase rice mill for value chain in Kabonyo/Kanyagwal ward.
11. That the supply and delivery of a full vet surgical kit was a good idea but Veterinary officer to utilize it on the ground are not there.

Findings/Observations FYs 2019/2020 & 2020/2021

Response from the Department of Energy & Industrialization

- Construction of 1 No.15 meters Floodlight done by Lagry Enterprises was implemented in Nyalenda A in Kisumu East and not Kisumu Central sub-county as indicated in the report.
 - There was no amount indicated in the above report for the installation and commissioning of high mast floodlights in the following sites: Magadi Unit and Gonda Market in Kondele ward and Orongo junction in west Kisumu ward.
 - Out of Kshs. 71,300,000 only Kshs. 9,741,749 was utilized by the department on development projects representing an absorption rate of 13.7%
- There is no value for money for floodlights projects. A project which used to be purchased at a market price of Kshs. 500,000- Kshs. 750,000 is currently being procured at a cost of not less than Kshs. 2 Million .The committee was concerned on what really informed the abrupt questioned change.
- That the report submitted by the department was well presented with all the required details provided as compared to the other 3 departments. The responses provided were deeply analytical and comprehensive.

Department of Tourism, Culture, Arts & Sports

Findings/Observations

- Most of these projects are incomplete yet the financial year ended long time ago. In their response the department claims that projects have stalled because they did not have time for procurement. i.e. Kit Mikayi Resource Centre. Further, the department insinuates that the slowness in the implementation process was attributed by lack of a Chief Officer in that department.
- Abindu Heritage site development is in North Kisumu ward in Kisumu West sub-county and not South West Kisumu ward as indicated in the report.
- Only Kshs. 4,109,440 was spent on development with an absorption rate of 11.6%.

Department of Business, Cooperatives & Marketing

Findings/ Observations (FY 2019/2020)

- Construction of Pap Onditi Hall project which was given a budgetary allocation of Kshs. 1.9 Million is not appearing in the Implementation status report of this department.
- Construction of a four-door pit latrine in Oseng Market in Chemelil with an allocation of Kshs. 799,982.40 is indicated as being complete yet in reality it has not been done.

- Kshs 32,323,562 was partly absorbed by the department representing an absorption rate of 20.6% out of a budgetary allocation of Kshs. 156,748,824.
- Delay in the implementation of projects as evident in most implementation status. This was observed as their response indicated sourcing, awarded, is in the evaluation stage while others have been delivered.
- Some projects have the tendency of resurfacing in more than two financial years. This raises eyebrows and the department needs to find remedy on such issues. For instance Pap Onditi Hall

Department of Public Works, Roads and Transport

Findings/Observations

- Machine Based Initiative has terribly failed and it is not clearly working as was originally intended.
- Lack of defined and outlined framework in the Bill of Quantities
- Inequitable and unfair allocation of resources to different wards
- Poor reporting on the status of roads projects implemented. What is highlighted as completed or ongoing is not corresponding with what the Hon. Members are seeing on the ground

Reasons why the departments failed to fully absorb the development expenditure and when they intend to implement those projects for both Financial Years

Mr. Speaker and Hon. Members,

In our letter dated 6th May, 2021, the committee sought further to inquire why the departments were unable to fully implement those projects and these were there responses as highlighted below:

Energy and Industrialization

This department states that considering most of the projects are either completed or more than 90% complete; the department intends to complete all its projects by the end of the Financial Year except for the Bio-energy centre which is a phased project. Further, it states that as per their projections, they are due to absorb all their development expenditure.

Mr. Speaker and Hon. Members,

The list of projects pending implementation is as follows:

S/N O	Development Projects	Ward	Approved Budget	Implementation Status	Expected Date
1.	Barandigo market floodlights	NW Ksm	1.7Million	Implementation of High Mast Floodlight at 2M	25/06/2021

