

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Monday, 21st May, 2018

Special Sitting

*(Convened via Kenya Gazette Notice
No. 4540 of 14th of May, 2018)*

The House met at 10.30 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good morning, Hon. Members, today we have our special sitting. I do not know why there is an echo; is anyone hearing it? Alright, let us see what we can do we have the order of business. Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

CIRCUMSTANCES OCCASIONING THE SPECIAL SITTING OF THE ASSEMBLY ON MONDAY
21ST MAY, 2018

Hon. Speaker: Hon. Members, under this Order, there is a communication from the Chair, I am indeed looking for it. Mr. Clerk, where did you put the communication? Yes it is here. Hon. Members, you appreciate what we have today is a special sitting. I welcome you to it, I hope that you have been resting well and we had to interrupt your resting because of matters of great public interest.

The special sitting is informed by the Standing Orders of this House, Standing Order 26(1)(2) and this being a House of record it is important that I draw your attention to what that order says.

Standing Order 26(1) 'whenever during a session of the House stands adjourned whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House on request of the Leader of Majority or Leader of the Minority party appoint a day for a special sitting of the House or on the signed request of members not less than a third of the membership of the Assembly such a request shall be addressed to the Speaker.

Standing Order 26(2) 'the Speaker, may allow a request under paragraph (1) if the Speaker, is satisfied that the business proposed to be transacted is urgent and exceptional.

Hon. Members, on 10th of May, 2018, I received a memorandum from His Excellency the Governor of the County Government of Machakos in accordance with section 24(2)(b) of the County Governments Act 2012. The memorandum referred to the Machakos County

Supplementary Appropriation Bill No. 1 of 2018 back to the Assembly, the Bill having being forwarded to him for assent in accordance with section 2(4)(a) of the County Governments Act.

At that time, Hon. Members, you were on recess as per the calendar that you have approved and so it necessitated that communication by the Governor be committed by myself to the relevant committee and so I referred it to the budget and appropriations committee for consideration and so that they could table a report before the committee of the whole House. Remember members this is a process of making the law.

Hon. Members, section 126 of the Public Finance Management Act 2012 provides that every County Government shall prepare a development plan in accordance with Article 222 of the constitution and submit it to the County Assembly not later than 1st of September, each year.

The Annual Development Plan for the financial year 2018/ 2019 was initially submitted to the Assembly on 19th of October, 2017 but was returned by the Assembly with reasons to the executive and so the same was resubmitted to the Assembly by the executive on 28th February, 2018 and the committee on Trade, Economic Planning and Industrialization has been interrogating it as is expected.

The Annual Development Plan forms the basis of the budgeting process as it draws programmes that need to be budgeted for in the specific year from the County Integrated Development Plan (CIDP).

Hon. Members, section 117 of the PFM Act 2012 provides that the County Treasury shall prepare and submit to the County Executive Committee the County Fiscal Strategy Paper (CFSP) for approval and submit the approved CFSP to the County Assembly by the 28th February, of each year.

Hon. Members, the Assembly received the CFSP for the financial year 2018-2019 on 12th March, 2018 and the budget and appropriation committee has also been interrogating it. The CFSP, Hon. Members, provides for ceilings on which the County Budget for the for Financial year should be based on. You will appreciate Hon. Members the foregoing paragraphs are covering the business that you are going to transact in this special sitting.

I have considered the importance of the supplementary budget Hon. Members in ensuring the developments are undertaken in the County without delay.

I have also considered that the ADP and CFSP documents they also inform the budget estimates and you are aware that the budget process making is underway and so informed by these matters, Hon. Members and in consultation with the party, the House leadership I convened today's meeting as a special sitting of the house.

Standing Order 26(3), Hon. Members, requires that the Speaker, by notice in the gazette do notify members of the place, date and time appointed for the special sitting and the same information is also to be given to members of the public and for that reason Hon. Members today's sitting was gazetted by Gazette Notice No. 4540 of 14th of May, 2018.

Further, Hon. Members, Standing Order 26(4) provides that 'whenever the House meets for a special sitting under (1), the Speaker, shall specify the business to be transacted on the day and so that the business and only that business is what is to be undertaken by the House. That is what you have before you, Hon. Members.

Consequently, just to remind ourselves, Hon. Members, the business for today is:-

- a. Consideration of the Governor's memorandum on the Machakos County Supplementary appropriation Bill 2018.
- b. Consideration of Machakos County annual Development plan financial year 2018-2019.

c. Consideration of the Machakos County Fiscal Strategy Paper 2018.

Thank you, Hon. Members. Mr. Clerk, proceed.

PAPERS LAID

Hon. Speaker: Hon. Members, under this Order we have three businesses. The first one is a report of the budget and appropriations committee on the memorandum by the Governor. Two, report of the Trade and Economic Planning and Industrialization Committee on the ADP. Thirdly is the report by the budget and appropriations committee on the CFSP and I welcome, beginning the chairmen of those committees in that order; the chairman of Budget and Appropriations Committee.

(Applause)

CONSIDERATION OF MEMORANDUM FROM THE GOVERNOR OF COUNTY OF MACHAKOS ON THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2018

Hon. Ndambuki: Thank you, Madam Speaker. Hon Speaker. I wish to lay on the Table of the Assembly today Monday, the 21st day of May, 2018; the report of the Budget and Appropriations Committee on consideration of memorandum from the Governor of County Government of Machakos on the Machakos County supplementary Appropriation Bill , 2018. Thank you, Hon Speaker.

Hon. Speaker: Thank you, Hon. Dominic. Hon. Kieti.

REPORT ON THE MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR 2018/2019

Hon. Kieti: Thank you, Hon. Speaker. Hon. Speaker, I wish to lay on the Table of the Assembly today Monday, the 21st day of May, 2018; the report of Trade, Economic Planning and Industrialization Committee on the Machakos County Annual Development Plan for the Financial Year 2018/2019. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Kieti. Hon. Dominic.

REPORT ON THE MACHAKOS COUNTY FISCAL STRATEGY PAPER, 2018

Hon. Ndambuki: Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 205(4); I wish to lay on the table of the Assembly today Monday, the 21st day of May, 2018; the report of the Budget and Appropriation Committee on the Machakos County Fiscal Strategy Paper, 2018. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Dominic,

NOTICES OF MOTIONS

Hon. Speaker: Hon. Members, under this Order we have business as listed in the appendix. I am calling on the chairpersons of the respective committees to proceed. It is supposed to be Hon. Dominic, yes. I am being told Hon. Kieti you can proceed; come over.

REPORT ON THE MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR
2018/2019

Hon. Kieti: Thank you, Madam Speaker.

Madam Speaker, that aware that section 126(1) of the Public Finance Management Act, 2012 provides that every County shall prepare a Development Plan in accordance with Article 220(2) of the Constitution of Kenya; Aware that section 126(3) of the same Act requires the County Executive Committee Member for planning to submit the County Development Plan to the County Assembly for its approval not later than 1st September in each year; Noting that the Machakos County Annual Development Plan for the Financial Year 2018/2019 was prepared pursuant to Section 126 of the Public Finance Management Act and submitted to the Assembly by the Department of Trade, Economic Planning and Industrialization; Aware that Trade, Economic Planning and Industrialization Committee considered the Development Plan and made recommendations; Madam Speaker, I wish to give Notice of the Motion THAT this Hon. House discusses and approves the Machakos County Annual Development Plan for 2018/1019.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Kieti. Next is the chairperson of BAC.

REPORT ON THE MACHAKOS COUNTY FISCAL STRATEGY PAPER, 2018

Hon. Ndambuki: Thank you, Hon. Speaker.

Hon. Speaker, that aware that Section 117(1) the Public Finance Management Act , 2012, provides that the County Treasury shall prepare and submit to the County Executive Committee the County Fiscal Strategy Paper for approval and the County Treasury shall submit the approved Fiscal Strategy Paper to the County Assembly, by 28th February of each year; Aware that Section 117(6) of the same Act further provides that not later than fourteen days after submitting the County Fiscal Strategy Paper to the Assembly, the County Assembly shall consider and may adopt it with or without amendments; Noting that the County Treasury submitted the County Fiscal Strategy Paper to the County Assembly on 12th March, 2018 and the same was directed to the Committee on Budget and Appropriation on 13th March, 2018 for consideration; Hon. Speaker, I wish to give Notice of the Motion THAT pursuant to Standing Order 205 (4) this Hon. House discusses and approves the report of the Budget and Appropriations Committee on the Machakos County Fiscal Strategy Paper, 2018.

Thank you, Madam Speaker.

COMMUNICATION FROM THE CHAIR**CONSIDERATION AND SCOPE OF THE GOVERNOR'S RESERVATIONS PURSUANT TO ARTICLE 115 OF THE CONSTITUTION- REFERRAL OF THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2018 TO THE ASSEMBLY FOR RECONSIDERATION**

Hon. Speaker: Thank you, Hon. Dominic. Hon. Members under this Order you appreciate that it is still a continuation of legislation, we have the supplementary budget 2017/2018 which you have been interrogating and as we take the appropriate procedure of addressing the issue before us which is the memorandum by His Excellency the Governor on the Bill that was forwarded to him by this House for assent, I wish to make the following communication.

Hon. Members, the communication that I am giving you relates to the consideration and scope of the Governor's reservation pursuant to Section 24 of the County Governments Act 2102 on the referral of Bills to the Assembly for reconsideration.

On the 9th of May, 2018, Hon. Members 2018, the Governor referred back to the House the Machakos County Supplementary Appropriation Bill 2017/2018, citing the following as his main refusal to assent to the Bill;

- a. That the Assembly amended the proposals of the executive by more than 1 per cent provided for under Regulation 37(1) of the PFM (County Governments Regulations 2015). The Governor's second concern was;
- b. That the Assembly listed specific projects to be undertaken in the Bill thus contravening, in his view, the principal of separation of powers enshrined in Articles 183 and 185 of the Constitution and the relevant provisions of the County Government's Act.
- c. That the proposals to pay pending bills were rejected contrary to the Circular from the Controller of Budget (COB Circular No. 2/2018, dated 16th February, 2018 which stated the pending bills should form the first charge during expenditure of a County or National Government.

Hon. Members, it is important that we appreciate the relevant law. Section 24 of the County Governments Act provides as follows:-

1. The Speaker shall, within fourteen days, forward a bill passed by the County Assembly to the Governor.
2. The Governor shall within fourteen days after receipt of a Bill: –
 - (a) Assent to the Bill; or
 - (b) Refer the bill back to the County Assembly with a memorandum outlining reasons for the referral.
3. If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under this section –
 - a. Amend the Bill taking into consideration the issues raised by the Governor ---

(Hon. (Ms.) Ndalana relocated from her seat)

Hon. Ndalana please get settled, we are in a very important matter. We want least distraction possible in the House. I want to repeat.

3. If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under this section –

- (a) Amend the Bill taking into consideration the issues raised by the Governor or
- (b) Pass the Bill without amendments.

4. If a County Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent.

5. If a County Assembly passes the Bill a second time, without amendments, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.

6. If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of the period.

Hon. Members, the case we have before us is similar to other cases that have happened in the National Assembly and where the Speakers of that House, different Speakers, provided guidance on how to deal with such a matter.

One often cited consideration on such a matter is a considered opinion dated 28th July, 2015 through a Communication by Speaker Justin Muturi of the National Assembly. That Communication cited other parliaments world over such as the United States of America, the Philippines, India and South Africa.

In all of them, it is noted that the President and in our case please read the Governor, has the powers to assent to a Bill or to refer it back to the House. This is because it is appreciated that the President or the Governor have the powers to participate in legislation but the final decision lies with the Assembly.

The Constitutions of the countries I have referred to have provisions as to whether the President, and read here the Governor, should return the Bill with specific amendments to the contentious clauses or whether he can just give a general memorandum.

The Communication Hon. Speaker of the National Assembly Speaker had the following observations;

- (a) That, in submitting his reservations on a Bill to the House, the President and I repeat read the Governor, is not prohibited from including his preferred text of the particular clause, section, subsection or paragraph of a Bill. Indeed, it is the best practice world over.
- (b) That, just like amendments to Bills, the text proposed by the President, read the Governor, need not to be subjected to the other stages of a Bill like publication, like First Reading, like Second Reading and so on.
- (c) That, any committee or Member of the House is free to propose further amendments to the considerations, recommendations, so long as such amendments are on matters that have been raised in the memorandum.
- (d) The voting threshold for the passage of such amendment or, indeed the proposals made by the President, and here read Governor, is a simple majority as contemplated under Article 121 of the Constitution. Any other proposed amendment that does not fully accommodate the reservations raised by the Governor, or a total override of the Governor's reservation, including his proposed text, would attract the two-thirds threshold.

- (e) That, pursuant to the provisions of Standing Order 1(2), the determination of whether a proposed amendment by a Member or a committee to the Governor's reservation would have the effect of "fully accommodating" those reservations shall be made by the Speaker on case by case basis.
- (f) That, the absence of at least two-thirds at the time of putting the Question does not in any way imply that the House is improperly constituted.

The question of two-thirds comes at a time of voting.

In our case Hon. Members, the Governor gave reasons for not assenting to the Bill but he did not identify any specific clauses that he felt needed to be considered nor did he give recommendations as to how he would wish each clause to be dealt with.

The Budget and Appropriations Committee to which the Memorandum was committed should therefore make a report before the House on the following:-

- (a) The variations of more than one percent and provide the justification for those variations. The Committee should be able to state whether it indeed breached regulation 37(1) of the Public Finance Management (County Governments) Regulations, 2015.
- (b) Whether by including a list of projects to be undertaken amounted to failure to observe the separation of powers principle as outlined in Articles 183 and 185 of the Constitution.
- (c) Whether the pending bills that were rejected as earlier proposed by the Executive can be considered in the Bill.

Those were the general comments or reservations raised by the Governor and that is what the Committee needs to address.

The Assembly will consider the Governor's Memorandum at the Committee of the House. Hon. Members, Section 24 of the County Government's Act, says that the House is to consider that memorandum through the appropriate procedure. The appropriate procedure would be a consideration at the Committee of the Whole House.

You appreciate that what normally happens when we go into the Committee of the Whole House, it is the Chair of Chairs who would take over the leadership. The Speaker would return for a report of the outcome in that committee. It is my hope, Hon. Members, that the Chairperson, Budget and Appropriation Committee and His Members will be able to address the issues as framed or raised by the Governor in the Memorandum that he sent to this House in the Committee of the Whole House.

(Applause)

(Hon. Ngunga walked into the Chamber)

Hon. Members, it is important.....Hon. Francis Ngunga, are you able to get a seat? Where is the seat for---

(Applause)

Hon. Kiteng'u, that is the seat for Leader of Majority; please give the seat so that we can proceed with this business.

(Applause)

The seat next is not proper?

(Hon. Kiteng'u moved to another seat)

We proceed, Hon. Members. We are in a very serious session and Hon. Majority Leader, why are you coming late?

Hon. Ngunga: Sorry, Madam Speaker. I had a lot of things to do. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Members, we proceed. I was at number seven. I hope the thread of thinking has not been disrupted.

So, Hon. Members, the Assembly at the Committee of the whole House will discuss the report of the Budget and Appropriations Committee (BAC) on the areas that are outlined in the Governor's memorandum. The Budget and Appropriations Committee may also have considered the proposals of the Governor partially and proposed its own amendments which would be voted at the Committee of the Whole House.

When all the amendments have been considered, the Committee of the Whole House will report to this Assembly the consideration on the Governor's Memorandum. A motion asking the Assembly does agree with the Committee of the Whole House on the Governor's Memorandum will then be moved in the House and the House will make a decision.

Hon. Members, kindly note that the Assembly needs a simple majority to approve the Bill as per the recommendations of the Governor. I repeat, if the Committee of the Whole House agrees to go by the recommendations of the Governor, I note, the general recommendations of the Governor, then it will be decided by simple majority by this House.

But of importance to note is that the Assembly, at the Committee of the Whole House will require two-thirds of the Members, that is 40 Members present and voting in support of the Bill to override the Governor's memorandum.

(Applause)

Members, it is also important to note that, as I indicated, the Governor was not specific on any clauses; he did not express items that he is dissatisfied with on the Bill which was sent to him for assent nor did he give any recommendations as to how any particular item should be handled.

Hon. Kaloki: Point of order.

Hon. Speaker: You cannot interrupt a point of order on a communication of the Speaker.

(Applause)

Hon. Members, I repeat; the Governor was not specific in his Memorandum on the clauses on the Supplementary Bill which he wanted changed nor did he give proposals on any particular clause as to how he would have wanted it to be. This, therefore, means that the committee of the Whole House is going to consider the three items that the Governor has listed in his memorandum.

In the case, however, that the committee of the Whole House does not agree with each of the proposals, then you will have to do a roll call voting where the two-thirds threshold is needed and note under our Standing orders, a roll call voting on a division is by presentation of the voter and not by secret ballot.

(Applause)

There will be two tellers; one for the 'yes' one for the 'no' and there will be a division list which is prepared alphabetically and each Member will be called and will pronounce loudly for the tellers and for those present in the committee of the Whole House to hear whether the Member is voting 'yes' or 'no'

(Applause)

After the voting is made, a report of the outcome will be brought to the House when it resumes plenary.

It is however important to note the following; the implication to the county if the Assembly fails to approve the memorandum or fails to achieve the two-thirds to reject the Memorandum, the effect of any of the two is serious. The effect of the Members who want to override the veto by the Governor, if they fails to get two-thirds the implication is serious. What is serious?

I am going to communicate; you see I don't want to forestall your decision in the committee of the Whole House but you need to appreciate that it is serious. If I tell you it is serious, do you want to see the seriousness to know that it is serious.

I will do a communication when you come back with a report of the committee of the Whole House depending on which way you have decided. Hon. Members, thank you.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL NO.1 OF 2018

(Consideration of Memorandum from His Excellency the Governor)

Mr. Chairman: Let us start please. Whips, can you please whip the people to come into the House please. Let us whip the members to come to the House so that we can be able to start the Committee of the Whole House. It is very important.

Hon. Members, pursuant to the Order Paper for today, we have convened to the Committee of the Whole House and as the chair of chairs, I first of all welcome you to this specific committee of the entire House. As you are all aware the purpose of converging into this committee of the entire House, is to be able to consider the report which has been prepared by the budget and appropriations committee on responding to the issues raised by His Excellency the Governor in his memorandum to the Assembly pertaining to the concluded supplementary Bill which was presented to the Governor.

You are all aware that the Governor did not assent to the Bill as Madam Speaker has said to the house but instead he wrote a memo which was committed to the committee of Budget and appropriations committee or BAC and that is the report which this committee of the entire House has been converged to look at.

It is important for me at this juncture to give some important information on how the process is going to be so that we are aware. The chairman of the committee will read the report all the way to the end. After that, if we have 40 members in the House we shall go ahead and clause by clause do a division on whether we are accepting the clause or we are refusing to accept the clause.

