

Wednesday, 31st July, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Third Session

Wednesday, 31st July, 2019

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

PUNGUZA MZIGO BILL

Hon. Temporary Speaker: Hon. Members, with me here is a communication on the Punguza Mzigo Bill; the Constitution amendment 2019. Hon. Members, on Wednesday, 24th July I communicated to this House receipt of the draft Punguza Mzigo Constitutional amendment Bill 2019.

Further guided by the Constitution of Kenya 2010 and Standing Order of the House committed the draft Bill to the Committee on Justice and Legal Affairs for action and reporting on the House within 14 days. I further urge the Committee to undertake public participation exercise on the Bill as provided by Article 196 of the Constitution of Kenya 2010 and 129 (3) of the Standing Orders.

Records in my possession indicate that the Committee has planned all the logistics to undertake the Public Participation and report writing exercise as from Thursday 1st of August 2019. Hon. Members, yesterday, Tuesday, 30th July as reported in all the news outlets the High Court sitting at the Nairobi Milimani Law Courts issued an order staying the debate and approval of the draft Bill by all the 47 County Assemblies. The Court further stopped the third way Alliance party from presenting the Bill to the Speaker of the National Assembly.

However much this House has not been officially served with a Court Order it would be contentious for this House to debate and approve this draft including undertaking a Public Participation process on the Bill.

To this regard, I have stayed the process of the Bill and in effect postponed the Public Participation exercise until such a time the matter shall be heard and determined by the High

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Court. I also direct the Clerk to inform Members of the public on this new development, thank you.

NOTICE OF MOTION

Hon. Abigael: I wish to request that this Motion be deferred to a later date.

The Temporary Speaker: Thank you, Chair for health. I think Hon. Members you have noted the issue raised by the Chair and it will be discussed at a later date.

STATEMENT

DELAYED IMPLEMENTATION OF WARIANDA SCHOOL – SERAWONGO SCHOOL ROAD

Hon. E. Odawa: Thank you, this is a Statement response to the request by Hon. Charlton Andiego, MCA Central Sakwa. This is a response that we got from the CECM roads; this is reference to your letter of Ref; SCA/AMD/CORR/C.EXEC/18 VOL XII 193 dated 23rd April, 2019.

Our response on the subject is as follows; delayed implementation of Warianda Primary School – Serawongo Primary School Road 3.3km. The project was awarded in FY 2016/17 to Voacom Networks Limited at a contract sum of Kshs. 2,999, 713.60.

Implementation of the project was frustrated by the volatile political environment prevailing at the time that forced the contractor to demobilize his machinery/equipment for fear of destruction and vandalism. This was therefore followed by the unfavorable weather conditions that made mechanized works untenable.

The scope of works for the project involved opening, grading, culvert installations (21.6m of 600mm diameter and 21.6m 900mm diameter culverts) and graveling 1129m³. We sincerely apologize for the late response to your request.

The Temporary Speaker: yes, Hon. Andiego.

Hon. C.Andiego: Thank you, Mr. Temporary Speaker, Sir; I want to thank the CECM for roads for doing this. I want to say that the response that the implementation was frustrated by volatile political environment prevailing at the time that forced the contractor to demobilize his equipment.

I think the CEC Member should desist from that response because this was a project for the FY- 2016/17. There was FY-2017/18, there was also FY- 2018/2019; if incase there was a volatile political environment in 2016/17; I don't think in FY 2017/18 or FY 2018/19 it was the same.

This project was only done after I had made a Statement in this House; I want to thank the CEC Member for doing that and I want him to desist from taking advantage of the political environment and sabotaging the implementation of projects in our Wards, thank you.

Hon. Temporary Speaker: But in case you are also not satisfied with the report, I can check through our records you are a Member of the Roads and the Chair has also confirmed the same but you can do the fact finding on the same. What is it Hon. Otiato!

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Hon. Otiato: Thank you, Mr. Temporary Speaker. My attention has been drawn to the kind of response we have just gotten. I challenge the Chairman of the Roads Committee if at all we are on the right track of ensuring that everybody is held accountable for what they communicate.

