

Thursday, 9<sup>th</sup> August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

**REPUBLIC OF KENYA  
SIAYA COUNTY ASSEMBLY  
THE HANSARD**

**Second County Assembly- Second session**

**Thursday, 9<sup>th</sup> August, 2018**

The House met at the County Assembly Chamber at 2.30 p.m.

*[The Temporary Speaker (Hon. Fredric Opanga) in the Chair]*

**PRAYER**

**PAPER**

**BUDGET IMPLEMENTATION REVIEW REPORT**

**The Temporary Speaker** (Hon. Opanga): Yes, Leader of Majority, Hon. Peter Odero Oor?

**Hon. Oor:** Mr. Speaker sir, I wish to lay on the table of the House the County Government Budget Implementation review Report for the First nine months of Financial Year 2017/2018. Thank you.

**The Temporary Speaker** (Hon. Opanga): I direct the office of the Clerk to ensure that all Members and Committee Budget are given copies for noting of the same document that the leader of Majority has. Next Order!

**STATEMENT**

**OGONYA ECDE CENTRE AND MIGWENA SPORTS GROUND**

**The Temporary Speaker** (Hon. Opanga): We have a Statement response by Hon. Lorna Adida, the Chair for Education.

**Hon. Adida:** Thank you, Mr. Speaker. This is a response to two Statement requests by Hon. Edwin Odhiambo on Ogonya ECDE Centre and Migwena Sports Ground in South Sakwa Ward.

I will not talk of the Committee Mandate, it's obvious you know, and move straight to

**Background**

The Committee on Education, Youth Affairs, Gender and Social Services received two statement requests from Hon. Edwin Odhiambo, MCA South Sakwa Ward for consideration and reporting.

The two statements sought for;

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1. Status of Ogonya ECDE Centre in South Sakwa Ward, specifically on;
  - a) Measures the County Government had put in place to ensure that the center was rehabilitated and was in proper learning condition
  - b) Whether Environmental Impact Assessment of the site was done before construction of the center
  - c) How the Department of Public Works handed over a swampy area to the contractor yet it was not habitable
2. Status of the Construction of the Ablution Block and Twin Pavilion Block at Migwena Sports ground started in the FY, 2016/17, specifically on;
  - a) Whether the Department was aware that the construction had been on and off and that for the last 5 months no work had been going on at the site
  - b) Facts about the status of construction given that the contractor M/S Mwambu Construction Ltd who was awarded the contract seemed to have abandoned the project
  - c) Details about scheduled project commencement and completion dates and payments made (if any)

The committee during its sitting held, on 11<sup>th</sup> May, 2018, resolved to write letters to the CECMs in charge of Education and Tourism Departments respectively to submit written responses addressing issues raised in the two statements.

Consequently, the Committee received written responses from the two CECMs. Details of the two responses are as outlined;

### **2.1 Response from the CECM – Education**

a) The CECM informed members that construction of Oganya ECDE center was informed by a request from the community owing to the long distance ECDE learners were covering to reach Mitiro, the nearest public ECDE center. The construction of the center was proposed by members of the public during public participation exercise and was supported by the then area MCA.

b) Advise by the then ECDE Coordinator, Mr. Remjus Otieno that the site was inappropriate hit a snag due to pressure from members of the public that there was an urgent need to construct the center.

c) He reported that the center was not located in a swampy area. He pointed out that the center was located in a low-lying area thus making it a victim of running water from the hillside.

d) He confirmed that learning was going on in the school despite the challenges occasioned by running water from the uphill

e) He informed members that teacher's toilet was being used by both pupils and teachers after pupils' toilets collapsed as a result of the heavy rains.

f) He reported that Environment Impact Assessment was not done before construction of the ECDE center. He pointed out that the Department relied on the goodwill of the community since the land was a direct donation.

## **2.2 Response from the CECM-Tourism**

a) The CECM-Tourism reported that M/S Mwambu construction company Ltd was awarded a contract of Kshs. 22,433,451 at Migwena Sports ground to construct changing room for males and females, twin pavilion, ablution block for males and females with access for people living with disabilities.

b) He pointed out that according to the implementation schedule, the project was supposed to commence on 17<sup>th</sup> December, 2016 and wind up on 4<sup>th</sup> July, 2017. He observed that the contractor started the work on time well but later relaxed. This had a ripple effect on the completion of the project.

c) He reported that construction of changing room had resumed after a prolonged delay. Currently the foundation had been excavated. He pointed out that according to the new work plan; the work was expected to be complete by Friday, 26<sup>th</sup> October, 2018.

d) On construction of twin pavilion, he informed members that the foundation had been excavated and foundation laying done. He further clarified that plans were underway to begin structural works. The pavilion was expected to be complete by Friday, 28<sup>th</sup> September, 2018.

e) He reported that the ablution block was at near completion, save for the important structural adjustments which the contractor had been advised to improve.

f) On payment status of the ablution block, a certificate for payment of Kshs. 1,650,000 had been raised and honored.