We have started and I am saying that the chairman of the budget committee is going to read the whole response as written by the budget and appropriations committee. Once he finishes that, if we have 40 members and above in the House which is the two-third requirement, we shall go ahead and do a division clause by clause.

It is important to understand that at the Committee of the Whole House, the criteria is two thirds, either way. Very important to understand that for the memorandum to be vetoed, we need two thirds of the members present and voting for the memo to be accepted, you need two thirds of the members present and voting.

At that point, it is where the Hon. Speaker was giving a very important guidance that if either side does not achieve two thirds, there will be ramifications or implications on the way forward in as far as that Bill is concerned and she said she is going to make that communication so I am not going to make it.

So, it is important for this committee to make sure that if we will have 40 people seated and voting, we must, we need to make decision universally, either way to avoid implications.

Hon. Ngunga: Point of order.

Mr. Chairman: When I am making..... you will raise your point of order after---

Hon. Ngunga: Point of order Mr. Chair.

Mr. Chairman: I am giving a communication here and I am the chair here and I am overriding your point of order. So what I am saying is this, Hon. Members; I am just trying to make sure that everybody understands. The voting when we come to the voting as Madam Speaker has said, I am trying to lay the ground rules so that when we reach there, we don't have confusion.

There is no secret ballot, so you will rise up, you will be called, there is a nomination roll which we have here; we shall go by this nomination roll and you will be called your name and you will rise up and say you are voting either for the memo to be vetoed, yes to veto the memo or No not to veto the memo. Note that very careful; Yes to veto the memo or No to vote for the memo. Yes, point of clarification.

Hon. Ndawa: Which is the Standing Order which says it is two thirds either side; kindly give us the Standing Order.

Mr. Chairman: It is the law; I think we need to read the law---

Hon. Ndawa: Yes.

Hon. Ngunga: Point of order, Mr. Chair.

Mr. Chairman: Just a minute, I am finishing with him so that I come to you Hon Majority Leader, Francis Ngunga. I want to read for you the law from the PFM. This is the PFM; assenting to a Bill. County Governments Act, Section 24 and it says; I will read all of it so that you can be able to understand clearly.

Assenting to a Bill

1. The Speaker shall, within fourteen days, forward a Bill passed by the County Assembly to the Governor.
2. The Governor shall within fourteen days after receipt of a Bill—
 - (a) Assent to the Bill; or
 - (b) Refer the bill back to the County Assembly with a memorandum outlining reasons for the referral.
3. If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under this section—
 - (a) Amend the Bill taking into account the issues raised by the Governor; or
 - (b) Pass the Bill without amendment.
4. If a county assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent. (5) If a County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.

Are we together? Listen to what I am saying; when we are in the Committee of the Whole House, we are coming here to amend a law based on a memorandum and recommendations which have been made, So for it to be go into law two thirds and the reason why even if we return it to the Governor, the Governor does not assent to it, the reason why after seven days it comes into law is because two thirds of the House have given it the go ahead to continue. Likewise for the memorandum of the Governor to remain the way it is, two thirds of the members preset here voting, Must vote for that memo to remain as it is.

(Applause)

If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.

Yes Hon. Kisila.

Hon. Kisila: Chairman, as much as all of us as much is the Deputy Speaker, and also as much as you are chairman, we are also learning all of us, and I would like us to be very clear not to bring laws which are not laws at all. The law is very clear for the Governor's memo to be vetoed, vetoed means rejecting, it is the only time we will subject it two thirds. It is your only time and if we need clarification we can call the Speaker here to seek that clarification.

If you are vetoing the Governor's memo, that is the only time you are required to vote for or against. So, it is not what you are telling us. In fact, Mr. Chairman, you are misleading the House.

(Laughter)

When you start misleading the House so that you drive an agenda, it is very dangerous. You are supposed to be impartial and you are supposed to guide us that are why we appointed you as the Deputy Speaker.

(Applause)

Hon. Mulatya: Point of order.

Hon. Kisila: So, I want us to be very clear before we start.

Mr. Chairman: Point of order.

Hon. Mulatya: Chair, I would like the member to quote the law he is talking about.

Mr. Chairman: I have not given you permission, please be seated. Hon... Okay, the Clerk needs to make a comment then we continue.

(The Clerk briefed members on Division)

Mr. Chairman: Thank you, Mr. Clerk for the guidance and I take it that the Hon. Members spoke out of lack of that information and I did not misguide the House as you have said. It is not my duty to stand here Hon. Members as you have known me and mis-guide anybody; mine is to give what I have been given as guidelines by the secretariat on issues pertaining to the law and that is what I communicate to the committee.

So, without much ado, all what I wanted members to understand is that in that scenario, I was trying to say it is important in whichever direction we are going to do, to ensure we get the two thirds vote, the two thirds going through because the failure to that will be the what now the Speaker will come and give as a way forward which could have far-reaching implications either way. Are we together, can we precede?

So, Hon. Chairman of the budget committee read the report. Just resume your seat. Yes Hon. Kisila.

Hon. Kisila: I just want us to be clear, to be honest, you know this is English and English is very interesting. I want us to be clear and I want you to clarify, the chairman of budget committee is going to read the report, after reading the report, are we voting on that report? I want you to clarify that. It is important; are we voting on what the recommendation of that report?

Secondly, based on that report, is that what we are going to talk about in two thirds or is it based on what the Governor's memo is about? Thirdly, is the report addressing the issues which the Governor has written? Do we have the Governor's memo here with us?

Mr. Chairman: I will start with the last one. If you don't have a copy in front you, request for one. I think every Hon. Member has the Governor's report with them and I start with the top one where you asked whether, he is going to read; I explained this before, he is going to read the report and once he finishes reading the report, we will go clause by clause and vote.

Clause by clause and vote whether to accept that clause or not to accept that clause. At that point, whether to accept or not to accept will be governed by the two thirds at that point. Clause by clause. If we don't attain two thirds, if we attain two thirds to maintain the memo, if for example, the memo says that No. 1, you exceeded the threshold by 1 per cent, and we all say yes we exceeded and we agree with the Governor and 40 members vote that is correct; then that we tick.

We go to the next one; we go to the next one. Once we finish that, if all the clauses have been passed by the two thirds in the voting, then we will have accepted the Governor's memo without amendments. If in any of them we don't achieve the two thirds, then you will be accepting the Governor's memo with amendments. Are we together? So, it is..... Have you understood that? What is the third question you asked?

(Hon. Kisila spoke off the record)

Mr. Chairman: If neither side gets two thirds, then we will write a report back to the House and explain to the Speaker, that during the Committee of the Whole House, there was no agreement; no side managed to get what two thirds and then she will give her considered opinion at that time. Are we clear on this? So, I would request---

Hon. Kaloki: Point of order, on some clarification. Thank you, Mr. Chairman and the entire House. I just wanted to seek some clarification, I am a member of the budget committee and earlier on when Madam Speaker was presenting the memorandum, she indicated that it was a little bit general that it did not specify the items which the Governor wanted to be included in the discussion but later in our committee, the Governor through His Excellency the Deputy Governor who is also the CEC finance did bring to the committee an additional document showing how he would have wanted the amendments to be adopted as per his earlier memorandum.

So, I just wanted to know whether that will also be taken into consideration because maybe members are not aware that the Governor did, through the DG, send a document detailing what he ought to have been captured in the memorandum. Thank you.

Mr. Chairman: Hon. Members, I am also a member of that committee and its good for me to give clarification on the same. Hon. Dan, you wanted to say something. Please go ahead.

Hon. Mbevi: Thank you chair. Mine was a question; now the Governor's three issues, I would like to know if we agree on an issue, like let us say the 1 per cent issue and it is not in the law and we have two thirds and in law it is not applicable, I don't know whether I am being understood what I am asking. Are you getting what I am asking? We agree we have two thirds and probably it is not in line with the law; how is that?

(Laughter)

Mr. Chairman: The two thirds we are talking about here, Hon. Members, is two thirds within the law and let me put it this way, I think it's important for us to stop talking about two thirds for you to understand. Each clause for it to be accepted to remain as it is or for it to be rejected not to remain as it is, we need to attract 40 votes. Let me remove about this issue of two thirds; we will need to attract how many 40 votes present and voting for that specific either for or against. Are we together on that point?

Hon. Members, now the issue which Hon. Kaloki has talked about, there are two things; first of all the considerations, I am a member of that committee and I like us to talk about facts as they are, the memo which was written by the Governor, the Deputy Governor came before the committee and we read to him, the chairman and the committee read to him the memo was given a copy as it was and he discussed each item without providing details on any one of them.

He said the memo of the Governor is in good deed, is in good sound. What he did was to bring a proposal, completely different from what the Governor's memo had a proposal in a work sheet which is not referring in any way to any clause in the Governor's memo, it's a different proposal, a completely different proposal and I want the Hon. Members of the budget committee to confirm whether the proposal which was brought by the---

Hon. Kaloki: Point of order.

Mr. Chairman: I want the chairman of the budget committee to respond.

Mr. Chairman: Please Hon. Kaloki, let me finish then I will give you the point of order. So, the proposal that he brought was completely different, it was not a supporting document to the Governor's memo. I want us to be very careful here. What the DG brought was not a supporting document to the Governor's memo; it was a proposal, a completely different proposal on what we need to do amendments you need to do in the supplementary budget.

Which proposals we have considered in the memo, in his write up, we have considered what the DG presented to us.

Hon. Kaloki: Point of correction, Mr. Chairman.

Mr. Chairman: Continue. Yes.

Hon. Kaloki: You know it is always important to be honest to ourselves. When we met in Mombasa as a committee for budget, we requested that the executive comes to meet us on a Friday when we come back from Mombasa, to come and clarify a few issues on the memorandum.

Mr. Chairman: Hon. Members, let me let the member to just make his submissions then I will come back to you just now please.

Hon. Kaloki: Thank you, Mr. Chairman for that wise advice. When we met as a committee, we are the ones who agreed that we want to meet the executive to shed some more light on the memorandum that was brought to us by the Governor. So, it was not a proposal; he was coming to shed light and now highlighting the key issues that we thought were not clear in the memorandum. So, it is not just a piece of paper as you are trying to put it. Thank you.

Mr. Chairman: I think all that information which he is talking about is been captured in the report; let us not preempt let us wait and hear what the report from the committee is saying.

(Applause)

Once we have heard the chairperson read the report to us, then you can be able to raise issues if there are any issues that have been left out as per what the committee recommended in the report, and as a member of that committee, it is my expectation that all the members of the budget committee assented to that report which you are bringing here and I will be surprised if a member of our committee who assented to our report, now again comes and says the report is not correct. Continue chairman, please.

Hon. Kaloki: I did not say it is not correct; I was just trying to shed light. Okay?

Mr. Chairman: Hon. Maitha, and I have just allowed the last point of order. Hon. Maitha.

Hon. Maitha: Mr. Chairman, when you are talking of the members of the budget committee to have signed that report, remember some of us like myself I was away in Tanzania so there is no way I could sign that document and because it was brought to me here but I couldn't have signed because I was elsewhere doing this government's duty. Thank you.

Mr. Chairman: I was just to inform you yes Hon. Moffat, the report should indicate the same that you were away but a committee present and with quorum continues with its duties whether members are there or they are away in other duties. I think I would like to hear the report reading first and then everything else follows. Hon. Chairman, please proceed.

Hon. Ndambuki: Thank you chair of chairs, Hon. house I am going to read a report of the budget and appropriations committee, on the Governor's memorandum on consideration for assent of the Machakos County Supplementary Appropriation Bill, 2018---

Hon. Munguti: Point of order, I think some of the members have no that report.

Mr. Chairman: Good observation. Any member who does not have the budget committee report? Could you please provide copies to those Hon. Members there? In the meantime, if there are several reports somewhere you can pass one to them so that we can be able to share and we proceed. Are we okay? Hon. Ndalana you can share with Hon. Kamulu you have? Hon. Ndalana share with Hon. Kamulu as we get more copies in consideration of time. Please proceed.

Hon. Ndambuki: Thank you.

OVERVIEW

Hon. Speaker, the County Assembly approved the Machakos County supplementary appropriation Bill, 2018, on 3rd May, 2018 and forwarded to the office of the Governor on 8th May, 2018.

According to Section 24(2) of the County Governments Act, that states that the Governor shall within fourteen days after receipt of a Bill (a) assent to the Bill or (b) refer the Bill back to the County Assembly with a memorandum outlining reasons for referral.

Section 24(3) states that if the Governor refers back a Bill taking into consideration the issues raised by the Governor, the County Assembly may, following the appropriate procedures under this section;

- (a) Amend the Bill taking into account the issues raised by the Governor; or
- (b) Pass the Bill without amendments; and

Section 24(4) states that if the County Assembly amends the bill taking into consideration the issues raised by the Governor the Speaker shall within 14 days submit the Bill to the Governor for assent,

Section (5) states that if a County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governors concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill and,

Section (6) states that if the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.

Hon. Chairman, the supplementary is prepared in accordance with section 135(2) of the Public Finance Management Act 2012 which stipulates that a County government shall submit a supplementary budget in support of the additional expenditure for authority for spending, through the County Assembly.

This is because an Appropriation Act can only be amended through a supplementary budget as provided for in law.

MANDATE OF THE COMMITTEE

Mr. Chairman, the budget and appropriations committee derives its mandate from Standing Order 186(3)(a) that states that 'there shall be a select Committee to be known as the County Budget and Appropriations Committee which is mandated to, investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget.'

Mr. Chairman, the main objective of the committee is to ensure that public funds are well utilized and that the public realizes value for money in all government expenditure. The basis of the Committee's execution of its mandate is annual and on special reports

COMMITTEE MEMBERSHIP

Mr. Chairman, the committee as constituted by this Assembly comprises of the following members.

- | | | |
|----|-----------------------|-----------------|
| 1. | Hon. Dominic Ndambuki | Chairman |
| 2. | Hon. Thomas Mutinda | V/ Chair person |
| 3. | Hon. Paul Museku | Member |
| 4. | Hon. Moffat Maitha | “ |
| 5. | Hon. Jacqueline Nziva | “ |
| 6. | Hon. Margaret Mwikali | “ |
| 7. | Hon. Angela Munyasya | “ |
| 8. | Hon. Ikusya Kaloki | “ |
| 9. | Hon. Daniel Mbevi | “ |

MEMORANDUM ON CONSIDERATION OF THE COUNTY SUPPLEMENTARY BILL, 2018 FOR ASSENT

Mr. Chairman, the Governor referred back the bill in accordance with Section 24(2)(b) of the County Governments Act based on the following reasons:-

- i. That the Bill contravenes, inadvertently, regulation 37(1) of the Public Finance Management (County Governments) regulations 2015, which enjoins a County Assembly in exercising its budget making duties, under section 131 of the public finance management Act 2012, to amend the proposals by the executive by a variation of 1 per cent either upwards or downwards.

Mr. Chairman, I am going to read the committee's response on the same.

Committee Response

Mr. Chairman, regulation 37 of the Public Finance Management (County Governments) regulations, 2015 refers to the approval of the Annual Budget estimates by the County Assembly, that where a County Assembly approves any changes in the Annual estimates of budget under section 131 of the Act, any increase or reduction in expenditure of a vote shall not exceed 1 per cent of the vote's ceiling. This does not relate to the supplementary budget.

(Applause)

Mr. Chairman, vote ceilings are set in the County fiscal Strategy paper for the annual budget estimates and this does not relate to the County supplementary budget. Section 131(1) of the public finance management Act states that the County Assembly shall consider the County government budget estimates with a view of approving them with or without amendments, in time for a relevant appropriation law and any other laws required to implement the budget to be passed by the 30th June each year.

This allows members to make amendments to programs as proposed by the executive in line with the requirements of the people they represent. The same section 131(1) of the public finance management Act as cited on the memorandum does not relate to the supplementary

budget.

(Applause)

Mr. Chairman, the County Assembly approved more than 10 per cent variation under the department of Education bearing in mind that according to the Actual vote balance, as provided by the Executive committee member for finance, out of Ksh. 185,688,612 (which included Ksh. 80 million bursary for secondary schools meaning Ksh. 2 million per ward, Ksh. 183,262,504 had already been spent as at 31st March, 2018 leaving a balance of Ksh. 2,426,108 implying that the vote was either erroneous or funds for bursary have already been spend on other projects without approval of the County Assembly.

(Applause)

Mr. Chairman, Section 135(7) of the Public Finance Management Act states that in any financial year, the County government may not spend under this section more than 10 per cent of the amount appropriated by the County Assembly for that year unless that County Assembly has, in special circumstances, approved a higher percentage.

This Hon. Assembly approved additional 37 per cent amounting to Ksh. 66,200,000 in the department of education for bursaries for secondary schools. The aim of the bursary is to assist the poor and the needy students to access secondary education.

(Applause)

- ii. The memorandum refers to an attached detailed analysis of instances where a vote was totally abolished and or varied beyond the allowable percentage hence occasioning a contravention of the law.

Committee Response

Mr. Chairman, the attached detailed analysis as the memorandum refers was not availed to the committee to respond to the details. More so, in the First Schedule the committee made applicable amendments as will be addressed in this report; the committee further provided lists of programs for the Second Schedule as discussed and agreed with the Executive committee member for Finance on the Ward Development Fund which the members of this honorable Assembly felt were most appropriate for the people they represent.

The Ward Development Fund under the department of Trade, Economic Planning and Industrialization had no programs in place in the Budget estimates for 2017/18.

- iii. the memorandum asserts that, under the doctrine of separation of powers as enshrined in article 185 read together with article 183 of the constitution of Kenya 2010, section 104(1) of the Public Finance Management Act, 2012, as well as section 8 and 36 of the County governments Act, 2012, it is the role of the executive to propose and implement policies. The County Assembly has the sacred role of legislation, oversight and representation.

It is considered that by listing of projects within the bill, the County Assembly will be intruding into the arena of implementation. Similarly, by changing a policy proposition and

replacing it with the Assembly's version of the same, however plausible, may be an intrusion into the arena of policy making.

Committee Response

Mr. Chairman, the County Assembly has not contravened Article 185 read together with Article 183 of the Constitution of Kenya 2010, section 104(1) of the public finance management Act, 2012, as well as section 8 and 36 of the County Governments Act, 2012. The County Assembly acted within its mandate as stated under section 9(1) of the County governments Act that states that a member of the County Assembly shall,

- a) Maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly;
- b) Present views, opinions and proposals of the electorate to the County Assembly and its committees;
- c) Provide linkage between the County Assembly and the electorate on the public service delivery; and
- d) Extend professional knowledge, experience or specialized knowledge to any issue for discussion in the County Assembly.

Section 9 (2) states that a member of the County Assembly shall not be directly involved in the,

- a) Executive functions of the County government and its administration; or
- b) Delivery of services as if the member were an officer or employee of the County government.