2.	Nyawita market floodlights	NW Ksm	1.7Million	Purchase and distribution of solar lanterns at 1.4M	30/05/202 1
3.	Floodlights at Osiri market	SW Ksm	1.5 Million	Implementation of High Mast Floodlight at 2M	25/06/202 1
4	Floodlights at Kopon market	East Kano/W awidhi	1.75 Million	Implementation of High Mast Floodlight at 2M	25/06/202 1
5	Construction of Floodlight at Guba	Kajulu	1 Million	Purchase and distribution of solar lanterns at 1M	30/05/202 1
6	Gari Floodlight	SW Nyakach	1.5 Million	Purchase and distribution of solar lanterns at 1.5M	30/05/202 1
7	Nyangande market floodlight	Kabonyo /Kanyag wal	500,000	Market shades electrification and electrical installation works at 0.5M	25/05/202 1
8	Floodlight at Tamu	Chemelil /Tamu	1.5 Million	Purchase and distribution of solar lanterns at 1M	30/05/202 1
9	Floodlight at Achego	Chemelil /Tamu	1.5Million	Implementation of High Mast Floodlight at 2M	25/06/202 1

Roads, Public Works and Transport: Mr. Speaker and Hon. Members, these highlighted challenges have contributed to lack of timely delivery of projects they include but are not limited to:-

1. Late disbursements of funds by the department of Finance and Economic Planning
2. Lack of fuel or rather fuel pilferages and clear scope of works to be done
3. Inadequate technical human personnel to undertake timely delivery and supervision of public works projects
4. Heavy down pour season which hampered the Machine Based technology as a result of frequent flooding in most part of the county
5. Delayed procurement of development projects by other departments. The department claims that the BQs were submitted by the end of 2nd quarter however few projects files have been brought back for implementation.
6. Part payment of projects resulting to contractors abandoning projects after getting paid.
7. Effects of covid-19 pandemic slowing down operation and implementation of projects

Tourism, Culture, Arts and Sports: In their response, the department states that it was able to re-budget for some projects in the FY 2020/2021 (Asao Community Cultural Center) and for the other in FY 2021/2022 (Development of sub-county stadium in Nyakach). This is in regards to the list of non-responsive projects. It further states that it has fully absorbed all the development expenditure for FY 2020/21 and as at the time of filling the report in reference, the procurement process for some projects was not complete but has since been achieved. Lastly, the department states that it expects all projects earmarked for FY 2020/21 to be finalized before the end of 30th June, 2021.

Mr. Speaker and Hon. Members, the committee received responses from 9 departments mentioned in this report with some not explaining the cause for not fully absorbing the development funds. However, as part of our assignment, the committee endeavours to put the remaining unresponsive departments to task to provide their budget implementation status reports and give a report on the same. There was a general concern that there could be a communication breakdown between the CS and the departments. Majority of them complained they never received the first letters with regards to the attendant issues. The subsequent communications were dispatched very late making it a bit cumbersome to prepare and submit the documents earlier enough for the committee to act upon.

RECOMMENDATIONS

Mr. Speaker and Hon. Members, after thorough scrutiny of the responses and making observations in each department, the committee had the following to recommend:

- 1) The CECM Finance and Economic Planning to appear before the General Oversight Committee to vividly justify circumstances for the lateness of funds which has negatively impacted on the departments' implementation on development. Equally the County Secretary should explain its disconnect with the departments on matters flow of information.
- 2) The Department of Agriculture, Livestock and Fisheries to provide a detailed record of all the beneficiaries of dairy cows and goats and other projects such as distribution of one day old chick and fertilizers. These credentials should explicitly show the names of the farmers and the criteria used to select them.
- 3) There is need for full engagement of the Area MCAs on matters of supply and distribution of agricultural inputs i.e. fertilizers just like in the case of construction of crush pens where the department mobilizes the community as well as the MCAs to witness the event.
- 4) The Department of Energy and Industrialization to provide a discrete number of floodlights implemented by them and those that are done by the City of Kisumu.
- 5) BQ of any project detailing the scope of work to be implemented should be made known to the public for purposes of reference
- 6) The committee of implementation to conduct site visits on projects that have grey areas especially in the Agriculture department.

