

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 15th February, 2022

The House met at 2.41 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

(Quorum Bell rung)

PAPERS LAID

Hon. Deputy Speaker: Hon. Members, under this order we have two businesses to be transacted by Hon. Mbevi and Hon. Kituku.

REPORT ON STATUS OF COUNTY MAJOR
ROAD PROJECTS AS AT DECEMBER, 2021

Hon Mbevi: Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, Tuesday. 15th February, 2022. It concerns the report of Transport, Roads Housing and Public Works Committee on status of County major roads projects as at December 2021. Thank you. Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mbevi. Hon. Patrick Kituku.

Hon. (Ms.) P. Koki: Point of information, Hon. Speaker.

Hon. Deputy Speaker: What is your point of information?

Hon. (Ms.) P. Koki: Hon. Speaker, I want to bring to your attention that the House has no quorum please. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Phoebe, I have been advised by Hon. Judas Ndawa and the Clerk at the Table that there is quorum so we are continuing. Hon. Kituku, proceed.

REPORT ON THE PUBLIC FINANCE MANAGEMENT
(MACHAKOS COUNTY EMERGENCY FUND) REGULATIONS, 2021

Hon. Kituku: Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the House today, Tuesday, the 15th day of February, 2022; report on Delegated County Legislation Committee on consideration of Machakos County Emergency Fund Regulations 2021. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Kituku.

NOTICES OF MOTIONS
REPORT ON STATUS OF COUNTY MAJOR ROAD
PROJECTS AS AT DECEMBER, 2021

Hon. Deputy Speaker: Hon. Members, under this order we have two businesses again to be transacted by Hon. Dan Mbevi and Hon. Patrick Kituku. Hon. Mbevi.

Hon. Mbevi:

Hon. Speaker, that aware that the County Assembly's oversight function is one of the cornerstones of democracy;

Aware that oversight is a means for holding the County Executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Hon. Speaker, acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Hon. Speaker, cognizant of the fact that Transport, Roads, Housing and Public works is established under this Assembly Standing Order 190 and is mandated to deal with all matters related to county transport, including county roads as per the Second Schedule of the same Standing Orders:

Aware that the Committee on Transport, Roads, Housing and Public Works received report on status of County major roads projects from the Department of Transport, Roads and Public Works;

Further aware that the Committee conducted site visits to ascertain the status of the projects as indicated in the report, held meetings with the Chief Officer, County Executive Committee Member and compiled a report;

Hon. Speaker, I wish to give notice of Motion THAT, this Hon. House approves the Transport, Roads and Public Works report on Status of County Major Roads Projects as at December, 2021.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mbevi. Hon. Kituku.

REPORT ON CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT
(MACHAKOS COUNTY EMERGENCY FUND) REGULATIONS, 2021

Hon. Kituku:

Hon. Speaker, that aware that Article 94(5) of the Constitution provides that no person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation;

Further aware that Article 95(6) of the Constitution provides that an Act of Parliament, or legislation of a county, that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya, as contemplated in Clause (5), shall expressly specify the purpose and objectives for which that authority is conferred, the limits of the authority, the nature and scope of the law that may be made, and the principles and standards applicable to the law made under the authority;

Acknowledging that the Public Finance Management (Machakos County Emergency Fund) Regulations, 2021, were published in the Kenya Gazette vide Legal Notice No. 18 of 2012 and submitted to the Clerk of the County Assembly for consideration in line with Section 11 of the Statutory Instruments Act, 2013; Cognizant that the Regulations seek to establish an efficient institutional framework for the management of disasters and emergencies as well as facilitate and co-ordinate the development and implementation of an integrated disaster preparedness and emergency management system in the County;

I wish to give notice of the motion THAT this Hon. House discusses and approves the committee report on Delegated County Legislation on consideration of the Public Finance Management (Machakos County Emergency Fund) Regulations, 2021.

Thank you.

STATEMENT

BUSINESS FOR THE HOUSE FROM 15TH TO 16TH FEBRUARY, 2022

Hon. Deputy Speaker: Hon. Members, under this order we have two businesses with the first one to be transacted by the Leader of Majority Hon. Mark Muendo and the second one to be transacted by Hon. Moses Mitaa. Hon. Mark Muendo.

Hon. Muendo: Thank you, Mr. Speaker. Mr. Speaker, the House Business Committee met on, Monday, 14th February, 2022 to prioritize business for the House pursuant to the provisions of Standing Order 151(5). The Committee balloted business as follows:

Tuesday, 15th February, 2022

Afternoon at 2.30 p.m.

- a. Report of Transport and Public Works Committee on Report on Status of County Major Roads Projects by Hon. Daniel Mbevi, Chairperson, Transport and Public Works Committee.
- b. Statement on what the CECM, Department of Finance and Economic Planning is doing to ensure that Revenue Collection targets are met especially at the quarries by Hon. Moses Mitaa, MCA Kangundo Central Ward.