Mr. Chairman, the committee ensured that the projects required by the electorate are considered in the Machakos County Supplementary Budget 2018 and the members of this honorable Assembly will not, in whichever way, be directly involved in implementation beside oversight, to ensure the same is implemented.

The members of this Hon. Assembly are guided by law in legislation and are not to be involved in execution or delivery of services. The members do however approve or disapprove policies for the County government and as may suit the electorate.

Mr. Chairman, listing of specific projects within the bill is a requirement in programme based budgeting (PBB) according to the part 12(1) of the Second Schedule of the Public Finance Management Act, the implementation of program budgets shall commence in 2013/14 financial year for the national government and in 2014/15 financial year for County governments constituted under chapter eleven of the constitution.

The Programme Based Budgeting (PBB) should enumerate the program, giving detailed costs of every activity that is to be carried out in a specific area in such a way that when looking at a programme-based budget, one can easily find out what precisely would be carried out, where it will be done and at what cost with considerable details.

The listing of programs in the Machakos County Supplementary Appropriation Bill 2018, which were not provided or availed, makes the County supplementary appropriation specific, measurable, achievable, realistic and time-bound (SMART).

- iv. The memorandum further alleges that in there are specific instances where proposals to pay pending bills were rejected and or mutilated and refers to a circular by the office of Controller of Budget, COB/CIRCULAR No. 2/2018 Ref. COB/CIR/002/Vol.1 dated 16th February, 2018 and attached, advising that pending

bills should form the first charge during expenditure. This is now a matter of National public policy as discussed and agreed upon by Inter-Governmental Economic and Budget Council.

Committee Response

Mr. Chairman, this Hon. Assembly considered the Controller of Budget circular No.2/2018 in approving the Machakos County Supplementary Appropriation Bill, 2018, and supported the circular in order to address the escalating and accumulating suppliers' bills in the County government dating back to 2013.

However, additional funds amounting to Ksh. 10,700,000 proposed to pay pending bills on legal fees and utility supplies, in the office of the Governor were not approved due to the ceiling set by the Commission on Revenue Allocation for the Governor's office and which would subsequently contravene the County Allocation of Revenue Act,(CARA), 2017.

All other proposed payments for pending bills were therefore approved in the Machakos County Supplementary Appropriation Bill 2018. The committee did not move any funds meant for payment of pending bills though a list was not availed on the same as requested.

RECOMMENDATION

Mr. Chairman, the Executive Committee Member for Finance requested for a meeting with the budget and appropriations committee. The committee met with the Executive Committee member for Finance and his team on 18th May, 2018, who introduced new items to the Supplementary Appropriation Bill 2018. It is the considered view of the committee that this would be a total overhaul of the Machakos County Supplementary Appropriation Bill, 2018.

During the meeting, the committee was briefed on the ongoing construction of the Governor and staff office Block at the Peoples' Park. After deliberations, the committee considered the proposal and recommends that an amount of Ksh. 60 million be reallocated from the allocation for dilapidated access roads under the department of Public Works, Roads and Housing.

This reallocation would have minimum impact on proposed upgrading of the access roads as proposed by the honorable members of this assembly considering the remaining period to the close of 2017/18. The Machakos County Supplementary Appropriation bill, 2018 approved by this Hon. Assembly on 2nd May 2018, is amended accordingly to appropriate the money granted for the services and purposes specified in the schedules, for the 2017/18 financial year.

Committee Endorsement

This report was endorsed by all the members of the committee as listed below;

1. Hon. Dominic Ndambuki
2. Hon. Thomas Mutinda
3. Hon. Paul Museku
4. Hon. Jacqueline Nziva
5. Hon. Margaret Mwikali
6. Hon. Angela Munyasya
7. Hon. Ikusya Kaloki
8. Hon. Daniel Mbevi

Hon. Moffat Maitha was away.

Acknowledgement

Mr. Chairman, the Budget and Appropriation Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for facilitating the committee to undertake its mandate.

I wish to express my gratitude to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report.

Mr. Chairman, it is therefore my privilege, on behalf of the Budget and Appropriation Committee to table the committee's Report on the Governor's memorandum on consideration for assent of the Machakos County Supplementary Appropriation bill, 2018 in this Hon. Assembly for consideration and adoption. Thank you, Mr. Chairman.

(Applause)

Mr. Chairman: Thank you, Chairperson of the budget committee. Members, that is the report which has been written and endorsed and been presented before this Hon. Committee for consideration and adoption. If there are any comments which need to be made, general comments or specific comments on this items they can be made now so that once we finish that we can be able to settle down on the issue now of actually doing the voting if the Secretariat confirmed to me that we do have people present and ready to vote on the report as it has been presented. Hon. Members, any comments before we proceed? Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Chair. My concern is about the report; we have seen the Members who sat and came up with this report and you as the Chair, you have repeatedly said that you were in that committee and again you are seated here as the Chair of this Committee of the Whole House.

Our question is; since now you took part in this Committee, are we assured of getting fair judgment because you are party to what is here and I am very sure you will be defending what you came up with. Kindly give us that clarification.

Mr. Chairman: Let me just make a clarification to the Hon. Member. First and foremost, I am sitting here in two capacities, first, as the Chair of Chairs and our Standing Orders state clearly that the Chair of Chairs will chair the Committee of the Whole House.

(Applause)

Secondly, and most importantly, I am sitting here as the Member of County Assembly for Mumbuni North with every right to sit in this Committee and represent my people.

(Applause)

Thirdly, my vote is one and as you have seen you require two-thirds or 40 Members to pass a Bill. Thank you. Hon. Kisila, proceed.

(Laughter)

Hon. Kisila: At least that cools down the tempo. Now, ladies and gentlemen, *waheshimiwa*, I was looking at the Governor's memo and he has cited on page 2, that 'I have attached a detailed analysis of instances where a vote was totally abolished and or varied beyond the allowable percentage hence, occasioning a contravention of the law.

I want to repeat 'I have attached a detailed analysis of instances where a vote was totally abolished and or varied beyond the allowable percentage hence, occasioning a contravention of the law. Now, as a Committee, and the Chairman is on phone, I would suggest that he listens to this; did you look at that point and can we get a document whereby, because you are saying the Governor did not highlight the issues.

Do you have that document which the Governor has attached whereby he has stated a vote was totally abolished and varied. Do you have that document? So that when we are making a decision here, we are guided by that.

Secondly, our Chairman, budget-making process is give and take and sometimes you give and you take. My humble submission to Hon. Members is, sometimes taking a hard stance *vile wanasema, farasi wawili wakizozana, nyasi ndio wanaumia*. It is my humble submission to Members that whatever we do here, we take into consideration to the people who elected us.

In the last one or two weeks I have personally taken the initiative to ensure that all of us are selected Members even those who are special Members, have been given special attention in the projects which they are doing. My belief is that, in whatever you do, you need to do something and amicably and you need to bring everybody on board.

I am just making an appeal to Members that, the Executive and ourselves are joined together at the hip and let us not.....I am not suggesting something will happen, let us not do something which will create animosity between us as an Assembly and the Executive. If our issues are being considered for example and I have not seen them here because Members expressed their projects, if their projects have been considered by the Executive and the Executive has accepted to do them, can we also do the same and give what the Executive is asking.

(Applause)

Because if we are busy now grading roads and all the wards, sub-county roads are being graded and the Executive is asking for some leeway to do projects which they want to do. If ourselves we ask for projects and the Executive has also asked us to do the same, can't we do an amicable way of coming together and giving them what they want since they have given us what we want?

(Applause)

Can't we do that? It is my.....and let me tell you, the minute now we start, let me tell you, I can hear a lot of claps here but the wearer of the shoe, let me tell you, look at my eyes straight, the wearer of the shoe knows where it hurts and the elected Members who are here, you know how painful this shoe is.

(Applause)

We can fight, we can fight, we can have differences but what is important for us is amicably resolve issues. Please listen to me, *mimi ni mzee, niko na vijana wameingia* University. Listen to me.....I am sitting down.

Mr. Chairman: Hon. Member, I am giving you Hon. Kisila 15 seconds please finish.

Hon. Kisila: Yes and I am not going to talk again. I am making an appeal for sobriety in the way we are approaching issues and this is the time for us to actually come together with the Executive and work together the way we have done in the last one week. The minute that does not happen, ladies and gentlemen, I do not know what the next step is. Thank you, very much.

Mr. Chairman: Hon. Hellen.

Hon. (Ms.) Ndeti: Thank you, Mr. Chairman. I think we have all gone through the report by the Committee that is mandated to look into this budget and be able to advise the House accordingly. I must commend the Chairman and the Members of that Committee.

(Applause)

For very good work done but more so my issue is with the last paragraph where we understand that, new projects were introduced to the budget that were not there. If for sure this is so, that is an illegality and we cannot as a House, you know, pass an illegality. Thank you, Mr. Chairman.

(Applause)

Mr. Chairman: Hon. Alice.

Hon. (Ms.) Nzioka: Asante Mwenyekiti kwa kunipa nafasi nishukuru ripoti ambayo imeletwa na kamati ya bajeti. Mwenyekiti, hili jambo ambalo tunaongea ni la kuvunja ama kujenga County yetu. Itakuwa na faida gani sisi kama wabunge na hasa sana wale ambao wamechaguliwa. Sisi tunataka kupitisha hii, itarudi na hizo pesa hatutatumia. Kwa watu wa County ya Machakos, sisi kama Bunge tunalawama hatuwezi kama Wabunge kusema liwalo na liwe na tuna pesa ambazo tunaeza kutumia.

(Applause)

Mimi nashukuru kwasababu Gavana wetu na kamati yake waliekea wodi zetu arobaini pesa za masomo.

(Applause)

Tena, najua mimi sina wodi lakini najua kwenye kaunti yetu sasa, kuna kazi mwafaka ambayo inaendelea kutengeza barabara zetu. Sisi kama wabunge haja yetu ni maendeleo, kutenda kazi kwa wale ambao tunawakilisha. Pesa ambazo Gavana wetu anaomba za kujenga ofisi, hizo ofisi anataka kujenga sio zake.

(Applause)

Yeye, mwaka elfu 2022 ataondoka amwachie mwingine ambaye atakuja. Sisi kama kaunti tumekua tukitoa pesa nyingi sana za kukodisha maofisi ya wafanyikazi wetu wakae. Gavana ameona ni jambo mwafaka ili kwamba atengeneze ofisi ili kaunti iache kukodisha ofisi. Wabunge wenzangu nawaulizeni, mtu akisikia jambo na kama halijamwelea kabisa, hebu nyamaza na ufikirie kama mwakilishi wa bunge aliye chaguliwa. Watu wa kwako wanataka pesa za masomo, watu wa kwako wanataka maendeleo ilhali sisi tuna pesa na hizi tukikataa kupitisha zitarudi na hatutazitumia.

Lakini kutoka nje, lile jiwe litakupata litanipata mimi. Kwa hivyo tufikirie na tuache malumbano tuende pamoja sisi ni bunge. Tushikane pamoja ili tuendeleze kaunti yetu. Tafadhali Wabunge nawaomba, tushikane pamoja, usiniangalie angalia kaunti ya Machakos. Usione kwamba unanichukis eti sababu niko upande huu uwezi kuja. Jameni nakuomba kama ulichaguliwa na unajali maisha ya ambaye alikuchagua, tupitishie hii bajeti badili ili tuendeleze mblee najua Mungu atatusaidia. Asante.

(Applause)

Mr. Chairman: Hon. Johana.

Hon. Munyao: Thank you, Chair. I would like to appreciate the report from the Budget and Appropriation Committee at the same time I would like to say also that whatever we are discussing here is a representation of our people down there. If we change the discussions to become a fight and see who wins what at the expense of our people, I am sure they are the ones who are going to suffer most.

I want to draw your attention to the recommendation which cites that.....and I like your engagement with the Executive that was very healthy because oversight does not necessarily mean taking sides and throwing words at each other but to me it may mean holding hands, reasoning together and passing resolutions together and over sighting and maybe giving guidance.

When we talk of introducing new items to the Supplementary Appropriation Bill, 2018, we have not gotten cases or examples of new items which were introduced unless the report is biased again to discuss the negatives. It would have been very healthy to also give examples of any new items which were introduced in the budget.

Again, when the Committee went ahead to allocate Ksh. 60 million, which I also want to say, the gesture was okay but again what informed? Did you just pick a figure out of the blues? What informed the Ksh. 60 million?

(Applause)

Because the proposal from the Executive was Ksh. 190 million which was explained through works which were pending with the Public Works, the construction of offices which are meant.....they are public offices not private offices which are meant to serve our people and which are meant to be in existence during our time and even beyond.

I just do not want to imagine that some of the decisions we are making are personal, we want to make decisions which are positive and which are meant to benefit our people. So, the proposal of Ksh. 60 million to me it is not very clear and I may wish also if there are reasons or considerations which were made to be made clear in this House. Thank you, Mr. Chairman.

Mr. Chairman: Hon. Kamitu.

Hon. Kamitu: Thank you very much Chair of Chairs who is our Deputy Speaker. Mr. Chairman, I have gone through this report and I was following when the Committee of the Budget was reading the report, it is a good report. However, we are here to share some experiences and it is also important that there is this letter, the memorandum that was sent back to this House taking into consideration that this Hon. House at first passed the supplementary budget and it was taken to the Executive.

That is one important aspect that as a House we should also question ourselves. It is for the first instance we agreed and we approved the first supplementary Budget that was sent to the Executive and when it was taken to the Executive, the Governor with his Cabinet saw that there were some anomalies and before he assents it as a law, he looked at it and then he sent the memorandum for correction into this Hon. House.

What are our duties as Hon. Members? Where the Governor has indicated some amendments so that whatever again is approved by this House will be a service delivery one to the Electorates because the sense of supplementary budgets, is a question of re-allocating various votes so that at the end of everything, service delivery is seen on the ground as per the sub votes.

In this regard, if I may refer you to the memorandum that was written by the Governor and it is like.....I am not blaming the Committee of Budget but then it is like the Committee of budget during its response, it was just giving a report in a defensive sort of manner. But my humble request, Chair, is that we should also consider this memorandum that was sent back to the Assembly by the Governor citing on page 3, all Members have got this letter. That is page 2, the second paragraph.

That the County Assembly has the sacred role of legislation, oversight and representation and this is the Governor's word respectively again, it is my considered views that by listing specific projects within a Bill, the County Assembly will intruding into the arena of implementation.

Similarly, by changing a policy proposition and replacing it with the Assembly's version of the same however, plausible, may be an intrusion into the arena of policy making and in this regard Chair, the Governor as a policy maker also us included as legislators, we have to agree. The indicators are that whatever the Governor is writing here, is money meant for service delivery and impact to the electorates.

Thirdly, I have noted specific incidences where proposal to pending bills were rejected or mutilated and it is in this House that we had a report from the Controller of Budget as a preference and as a priority, that pending bills were supposed to be paid even during our first discussion in our first Assembly Chair.

So, it is in this regard that I am appealing to Hon. Members to take up the issue of this Governor's memorandum so that the County Government of Machakos can go ahead because as the Hon. Members elected by the electorates, our work is to deliver the service delivery that is bound to benefit the electorates and the Members and the Community of Machakos County.

So, it is on this regard that I am wondering on a very sincere note, what are we debating other than saying fine we should go by the Governor's memorandum for the sake of *wananchi* of this Machakos County.

(Applause)

In the spirit of co-operation and consultation noting that I appreciate the intent and goodwill of Hon. Members, I propose meetings at both policy and technical levels to harmonize positions and to ensure compliance with the law while most importantly safeguarding the interest of the people and who are these people? The Machakos community.

So, it is also my humble request as the Minority Leader and as a Member of Tala ward that we should consider, if sincerely we were elected by these people, this letter and we close the chapter for the benefit of the Machakos Community. Thank you, Chair.

Mr. Chairman: Okay. What I want to do now is, I want to come to this side because I have finished with that side; I know Hon. Kisini, I will come back to you. Normally as my provision is I go to one side then I go to the other side, like that. Hon. Mutiso.

(Laughter)

Hon. Mule: Thank you, Mr. Speaker. I am happy that you started this side. Mostly the Speaker starts on this side but I am happy you are considering us first. Secondly, also I am hoping that, Mr. Chairman that you will give us fair hearing and fair judgment on this. Should we feel that our feelings and our emotions are not taken into consideration, we will not hesitate to approve our dissatisfaction. Thank you.

Now, Mr. Speaker, this is the only County that does not have County buildings and offices, this is the only Governor who has not built his offices and the Governor clearly knows that and suggested that we give him Ksh. 190 million for the building of the staff quarters. Is the consumer of this budget and those are the consumers of the Executive are the consumers of the budget.

We have lumped a lot of money on roads. Mr. Chairman are you aware that we have KRB roads to a budget of Ksh. 291 million? Then again we start mutilating the Governor's proposal of the budget of the staff quarters and lumping it again to roads. Don't you think and feel that, that is duplication of resources?

(Applause)

Because all these monies that were removed from building of the staff quarters were taken to roads and again I repeat we have another allocation from KRB (Kenya Roads Board) of Ksh. 281 million. Again we have County graders which makes the County easy to do the roads. Chair I am requesting we increase the budget---

Hon. Muendo: Point of Order.

Mr. Chairman: Let him finish then we will come back to you just now please.

Hon. Mule: We increase this budget from Ksh. 60 million and it is my humble request that the House increases this budget from Ksh. 60 million so that we can have County offices because you cannot tell the Executive to spend money where it is not appropriate.

Mr. Chairman: Point of order Hon. Mark Muendo.

Hon. Muendo: Thank you, Chair. I think the Hon. Member has gone now to do an amendment, he must be informed that we have not gone to the level of amendment because he is talking about Ksh. 60 million to something else. Thank you, Chair.

Mr. Chairman: Just let me finish. It is important to guide the Committee; you cannot bring an amendment in the Committee. Any amendments which are to be done should have been brought two hours before the commencement of the Assembly and approved by the Speaker.

(Applause)

So, we should not be discussing any amendments here if they have not been provided as per the laid down procedures. Continue please.

Hon. Mule: Mr. Chair, I do not know what is the contribution of the House, this was the feeling of the Budget Committee and we are not in agreement with the budget Committee. The budget Committee agreed and said that we give the Governor Ksh. 60 million which is not the feeling of the House. So, I do not know at what point we are supposed to contribute to this.

Mr. Chairman: Let me make this clear please so that we do not deviate and waste a lot of time on this. The report has been presented by the Chairman to the Committee and it has been read.

This is a Bill concerning, this is a finance item we are discussing here. If you are refusing, the only thing we are going to consider here and we were given guidelines here clearly, are the three proposals brought by the Governor and we shall do that, even that what you are talking about, if the House disagrees with the propositions of the budget Committee, that is the report which I have to take back to the plenary that the Committee did not agree with the proposals as given by the Budget Committee and then at the plenary level, which is now the House, guidelines will be given accordingly.