- 7) There is need for the department of Agriculture, Livestock and Fisheries to consider recruiting more staffs to cover the gaps of those on the verge of retiring. Once deployed in respective wards, then delivery of services will be efficient and effective and for the purpose of posterity.
- 8) The department of Tourism, Culture, Arts & Sports to provide a vivid explanation why projects of FY 2019/2020 are incomplete and what the department has done so far to ensure pending bills cease to pile up.
- 9) No department to be allocated huge sum of development funds if it has extensively failed in its execution of development projects
- 10) There is need for the departments to justify to the committee why there is minimal absorption rate of development projects to the extent of not realizing value for money yet the programmes under recurrent expenditure are nearly absorbed exhaustively.
- 11) The department of Public Works, Roads and Transport to meanwhile consider reverting back its tradition of roads contracting for the sake of the county's dilapidated roads as the department looks for solutions to the machine based anarchy.
- 12) Transparency on matters of supply and distribution especially on agricultural inputs should be well known by the area MCAs. The department should avoid the tendency of conducting such activities in a clandestine way. Equally, distribution centers of fertilizers should be unveiled in each and every ward. For instance at the Chief's or Assistant chief's office to ease movement and transportation costs.
- 13) That the respective sectoral committees to afterwards proceed with follow-ups and conduct site visits on the projects highlighted in both Financial Years.
- 14) The Executive should endeavor submitting quarterly county budget implementation status reports even without being asked to do so. This is always a requirement as stipulated in Section 166 sub-section 4(a) of the PFM Act, 2012.

CONCLUSION

Mr. Speaker and Hon. Members, in a nutshell, the status of development projects plays a critical role in determining whether Kisumu County is realizing value for the people's hard earned money or not when they dig deep into their pockets to pay taxes. We are nearing the end of this financial year and only a handful projects have been implemented. Note that recurrent expenditure is directly proportional to development and the inverse is true. What really inform the development programmes are both the Personnel Emoluments and Operations and Maintenance. They go hand in hand.

Apart from late disbursement of funds which is dependent on the National Government, the departments should take the first hand initiative of discussing what could be ailing them on matters implementation with the County Assembly so that it does not become a cycle of problems and reiterations in the next financial year. I believe that a problem shared is half solved. If the challenges are somehow curbed or tamed then we realize more economic developments which

translate to economic indices such as better road networks, improved health care, reduced poverty, improved literacy among others.

Without much ado, I would wish to implore this August House to debate and consider adopting this report. Thank you. I therefore call upon Hon. Philemon Ojuok to second?

(The Hon. Speaker leaves the Chair for the Temporary Speaker Hon. Okumu to preside for the remainder of the session)

The Temporary Speaker (Hon. Okumu): Thank you.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Ojuok.

Hon. Ojuok: Thank you Mr. Speaker. I am a Member of this Select House Committee, one of the challenges we faced was the issue of responses and we had to work hard to have the documents. That is captured in the report. I want to urge the House that the Implementation Committee is an Oversight Committee and sometimes it is very difficult to work under certain conditions. If you look at the Absorption Rate of some of the Department they stand at 11%, and 13% respectively and they are a disservice to the people of Kisumu County....

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

Hon. Rodgers: On a Point of Order. Thank you, Mr. Speaker. Considering the fact that we have several cases of Covid 19 in Kisumu, there are several Members who are not putting on their masks. Let's adhere to the protocols put in place by the government.

The Temporary Speaker (Hon. Okumu): The information is valid. Please for the sake and health of other Members, let us adhere to the Ministry of Health protocols.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Ojuok.

Hon. Ojuok: Thank you. One thing that really concern us is the Quarterly Reports. We need to have these reports on time. We cannot do this alone. We must have collaboration on the areas we talked about and the recommendations have been made there clearly. One of the things ailing this department is the late disbursement of funds from National Treasury. I am sure that if we have a clear flow of information from the National government- it is not the issue of delays- we can plan with those delays because after having run a government for over four years, you must have known the flow of things. This can enable you to plan with the delays.

Mr. Speaker, looking at this particular report, you will find cases where you are told that some of the contracts are going to be awarded and by the time you are doing these reports you find that even as late as two or one month, someone is talking about awarding a contract. There are situations where the BQs are generated from Public Works Department and once they raise the BQs, you will find that the project cannot be handed over by the department because the Public

Works office at the Subcounty level has not received information from the Public Works headquarters. The reason being they are waiting for a BQ, which they themselves generated. In some cases, they are also the people who must be in know of such changes. This scenario caused some projects not to be implemented.