The committee during its sitting held on Thursday, 19<sup>th</sup> July, 2018 resolved to further conduct site visit to Oganya ECDE Centre and Migwena Sports ground to validate information contained in the written responses by the two CECMs before compiling its report.

## **3.0 Committee Observations/Findings during the Site visit**

### **3.1 Oganya ECDE Center**

#### **Committee Observations/Findings;**

- i) Learning at the center started in January, 2017. It had three levels i.e. day care and pre-primary 1&2.
- ii) Initially, the center had a total population of 32 pupils. This has since dropped to 25.
- iii) The center had two teachers; one employed by the County Government – Madam Nancy Onyango and her counterpart Madam Jackline Ogutu employed by parents.
- iv) The center was built in a low-lying area, making it a victim of floods during rainy seasons.
- v) Initially, the center had toilets for pupils and teachers but pupils toilet sunk as a result of heavy rains leaving the center with only teachers' toilet which is currently being shared with pupils (Refer to Appendix 3).
- vi) The contractor who won the contract for fencing the center started the project and abandoned it half-way. The school was in dire need of fencing.
- vii) The school had been encroached by Mr. Boaz - a resident of Ogonya Village
- viii) The Committee found out that construction of Ogonya ECDE Center was proposed by community members during public participation exercise

- ix) The committee learnt that Environment Impact Assessment (EIA) was not done before construction of the ECDE center.

### 3.2 Migwena Sports Ground

#### Committee Observations/Findings;

- i) The manager of Mwambu M/S Ltd, who was awarded the contract on December, 2016 was on site at the time the committee visited the site.
- ii) He reported that construction kicked off on 2<sup>nd</sup> October, 2017 and halted due to delay in releasing the structural plan of the project by the Director of public works.
- iii) The further reported that he ultimately received the long awaited structural plan on 19<sup>th</sup> July, 2018 thus paving way for the resurrection of the project. For this reason, he committed to complete the project within three months i.e. by end of September, 2018.
- iv) On construction of the ablution block, the manager pointed out he had received a total of Kshs.1.6Million from the County Government out of a total contract sum of Kshs.2.3Million leaving a balance of Kshs. 700,000 to be paid on completion.
- v) Construction of twin pavilion block was at excavation level at the time the committee visited the site (Refer to Appendix 4). The contract sum of the project was Kshs. 22Million.
- vi) At the time the committee visited the site, the ablution block was at near completion. The contractor had completed; foundation, walling, tilling and roofing (Refer to Appendix 5). The following were still pending; completion of veranda, plumbing work, painting and electrical work.
- vii) The contractor committed to commence work by Monday, 23<sup>rd</sup> July, 2018. He had purchased materials for completion of the remaining work. He promised to complete the pending work in a months' time i.e. by end of August, 2018

### 4.0 Committee Recommendations

Having studied the two statement responses and further conducted site visit, the committee recommends that;

1. Given that construction of Ogonya ECDE Center was a Ward Based Project, funds should be re-allocated from South Sakwa Ward Specific Projects during the forthcoming supplementary budgeting window to cater for re-building the new pupils' toilet, construction of a dyke along Kopollo road and construction of a fence around the center to safeguard it from intruders
2. The CECM-education to liaise with relevant Depts. i.e. public works, Health and Environment with a view of relocating the site and rebuilding the collapsed pupils' toilet using modern technology.
3. Civic Education/awareness campaigns should be initiated to educate parents around the school on the significance of sending their children to the center in order to boost the declining enrolment of children
4. Construction of twin pavilion block to be completed within the stipulated timeframe i.e. by Friday, 28<sup>th</sup> September, 2018

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5. Going forward, the Department of public works should ensure that construction sites are habitable before implementation of any project.

Thank you and the annexes are there for anyone who wants to access them.

**Hon. Temporary Speaker:** Thank you Hon. Member. Hon. Edwin Odhiambo, Member for South Sakwa.

**Hon. Odhiambo:** Thank you, Mr. Temporary Speaker Sir. I also wish to commend the Committee for job well done but I want to say this, the responses from the Executive are always to protect themselves. When it comes to Ogonya, I want to ask what measures they have put in place because this is public money that was used and it will be very bad for us to again allocate money into a project that had already been done due negligence of some individuals.