So, as a Committee here, what are coming here to do is to discuss and agree on the report and on the issues raised in the memorandum of the Governor on which either accepting or refusing to accept, we will go into a division when the time comes to determine whether it has been accepted or not.

I have already.....please if you have spoken, remember I have the other side to go to, I am not going to give you more time. Please continue.

(Applause)

Hon. Caleb, please continue.

Hon. Mule: Thank you, Mr. Speaker. So, now we have gotten a report right now in this

House of the Ksh. 60 million, then why does this have a lot of weight and we cannot amend the Ksh. 60 million and we have just gotten the---

Mr. Chairman: Let me make a clarification again. Members, you have spoken a lot. It is like this, Members.

(Loud consultations)

I would like to make a recommendation here. What I am saying is this and we want to be very clear so that Members you can understand. We have discussed the memorandum by the Governor, it is the Committee in its own discretion which considered additional information outside the Governor's memorandum and this Committee here is not bound to discuss that specific item. I want to make it very clear. When the Speaker was here, she gave guidance.

(Loud consultations)

She said the only items. I would like the Clerk maybe to clarify on what the Speaker said. Please give guidelines.

(Loud consultations)

Could you Members have a seat please? What I am saying is this; let us give the Clerk time to be able to explain to you what the Speaker said, maybe you can be able to understand better. Continue, Mr. Clerk.

(The Clerk briefed the House on the Memorandum from the Governor)

Mr. Chairman: Let me guide this meeting please. If we continue on points of information and points of orders upon a point of order, we are not going to be able to finalize because remember I have another whole set of Members here to contribute the way you have contributed and I want fairness.

So, in line of that, I am requesting the Hon. Caleb to stand up please and finish your submissions so that I can be able to be fair to the House and give the other side time also to comment. Hon. Caleb, please continue.

Hon. Mule: Mr. Chair, Standing Order 52(2), 'despite paragraph 1, the Speaker may in exceptional circumstances allow a Member to move an amendment to a Motion before the House at any time during consideration of that Motion.' Mr. Chairman---

(Applause)

Mr. Chairman: I want to correct you on that please. We are not in the plenary.

(Applause)

This Committee is not being chaired by the Speaker; it is being chaired by the Chair of Chairs please. Continue and finalize on your submissions please.

(Loud consultations)

Hon. Mule: Mr. Chairman, are you saying that because the Speaker is not chairing whatever we are deliberating here is null and void? So, are you.....I thought you are seated there as a---

Mr. Chairman: The Standing Orders which you are quoting are applicable in the plenary. We are in the Committee of the Whole House which is a law-making process. Now, Hon. Caleb if you are not going to finalize your submissions I am going to go to the other side and I will not give you more time. Please finalize on your submissions two minutes.

(Loud consultations)

Hon. Mule: Thank you, Mr. Chairman. My request was and clarification is at what point is the House supposed to intervene in this report? Two, my feeling in this report is the roads department has been given a lot of money which the Executive feels that is not where the money should have gone because they are the users of the money, the money should have gone to the construction of the building which---

(Laughter)

Mr. Chair, can you protect me.

Mr. Chairman: Hon. Members, please order in the House. Let the Hon. Member finish his submissions please. Continue.

Hon. Mule: So, my suggestion is increase the Ksh. 60 million to Ksh. 150 million. Thank you, Mr. Chairman.

(Applause)

Mr. Chairman: Thank you, so much. I am now going to move to this other side but before I move to the other side, because this is a House of procedure, I would also like to refer to you Hon. Members to Standing Order 125(2) and it reads, 'no amendment shall be moved to any part of a Bill by any Member other than the Member in charge of the Bill unless written notification of the amendment shall have been given to the Clerk 24 hours before the commencement of the sitting at which that part of the Bill is considered in the Committee.' Thank you, very much.

(Applause)

Hon. Ndawa, I gave you time. Give me time now, it is my time now. On sub section 7, it says 'on the same Standing Order, it says, in the case of a County Revenue Fund Bill or an

appropriation Bill, no amendment shall be moved whose effect would be to impose a charge or increase expenditure above that already resolved by the House or in the Committee of supply unless the House first resolves to allow such a Motion.'

So, Hon. Members, I think it is within our Standing Orders and within our regulations we cannot be able to allow any amendments to be done here and now, since I am coming on this side, I would like---

(Loud consultations)

I have finished. I am coming on this side and please let us maintain order. I want to start from Hon. Member here going that way so that we can all be able to go in an orderly man. Do you have any contributions to make Hon. Mwikali?

Hon. Mulatya: I have a point of order.

Mr. Chairman: Point of order, yes.

Hon. Mulatya: Thank you, Mr. Chairman. I would like to refer Members to Standing Order 79 please; any Member may raise a point of order at any time during the speech of another Member stating that the Member rises on a point of order and that Member shall be required to indicate the Standing Order upon which the point of order is based. Let us stick to this, Mr. Chairman.

Mr. Chairman: So, I will start from here going that way so that we can have Members contribute in an orderly version. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Chair of Chairs. Mr. Speaker and the whole House, let us not work out of emotions. First, I want to congratulate the Committee for the great job that they did.

(Applause)

Secondly, we as Hon. Members, the second County Assembly, let us think and let us remember the first day that we entered through this door and the oath that we took to take a responsibility for Machakos County as a whole. This report or else whatever we are deliberating on, it has consequences and I stand Mr. Chairman, to say that, because you can read the mood of the House.

Let us deliberate fair and square knowing that, other than the life that we have today here, each Member shall go before God and you give an accountability of the responsibility that God has given us to be in this County Assembly.

On this, I want to say for me I speak as a voice for the people of Masii, that whatever we gave for me I felt it is good. Let us deliberate it without emotions and we work for the people. Thank you, Mr. Chairman.

(Applause)

Mr. Chairman: Hon. Francis Ngunga.

Hon. Ngunga: Thank you, Chair of Chairs. I think I will have my say later. Thank you.

Mr. Chairman: Hon. Majority Leader, if you do not mention now I am not going to give you a chance again that is why I am going round that way so, if you are not making your submissions, I am not going to allow any further submissions. Please make your submissions now if you have any. Thank you.

Mr. Chairman: Hon. Cosmus, continue.

Hon. Masesi: Yes, thank you, Chair. My first concern, Chair is that, are you fair when you force a Hon. Member to give you submission when he or she is not ready?

(Applause)

It is the practice and precedence of this House for a Hon. Member to give his submissions when he or she is ready.

(Applause)

Mr. Chairman: Okay, Hon. Member continue

Hon. Masesi: Secondly, Chair of Chairs, my concern is when the committee says that new items were enriched on the supplementary budget; I am of the view that the committee has failed to say whether they did enough research and scrutiny on the original budget and state whether this projects were not captured.

Again Chair, when we talk of new projects, Hon. Members were given a chance to bring out a list of all their projects which again the Members were not sure whether the projects which we gave were captured on the original budget.

Again I want to believe Hon. Members have shown their interests on the side of bursaries; the committee has not said whether the bursaries were allocated but the information we have is that we have Ksh. 67 million for bursaries which have been allocated in the supplementary budget.

Again Chair, I want to remind the Hon. Members that a supplementary budget cannot take care of all our projects. The main budget is coming on before the end of this month where I will urge all the Members to focus fully on the main budget which will be the first of this Assembly and bring all our issues on the main budget, Mr. Chair. I rest my case.

Mr. Chairman: Thank you Hon. Cosmus. Hon. Moses.

Hon. Mitaa: Thank you Mr. Chair for granting me this opportunity to make my contribution. First and foremost, I think it is a dark day to me because just the other day we were here celebrating good job done by our committee that is Budget and Appropriations. It is on record and the HANSARD can attest to that; none of the Members here opposed the report which

was brought by that committee. What has changed our minds; I will go to my knees and seek answers because I cannot understand.

I will not want to be led by emotions or by influence but I want my conscience to guide me. I was given a mandate by the people of Kangundo central and I am here to protect their interests.

(Applause)

I beg to go biblical and urge my fellow comrades in this House to remember the story of Joseph and his Brothers. Joseph had a dream but the brothers didn't like the dream; he had vision, the brothers didn't see the vision; this House is our today's Joseph; we are the biblical Josephs of today. We have a dream, we have vision for Machakos people; we want to propel our county forward, we don't want to stagnate our county.

On the same note, Mr. Chair, whatever we gave out on 2nd May, 2018 pleased everyone; it captured those projects we ever wanted our people to enjoy. If it was bursaries, we allocated each and every MCA Ksh. 2 million. Up to date, our children are suffering at home, they don't have money.

(Applause)

We have the graders on the road, Mr. Chair; we had a very good proposal that this grader comes with a tipper and also we murram some roads. Sincerely speaking, in my ward I was told to stop that project because there is no murram. It is in that supplementary budget that we passed in this House where every Member wanted to be associated with that committee; we gave a clap to them, I being one of them. I wonder what has changed; it is an answer again I will go on my knees to seek.

I don't want to be influenced to make decisions Mr. Chairman. I believe what we did was in good spirit. We want our county to go ahead; we have our Governor who has ambitions of becoming a President of this country. We are actually trying to help that ambition to actualize because my success is his success. Surely, today we are here; we have been taken back.

The committee has done some considerable measures, they have adjusted something; I have seen Ksh. 60 million; surely supplementary budget which this was money for Ward Development Fund which is entitled to go to the ground they have gone down, they have trimmed something towards that project. We have less than one month to come up with the main budget; it can be work in progress, they take the Ksh. 60 million, they start the project which is in need or being undertaken then we consider in the main budget the big chunk of it.

(Applause)

Mr. Chairman, I want to contribute today led by my conscience; there is a song I like which talks about destiny. No man will decide your destiny other than you and you alone. The only other person who can decide your destiny is your Creator. Let us stick in this House with a focus of our electorates in mind.

We came in to this thing at a tender age, I cannot sit 15 to 20 years to come, sitting in a panel of interviewers, being given a clip of my support today and tomorrow the HANSARD

saying my no; what changed my mind? I need to seek that answer. My fellow Hon. Members, my party cannot influence my decisions; I beg you to sober up.

We would rather even go with the third proposal; we wait for seven days if we think there is no money, this thing will become law and whatever we wanted to be done will be done. Please, I urge you, don't disrupt the sitting, let us do things soberly; we will be judged by what we do. We are here as Hon. Members, some of you are our seniors; please, I beg you, let us look at the back of the people who send us.

Hon. Caleb talked about KRB; it is disgusting to hear him talk about KRB when some wards didn't even benefit for a single road even if it is 500 meters. I can see my colleague Hon. King'ori has raised his hand; surely Hon. Caleb, if you benefited, don't raise our spirits because we are suffering; we can see some development going towards some areas and we are equal, we pay tax equally, we need to be served equally.

(Applause)

Hon. Mule: Point of order.

Mr. Chairman: Let him finish first.

Hon. Mitaa: The other thing Mr. Chairman, I am only responding to his comments. I can say if it is about pending bills, I was here, and let my colleagues, don't just follow multitudes, when we are making decisions let it be personal decision. When you are supporting something, support it from yourself; don't support it because Mitaa is supporting it.

The issue of pending bills was taken care of and only one which was meant to go for legal fees, if I remember; it was passed to be shelved until the main budget. Mr. Chairman, as I conclude, please whatever this House passed 100 by 100 was the best for this county; it had interest cutting across and I beg before I sit we consider things basing on the interests of our electorates. Thank you, Mr. Chairman.

Mr. Chairman: Hon. Steve.

Hon. Mwanthi: Thank you, Mr. Chairman. I am one worried man; the fellow friends who were requesting for this supplementary budget to be passed are the ones now beating it down. It is worrying, we don't know what changed but from what they have been saying because for us we do not know, they are always talking about Ksh. 190 million that is supposed to go to offices and that Ksh. 190 million will work for our electorates and to me I thought roads were one of priority projects that we were supposed to be thinking of and work on the roads.

So, I am worried when we say we have allocated a lot of money on roads yet we just started the other day and nothing has even happened. The same offices have been allocated Ksh. 60 million; and we only have two months; how can you spend Ksh. 190 million in just two months? We can allocate the same funds in the coming budget that will be given out in the next two months in July.

I don't know and I don't understand the intention of the memo from the Governor because already allocations have been done and again just as we had requested for the annex that the Governor was to give Mheshimiwa Kaloki; if you check that list from the Deputy Governor, you will find we have Ksh. 21 million from the same CEC finance as balance, but what was

given to the budget committee if you go through you will find that it had allocation of Ksh. 185 million; Ksh. 183 million was spent.

So, on one hand we have the same CEC giving a balance of Ksh. 2.4 million, on the other I have Ksh. 21 million so we do not even know which is which. Kindly can you tell the Executive to be serious we just want to see projects done to *Mwananchi*---

Hon. Kaloki: The Member seems to be addressing me; he should be addressing the House.

(Laughter)

Mr. Chairman: Thank you. Hon. Steve, address the Chair.

(Applause)

Hon. Mwanthi: Thank you, Mr. Chair. Again, the same House that passed projects that was requested to submit their priority projects from the CEC finance are the same ones who are saying if we go through the memo that is on page six; we are being told because we itemized the projects we want done we contravened the law and yet we were getting letters from the same Executive requesting for this and it had indicated that---

Mr. Chairman: Point of information from Hon. King'ang'i.

Hon. Muendo: Thank you Chair. Maybe to assist the Hon. Member from Ekalakala, we have letters in our files written by the DG requesting projects in our wards and he has appended his signature. So, remind the Members; those are the same projects which we are still pursuing in this supplementary budget.

Mr. Chairman: You may proceed.

Hon. Mwanthi: Thank you, Hon. Members, I think that is exactly what I was saying that these are projects that were requested by the same office and now the same office is indicating that it was wrong for us to indicate the project and again the county government is allowed to have a programme-based budget.

So, it is worrying that for sure we are not even discussing about the memo from the Governor but the indication that we can see is; we are discussing about Ksh. 190 million that is supposed to build an office. Is it a priority to our electorates? The answer is no. It is just the other day when we said we are not even going to build the chambers for the Assembly so that we may work for our people.

So, I don't see it wrong when we also say we are not going to build offices for the Executive so that the little money we are getting from the supplementary budget can work for the *Mwananchi*. It is good as Members we work together and be focused and let us not argue because we have been sent to come and disrupt or do what; let us all be together and work as a team.

Mr. Chairman: I think, Hon. Members when you were contributing, I stopped all point of orders from this side.

(Loud consultations)

Hon. Member, let us be civil and let us address the issue; if there is something which you have said, Members are contributing as Members so stand guided.

Hon. Mwanthi: I stand guided Mheshimiwa but we must indicate some of these things because the same person, who requested you to give him something, is the same person now who is against that same thing. So, you remain wondering what has transpired to the same; so can we kindly go on and use the supplementary that we have then in the next financial year we can allocate funds that are needed for those other projects. Thank you, Mr. Chair.

Mr. Chairman: Hon. Kisini.

Hon. Kisini: Thank you, Mr. Speaker for giving me time to share my sentiments on this Bill. I want to start by thanking the committee which has done a very commendable job and which has really put us to light on what we are supposed to do. I want to thank my brother from Mwala who has said budget making is give and take and if it is give and take, he should be contended with the Ksh. 60 million which was given to him that is a take.

(Laughter)

I also want to thank the committee which I have seen its composition had representation of both the Majority and Minority parties in the House and I have seen Members from the Minority have appended their signature to that Bill so I want to thank them for seeing the need to give the Ksh. 60 million.

So, Hon. Members, please, let us try to support this report and do the itemized budget as we had proposed because we want to see services going to our people. The Ksh. 60 million is enough to start the construction as we again reallocate the money when the main budget process comes over. Thank you.

Mr. Chairman: Hon. Kasyoki.

Hon. Kasyoki: Thank you, Mr. Chairman. I support the committee on budget and I would also wish to ask the Members who are saying there are constructions going on; these constructions have started and there is no way you can pay a contractor if he has not finished what he is doing. So the Ksh. 60---

Hon. Mule: Point of order.

Mr. Chairman: What I am trying to do is this Hon. Caleb, let him finish then you will be able to give all those---

Hon. Mule: We will forget, Mr. Chair.

Mr. Chairman: Okay, tell him, five seconds please.

Hon. Mule Thank you, Mr. Chairman. I thought you are through with this side and you are again coming to this side.

Mr. Chairman: Let me correct you please. It is the discretion of the....okay continue.

Hon. Mule: To correct my Hon. Member is that; a contractor is not paid after completion, he is paid on certificates. Thank you.

Mr. Chairman: Before you continue Hon. Caleb, it is the discretion of the Chair to pick whichever side if he feels like picking while debate is going on. So, it is at my discretion please. Thank you. Hon. Kasyoki, continue.

Hon. Kasyoki: Hon. Speaker, I have no apologies to make since I am a Hon. Member here, I am a contractor, I know a contractor is paid on what has been done. So, the Ksh. 60 million we are giving is not little money, it is a lot; this job is ongoing and we can put some money in the budget of 2018/2019 so that whoever is doing that job can be paid as early as July. Thank you, Hon. Speaker.

(Applause)

Mr. Chairman: Let us hear contribution from Hon. Justus Katumo.

Hon. Katumo: Thank you, Mr. Chairman. I want to congratulate and applaud the committee, they have been doing excellent job; it is not easy to bring a report like this, many considerations were done, they burned the midnight oil and of course they overcame many temptations and I thank them. May God bless you.

We have to be very serious in this House; going through this memorandum from the Governor, I am really surprised, item by item; it is neither here or there. The intention of this memorandum is not very clear, to achieve what. Every other issue that has been raised, this committee has annulled by means and pieces of law. If you talk about one percent, it does not apply to the supplementary; so what are we talking about.

I have been in this House for long; I have experience with Hon. Kamitu here; the same disease, the same demon is just hovering around to consume us. We had a very good name out there; it is rotting day by day. What am I saying? We were in this House two weeks ago and we did an excellent job and I went home singing a very good song knowing that we have begun on a high note but look at what is happening; what we did in this House, I should tell you, it was Mwananchi-oriented. What I am seeing here is Governor-oriented.

(Applause)

I have to give a very good example; Hon. Caleb, you were here with us but you were not a Hon. Member, we have been allocating money for the Governor's office every other financial year, when I visited that place, the shrubs have even become bigger. The shrubs have grown into trees.

I also want to say this to be very clear; it is in this House in the supplementary budget that we passed that we shelved our chambers; we had to forego our welfare for the benefit of Mwananchi. I want to say clearly that I have never visited the Governor's office since 2014 and I am not intending to visit that place; it is not a priority. Therefore, I want to say that if it is the memorandum we are considering in this special sitting, then there is nothing that is substantial that we should annul the supplementary budget we did. Members, sometimes I don't know what happens with us.

We lose our minds, they become watery and we hear the voices of others that are external to this august House; we listen to others. The other time we were saying only one Member saw the light of the day and he was still saved by the court.