Mr. Speaker, one of the most important things again is in the Budget. You clearly find out situations where something was done and reported by word of mouth, no Supplementary Budget was occasioned in the House but someone goes ahead to execute the same. It is a serious offence to execute something that is not in the budget. A member of the public may decide to pursue the path of litigation which may bring the operations in this County to a standstill. Some of these mistakes we make are deliberate because some have chosen to act with impunity. I want to emphasize that, however much the implementation committee is supposed to do this, there is need for us to follow up on such by visiting those sites.

Mr. Speaker, another important area we saw is the issue of value for money where contractors are paid for services that do not match allocated amount. We also identified incomplete projects as an issue. You'll find that sometimes the Monitoring and Evaluation office is missing. They can execute and sign while the Project Management Committees (PMCs) cannot be found. There is need to look at the legislation on the operations of PMCs in order to tighten existing gaps. I second.

The Temporary Speaker (Hon Okumu): Thank you Honourable Members. A report from the Committee on Implementation on the Kisumu County Budget Implementation Status for the FY 2019/2020 and 2020/2021 has been presented by Hon. Samo on behalf of Hon. Agolla by seconded by Hon. Ojuok. I propose to put a question that we open the Report for debate.

The Temporary Speaker (Hon Okumu): Yes Hon. Okiri

Hon. Okiri: Thank you Mr. Speaker. I rise to support this report with a lot of reservations. The Select Committee knew why they are bringing the report when the budget has been passed. May be they were compromised or they knew why this report was to be brought to this House after the budget has passed. In their recommendations, they have said there is no need to allocate more money to some departments that cannot execute their duties. If that is the recommendation they are proposing then, I am perturbed. Last week we were here passing the Budget Estimates, we knew very well that in their submission that there are some departments that are not supposed to get huge money. This report was not prepared yesterday. It was authored before the Budget Estimates was read. Why were they hiding this report?

Honourable Speaker, the Honourable Member who has seconded this report is a member of this Select Committee. Last week, he was lamenting about the same budget. At the same time, he sits in this House Committee and now he is giving is a report that is likely to be implemented in 2024 or 2025. Let them come up with something that will convince this House that they did it according to the law.

In the report, the House Committee stated that they visited Wandega Primary school which is in my Ward at the border of Kisumu and Vihiga counties. Mr. Speaker, this Committee did not visit that place. They might have talked to someone to write the report as it is.

The Temporary Speaker (Hon Okumu): What's point of order Hon. Muga.

Hon. Muga: On a point of order. Thank you Mr. Speaker. We must speak statements of facts in the House. My point of Order...

The Temporary Speaker (Hon Okumu): Hon. Muga, what is your Point of Order?

Hon. Muga: My point of order is on Statements of Facts pursuant in line with the provisions of Standing Order No. 89.

The Temporary Speaker (Hon Okumu): Proceed Honourable Member.

Hon. Muga: Mr. Speaker, the provisions of Standing Order No. 89 requires Statement of Facts. Hence the Hon. Member should state facts. Is he sure whether the House Committee did or did not visit the site? If so, then must they be informing him of all their moves during the site visits? Thank you.

The Temporary Speaker (Hon. Okumu): Hon. Okiri could you clarify why you think the committee did not visit the sites. If not then you have to withdraw and apologize to the committee.

Hon. Okiri: Mr. Speaker, Hon. Muga is not a member of this House Committee.

The Temporary Speaker (Hon. Okumu): Order! Hon. Member, just prove to the House that the Committee did not visit the sites you claimed earlier.

Hon. Okiri: Mr. Speaker, Wandega Primary School is in West Kisumu ward, Kapuonja North sub-location, Wandega area Ong'adi, Kabor Village, in a Sub-clan Ndega. That explanation alone proves that these people never visited the place and even the Hon. Linet doesn't know where Wandega is.

The Temporary Speaker (Hon. Okumu): Order! Hon. Okiri I will not let you go without proof of your claim.

Hon. Okiri: That is my ward and the fact that I do not entertain jokes in my area is the reason I am stressing that Members of this House Committee did not visit the site. This is not a matter to politic about and someone coming from Muhoroni cannot convince me that they....

The Temporary Speaker (Hon. Okumu): Calm your emotions Hon. Paul Okiri, we know that you are familiar with the place but you cannot discredit the House Committee without proof.

Hon. Okiri: I assure you that these people did not visit the place, and as I continue...

Hon. Muga: I want proof of his claim Mr. Speaker...