So what I wish is that the Committee could have put in their recommendation is that those who failed to perform their duty could be punished so that they don't repeat that in another project. However much we want to do things that the public wants us to do we must do it in a professional way and that must also be in the recommendation.

Let the person who was in charge during the project be given appropriate punishment. In the same Ogonya we could see that there is a drop in the enrolment of the ECDEs due to inaccessibility of the school during rainy season.

Therefore, if its money to reclaim the land the Executive could chip in because it's a lot of money and it should not just be a Ward based project because the Executive are the implementers of the project.

Again when you come to Migwena Sports ground; which people have been crying as one of the scandals. It is a very good place for the people of Siaya for cultural activities and sports but now that there are some people who have placed it as a bank stop for their use it cannot be finished in good time.

I know these people went to the ground and I was not around but whatever the manager was telling them you know they have put me with a lot of pressure that is why I had to ask the Statement because this is the only way I could get the information.

The sports ground should be done within the stipulated time; that is what I was asking because I knew the time they were given and there is a timeline which is supposed to perform the duty. If these people fail and even up to now; they have failed to draw the schedule of work. At this level each and every time they should give us; we are moving in this direction, the excavation will take this period, building the wall will take this period and even up to now it has not been done.

I have even requested the same people on the ground; the contractor to mail the schedule and still up to now it has not been brought. Should we demonstrate so that this schedule can be produced because I also want to monitor it with the timeline? Kindly put pressure on this people so that I can also get a copy of the schedule of work and that's the time I will have to monitor the way they are doing this work. Otherwise, it's not bad and you have tried your best and I hope this thing will end by September as was promised.

**The Temporary Speaker:** It's ok and I would also urge you as the representative for South Sakwa; now that the Committee has brought the Report and even brought the timeline for

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the completion; you can also take your time and push them based on the Report that the House has been furnished with because you have a backing and their commitment towards that.

**Hon. Odhiambo:** I wish this thing could be having an original rubber stamp so that I have an easier time of having evidence because if it's doesn't you know such a thing anybody can type it.

**The Temporary Speaker:** It's ok Hon. Edwin; it will be stamped here at the Table to confirm at the Assembly to confirm that it's a true document that was presented in the House. Should we also learn that the Hon. Member or the CECMs lied to this Hon. House now from there we will pick it.

**Hon. Olasi:** Thank you, Mr. Temporary Speaker, Sir; pursuant to Standing Order No. 41(2c) I rise to seek a Statement from the Chairperson of Committee on Governance and Administration on the use of Siaya County flag symbols. From the Statement this is what I expect from the Chairperson; I need an explanation as to why there are contradictory symbols on the Siaya County flag with some flags portraying the symbols of a flower and tilapia fish while other flags display a traditional stool with an image of a Sitatunga.

**The Temporary Speaker:** Yes, Hon. Willis.

**Hon. Ochieng:** Mr. Temporary Speaker, Sir; my concern is that the Statement that is being read by the Majority Whip; I don't have a copy of the same.

**The Temporary Speaker:** It's ok Hon. Member; we can arrange on how you can get a copy. Continue Hon. Whip.

**Hon. Olasi:** Confirm how serious this Statement is to me allow me to start with my concern number one; I want the Chair person to explain why there are contradictory symbols on Siaya County flag with some flags portraying symbols of a flower and a tilapia fish while others display a traditional stool and a Sitatunga. I'm humbled to say that yesterday I got a very good shirt and a t shirt from the procurement but the symbol we have there is the national symbol. When will we start marketing Siaya?

I believe as I'm speaking any letter from the remaining Forty Six Counties; you will always get a logo or letter head on a letter portraying the symbols of that particular County. Where are we as Siaya?

Besides that I want an explanation from the Chairperson with clarity on the exact County Government of Siaya if exist some legislation whether they were there or in place to give us exactly what these symbols should be. Last but not least, the Chairperson should explain if the County government has a plan to standardize the use of uniform, county symbol and flags or any implement there to.

**The Temporary Speaker:** The Statement stands committed to Chairperson for Governance & Administration. Hon. Odawa when should we expect this response.

**Hon. Odawa:** Thank you. Mr. Temporary Speaker, Sir; I think two weeks should be sufficient.

### **MOTION**

**The Temporary Speaker:** Hon. Members would you be up standing for adjournment.

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ADJOURNMENT

**The Temporary Speaker:** There being no other business this House stands adjourned 14<sup>th</sup> Tuesday August at 2.30pm in the Chamber.

The House rose at 2.52 p.m.