(Laughter)

We are repeating the same mistake. Don't think you are wiser than those who sat at that corner and up there; let us be serious when we are dealing with the issues before us in this House. Thank you.

(Applause)

Mr. Chairman: Hon. Angela.

Hon. (Ms.) Munyasya: Thank you Chairman for giving me this opportunity. First of all, I would like to commend all the members who have spoken here before the House; they have done a great job and everybody is entitled to their opinion but as we are entitled to our opinion, let us put into consideration what is that we are trying to achieve.

This Hon. House, when it was constituted, it started very well. Members agreed to all the Motions that were passed, Members agreed to all the deliberations of this House and there was no problem. This Bill when it first came before the House was consented by all Members and everybody smiled and appeared to be happy as they walked out.

Whatever changed, I have no idea Mr. Chairman. Just to tell a brief story; there was once a king who was very wealthy and a he was walking to do his evening exercise, he used to see a poor man working very hard in his *shamba* to put a plate on the table of his family. His family was also very happy, but the king was a very sad man; he had all the wealthy but he kept on being disturbed by what was going on around the people whom he was governing. He was unhappy; so he asked his advisers; how come this man has nothing and he is so happy?

The advisor went out to do a research on this poor man. They realized that this man all he needed was shelter and a meal for himself and his family. That is all he needed and when he got that by working very hard, he was a very happy person. But the king had everything but he was unhappy because he was unable to govern his people, they kept on coming to him with grievances but he had the wealth.

So, he said, 'now this poor man, I need to reward him for his hard work' because the king had been told this poor man is happy because he doesn't belong to the club 99. So he asked which is this club 99? When the poor man was given some pieces of gold by the king, he was given 99 pieces of gold, he searched for the one piece to make it 100, now he started working even harder, he became very unhappy because he was looking for the one piece of gold to make it 100.

That's how it was called the club 99. When we belong to club 99 we are looking for one extra shilling to make 100 of the 99 pieces we already have. Members, let us not strive to look for the one shilling and become unhappy, let us be contented with the 99 pieces and deliver to our people what the mandate they gave us to deliver to them. Thank you, Mr. Speaker.

Mr. Chairman: Hon. Kamulu.

Hon. Kamulu: Thank you very much Mr. Chairman. I want applaud the committee for budget for the good job they have done because they have done a lot of research and a lot of sacrifice. When we were starting this session, I was very keen on the reaction of the members of this committee and I don't know what actually brought some different opinions and observations which we noted.

As a committee, whatever you resolve in that committee I don't see the need why the same committee should enter in this House and try to tell us what you decided was somehow not fair. I noted that and I sympathize with the Deputy Governor, the reason is that when he gave us letters to submit projects in our wards, he was on the right track because he knew what the Members needed but I was surprised to note that whatever he was doing was irrelevant as far as a statement on page two in the Government of Machakos, Office of the Governor; this letter by Hon. Florence Muoti Mwangangi where we are told, on number four, and I am quoting a simple section, 'it is the role of the Executive to propose and implement policies.'

That means whatever we proposed through a letter from a very senior officer the, DG, was actually irrelevant. This tells us that whatever we gave, will not be done. That is actually my interpretation. Still on the same, the county Assembly has the sacred role....okay, let me forget about the role of the Assembly *niteremke kidogo*; respectively again, 'it is my considered view that by listing specific projects within a Bill, the County Assembly will be intruding in to the arena of implementation.

You mean, Mr. Chairman, we did nothing; we gave this proposals twice, were we doing nothing? So that I can complete my submissions, let us not object to development; constructing an office for the sake of the county is not bad it is a very positive move but then an Hon. Member who is very experienced tells us they had been allocating monies for the same; I am quoting Hon. Katumo.

Have they started with the money which has been given previously and the monies which now we have given because we have given Ksh. 60 million, the committee has given Ksh. 60 million and that isMr. Chairman, my argument here is, let money be used for the intended purpose and in time. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Hon. Member. Hon Jeremiah, chairman of Labor committee.

Hon. Munguti: Thank you, Mr. Chairman. I will start by applauding the committee and I would also like to say that we would like to be guided on this issue of voting because according

to me, what we have deliberated is quite substantive on the matters concerning this budget; we want to know when we start voting, are we talking of two thirds of the Members of the County Assembly or we are talking of Members present in this committee so that we may know how to go about it.

At the same time, because what we have allocated as the Assembly concerning the Executive, I think it will be appropriate for them to use the money which has been allocated already and as the House we can commit other monies from the next budget so that they can start with the works they want to do because you realize that what we call SMART.

We must be specific, measurable, achievable, realistic and time bound because if you don't time yourself on the things you are doing, then you are not going to be specific on your projects, you are not going to be measurable on the things you are going to do and the reality of the goals that you want to achieve will not be achieved. Thank you, Mr. Speaker.

Mr. Chairman: Let me give you a guidance on the question you had requested; the quorum for a normal sitting a third, 20 members, but when I read I said, for purposes of amending a Bill, you require 40 Members seated and voting in one direction. We can be 40 Members here, 30 vote for and 10 against, you have not achieved two thirds of the requirement to amend that Bill. Thank you. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Chairman. Mine is to thank the committee for budget and to ask the elected Members, the 40 elected, to be aware to what is being done to his committee. If there is anything which is going in your ward, it is okay but as Hon. Katumo has said, today Members you will go home have teeth to bite or not. From today you will be a House doing nothing but be very careful, even I think the Speaker is taking long to put the question because everyone was coming here in the morning having the answer for this supplementary which I think is not doing anything to our county but we are giving somebody an open cheque to go and do his things.

So, you can bring the question, me I will vote no for the supplementary. Going round and round the table is nothing. You are looking for your salary and whatever. Mheshimiwa Kamitu you can say what you want but I have finished.

(Laughter)

Mr. Chairman: Order, order please. Thank you very much Hon. Mueni for your contribution. Hon. Peter Mutiso.

Hon. P.J. Mutiso: Thank you, Mr. Speaker. Mine is to applaud the budget committee and also those who have spoken before me. Mr. Chairman, I want to say we have been talking about this for long. On 2nd May, 2018 we passed supplementary budget which all Members supported and I am also wondering what happened because we are talking the same and it took us not less than three hours on that day,

So, I am a worried man; what are we doing Members because what I know is that all these Members are time managers, but if we are to talk on the same what we talked some days back and we are repeating the same and if you have not finished this, we will come back on the same again, it seems we are not time managers. So, what I can ask, Members unless there was handshake, we should not repeat on this. If there was no handshake Members....you can say

whatever you think you can say Mheshimiwa Kaloki but we must respect each other and---

Mr. Chairman: Hon. Members, please respect the Hon. Member when he is making submissions just like he was respecting you when you were making your own submission. Continue.

Hon. P.J. Mutiso: Thank you Mr. Speaker for protecting me. What I want to add is that; we know what happened in our roads because of the heavy rains. Mr. Chairman, although you said that we should not do any amendment, mine is not an amendment but we can consider the people who were affected by the heavy rains and compensate them as we are doing to the roads because the same rains which destroyed our roads, is the same rain which made some of our people become poor.

Some of them are poorer than before because their properties were washed away by water and we all know that, especially in my area and Muthwani among other areas. I passed there and what I saw there was really shocking. So, Mr. Chairman, as we have said that we should not do an amendment we can consider and compensate our people.

I urge Members to consider this and what we are supposed to do as some of the Members have said before. We must be serious on this matter Members; it is not a laughing matter, let us do what is better for us and our community.

There are so many officers here; where the Governor is right now, it is a good office, I have been there in 2014 and even some of these Members have gone there very few of them and it is not bad, you must go to your Governor because he is our Governor but remember God is watching what we are doing. Thank you, Mr. Chairman. I rest my case.

Mr. Chairman: I would like the Members here to who would like to contribute to raise up their hands so that I can give the order. Hon. Mwikali, Hon. Justus, Hon. Mulatya, Hon Musau, Hon. Fred....Hon. Mark Muendo, Hon Mark Mutinda and Hon. Kieti.

Anybody else? No, I am not coming back to this side; I want to finish with this side. Hon. Dan, Hon. Kalumu, Hon. King'ori, Hon. Winnie, Hon. Grace, Hon. Agatha, so once this side finishes contributing let me make it clear this way members, you cannot contribute twice I am saying before the other members contribute okay? I am saying you cannot contribute twice before the other members contribute. Let me finish with this then if there is time I will come back to you. I am saying I will finish here if there is time I will come back to you okay? Let us continue. Thank you.

Hon. (Ms.) Mwikali: Thank you.

Chairman: Let us give ourselves two minutes only so that we can be able to finish quickly.

Hon. (Ms.) Mwikali: Thank you, Mr. Chair of Chairs two minutes is too much for me. I just have one point and to thank the members who passed the supplementary budget about two and a half weeks ago. Members, I am just pleading with you and thanking you for appreciating the work of this great committee and appreciate that the committee is like an expectant mother; now we are in the labor ward and now that we are in the labor ward let us bring out this child, whole, happy and gladly and in the process of delivering this baby called the supplementary

budget, we should all be very careful that the child comes out whole and we do not through away our baby with the bath water.

Ladies and gentlemen of this Hon. House, thank you that we are going to make sure that we do not get enemies out of this chamber. You all came here to do good work for our community and as we do it let us not become bitter, let us avoid unnecessary mistrust, let us be honest to ourselves and to our county as we do this and make sure as we come out of this chamber that the house will be more united than before.

Thank you, because I own now this report. I own it full and I ask you members to really support the committee in owning and honouring the report. More so in adopting it. Thank you. God bless you.

Chairman: Hon. Mwikali, Hon. Justus Kiteng'u.

Hon. Kiteng'u: Thank you, chair of chairs. Mr. Chairman, I would like to commend or applaud the budget committee for the good work they have done and go back, through the chair to Hon. Justus Katumo's comment whereby there was some money which was allocated for the same office in the First Assembly and now we have the HANASARD team that can provide to this house that the money was allocated by this great House in the first Assembly if they can produce that report to us so that we can be able to know that the same amount of money which allocated for the same offices was it consumed the same and why are we now allocating more money on the same.

Chairman: I think the Hon. Member is just requesting giving details on an issue what point of order could we give on that please, Hon. Kamitu.

Hon. Kamitu: Mr. Chair, point of information in regard they are talking about the Governor's office---

Chairman: He is talking about a project please. Continue.

Hon. Kiteng'u: Thank you, Chair of chairs for that protection and I would like to comment this to this Hon. House that you know we all mean well to our people who elected us and we all celebrated the supplementary budget the day we passed it. I remember all of us we went outside there we called the media and made the press briefing on the same. Now we have some part which we have changed on this matter whereby there is this Ksh. 190 million whereby the Governor is requesting for his office.

Hon. Members, the request from the Governor is not bad but as the House, is it a priority to our people? If it is a priority to our people, I go ahead and request the budget committee, because the Governor must have also considered something which he better knows that the Ksh. 60 million which is in this report we all agree and as a House for a start I see the Ksh. 60 million being fair to all.

Hon. Members, Chair, let us stick to this report, let us be fair there is this matter of being that...okay let me ask why would we only have one month why would we allocate Ksh. 190 million? So, Hon. Members the Ksh. 60 million is good for a start and we can start and then move forward and in the main budget we can allocate the balance so that we can concur with the Governor's memo. So, Hon. Members, I will end there and I support this report 100 percent.

Chairman: Thank you, Hon. Justus. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you. First, I start by congratulating the committee for the good job they are doing. Secondly, I like the executive to know that we come from various places of this county and the cries which are there now, it is not even medication; people are talking about bursaries and roads. We should consider this first and I wish to express my interest to the person who is advising our Governor to at least advise him in the correct way because now we are doing something which we are not supposed to be doing at this particular time; we are supposed to be vetting our CECs, we are supposed to be going through the main budget.

These are the things we are supposed to be doing at this point but now our minds are diverted back, we are taken back again now to look at this supplementary budget which we had done fairly. We have some Ksh. 60 million which we have given to our Governor; let me call him able Governor because he is giving us graders which are also giving him a very good name at the ground but now when we start pulling each other here for a budget and we are having only a month to the main budget.

Let him take the Ksh. 60 million then we give him another money in the main budget so that at least our roads can be graded because now there are some members here and I am not going to quote the names, they are even telling us the graders will stop because if we are not going to pass the supplementary budget here to amend it to whatever the Governor wants, all the graders will be withdrawn; stop these speculation because the budget is there and we have already given something to our Governor.

So, Hon. House let us support this, when something good is being done let us say it is good the graders are doing a good job at the ground equally because when you pass everywhere you will see some roads are being graded. So, equality is what we want here and also the Governor to consider this Hon. House. I support this report from the Hon. Committee of budget and congratulations for good work. Thank you.

Chairman: Thank you, Hon. Tariq. Hon. Musau.

Hon. Wambua: Thank you, Mr. Chairman. I would wish Mr. Speaker, to applaud the committee on budget for work well done but Mr. Chairman, as a chairman of another committee, I am worried by a trend finding its way into this House. I am worried actually if members who are members of such a committee, I can bring a report into the House which they have signed and are not there to support the report; they are actually disowning it and it is very unfortunate, Mr. Chairman.

May I say Mr. Chairman, when the office of the Governor came, I visited the area actually there is work in progress but given the short duration to the next budget, I see it appropriate and work done wisely to allocate the Ksh. 60 million. Mr. Chairman, I would urge the committee on budget for the next budget the main budget they allocate more money and please members let us have much of this supplementary budget going back to do work for the mwananchi because it was intended for ward projects. Thank you, Mr. Chairman and I fully support this report. Thank you, so much.

Chairman: Thank you. Hon. Fred.

Hon. Muthoka: Thank you, chair of chairs. I will not take long or bore the members; it is a special day, a special sitting even I am seeing Mr. Clerk; we had missed you so much. Welcome back.

(Laughter)

When I have been seated here I have been asking myself one question. What is a supplementary budget? What is a supplementary budget; one when I am consulting my little knowledge, I know it is made to uptake funds which were not up taken in the main budget. Two, it is made when there is an emergency unforeseen, something which was not in the main budget.

So, I have been asking myself; is this office we are taken of in the executive was it unforeseen? So, it is beating the logic. I have been consulting my calendar; from today until the next budget, it is not more than 60 days. It means this contractor we will pay him a Ksh. 1 million per day and that is enough money for him to wait until the next budget we give him the other Ksh. 130 million remaining. So, I think we should not waste a lot of time talking full support of my chairman, my neighbor, and thank you. Good work and kudos.

Chairman: Thank you, Hon. Fred. Hon. Mark Muendo.

Hon. Muendo: Thank you, chairman. I will not take long because I think we were here passing the supplementary budget and it was supported 100 per cent by everybody. Let me say the committee has done a good job Hon. Dominic *heko*; I know you were in Mombasa, there was a lot of pulling but you went through the tides and you came back smart.

Let me say Bw. Chairman, you have reduced this House to talk about the issue of Ksh. 190 million; on my friends on the other side Hon. Members they are talking about Ksh. 190 million every time we are talking about 190 million. We have forgotten we are reviewing the memorandum from the Governor. Why have we now narrowed down to Ksh. 190 million.

Secondly, let me say it is not a priority for now. I used to be director with the HCDA where the Governor is housed. That is a government institution and I said the time he was moving in, I said in the boardroom, because I come from that area, let us have an MOU with the Governor and we give him free because those were cold rooms those days and they are not used today because what the government was intending was to use the cold rooms for the farmers from Kaewa and also from Mbiuni but the brokers in between went direct to the farmers to buy the produce.

So, for today, the Governor can write an MoU with the ministry of agriculture and he can live there free. It is only an MoU which is missing. So, therefore, when we talk also about the Governor's house we do not come from Libya or Tanzania that is where we pass every day.

The first time I heard of millions being put in that house was in 2014. All these years, it has not being completed. Now they are saying a year and the work is going on from 2014 it was at the foundation level. Let us call a spade a spade; I do not see chairman, these *mwanachi* budget was an attempt of going back to have an open cheque where you can cash it.

You just put the figures and this House put the signature then you just go put the figures and the writing what you want. I can see the motive in this members; let me say we belong to this House and we come from somewhere, either you are *Chap Chap* either you are Wiper, either you are where but let me say, when we agreed and said and we went actually my coat was flying

saying now we have done the best to the mwananchi then the same Hon. Members, with due respect, Hon. Kisila you come tell us after one month not even one month two weeks, that there was a problem here.

We did amendments on this floor, these members chairmen were here. The members who were opposing this supplementary budget were here, they had time to talk about the construction of the house of the Governor, office of a Governor that did not happen it was afterwards.

Now Ksh. 190 million, we do not know even whether it is going towards the construction or it is going to be used elsewhere because it has been a norm in this county. Let me say members and I urge you, let us respect our people who voted us here. Let us not bend too cheap to be given some handouts to go and change. God will not give you time, you get that money your son will get sick tomorrow or your mother you spend the money and also other monies.

(Applause)

God's people let me finish then you can give me full time.

Chairman: Hon. Maitha, let him finish then you will talk.

Hon. Muendo: Let me finish. I am just saying it happens everywhere it is a norm everywhere even National Assembly; we are not blind we are seeing a lot of things moving Saturday, yesterday, today we are seeing.

(Applause)

Let us call a spade a spade but it is not going to help anybody. That money you will consume *ama uende kwa nyumba, ikutwe ichukuliwe.*

(Laughter)

Let me tell you; I remember on the side of Wiper, I remember some members here we were crying to get that Wiper ticket they were saying and I remember I will quote the Hon. Member of Mlolongo he was crying because his certificate was delayed by two days. To get that Wiper ticket, why are we now becoming like the Wiper is useless; is it useless now? No, I am talking about.....Mr. Chairman, point delivered. Let me stop there.

(Applause)

Hon. Mule: Point of order. This is not a Wiper House.

Chairman: The Hon. Member has sat down. He has finalized. Thank you, so much. Hon. Mutinda.

Hon. Mutinda: Thank you, Chair. Let me start by saying the committee did a very good job and I am privileged to be a member of that committee and I remember even on Saturday, we could not go and attend social functions because of trying to meet this deadline. Let me say this just on 2nd---

Chairman: Hon. Kisila, please let us have order in the House.

Hon. Mutinda: On 2nd May, 2018, we were here we passed this supplementary and of course it was returned to us to make some amendments and I think the issues raised have no problem because I think the issue of ourselves or MCAs trying to be the implement the budget by giving their projects, that does not arise.

When you give projects, you just want to highlight want you want to be done in your ward and that was communicated officially by the CEC finance and we gave out what we wanted and that was captured. In fact, that is the standard way of doing budgets. In fact, congratulations; chairman that is the way to go. Budgets should be very clear and in other counties you just open the main budget and you find any project which is supposed to be captured in that year. So, we have started and we will go on with that one.