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Muga. Hon. Paul has been given permission to give proof of his claim but if he doesn't then he will have to withdraw his claim and apologize. It is a huge allegation to make on a committee yet they have brought a report to the House.

Hon. Okiri: Mr. Speaker, the proof to my claim as a Ward Representative of the referred area is that the Committee members never visited Wandega Primary School because I was present there but did not see any of them. Even if they came at night, there is a security guard at the place who never recorded any visits. We don't want hecklers in this House but people who also lie.

(Loud consultations)

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Carren Muga. If you persist with the disorderliness then I will request the Serjeants to escort you out of the House. Could you allow Hon. Okiri to proceed then, I will give the Chairperson of the Select Committee who presented the report to take that to account and explain to the House later if they surely visited the place. Hon. Paul Okiri you know the action we will take against you if we find out that indeed the committee visited the place.

Hon. Okiri: Thank you Mr. Speaker, I will be happy to escort them so that they show me where they signed to indicate that they visited the place. I just don't want to dwell on it much.

Hon. Ojuok: A point of clarification Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Hon. Philemon Ojuok just allow the member to finish his submission then you will air your proposal.

Hon. Ojuok: Mr. Speaker it is his continuation that raises my concerns.

The Temporary Speaker (Hon. Okumu): I get your concern but I have allowed him to continue.

Hon. Okiri: Mr. Speaker, I have only dwelt on Wandega and won't speak for the sake of speaking on this matter because this is one of the ways of representing my people. This Select Committee didn't go to Sianda ECD, which as at now is at the lintel and the House Committee has brought nothing regarding development in Sianda ECD. In addition, the House Committee has not gone to Mahanda -Kodero ECD, Arude ECD, Gombe-Kokulo ECD, Ulalo ECD, to justify that whatever is happening in Kisumu County isn't good yet we are legislators who should be helping this County. All these projects we are talking about are real and I wish this House Committee could have visited these sites and bring the actual report on what is actually on the ground. Mr. Speaker, these people have not visited Yambo Dispensary, Riat-Ngege Dispensary, which the contractor left and I am yet to find out whether it was constructed.

Hon. Muga: A point of information Mr. Speaker

The Temporary Speaker (Hon. Okumu): Disallowed.

Hon. Okiri: Mr. Speaker, if we can help the Implementation Committee with all these facts, I am talking about then all shall be well. They have not visited Dwele Kawino Dispensary which is at the lintel, Sinyolo Water Supply, which nothing has been done to it to date. They haven't visited Aboge Training Centre, (the one that cuts across Seme and west Kisumu ward). As a tradition, they will defend themselves that they didn't have enough time to visit all these places. So, we need to give them more time so that they could go get concrete information and the status of these projects to the House.

Mr. Speaker, we are in a mess that is caused by us and if you can recall the issue of floodlights whereby the usual installation ranges at Kshs. 2,000,000.00 but when it comes to the budget the engineers place the cost at Kshs. 1,700,000.00. Is this cost placed their intentionally so that if contractor B gets the difference from the range of contractor A in then they don't go on site? This is pure sabotage on the Governor's Agenda and the County's at large. We cannot allow these people to sabotage the Governor and the county. At the same time, we cannot allow some people who keep heckling in this House at the expense of helping county to continue doing so. With those few remarks, I beg to support.

The Temporary Speaker (Hon. Okumu): Hon. Member, I am perturbed. You seem to have a lot of complaints in the report then you end up supporting it, so I am confused. But I will give you time to respond.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Philemon Ojuok.

Hon. Ojuok: Thank you Mr. Speaker. I wanted to inform the House that Hon. Okiri has mentioned about ten places in his ward, some of which we did not visit. Thank you.

The Temporary Speaker (Hon. Okumu): Hon. Okiri you requested for time to give a response.

Hon. Okiri: Thank you Mr. Speaker. It is now evident and it should be in the report that we did not visit every project in every ward. With this, I said I support, with reservations. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Johnson Guya.

Hon. Guya: Thank you Mr. Speaker. I am the one who sought this Statement. I want to thank the House Committee for attempting to respond to the Statement sought. I have said attempting because if asked to rate them, I would give 30 percent. If you look at page 1, the Statement that was raised is not attached – perhaps it is deliberate so that members cannot relate the response provided with the Statement sought.