I said earlier that we don't want to go to those levels where MCAs are doing the works for the executive, let everybody do their work. The same statement that you hear now is read, they have a script from that department of responses especially on the roads which were never done in Bondo Sub County as a whole.

So when I asked a question, it was the same, when Hon. Willis asked the question on the other side, it was political hostility. This is what is going on and I don't know what we are going to do to these particular CECMs who are giving us false information, giving us false statements in this particular House.

That again goes without saying possible next week we will then need to follow up because I know on the report of 2016/17, we are having a matter pending before EACC which has never been dealt with and disposed and we would want to know where that particular file is. Thank you.

Hon. Temporary Speaker: Yes, Hon. Majority Whip!

Hon. Olasi: Hon. Temporary Speaker, I am getting destructed; I don't understand that a road was not done because of the political situation, what do you mean by political atmosphere? We as the people of Siaya, in this particular Assembly, apart from the 5 Members who were elected independently, the rest we belong to the same party.

Even the 5 who were elected independently, 4 of them were once Members of this same party of which I am the Whip. So, when somebody gives us the reasons were political, I don't understand and I feel the Member who read the response should at least go further to navigate and come tell us exactly what they meant. I feel I am lost.

Hon. Temporary Speaker: Noted. As I had already said, the Committee needs to sit and do a further investigation for the Roads. But again Hon. Members, for humble time, our Hansard team, I would kindly request that we stick to usage of our cards because when I check on my screen I will be calling somebody who is not on the Floor. The Sergeant at Arms you will be assisting us on this to ensure that every Member where he sits has his/her own card is used. Hon. Edwin, what is it?

Hon. Odhiambo: Thank you, Mr. Temporary Speaker. I would want to remind the Chair Committee on Roads, I also had a statement request and I think it is overdue. I wanted to know the position of the statement.

Hon. Temporary Speaker: I think the Hon. Chair has noted and I will not allow you to talk on that just liaise with the Member because it is not part of this and then we will have a full response after you have followed.

Hon. E. Odawa: I just wanted to bring to the attention of the House that what you are experiencing in these responses I have equally noted the same. The worst thing that is happening here is that the frequent turnover of the CECs that is hindering historical memory in the various

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departments. Some of these CECs are trying to look for scape goats and sometimes it is frustrating. Thank you.

Hon. Temporary Speaker: Hon. Maurice Aringo!

Hon. Aringo: Thank you, Mr. Temporary speaker. I want to say that the road in question has been done however the reasons given are not convincing. When we talk about maintenance of the road and given the distance of a road, it is work which cannot take more than 3 days. In the response the CECM is saying that the contractor had to remove his machineries fearing vandalism. That is a reason he could have just brought it if it was a building construction. I am requesting this House that we reject the response given to us otherwise they will continue misleading this House. Thank you.

Hon. Oduor: Thank you, Mr. Temporary Speaker. It will be very sad for a Hon. Member to ask such a question that what will we do to such CECMs who are not responding or giving false information to this House? We are aware that Hon. Otiato, we wonder that you are asking a question on what should be done. It is yesterday that we passed a Motion on the removal of a certain CECM.

Hon. Temporary Speaker: The Deputy Speaker, you are out of order. I would kindly request you stick to the subject matter at hand. I think I had already given some direction on this issue. The Committee on Roads needs to sit down and do a comprehensive, unless the Deputy Speaker, you had not finished but if you have finished we proceed.

Hon. Oduor: Thank you, Mr. Temporary Speaker. I think I am done.

Hon. Otiato: I don't know at what point, maybe Hon. Deputy Speaker, was not getting me clearly. I don't know at what point was I not sure of what is supposed to be done! Just to make my point clear, we are in the right direction, we started yesterday and we think the Committee on Roads needs to do the needful.

Hon. Temporary Speaker: Take your seat Hon. Otiato. Deputy Speaker, you were on the Floor!

Hon. Oduor: It think Hon. Otiato, has clarified what I wanted to say that the move that has been taken from yesterday is what should continue. Thank you.

MOTION

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, would you be upstanding for adjournment!

(Hon. Members on their feet)

Hon. Temporary Speaker: Hon. Member, there being no other Business, this House adjourns until tomorrow Thursday, at 2.30pm in the Chambers.

The House rose at 2.57p.m.

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