The other thing is on the money which is for the offices; that money, I want to say, is money which is inversely proportional to the money allocated to roads. So, the more you put money into the building, the more you reduce from the roads and remember this is the time when our roads are in pathetic situation. When you are going everywhere you are asked; what and the way we go we have to have are you doing to these roads?

So, the more we talk of reducing money are increasing money to the office buildings, the more you talk of reducing money from the roads. So, that one I urge the house this Hon. House to consider and approve the Ksh. 60 million because in the committee, we were trying to look for a win-win situation for each of us, the County Assembly and the Executive so that we may have a middle playing ground so that they get something to make their buildings go on and we also get money to have our roads going on.

Otherwise, in all situations, I would request Chairman that bursaries should not disappear. I remember there was no money for bursaries and the way we go we have to have money for bursaries. So, I request this House to approve this report and consider that we have our county moving. Thank you.

Chairman: Hon. Kieti.

Hon. Kieti: Thank you, Mr. Chair. I am one Hon. Member who is in dilemma because whatever we are discussing, there is total confusion both from the committee that came up with this good report and also from the Hon. Members. I want to say that I have noted with a lot of concern that we as elected members or as members of this Hon. House are not working with independent thinking.

I mean or that is to say that we have some of us who are being controlled like marionettes from some quarters. It is the high time that we as elected members or as a House came to our senses and served the people of Machakos County but not individuals. I want to say that me as Kieti, I have an independent mind and I cannot be controlled and I cannot be told the direction otherwise Mr. Clerk there is a lot of guidance and training that is required so that we know our mandate very well.

I am not belittling anyone but the other day we were out in the field talking about or getting the views from the *mwananchi* on the CIDP and I believe the supplementary budget that we are talking about, to my understanding, is money that will be meant to supplement a budget that was derived, whose initial stage was a CIDP in 2013 or 2014 wherever and ADPs that

followed up to the current because we are still working on the ADP of the previous CIDP. I stand to be corrected but as the chairman of planning committee, I know that is where we are.

So, the proposals that we gave in the supplementary budget they were in good faith to start with. Members wanted the electorate to be served but not our bosses. So, when we talk about the supplementary budget that we passed, it was in good faith but now members we are not addressing the issue about the memorandum that was brought to us by the office of the Governor.

We have settled a lot on Ksh. 60 million that has been mentioned within the report. So, it is the high time that we addressed the key issues that are mentioned within the memorandum and support the report from the committee because the report is very clear and let us not just concentrate on Ksh. 60 million.

We will never deliver so long as we are always looking at Mutua as the Governor. We must look at the people of Machakos County but not the Governor because we are here to serve the people of Machakos County but not the Governor himself. So, the Governor is just a resident of Machakos just the way we are and he needs the services that we are looking for or which we want to be passed within the supplementary budget.

So, let us not concentrate on the Ksh. 60 million because tomorrow, I might be the Governor of Machakos County and I will sit in that office that we are talking about and I may also be the person who is implementing the projects in the near future.

So, let us not concentrate on the Ksh. 60 million but concentrate on the issues that the Governor raised in his memorandum so that we stand guided on the voting process so that we conclude this exercise. I am concerned when we are mentioning on the supplementary budget, we emphasized a lot on bursary and the committee has not mentioned anything about or it is not very clear whether the budget on bursary has been allocated. Also in the memorandum it has not been captured very well whether we are still going to get that bursary because that is what our people need on the ground.

We need proper roads, in the memorandum, it has not been addressed and how I wish it appeared very clearly within the memorandum so that we can be guided by our conscience when we are voting for a yes or for a no for the three issues that have been raised.

So, Mr. Chairman, as I rest my case, I want to say that it is the high time that, we, as Hon. Members were not skewed because there are people; we were not skewed by promises because those promises are not the ones that are going to take us any far. We need to work with our conscience and deliver to the people of Machakos County without being promised goodies so that we serve. We serve out of our conscience. Thank you so much for giving me that opportunity.

Chairman: Thank you, Hon. Kieti. Hon. Dan.

Hon. Mbevi: I am also a member of budget committee. I would like first to congratulate ourselves as budget committee for the work well done through my chairman.

(Laughter)

A lot has been said and I do not want to repeat but I would like to say that our Chair, our Speaker, has already given us some guidelines and they have cautioned us so according to our today's business as at now, I think if we all agree on what we are saying, serving

the *mwananchi*, that is the answer we already have in our fingertips. As at now everybody knows that.

If we adopt this report, it is seven days and monies are released and our people get bursaries. That is the report that we can now say if we go that way, that we are sure now all members seated here because the other ways, we do not know the outcome and we do not know what will happen. But if we all say it is the way we passed the supplementary the whole House, 100 per cent.

If we now, do the same on this, it is seven days and for our people, we start issuing bursaries and I stand to be corrected.

(Applause)

I want to say I have some concern on our electorates in Machakos and I went further to see the Governor on the same. We discussed these issues but I can say it is the people who are in the Governor's office probably who might not have advised or given the Governor the right picture of what is happening because the Governor, from this memorandum, he has goodwill of working with us and we want to do development but his change means a mis-advise somewhere, according to me.

(Applause)

It is not himself as a person because I have met him we have discussed he has goodwill the way we have it here and he is ready to work with us but there was a mis-advise somewhere according to this because our Governor is also not mad; he is a sober guy and he cannot just bring something from his office that we do our priorities to him so that it can be taken care by this budget and in less than a week he turns again.

Somebody might have missed somewhere in his office. So, I want to say this; we are not finishing all the projects of our electorates with this supplementary budget. We are not even one year old since we were elected, we are just some months and we have budgets to come and I am sure we will construct this office of the Governor because it is also shame to our Governor without an office. We all need this office and if we all know that the office that the Governor is occupying, actually it is not as per specifications of a Governor. Probably some people are saying it was storage whatever.

We need this office but my plea to my fellow Hon. Members, let us budget this to the main budget we see what can be done on this. We see what we had proposed because like me, Hon. Alice, Hon. Mulu, Hon. Ndalana, Hon. Katumo they all come from my area.

Hon. Alice, you know very well what is happening in Mlolongo and you remember very well that myself, when we were given these priorities, I held a very big meeting which was attended by the Deputy Governor; all Mlolongo residents held a meeting over 700 people and we discussed and he himself promised the people. Give your Mheshimiwa Daniel Mutuku Mbevi your priorities so that we can budget them in the supplementary budget and he cautioned them if Daniel Mutuku Mbevi does not pass the supplementary budget, this will not happen so ask him.

(Laughter)

I promised my people and Hon. Members, let us not cheat one another, you know the much I played Mheshimiwa Kisila you know what I did to mobilize so that we can have this supplementary budget passed. I played a very big role because I had a duty from the Deputy Governor and from my electorates with whom we had agreed and signed a memorandum that I must make sure that this supplementary budget passes.

I did that, we did that as a House and it passed and that is why I am saying it is not the Governor's issue to come up with this; somebody messed in his offices. So, it is my worry I want to support what is happening but I am tied by my people. So, what I am saying, listen to what I am saying, I am supporting this committee's recommendations because of the promises I made to my electorate with the Deputy Governor.

(Applause)

So, what I am saying and requesting Hon. Members, as we also talk about this, I want to recommend the good work the Governor is doing with the graders. The graders are doing us well but without passing this, we will now get into problems and to avoid these problems is to pass this committee's recommendations so that after a week work is still going on.

(Applause)

So, my humble request to my fellow Hon. Members, please, everybody, when you stand here we say we want to work together we want to deliver to our people, we want to do a lot. I support what Mheshimiwa Kisila is doing and I consult a lot with Mheshimiwa Kisila because we want to deliver, irrespective of party issues. We want to deliver to our electorates but sometimes I wonder now how come, we passed this, it went through now we are coming again back to say no. Please members, let us fear God, whatever we are doing, fear God.

(Applause)

Fear God Hon. Johanna and things will be okay.

(Laughter)

Please! Sometimes, I asked you a question are Hon. Members Christians? You told me yes. I still asked you; do we have Christianity in politics and you told me there is no Christianity in politics; which is which.

(Laughter)

I am learning. By the way you, very well know that---

Hon. Munyao: Chair, am I supposed to respond?

Chairman: I think he is just commending that. It is okay.

(Laughter)

Hon. Mbevi: By the way, Hon. Members---

Chairman: Hon. Dan, please finalize.

Hon. Mbevi: Mheshimiwa Caleb, you very well know that I am new in politics I am just learning and when this one came, I was shocked because I was with Mheshimiwa Nziva, I was with Mheshimiwa Ikusya and we discussed and agreed. Now because we also need this office and we know the status and because of the time, short time which is there, we should not deny our Governor something to do with his office. We vetted, actually each had a quotation and we all settled at Ksh. 60 million.

I am happy that Mheshimiwa Ikusya has come; I wanted him to hear because I was with Hon. Ikusya even in Mombasa. We agreed let us apportion some money from the allocations to the Governor's office, at least he feels that we are not refusing what he is saying and it is not like that we are refusing the office to be constructed; we gave Ksh. 60 million and we agreed with Hon. Ikusya, Hon. Nziva let us give that Ksh. 60 million to the office of the Governor. Now, anyway, God will see what will happen to this House.

(Laughter)

Chairman: Thank you. Order please. Hon. Kalumu.

Hon. Kalumu: Thank you, Chair. Mine is first to congratulate the committee for the work well done and I will start with a very bad mood noting that we were here on 2nd May, 2018 and every member here passed a very good budget which was Mueni's budget. We put everything that is needed by Mueni in that supplementary budget and I do not know where the change has come from. Today, we are here being told to change and give Ksh. 190 million to an office which is not a priority to this County.

(Applause)

If we were to address, we are we are being told that we cannot give services as members of executive. Yes, it is true the constitution stipulates that but what is our mission? If we do not have powers, Members, each and every member here has power by the way you are doing to yourself by working under duress, it will cost you in the future. I have a very independent mind; I fear nothing only God and I cannot change my mind to support what is not there. I will support that budget that I voted for, which I was seated here and I said that is the best budget I have given to Mueni.

Little did I know that similar sitting will be today to change the same? Why, Hon. Members? Be true to yourselves and know that everybody in this Machakos County is looking at you to give the change they want. Yes, this House can change and amend policies because policies are brought in this House for legislation and approval. The power to approve is vested on this Hon. Members but you throwing it out of the window; why? It is your time now to stand on your own nut not being coerced.

There are several members here who do not want to speak because they fear to be victimized. I have already being victimized myself and I do not fear to be victimized. This House, all those members---

Chairman: Hon. Kamitu.

Hon. Mulatya: What Standing Order is standing on?

Chairman: Please mention the Standing Order number.

Chairman: Okay, Hon. Majority Whip---

Hon. Kamitu: My point of order, Chair is that wrong words are being used. I have not seen my Hon. Member being victimized so---

Hon. Mulatya: What Standing Order are you standing on?

Chairman: It is okay, Hon. Kalumu?

Hon. Kalumu: Thank you, Mr. Chairman, for protecting me because you all know that the last regime those people were not supporting the other side their wards were not developed and that is the truth. I do not want to hide anything because I came here and I told my people my mission is to go and get change for you. If that change will not be granted this term when I am the MCA for Kithimani, it will never come.

(Applause)

Hon. Kalumu: The budget is the best of we have given; why change it? Because we are paying interest of somebody! The interest we should play is the interest of those people who send us to this House; the people who send us, send us with information of the problems they have and we came here to talk together and try to get the solutions for those problems but look at what we are doing; we are being swayed for nothing.

I want to give a good advice for this House today; if you continue this way, the glory you had before, will get lost. You had a very good glory of standing by your own opinion and being independent but what is happening now, is something to be put in history that will come to haunt you in the future.

The legislative arm of Machakos and all the counties of this country have power of approval and the reason as to why the budget has come back to this House is because the Governor cannot approve the budget for himself; you should know that. If you know that, know that what you should put in that budget is not anything by one office but interest of wananchi. I stand to say this, if anything is to be changed in that budget, I will not be counted.

(Applause)

Let us not lose focus members and start staggering because we know the right way to do things. Thank you, Mr. Speaker.

(Applause)

Mr. Chairman: I want Hon. Members remaining, I am going to have to make you sit down, if you go past two minutes because now, you look on clock, time is not on our side. Let us adhere strictly to two minutes. Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Mr. Speaker. I am a lady of few words. When we passed this supplementary budget, I can attest to this House, I walked to in this town a very proud Hon. Member but I am going to do it today remains a mystery.

Two weeks ago, I sat in the same place and passed the supplementary budget, and passing it today will be a mere contradiction. So, in my case, I think Ksh. 60 million in a month is quite enough for the Governor to finish what his doing and to wait for the other budget.

In Machakos county priority number one is road, priority number two is road, number three is road. So, offices and buildings are not priorities. Thank you.

(Applause)

Mr. Chairman: Thank you, Hon. Rozina. Hon. King'ori.

Hon. Ngunga: Point of information, Mr. Chair.

Mr. Chairman: She has already sat down. So, let us go to the next member. You give your point of information when they are standing; she has already finished their address so, please. Hon. King'ori.

Hon. King'ori: Thank you, Mr. Speaker. You have talked about two minutes I will beg for six minutes.

(Laughter)

Yes! Do you know why; I have so many problems in Muthwani and I want to analyze them the way I analyzed when Hon. Nziva asked me to do so. She asked me to give the Deputy Governor my priorities. I had to go to my ward to ask my people what they really want, what they really need. They told me they need roads, tarmac. I have told the Governor we need tarmac and I am repeating the same today we need tarmac. So, when you say that we have given roads a lot of money, my friend Caleb, I think you are daydreaming.

(Applause)

We need tarmac in Machakos and we need money for roads; not for buildings not for anything else because my people in Katani are crying today, they cannot move from their houses because of the pathetic road they have. They are telling me the priority we need is roads, if you don't go to your roads let me tell you for free that those people wants road. People for Kiima Kimwe, I know where it is, they need roads and they need the budget of roads.

I want also to talk about other needs; we need water in Muthwani, we need bursary which is also, in fact, when I moved out there was a parent who was crying in my office who wanted funds for bursary because she cannot raise funds for her children to go to school. Yet we are crying that we need money to build houses; that is not a priority.

Priority is our people; Priority is the people who elected us. I am talking about now is about 40,000 voters of Muthwani so when I am speaking, I am not speaking about, I am speaking with the people of Muthwani behind me.

Yesterday I worked until midnight. I was working from Muselele and Baraka up to even I could not see my brother who visited me, so I had to work. I went to Githunguri just to see how my people want and what they need. I do not know what you bring here today; you just bring the opposite of what the people of Muthwani want.

(Laughter)

I want that my Deputy Governor who was very eager and phoned me I want to tell him, this way; thank you, Mr. DG. You asked me to pass me the supplementary budget, thank you very much because I did not know whether you wanted me to pass the amendment or the budget, you just asked me to pass. So, I am going to pass what we passed here, is what will still remain because that is what my people of Muthwani want.

It is not about what the Governor want; he was elected by my own, the ones who elected me also elected my Governor and I am ashamed for him if he can change what people of Muthwani want and they want good roads, they want tarmac, they don't want this buildings and I am talking about people of Katani who asked me if Katani Cosmopolitan Group what I am doing; am I just sitting idle as the Governor is using our money in an unwise way.

(Applause)

I might not be good on speaking my mind but I also honest in my heart and in my conscience; the Governor promised our people hospital in Githunguri and he has never ever visited my place. We cannot give money so that we can be beggars; we are not beggars. So, if we give him this money he wants, he wants us to beg him money later on. No. Let us say no; we need to take the driver's seat.

(Applause)

Yes let us say no. Thank you.

Mr. Chairman: Thank you. Hon. King'ori, please conclude.

Hon. King'ori: I am doing that, Mr. Speaker. I just have like two minutes left. Let us talk about now---

Mr. Chairman: Conclude, Hon. Member.

Hon. King'ori: Thank you, Mr. Speaker. Let me conclude. I am saying this; if the Governor won't give me money for development in Muthwani let him be told this way, the

people of Muthwani will say no to him and his presidential and his dream ends because he is killing our dreams. That is the people Muthwani.

(Applause)

Mr. Chairman: Point of order.

Hon. King'ori: I bring it on behalf of 4,000 voters.

(Loud consultations)

Because those people need roads and the way they need roads is the way I need them.

Hon. Kaloki: Point of order. This is not a marketplace. *Mundu u ni mumile* (He is intoxicated)

Mr. Chairman: I need some order here. Hon. King'ori have you concluded your contribution?

Hon. King'ori: Let me finish. I want to finish now.

Mr. Chairman: Hon. King'ori. Order in the house please! I do not need to have to start using other measures members. Let us adhere to the rules of the House. Hon. King'ori 30 seconds you conclude or I will cut you down. Please!

Hon. King'ori: Mr. Speaker, I will just do that. I will ask the people of Muthwani to pray for me in order to fulfill my dreams of making them better and I also ask this House to learn to face your conscience. Thank you, Mr. Speaker.

Mr. Chairman: Hon. Winnie.

Hon. (Ms.) Mutua: Thank you, Mr. Speaker. When I was growing up in school, I was taught about basic needs and necessities. I think when you are talking about the Ksh. 190 million, it is a necessity it is not a basic need so can we give the Machakos people, the basic need that they need unless is a hidden agenda of Ksh. 190 million that which we cannot understand.

I usually walk with some electorates and I hear how they are being disturbed to pay even school fees; quite shameful to our county. So, let us give the county basic needs that the county needs. We postponed construction our chamber from the budget; we moved it. Why can't we move even the building that our Governor is saying? Let us give our county the basic needs that they need; we can give that one to the next budget that is coming Thank you, Mr. Speaker.

(Applause)

Mr. Chairman: Thank you. Hon. Grace.

Hon. (Ms.) Mutwiwa: It is so pathetic for this House to discuss about a Bill which we passed and we are all called clapping for each other for the good work we had done. Today it is a pity because I am seeing Hon. Members boiling like bitumen because of a small issue.

I have one question; is there anyone who is saying that we are not going to give our able Governor any location? No one. It is only that we have a very short time, one month to closure of the year. Ksh. 60 million is not Ksh. 60,000 neither Ksh. 600. We are talking of Ksh. 60 million. Hon. Members, let us be sober and read from same script.

If I quote my ward, nothing has happened for the last five years. Hon. Caleb talked of KRB roads; it is a cry for my people because I don't even have one road for KRB. Members, this is not the end of doing budgets; this is called supplementary budget and we are going to do the major budget whereby what the Governor brings on board, we will consider and pass it accordingly and also consider major projects in our wards. I believe each and every one of you has over 20 messages from our electorates demanding for school fees.

(Applause)

From January to date, no one has paid a single bursary coin and yet we are here shouting at each other because of very small issue. Our able chairman, mine is to support the budget which was done by very able budget committee.

(Applause)

They went on sleepless nights doing that budget and the lot went on, so many things went on and happened to them as they were doing this. Today, it is budget committee, tomorrow is your committee; don't forget your committee issues you brought in this House. Let us sober up and work for our people. Thank you, chairman.