Mr. Speaker, I was expecting the implementation status of the budgets for the two financial years. Part of this information was to help us in the Budget Making Process so that we can make informed decisions.

Mr. Speaker, in terms of projects, the Select Committee has decided to give us a report on some selected projects. I don't know the criteria they used, because the Statement was asking them to give a detailed report on the Implementation Status of the Budget for specific years sought for.

Mr. Speaker, the projects they chose were not even a tenth of what was in the budget. We wanted to know what was budgeted for in each department, what has been implemented, what has not been implemented and the reasons why.

Mr. Speaker, when you look at the Department of Tourism, Culture and Sports, we are being told they only absorbed 11.6%. The financial year is not indicated. This is why pending bills keep rising in this county. In Agriculture Department, the Absorption Rate is 61%.

Mr. Speaker, it is sad that a project is indicated as completed in Chemelil Tamu Ward – a four door toilet. The report from the County Executive indicates that it is completed but on the ground there is nothing – at a cost of Kshs 799,000. This alone should have prompted the House Committee to investigate more on other projects.

Mr. Speaker, if they required more time to do so then, they should have come and asked for the same.

Mr. Speaker, in South East Nyakach ward, I have more than 10 projects that have not been done. We budgeted but they are not been done. Even in my ward alone (South East Nyakach) they have not indicated them here in the report. So, I want to agree with Hon Paul that this House Committee never visited the projects that they have listed here may be because they did not have adequate time or were not interested in visiting those projects. It is also either they just relied on the information they got from the County Executive wing.

How sure are we that the information we have here is the true reflection of what is on the ground? Mr. Speaker, for example take a case of the project at Chemelil/ Tamu Ward. May there are several others that are listed as complete projects but are not.

Mr. Speaker, sometimes when the list of Pending Bills was brought here, I found out that from my ward, there are two projects that were listed for payments as completed while on the ground, those projects were not there. When I raised those issues, we had to take the County Executive to the ground and truly they confirmed that those two listed projects were not done on the ground.

We had hope that this House Committee was going to help us in ensuring that we help this County and the Governor as well on the pilferages that are there.

Mr. Speaker, in the House Committee's recommendation No. 14, it says that; *according to the PFM Act No. 146; the Executive should always be submitting Quarterly County Budget Implementation Report.*

Mr. Speaker, I have been in this Assembly for four years now and I have not seen any of the reports. If this is true, then we should have seen at least sixteen reports yet none has come to this House. It is that serious and we will either say that the County Executive failed to bring the reports to the Assembly or the Assembly through your leadership failed to do their part. Mr. Speaker, I am saying that because the Assembly should also insist that the County Executive to submit all the mandatory requirement to this Assembly for approval. If these ones were being brought, we would have not gone this far. We would have not be having so many Pending Bills in this House Mr. Speaker. Although the report does not meet the expectations of the statement that was raised, I want to thank the Select Committee because at least they have attempted to bring something in this House.

Finally, we need to help this County. The success of any County Government relies on its Assembly. If there is a corruption from the County Government, then the first person to blame is not even the Governor but the County Assembly. We are here to help the Governor and we are also here to help the County Government of Kisumu by ensuring that the County Government succeeds. If we fail on in our duties here then, the whole County will fail. The Governor appoints people that are there to help him and I am sure that some of them may be good but most of them might be having bad intentions.

For instance; in the County Government of Kisumu, everybody in the County Government ensures that they are looking for what to take back home by any means. So, the only person who is mandated by Law to help the Governor in running the County, are not the County Executive but the County Assembly in overseeing and ensuring that everything that is budgeted for is well spent. If not, then explanations must be brought here in the Assembly so that we look into that.

Mr. Speaker, I am sad because most of the projects were not implemented neither because of issues of Covid-19 nor did we have money. Those are scapegoats. But Mr. Speaker some of them are because may be those who are supposed to implement them realized that there was nothing in return. In that manner, they did not strive to implement them.

As the one who sought for the statement, I am not convinced that this is the report of the Implementation Status of the Budget for the two financial years that were sought here. I am not convinced as the owner of the statement. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Yes Hon. Caren Muga.

Hon. Muga: Thank you very much Mr. Speaker Sir, I want to support this report with some few reservations. It is clear that most of the projects are not complete and that is the reason why the Committee went on to the ground to identify the work of each and every department.

Mr. Speaker, I am not far from what Hon. Okiri was trying to bring before this House but I am grateful because the thirty five (35) wards in with all the departmental projects is not an easy work. I am happy because when the Select Committee was going out, there is no list given indicating where to be visited. I am in support of this report because they visited the much they could to give the exact picture of what is in our wards.

Mr. Speaker sir, when we go to the recommendation No. 1 of this committee report, they have mentioned the need of the CEC Finance and Economic Planning to appear before the General Oversight Committee to vividly justify circumstances which lead to the lateness of funds which has negatively impacted on the departments' implementation on developments.

This comes as a truth because, it is him or the Finance and Economic Planning Department which can inform this House the reasons as to why the incomplete projects are as many as has been mentioned before the House.

Mr. Speaker, when we move on to the recommendation No. 3 on the Bills of Quantities (BQs) of any project and the scope of work to be implemented should be known to the public for purposes of references. I am saying this because we blame the contractors but the money which they were given was not enough to complete these projects. That is the reason why if we get the structural design and scope of work, the House will be able to know what was contained in the BQs. Until that is known to the public and even the area MCA, there will be no blame game because we will be able to know who to direct our blame to since we are disturbed.

When we go to the recommendation No. 10. The executive team should endeavour submitting totally the County Budget Implementation status reports. Mr. Speaker on that, I totally concur with Hon. Guya. It is very necessary because the County Executive set things on their own. There is need for the Quarterly Reports that is when we will get what has been done and what has been left out so that we know how to tackle our issues.

Mr. Speaker and Hon. Members, we have noticed that there are challenges that are causing the dwindling development in our electoral wards. When you look at page ten of this report, one, there is late disbursement of funds by the National Treasury. This is a fact that we as Hon. Members also have complaints regarding the same. Late disbursement can cause delay in completion of these development projects.

Mr. Speaker, when we look at the same page, number six. Payment of Projects to Contractors who have abandoned projects. My fellow colleagues, it is true that once a Contractor is paid, you will find out that they will abandon projects halfway without completing these projects. Who gives the orders from the County Executive that they are paid? Contractors are only supposed to be paid after monitoring and evaluation of projects on what he has done and he should be paid in accordance to the percentage of work done. This is to enable the County safeguard its funds and ensure that projects rolled out/initiated are completed.

Mr. Speaker, I am in total concurrence with this report because this is what needs to have been brought in the floor of this House so that we are made aware of where there are shortfalls and where each department needs to improve on for the betterment of this great County. Thank you, I support this report.

The Temporary Speaker (Hon. Okumu): Deputy Whip, Hon. Obonyo.

Deputy Whip (Hon. Obonyo): Thank you Mr. Speaker, going by the mood of this House, I would like to call upon the mover to reply.

The Temporary Speaker (Hon. Okumu): Hon. Samo, on behalf of the Chair.

Hon. Samo: Thank you Mr. Speaker. Please allow me to appreciate the Hon. Members for their robust contribution and debate on this report. I would not wish to take a lot of their time in responding to each and every matter that was raised in the floor of this House.

Mr. Speaker, as you did mention a while ago that I will be able to get the opportunity to respond to some of the queries raised by Hon. Members. Mr. Speaker, allow me to categorically state that I personally agree with sentiments raised by Hon. Members on issues that they have flagged out which I believe are valid. However, to try to bring an end to this debate, concerns raised by Hon. Okiri and specifically on his Ward. I want to agree with him that it is true. However, one of the things that he did not bring to the attention of this House is that, by the time this report was being prepared, the financial year had not come to an end. So, the Committee was assured that especially I as a Member representing Kajulu Ward, I was accorded the assurance on various occasions that the Department was going to do whatever is within their purview to try and complete these development projects before the close of 30th June, 2021.

Mr. Speaker, by the time this report was being prepared there was that kind of assurance. Nevertheless, today being the 07th July, 2021, we have realized that quite a number of projects have not been done. So, I do concur with the Hon. Member in his absentia.

Mr. Speaker, I would also want to concur with Hon. Guya when he raised valid pointers just as other members have done. We could have tried or attempted to bring to this House the Revenue that the County has raised/realized and the deficit and the expenditures. Nonetheless, I want to be very undeviating on this matter, this has never been easier and that is the reason that in the report it has been indicated that some of the Departments did not fully submit their reports. So, we would have hoped that this is one of the reports that should have been submitted to this Committee, if done, it shall be brought to this House.