Mr. Chairman: Thank you, Hon. Grace. Do you have anything to say Hon. Almasi?

Hon. (Ms.) Mutunga: Nakushukuru Bw. Spika, nina kila sababu ya kushukuru kamiti ya mipangilio ya kifedha; Mungu awabariki, awainue na awatofautishe. Changu kusema ni hivi; kama bwana Gavana alikuwa kwenye ofisi miaka zilizopita na hakutengeneza ofisi, even given the rest of his life, he will never do it. That is my personal view.

Jambo lingine la kusema ni hivi; we will know out of this budget, I have always said people a proud of preaching water, taking wine. I am sure will know those who preach water and take water. Thank you, Bw. Spika.

Mr. Chairman: Hon. Members, I think we have reached the end of our submissions of today.

(Loud consultations)

No, let me make one comment. Only Hon. Judas Ndawa, you are not going to repeat. I am only going to give Hon. Nyanzi as the statesman, as the last member to speak after that, I will make my own contribution as the Hon. Member, Mumbuni North ward and then we close the submissions. Hon. Nyanzi.

Hon. Nyanzi: Nimefurahi kwa mazungumzo ambao yote yameongewa hapa na kama mzee, kuna kitu nataka niseme; nimekuwa kwa nyumba hii nikiwa mimi ndio nimesoma sana na sasa mimi ndio sijasoma

(Laughter)

(Applause)

Kutokana na vile mmeongea, Mheshimiwa Moffat na mimi kwa hio miaka mitano tulikuwa kwa serikali kabisa ndani kabisa hii ya Mutua na hakuna kitu hatujui, nyinyi ni wageni mmekuja juzi tu na mtakiona.

(Applause)

Mniskize vizuri; ikiwa leo, na sijui kama waandishi wa habari wako hapa nitawapia kitu waandike vile ninasema, ikiwa leo kuna wakati wakamba walikua namba tatu kwa kuerevuka, kusoma na kila kitu miaka hiyo na ikiwa leo tunataka tupewe Ksh. 190 million na serikali kuu na mnataka iende kwa Wamaasai, Wakikuyu, Wajaluo huko itoke Machakos. Wakamba wenzangu, na ndio nasema nataka waandike hivo, Wakamba wa Machakos tulikataa pesa irudishwe kwa sababu mnaona, nataka kusema Gavana Mutua kwa miaka hio nne karibu nne, alikuwa akifanya bila Geputy Governor alikuwa na ministers wake wengi wao, unajua, walitoroka.

Alikuwa akizunguka nchi hii yetu akiwa peke yake bila msaidizi. Tuna bahati kubwa kabisa ambayo Deputy Governor nafikiri ameenda ward karibu ya kila mtu hapa an hii inaonyesha sasa, hii pesa hata mimi naweza sema hivi; hii pesa Ksh. 190 milioni hata kama hamtaki ijenge hiyo ofisi, kama kuna njia inaweza gunduliwa kama hamtaki iende kwa hiyo nyumba mnasema, si kila ward igawiwe hio pesa ipewe kila ward Ksh. 190 million.

(Applause)

Nyinyi yote mtarudi kwa hii council after five years mtarudi kwa hivyo badala ya kushinda mkisema itafanya, itafanya; hakuna haja pesa ipitishwe ili tuendelee tusionake wajinga tusionekane wajinga, pesa hii irudishwe Nairobi. Wacheni hii pesa irudishwe hapa Machakos hata kama hamtaki iende pale. Asante sana.

Mr. Chairman: Thank you. Hon. Judas, what I am saying is this, Hon. Judas.

(Loud consultations)

My question, Hon. Judas, I am giving you one minute, you air your view and that is just because of my humble self. Otherwise, I know you spoke and am within my rights to tell you not to speak again. One minute and we close the chapter. Thank you

Hon. Ndawa: Thank you, Sir. It is good we differentiate between a plenary and a Committee of the Whole House and in the Committee of the Whole House, you can talk even 10 times.

Mr. Chairman: Hon. Judas you are misusing your one minute.

Hon. Ndawa: Yes. Point number one; the committee sat down and according to the report which has been brought here, it is evident that there was no consensus; there was no agreement in that committee because most of the members who sat in that committee are disowning the report. That is point number one.

Point number two, Mr. Speaker; the issue of the office of the Governor. At the moment, the Governor is in an office, which is rented and I understand he has been given a notice to vacate the office so if we say, we don't have the need to construct an office, it means we will not have the office of the Governor.

Point number three; according to the report, the letter which was brought by the Governor had made it clear that he attached a detailed report and now the committee is telling us that they did not see that detailed committee. Whom do we believe now? That point---

Mr. Chairman: Your time is over, finish.

Hon. Ndawa: The last point is that I would request this House, we did a great job to pass the Bill and the work that we are supposed to do is very little. The work we did is very big compared to what we are supposed to do; just to amend. Kindly, I would request Hon. Members to just pass this Bill with amendments as requested by the Governor.

Mr. Chairman: Very much, Hon. Member. No, as I make my submissions on this issue, and now I am speaking as the Hon. Member representing the great people of Mumbuni North ward. These are my submissions on the same. Hon. Members have spoken and said---

Hon. Ngunga: Point of Order, Mr. Chairman

Mr. Chairman: I am not going to allow a point of Order on myself.

(Loud consultations)

Can I finish please? I have protected every member when they were contributing---

(Loud consultations)

Order! Hon. Members, I have protected every member when they were standing here and now, the same Members I was protecting do not want to protect me; is that fair Hon. Members?

(Loud consultations)

So, let me finish my submissions.....What I am saying is this---

(Loud consultations)

The issue is this, Hon. Members. Thank you, so much for your understanding and allow me time to speak as the Hon. Member. I am also an elected Member and I need to talk to represent my people.

What I am saying is this, we have reviewed the budget about three weeks ago and the budget committee, in consultation with each and every single Member prepared a supplementary budget which was specifically geared towards the interest of mwananchi. We requested each one of you as had been requested by the Deputy Governor to submit projects in specific area which will be able to assist your people in uplifting their lives.

We put projects on road, we put projects on water, we put projects on education. After preparing that budget, of which I would like to make it very clear here, that the only major mover in the supplementary budget which was passed by this House was Ksh. 729 million which had been designated for Ward Development Fund.

The Committee brought its submissions before this House, every Member reviewed the projects which have been put there, working on their own constituencies, each one of us and we looked and we said, we thank God the interest of our people had been catered for by this budget and when it was brought here, not one dissenting voice was heard before this House as we all unanimously approved a supplementary budget with projects indicated to assist our electorates.

(Applause)

Now, when we came to the memorandum which was brought by the office of the Governor, that memorandum as we have all read it here, everybody has had a copy of that memorandum indicated that the issues which the Governor had raised and the committee went step by step analyzing those issues. One of the issues which have been raised by the Hon. Members here, is of an attachment which should have come with the memo.

When we found that missing, and we required clarification because here is supposed to be an attachment, we requested, actually the Office of the Governor requested to come and give more details pertaining to the memo to the budget committee. The budget committee agreed to that proposal and we met with the Deputy Governor who is a CEC, Finance who came here and discussed with us the memo as he had requested---

Hon. Kaloki: Point of clarification.

Hon. Mulatya: The member should not be given the permission.

(Loud consultations)

Hon. Kaloki: I want to clarify something.

(Loud consultations)

I am a Member of the budget Committee. When the Executive requested to come and meet the budget committee in Mombasa, the budget Committee refused to meet the Executive in Mombasa. Okay.

(Loud consultation)

Hon. (Ms.) Mutua: Why in Mombasa?

(Loud consultations)

Hon. Mule: Mombasa is in Kenya.

Mr. Chairman: Order! Hon. Mueni, sit down please.

Hon. Kaloki: Let me finish, let me finish my point of order.

Mr. Chairman: Let him finish please. Order please.

Hon. Kaloki: When the Committee, refused to meet the Executive in Mombasa, we were left in darkness. We have met the Executive in the past at Sunstar and many other places. Why only Mombasa?

(Applause)

When we gave them a schedule to meet us in Nairobi on Friday, they turned up---

Hon. (Ms.) Mutua: Point of correction.

Hon. Kaloki: Let me finish. We were the ones as Members who have created all this confusion. We would have gotten this information as early as early last week when we were in Mombasa. The reason we have these conflicting and contradicting information is simply because we do not want to be honest to ourselves. Thank you.

Mr. Chairman: Thank you. Let me conclude, please. First to request to answer him; the request which was received by the budget Committee to meet with the Executive in Mombasa, was considered by the Committee and the Committee agreed that its purpose of going to Mombasa was to undergo a training by Ahadi---

(Applause)

Its purpose of going to Mombasa was not to meet with the Executive. We therefore gave them a timeline of when we will be here, we told them to come and meet us on Friday at 10.00 o'clock which they changed to 2.30 p.m. but we still met with them here for reasons which are best known to everybody. That our Committee operates above board.

(Applause)

We want our committee to operate in an area, we want to meet with the Executive on matters which are sensitive inside the Assembly on in an official area and also somewhere we

have the HANSARD where we can be able to quantify what was discussed in that committee.

(Applause)

And that is the essence of transparency. As I conclude, you have all heard the issues which have been raised by the Governor and how the Committee handled them. I do not need to repeat that or to belabour that. This issue, we are hearing of Ksh. 190 million, Hon. Members, I have with me here the document itself.

That office under construction of buildings had a budget of Ksh. 55 million in the Financial Year 2017/2018 and it is now being requested to be added what they had proposed Ksh. 280 million. We have allocated Ksh. 60 million which means that, that specific caption will have Ksh. 115 million and the balance which will remain there will have to go to---

Hon. Kamitu: Point of order.

Mr. Chairman: Let me finish my friend, Hon. Kamitu. I am not going to allow you because I am going to talk.

(Hon. Kamitu spoke off the record)

Let me finish, Hon. Kamitu. I am the Chair now, please.

(Loud consultations)

Hon. Kamitu: It is a Standing Order, Chair and I respect you. We must go by the law; part 3 Chairperson of Committees and the Speakers Panel, that is Standing Order 14(5), 'if the Chairperson of Committees considers that that it is desirable that he or she should take part in any proceedings in Committees otherwise than as the person presiding, the Speaker shall take the Chair.'

(Applause)

Mr. Chairman: Thank you, very much for your contribution. I can summon the Speaker to come so that I can contribute when I am sitting down. No problem. If that is rule, we can do it. Is that correct? What I have been advised is this; since we have finalized on our submissions, what he saying is this, you cannot stop me from contributing, I am a Member like you and elected like you and I am not speaking as a Chairman.

(Applause)

So, Hon. Members, what I am saying is this; Hon. Members, let me finish this we go to the next level. The Clerk has said we conclude and we go to the next issue. Now, I have made my submissions, I have said what I think is good, I have said my part of it, whether people want to take it or not to, that is that order of the day.

So, now what we are going to do now is this; we go to the next step which is division. We have a memo before us and I would like the Secretariat to advise us on how we are going to go ahead in the next phase of division.

(The Clerk took members through roll call voting)

Hon. Kisini: Since you have told us that we will vote four times according to the report, are there instances where a no might be yes? I mean, if I am for this report, yes, yes, yes or no, no, no. There are sections which might say yes or no and miss the point. If we are going by this report, if I am accepting it or I am trying to support it, is it a yes throughout or there are instances where a no might come in?

(The Clerk took members through roll call voting)

Hon. (Ms.) Munyasya: Thank you, Bw. Clerk for the guidance. As we vote, do we need to consider whether the Governor's report contravenes the law or not because as per the report of the budget Committee in which I am a Member, we realize that what is stipulated that the House had heard was not an error and the Deputy Governor agreed with that. So, as we vote yes or no, does it matter whether it contravenes the law or not?

Hon. Kisila: It is important to be clear. If I am agreeing with the report, the Committee's report, I say yes. If I am disagreeing with the Committee's report, I say no. So, for example, the question is, if you go above the one percent, do you think that if I say, yes, what does that mean? If I say no, what does that mean? It is not clear.

(The Clerk took members through roll call voting)

Hon. Kisila: May, I ask please? Where does the two-thirds come in?

(Laughter)

(Division Bell was rung)

[Mr. Chairman left the Chair]

[The Deputy Chairperson (Hon. (Mrs.) Mwangangi) in the Chair]

Hon. Deputy Chairperson: Order, Hon. Members. Thank you very much. Mr. Clerk, please guide us; we have been here for so long and we need to finalize.

(The Clerk briefed Members on Division modalities)

Order Hon. Members. Hon. Ndawa, Order. Hon. Members, let me remind you that even in this process we need to be honourable.

(The Clerk briefed Members on the First Question)

Whether varying supplementary by beyond one per cent was justifiable.

(Question put and the House divided)

(Question negatived by 34 votes to 22)

AYES: Ms. Mutunga, Ms. Munyasya, Ms Mueni, Ms. Nzioki, Ms. C. Koki, Messrs. Kieti, Kiilu, Mbevi, Ndambuki, Kalumu, Muthoka, King'ori, Ms. Mutwiwa, Ms. Ndeti, Ms. Luka, Ms. Nyawira, Messrs. Munguti, Musau, Kasyoka, Kiteng'u, Katumo, Ms. Mwikali, Messrs. Muendo, Mitaa, Kituku, Museku, Ms. Mene, Messrs. P.J. Mutiso, Kisini, Ms. Kanini, Messrs. Mwanthi, Mulatya, Mutinda, Ms. Mutua.

Teller for Ayes: Hon. (Ms.) Mutunga.

NOES: Mr. Kamitu, Ms Nzioka, Messrs. Mulu, Mr. Mule, Ms. C. Nzioki, Messrs. Masesi, Musembi, Ms. Mwende, Ms. Nziva, Messrs. Kisila, Musyimi, Muli, Ndawa, Ms. Ndalana, Messrs. M.N. Mutiso, Maitha, Abdirahman, Muia, Nyanzi, Ms. P. Koki, Messrs. Kaloki, Munyao.

Teller for Noes: Hon. (Ms.) C. Nzioki.

ABSENT: Ms. Mutuku and Mr. Kamulu.

ABSTENTION: Mr. Ngunga.

(Loud consultations)

Hon. Deputy Chairperson: Order, Members. We are still going on with the process. Order. Thank you.

(The Clerk briefed Members on the Second Question)

The committee did not contravene any law nor have any vote was totally abolished or varied beyond allowable percentage hence occasioning contravention of the law. The committee resolved that they did not contravene any law because there is no vote that was abolished. They just divided the money that was meant for Ward Development Fund.

(Question put and the House divided)

(Question negatived by 33 votes to 23)

AYES: Ms. Mutunga, Ms. Munyasya, Ms. Mueni, Ms. Nzioki, Ms. C. Koki, Messrs. Kieti, Mbevi, Ndambuki, Kalumu, Muthoka, King'ori, Ms. Mutwiwa, Ms. Ndeti, Ms. Luka, Ms. Nyawira, Messrs. Munguti, Musau, Kasyoka, Kiteng'u, Katumo, Ms. Mwikali, Messrs. Muendo, Mitaa, Kituku, Museku, Ms. Mene, Messrs. P.J. Mutiso, Kisini, Ms. Kanini, Mwanthi, Mulatya, Mutinda, Ms. Mutua.

Teller for Ayes: Hon. (Ms.) Mutunga.

NOES: Mr. Kamitu, Ms. Nzioka, Messrs. Mulu, Mule, Ms. C. Nzioki, Messrs. Masesi, Kiilu, Musembi, Ms. Mwendu, Ms. Nziva, Messrs. Kisila, Musyimi, Muli, Ndawa, Ms. Ndalana, Ms. M.N. Mutiso, Maitha, Abdirahman, Muia, Nyanzi, Ms. P. Koki, Kaloki, Munyao.

Teller for Noes: Hon. (Ms.) C. Nzioki.

ABSENT: Ms. Mutuku, Mr. Kamulu

ABSTENTION: Mr. Ngunga.

(The Clerk briefed Members on the Third Question)

The memorandum asserts that under the doctrine of separation of powers as entrenched in Article 185 read together with Article 183 of the Constitution of Kenya 2010, Section 104(1) of Public Finance Management Act 2012 as well as Section 8 and 36 of the County Governments Act 2012, it is the law of the executive to propose and implement policies. The County Assembly has the sacred law of legislation, oversight and representation. It is considered that by listing of projects within the Bill, the County Assembly will be intruding in to the arena of implementation. Similarly, by changing a policy proposition and replacing it with the Assembly's version of the same however, may be an intrusion into the arena of policy-making. Here the committee indicated that what they did was right by getting the Ward Development Fund, the monies which were meant for the wards and putting it into the project which you had agreed earlier with the Deputy Governor. That is what you had agreed and that is the position of the committee.

(Question put and the House divided)

(Question negated by 34 votes to 22)

AYES: Ms. Mutunga, Ms. Munyasya, Ms Mueni, Ms. Nzioki, Ms. C. Koki, Messrs. Kieti, Kiilu, Mbevi, Ndambuki, Kalumu, Muthoka, King'ori, Ms. Mutwiwa, Ms. Ndeti, Ms. Luka, Ms. Nyawira, Messrs. Munguti, Musau, Kasyoka, Kiteng'u, Katumo, Ms. Mwikali, Messrs. Muendo, Mitaa, Kituku, Museku, Ms. Mene, Messrs. P.J. Mutiso, Kisini, Ms. Kanini, Messrs. Mwanthi, Mulatya, Mutinda, Ms. Mutua.

Teller for Ayes: Hon. (Ms.) Mutunga.

NOES: Mr. Kamitu, Ms Nzioka, Messrs. Mulu, Mr. Mule, Ms. C. Nzioki, Messrs. Masesi, Musembi, Ms. Mwendu, Ms. Nziva, Messrs. Kisila, Musyimi, Muli, Ndawa, Ms. Ndalana, Messrs. M.N. Mutiso, Maitha, Abdirahman, Muia, Nyanzi, Ms. P. Koki, Messrs. Kaloki, Munyao.

Teller for Noes: Hon. (Ms.) C. Nzioki.

ABSENT: Ms. Mutuku and Mr. Kamulu.

ABSTENTION: Mr. Ngunga.

(The Clerk briefed Members on the Fourth Question)

The memorandum further alleges that in there are specific instances where proposals to pay pending bills were rejected or mutilated and refers to a circular by the office of the Controller of Budget circular No. COB/CIRCULAR/ No. 2/2018. Ref No.COB/CIR/002/VOL 1 dated 16th February, 2018 and attached to the circular advising that pending bills should form the first charge during expenditure.

This is now a matter of national public policy as discussed and agreed upon Inter-governmental Economic and Budget Council. Hon. Members this is a situation whereby the executive had allocated money to pay the pending bills citing a circular from the Controller of Budget. The committee considered and was of the view pending bills should not be taken care of now.

The Hon. Assembly considered the controller of budget circular number that I have mentioned in approving the Machakos County Supplement Appropriation Bill 2018 and supported the circular in order to address escalating and accumulating suppliers bills in the County Government dated back to 2013. However, additional funds amounting to Ksh. 10,700,000 proposed to pay pending bills on legal fees and utility supplies in the office of the Governor were not approved due to the ceiling set by the Commission of Revenue Allocation for Governor's office and which would subsequently contravene the County Allocation of Revenue Act (CARA) 2017.

All other proposed payments for pending bills were therefore approved in the Machakos County Supplementary Appropriation Bill 2018. The committee did not move any funds. Hon. Members what we are saying here is what normally happens in the County Executive, that is the Governor's Office and the County Assembly, there are normally ceilings and there was a ceiling which was set by the CRA through the CARA which had been approved by the Senate and the committee considered the request by the Governor to increase that vote by Ksh. 10.7 million but the committee declined that request because of the fact that even if they are given the money they cannot access that money because of the ceiling.

(Question put and the House divided)

(Question negatived by 33 votes to 23)

AYES: Ms. Mutunga, Ms. Munyasya, Ms. Mueni, Ms. Nzioki, Ms. C. Koki, Messrs. Kieti, Mbevi, Ndambuki, Kalumu, Muthoka, King'ori, Ms. Mutwiwa, Ms. Ndeti, Ms. Luka, Ms. Nyawira, Messrs. Munguti, Musau, Kasyoka, Kiteng'u, Katumo, Ms. Mwikali, Messrs. Muendo, Mitaa, Kituku, Museku, Ms. Mene, Messrs. P.J. Mutiso, Kisini, Ms. Kanini, Mwanthi, Mulatya, Mutinda, Ms. Mutua.

Teller for Ayes: Hon. (Ms.) Mutunga.

NOES: Mr. Kamitu, Ms. Nzioka, Messrs. Mulu, Mule, Ms. C. Nzioki, Messrs. Masesi, Kiilu, Musembi, Ms. Mwendu, Ms. Nziva, Messrs. Kisila, Musyimi, Muli, Ndawa, Ms. Ndalana, Ms. M.N. Mutiso, Maitha, Abdirahman, Muia, Nyanzi, Ms. P. Koki, Kaloki, Munyao.

Teller for Noes: Hon. (Ms.) C. Nzioki.

ABSENT: Ms. Mutuku, Mr. Kamulu

ABSTENTION: Mr. Ngunga.

Hon. Deputy Chairperson: Order, Hon. Members, Hon. Cosmus and Hon. Kaloki get seated. Alright, just a moment Hon. Members, you appreciate that there are procedure that guide us so I am not supposed to be here now I will just go to chambers so that then I can come back when it is plenary.

So, the Chair of Chairs will take over, you know I cannot leave the Chair empty; where is the Chair of Chairs?

[The Deputy Chairperson (Hon. (Mrs.) Mwangangi) left the Chair]

[Mr. Chairman in the Chair]

Mr. Chairman: Members, can we conclude this thing so we can be able to move ahead please. I will request that door is closed so that we can continue. Where is the Hon. Chairman? Let us continue. Chairman of budget committee, proceed.

Hon. Ndambuki: Thank you. I beg to move the motion that the committee do report its consideration on the Governor's memorandum on the Machakos County Supplementary Appropriation Bill No. 1 of 2018 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Chairman: What I am doing, unless you people do not understand, the process is finished and therefore the procedure normally is the Chair will request me to put the question a proposal so that we can be able to wind up the Committee of the Whole House and I report the findings which have come out of here in the plenary when the Speaker comes.

That is the procedure I am doing now and that is why I am proposing the question that I propose the question and I put it and the Ayes had it. So, now we go to the plenary. Thank you very much.

(The House resumed)

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

Hon. Speaker: Good evening, Hon. Members. Have your seats. We are just from the Committee of the Whole House. I call upon the Chair of Chairs to report to this House on the proceedings of the Committee of the Whole. Hon. Museku.

Hon. Museku: Hon. Speaker, I wish to report that the Committee of the Whole House has considered the Governor's memorandum on the Machakos County Supplementary Appropriation Bill No. 1 of 2018 and I request the chairperson of the committee.....where is he?

Hon. Speaker: Hon. Dominic.

Hon. Museku: Alright, Madam Speaker. I stand corrected. Madam Speaker, I wish to report that the Committee of the Whole House has considered the Governor's memorandum on the Machakos County Supplementary Appropriation Bill No. 1 of 2018 and has given recommendations as follows;

There were four questions which were put onto division; question no.1, and I am only going to give the results of the division as you already now have the question with your selves.

Hon. Speaker: Thank you, Hon. Chair of Chairs. Hon. Members, I now call upon the chairperson of the Budget and appropriations committee.

Hon. Ndambuki: Thank you, Madam Speaker. I beg to move that the House do agree with the committee in the said report. I wish to call the Hon. Thomas Mutinda to second.

Hon. Mutinda: I beg to second. Thank you.

(Question proposed)

Hon. Speaker: I now invite the chairperson of the Budget and appropriations committee to say a word.

Hon. Ndambuki: Thank you, Madam Speaker. I wish to thank members of this Hon. House for according themselves time away from busy schedules and to come to this Assembly and to also participate in the very important exercise that we have just concluded. May God bless Machakos, May God bless them.

(Applause)

Hon. Speaker: Thank you, Hon. Dominic. Hon. Members, I now put the question.

(Question put and agreed to)

COMMUNICATIONS FROM THE CHAIR

PROCESS OF CONSIDERING THE MEMORANDUM FROM THE GOVERNOR OF COUNTY OF MACHAKOS ON THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION BILL, 2018

Hon. Speaker: I am consulting, Hon. Members, because I am being reminded you have been here since the whole morning; there are two communications from the Chair.

The first one is just on the process you have just concluded. Hon. Members, you notice that Standing Order 134 and section 24 of the County Governments Act 2012 are replica of each other and that is about assent of a Bill by the Governor and then if you go to the constitution Article 115 on the presidential assent, it is in more or less the similar wording as in section 24 and Standing Order 134, section 24 of the County Governments Act 2012.

However, if you look at those three provisions of the law, none of them provides what is to happen to a Bill if the two thirds vote is not achieved to override a veto by the Governor. You will appreciate that the results we have just resolved on, you have just passed; there was no achievement of two thirds to override a veto by the Governor on the county's 2017/2018 Supplementary Appropriation Bill.

However, if you look at the National Assembly Standing Order 62(2) allows the Speaker of the National Assembly to have the House to take another vote on another day.

However, that is a process that has been indicated to be seldom or rarely used. If you look at the considered opinion of the Speaker of the National Assembly, dated 28th July, 2015 in a similar situation, he noted that that procedure of taking the vote on another day is rarely used.

In the circumstances, the Speaker will need some little time to write a considered opinion for you on what happens to the Supplementary Bill that is now in limbo; you understand what the word limbo means. We have to get a way forward out of this and in view of the great importance of this matter, it is not a matter that I can just give an opinion right away.

I have it in my mind but I need also to give you reasons why I would advise you as I will advise you. What I am going to do, the first sitting next after this one will be on 5th of June, 2018, the first business because this is a matter of a Bill, the first business is going to be the considered opinion of the Speaker. Hon. Mitaa, you want to interrupt the Speaker? This is on, you are not hearing me?

(Hon. Speaker pointed at the Chair's microphone)

(Laughter)

Hon. Mitaa you are not seeing the red sign. Pardon. You have been sitting here since morning, so I guess this has been capturing me what I have been saying. So what I am going to do the first business on 5th of June, 2018, I will give you my considered opinion for a way out of this scenario. However, don't forget that we are not without a law on appropriation; we still have the 2017/2018 budget which continues to apply. Are we together?

RECEIPT OF LIST OF NOMINEES TO BE APPOINTED AS COUNTY EXECUTIVE COMMITTEE MEMBERS

I have another communication, Hon. Members. Further to the communication made in the morning, this afternoon, as the Committee of the Whole continued with the process which you have ably discharged on the memorandum by the Governor on the supplementary bill, I received communication from His Excellency the Governor forwarding a list of nominees that are proposed to be appointed by him in the County Chief Executive Committee.

That came under Article 179(2)(b) of the Constitution read together with sections 30(2)(d),(e) and 35 of the County Governments Act and the relevant provisions of Public Appointments (County Assembly) Approval Act 2017.

The names of the persons who have been nominated are as follows:

	NAME OF NOMINEE	RESPONSIBILITIES
1.	Ms. Evelyne Kavuu Mutie	Energy, Lands, Housing and Urban Development
2.	Eng. Morris Omuyoma Aluanga	Roads, Transport and Public Works
3.	Mr. Titus Nzeki Matiku Kavila	County Administration and Decentralized Units
4.	Mr. Francis Kiio Mwaka	Trade, Industrialization and Innovation
5.	Mr. Kimeu Mbithi Kimeu	Public Service, Quality Management and ICT

This is a serious matter, Hon. Members, even if you are going to smile do it without making noise.

6.	Mr. Urbanus Musyoka Wambua	Agriculture, Food Security and Cooperative Development
7.	Mr. Lazarus Kivuva	Education, Skills Training and Social Welfare

Hon. Members, the names are hereby committed to the Committee on Appointment pursuant to Standing Order 42(2) and also the relevant provisions of Public Appointments (County Assembly) Approval Act 2017 for vetting for an expeditious processing. Thank you, Hon. Members.

Hon. Members, I am reminded and I have taken note that you have been sitting since morning, we still have business on the Order Paper and so we propose that we take a very short break like 15, 20, 30 minutes; are we in agreement? 30 minutes, 20 minutes? Hon. Jeremiah.

Hon. Munguti: Thank you, Madam Speaker. I think some of us are travelling tonight, so you can also consider on the same.

Hon. Speaker: I think this is important we hear. Remember it was a special sitting only that it had very pressing matters; can I have two three members. Hon. Dominic, it is your committees work that we have been doing the whole day, please tell us.

Hon. Ndambuki: Thank you, Madam Speaker. I wish to contribute and say that it is very important that we stay put and conclude on the matter especially on County Fiscal Strategy Paper. Members, we are well aware that we have one month to conclude on the Budget proposals for financial year 2018/2019.

It is very important that we discuss the County Fiscal Strategy Paper today so that the committee on budget and appropriation can continue with that matter of the budget proposals. Thank you.

Hon. Speaker: Hon. Members, I have in mind yes there is the legislative summit that is ongoing in Mombasa and indeed this morning I was supposed to be making a presentation at the opening ceremony but we appreciate we have all been here.

That is a national matter of course where you also need to be represented and we have our business here. Let me hear your views before I make a ruling. Hon. Kisila.

Hon. Kisila: Madam Speaker, this exercise we are just about to do is very important and we don't want to be rushed again through the process. So, I suggest we spare time and go through the matter within us so that we don't have a situation whereby we are time-barred from the process. So, I strongly support the chairman we spare time even if it is one hour to deliberate on that motion. Thank you.

Hon. Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I think we can sit and continue without going out because when we go out I think members will be bored and they will go home like me.

(Laughter)

(Question put and agreed to)

MOTIONS

Hon. Speaker: Hon. Members, under this Order, we have the business as listed in the appendix by Hon. Cosmas Kieti.

MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR 2018-2019

Hon. Kieti: Thank you, Hon. Speaker.

Madam Speaker, that aware that Section 126(1) of the Public Finance Management Act, 2012 provides that every County shall prepare a Development Plan in accordance with Article 220(2) of the Constitution of Kenya; Aware that Section 126(3) of the same Act requires the County Executive Committee Member for planning to submit the County Development Plan to the County Assembly for its approval not later than 1st September in each year; Noting that the Machakos County Annual Development Plan for the Financial Year 2018/2019 was prepared pursuant to Section 126 of the Public Finance

Management Act and submitted to the Assembly by the Department of Trade, Economic Planning and Industrialization;

Aware that Trade, Economic Planning and Industrialization Committee considered the Development Plan and made recommendations;

Madam Speaker, I wish to move the Motion THAT this Hon. House discusses and approves the Machakos County Annual Development Plan for 2018/1019.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Cosmas Kieti. The report; do the members have the report? We need a seconder, but do the members have the report? Who is your seconder then?

Hon. Kieti: Thank you, Madam Speaker. I call on Hon. Ndawa to second the motion.

Hon. Speaker: Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I stand to second the motion.

Hon. Speaker: Point of order from Hon. Mulatya.

Hon. Mulatya: Madam Speaker, guided by Standing Order 28, I wish to read; that a member may at any time for reason stated seek to leave, to move that this House do now adjourn. Madam Speaker, considering that we just received this report and we need to go through it thoroughly so that we can have a healthy debate, I wish that we could adjourn to have good time to read the report.

(Applause)

I wish to call upon Hon. Mbuva to second.

Hon. Muthoka: Thank you Hon. Speaker. I second this motion because these members have been here since morning and you can see the load inside here. Like me now I am falling down.

(Laughter)

We have not taken tea since morning because of this hefty issue. I second the motion we adjourn now, members to go and read the report then we meet here after recess we discuss it. Thank you.

Hon. Speaker: Hon. Members, I am also human like you and I have also been sitting. I can also assure you I also did not take a cup of tea. I appreciate the importance of the ADP, and the report is bulky it has just been presented to the members now. You will need time to read because of the implications of what are the contents of that report *vis-a-vis* the CFSP and the budget 2018/2019 which you are just going to about to undertake.

I also notice that this House can, as a matter of fact adjourn and continue with a business from where it had stopped. Ideally, it would have been better if we read this report then we have it as a property of the House but still the Standing Orders allow us to stop business for the convenience of the members and start it where we have stopped.

So, I will give the directions that this matter be put on abeyance, ADP; we are not going to commit a very bad sin if it comes back on the 5th of June, 2018 when we resume. Hon. Members, you now have the report, please read make sure you are comfortable with the contents so that when it comes to debate, you will be talking on a point of information particularly on the projects that must be undertaken in the coming financial year. Thank you.

MACHAKOS COUNTY FISCAL STRATEGY PAPER 2018-2019

Hon. Speaker: Hon. Members, under this Order, we have as listed in the Order Paper and it is by the Budget and Appropriations committee chair, Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker.

Hon. Speaker, that aware that Section 117(1) the Public Finance Management Act, 2012, provides that the County Treasury shall prepare and submit to the County Executive Committee the County Fiscal Strategy Paper for approval and the County treasury shall submit the approved Fiscal Strategy Paper to the County Assembly, by 28th February of each year;

Aware that Section 117(6) of the same Act further provides that not later than fourteen days after submitting the County Fiscal Strategy Paper to the Assembly, the County Assembly shall consider and may adopt it with or without amendments;

Noting that the County Treasury submitted the County Fiscal Strategy Paper to the County Assembly on 12th March, 2018 and the same was directed to the Committee on Budget and Appropriation on 13th March, 2018 for consideration; I wish to move the Motion THAT Pursuant to Standing Order 205(4), this Hon. House discusses and approves the report of the Budget and Appropriation Committee on the Machakos County Fiscal Strategy Paper, 2018.

Thank you, Madam Speaker. I wish to call Hon. Margaret Mwikali to second.

Hon. Speaker: Hon. Mwikali.

Hon. (Ms.) Mwikali: Thank you, Hon. Speaker. I stand here to second.

Hon. Speaker: Thank you, Hon. Mwikali. Hon. Dominic.

Hon. Ndambuki: Thank you, Madam Speaker. With your permission, I am going to read a report of the budget and appropriations committee on the County Fiscal Strategy Paper, 2018/2019. Madam Speaker, the County Fiscal Strategy Paper, is a budget policy document which sets the priorities, policies and budget ceilings for each department in budget formulation. The Machakos County Fiscal Strategy Paper 2018/2019 was forwarded to County Assembly on 12th March, 2018.

This was not in line with Section 117 of the Public Finance Management Act (PFM) 2012 that requires the County Fiscal Strategy Paper to be forwarded to the County Assembly by the 28th February each year. Its theme for the financial year 2018/2019 is; Economic Transformation through sustainable Agriculture, Infrastructure and social development.

The County Fiscal Strategy Paper was committed to the Budget And Appropriations Committee as required by the Standing Order 186 on the mandate of the committee. The committee proceeded to analyze and scrutinize the document with a view of reporting to this Hon. Assembly on the project and programs proposed for funding---

Hon. Speaker: I am seeing Hon. King'ori's hand is up. Hon. King'ori, what is the matter?

(Loud consultations)

Mr. Clerk, do we have quorum? What quorum is quorum here now? It is 20 yes but how many are we? How many are we right now?

(Laughter)

Clerk, do we have quorum. Can we get to know whether we have quorum or not. We do not have quorum. Hon. Members, you notice that in the House as currently constituted we do not have the one-third, that is the 20 members sitting, so without quorum, I am being advised that we ring the bell. We will ring the bell for 10 minutes. Serjeant at Arms.

(Quorum Bell rung for 10 minutes)

(Several Hon. Members approached the bar to withdraw from the Chamber)

Hon. Speaker: Hon. Members, when the bell is ringing you cannot leave.

(The House went on a break)

(The House resumed)

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

Hon. Speaker: Hon. Members, we have been having some short break because you have been sitting here the whole day. Remember we are still on the CFSP paper and Hon. Dominic was reading and then we were caught by the hitch of quorum; we managed to raise the quorum but you noticed that it is 6.30 p.m. and I appreciate that Members have been sitting since morning and that some of you are going to travel overnight for the legislative summit in Mombasa.

So, what I am directing that be done, Hon. Dominic is that because of the urgency of the CFSP since it is going it is going to inform the process of considering the budget estimates for 2018/19, the House would consider having a Special Sitting again on 28th May, 2018; if we can save the situation by even one day it makes a difference because the legislative summit ends on 25th May, 2018 and members have the weekend to travel back, isn't it.

So, we can have the special sitting on Monday, 28th May, 2018 for purposes of CFSP and in which case then we may also have the ADP; you remember the ADP members were to go and read. Okay, for the CFSP, we need to have the various sectoral committees engaged on that; I know you hardly have time but please engage on the CFSP so that when Hon. chairperson of Budget and Appropriations committee presents on that day, we are going to be sailing smoothly.

If there are nay issues, perhaps, you could draw that to the attention of the Chairperson because remember document is still not the property of the House; you can still engage him in your sectoral committees. How you get the time; look for it so that we have it on Monday, 28th May, 2018 and the ADP too.

Members, if you think there is anything you need to consider or you want considered in the ADP, then also liaise with the Hon. Kieti who was here for the planning on the ADP so that we finalize on them.

This is because when you look at the timelines for the budget process, they are too tight and we can't afford to lose even one day so we will be forced to come back here on Monday, 28th May, 2018. That is alright.

ADJOURNMENT

Hon. Speaker: With that, the House will stand.....as a matter of fact there is no adjournment because we are on recess so you are free to go. Our sitting today has ended. Thank you.

The House rose at 6.40 p.m.