Mr. Speaker, I am in total concurrence with sentiments raised by Hon. Members that we decide to selectively deal with some of the wards. As I have said, we had undertaken a sampling methodology on the thirty-five wards.

Mr. Speaker, I concur with what Hon. Muga has raised when she said that she is in full support with this report with some reservations. I do agree with the reservations that most of these projects were abandoned and incomplete and that is spot-on. Mr. Speaker, if you make a visit to various wards that includes mine as I have earlier mentioned, quite a number of projects which we were informed that will be completed by close of this financial year have not been done and a lot of them as Hon. Guya has said, it is not because there are no funds, no! This is because of the delays in then Procurement Processes.

Mr. Speaker, I personally visited the Department of Water, Environment and Natural Resources not once or twice but severally making follow-up on particular ward projects. Mr. Speaker, every time I visited the Department, the Procurement person assured me that the projects has now being handled. Mr. Speaker, up to the close of this financial year which is 30th June, 2021 because I am still in talks with the Procurement Officer, Mr. Fred, they had not even awarded the projects which I believe is disparaging. Mr. Speaker, at the close of the financial year if these projects are not committed, then their lifespan ceases to be in proceeding financial year.

Mr. Speaker, as I support what the Hon. Members have raised, the Hon. Muga did state that this House need to be furnished with Quarterly Reports on time which I believe is true and I cannot belabour on that.

Mr. Speaker, as I conclude, may I request your chair and Hon. Members that this report be taken for considerations by the House Committee on General Oversight so that all the Hon. Members could be approached so that we are able to tackle every Ward on projects that were budgeted for, implemented and the incomplete or the uninitiated ones.

Mr. Speaker, I want to totally agree with the sentiments of Hon. Ojuok. As he had reiterated that quite a number of contractors are lamenting as a result of the huge Pending Bills. If the list of Eligible Pending Bills would be availed in this House on time and we are able to peruse through it, we will be able to know what some of the projects that have been done are and the once not done. Lastly, on this matter, if we can be able to be informed the revenue we raise as a County and the amount at our disposal, I believe it would be great.

Mr. Speaker, I humbly submit to the Hon. Members that this report be forwarded to the House Committee of General Oversight to enable all the Hon. Members be part of it when it comes to discussion of ward projects which have not been undertaken and the reason as to why they have not been initiated. Thank you and May God bless you and this House.

The Temporary Speaker (Hon. Okumu): Hon. Members, the Select Committee on Implementation has brought to this House a motion which is a report on Kisumu County Budget Implementation Status for the FYs 2019/2020 and FY 2020/2021. This report was presented on by Hon. Samo on behalf of Hon. Eric Agolla, seconded by Hon. Philemon Ojuok, debated by Hon. Members. Now I want to put a question for adoption?

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): Hon. Members, the report on Kisumu County Budget Implementation Status for the FYs 2019/2020 and FY 2020/2021 has been adopted today Wednesday, 07th July, 2021 at 10:47 hours.

Hon. Members, I do direct that, the recommendations herein attached this report be forwarded to all the relevant County Departments so that they can be executed. Thank you.

Hon. Samo: On a Point of Order. Mr. Speaker, kindly allow as I had initially requested your chair that report be committed to the General Oversight Committee of this House so that all the Hon. Members be included because most of the development projects have not taken off.

The Temporary Speaker (Hon. Okumu): Hon. Member, I listened to your request but I have opted not to take that direction. This is because we don't want to move a Committee report from one Committee to another Committee. We don't want to set a precedence where a report is moved from the Committee of Roads to Select Committee on Implementation to the Committee of General Oversight. We want the recommendation captured in the report plus those have been made by the House to be implemented forthwith by the County Executive and then we undertake a follow-up and we cannot not just let reports run through House Committees. Thank you.

The Temporary Speaker (Hon. Okumu): Next order!!

ADJOURNMENT

The Temporary Speaker (Hon. Okumu): Hon. Members, there being no any other business to transact, this House stands adjourned until Wednesday, 07th July, 2021 at 02:30 p.m.

(House arose at 11:55 hours)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter

Jesca Otieno – Hansard Reporter