Wednesday, 16th February, 2022

Morning at 10.00 a.m.

- (a) Report of Delegated Legislation Committee on Public Finance (Machakos County Emergency Fund) Regulations by Hon. Patrick Kituku, Chairperson, Delegated Legislation Committee.
- (b) Statement on KRB Projects in the County from 2018 to 2022 indicating
 - i. Contract number.
 - ii. Name of Contractor.
 - iii. Contract Description.
 - iv. Contract Sum.
 - v. Location of Project (Specific Ward).

By Hon. Mark Muendo, MCA Kinanie Ward.

Afternoon at 2.30 p.m.

Report of Implementation Committee on the Status of Implementation of the report by Agriculture Committee on Agricultural Training Centre (ATC) by Hon. Fredrick Muthoka, Chairperson, Implementation Committee.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo. Hon. Moses.

STATEMENT SOUGHT

EFFORTS BY THE EXECUTIVE TO MEET REVENUE COLLECTION TARGETS ESPECIALLY AT QUARRIES

Hon. Mitaa: Thank you, Hon. Speaker. Hon. Speaker, aware that the County Government's approved budget for financial year 2021/22 is Ksh. 12.24 billion, comprising Ksh. 3.82 billion (31.2 per cent) and Ksh. 8.42 billion (68.8 per cent) allocation for development and recurrent programmes, respectively. To finance the budget, the County expects to receive Ksh. 9.16 billion (74.9 per cent) as the equitable share of revenue raised nationally and generate Ksh. 1.68 billion (13.8 per cent) from its own sources of revenue. The County also expects to receive Kshs.1.39 billion (11.4 per cent) as conditional grants. Hon. Speaker, according to the report of the Controller of Budget on implementation for the first quarter of the FY 2021/2022 highlighted that as at 30th September, 2021 the County had raised Ksh. 155.06 million as own-source revenue.

Aware that out of these, Ksh. 45 million was collected from quarries where it is in public knowledge that in previous years, Ksh. 60 million was collected from the same quarries per month. Hon. Speaker, pursuant to Standing Order 41, I wish to seek the following statement from the Chairperson Finance and Revenue Collection Committee; what the CECM, Department of Finance and Economic Planning is doing to ensure that Revenue Collection targets are met especially at quarries. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses Mitaa, for that Statement and as its custom whenever a statement like this touching on issues to do with the county is made, the Chair allows Members to comment on the same. Is there any Member who wishes to comment on this Statement please? Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. Mr. Speaker, the Statement is directed to the Chairperson committee of finance and revenue collection is not around but I am a member of that committee and I may not have the capacity to answer but we had a meeting last week with the revenue officers from the Executive committee and we tried to look at the loopholes why the County is not collecting what it intends to collect and one of the reasons that we got is that those who are transporting the quarry materials are doing it at night when our revenue officers have already left the quarry sites and we agreed that we should make measures.

We should ensure that our revenue officers throughout have shifts. We have those working during the day and we also have officers working night shift because there is no curfew and we are aware everybody has right of movement from point A to B without considering time. So that is one of the reasons among others so the committee is handling the matter and very soon we will give a comprehensive report on the way forward. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you. Hon. Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. Let me also congratulate Hon. Mitaa for seeking this Statement. Hon. Speaker, as you are all aware we live in this county; we are not outsiders. Hon. Speaker, when we say that the report from Auditor General tells us that we are collecting Ksh. 45 million when we have been collecting Ksh. 60 million. There are a lot of questions which should be raised from that---

Hon. Deputy Speaker: Just to clarify for you, Hon. Majority Leader. It is Ksh. 45 million per quarter from the Statement I can see it is Ksh. 60 million per month. So they are reporting Ksh. 45 for three months while we should be collecting Ksh. 60 per month.

Hon. Muendo: Thank you, Mr. Speaker, for that information but also Hon. Speaker, it is even below what the former municipal of Mavoko used to collect because as I always say I was once a councilor that time we were not called Hon. Members from 1997 to 2002. Hon. Speaker, let me say this quarries, every time we will be talking about under-collection of revenue from these quarries and this is purely intentional because when you go there and I think the finance committee has been there several times, you see people carrying receipt books collecting that revenue in a manual way which to me is a *kienyeji* way, Hon. Speaker.

Hon. Speaker, you find most of those Revenue Clerks with two receipt books; one for the county and another for thieves. Therefore, Hon. Speaker, this under-collection has been here since we came into this Assembly and we are saying we wish the new government will listen and collect revenue properly. Hon. Speaker, there is a way of collecting this revenue; all those *Askaris* we know them and we know that we used to collect Ksh. 2.5 million in a day during our time and those days the quarries were not many. Today we have doubled the quarries and you know as we are talking to day our quarries are fully mismanaged.

We have areas like Kwa Kalusa where they normally get the building stones and we have the quarries which are in Mlolongo and around there where we are getting ballast. Hon. Speaker, each and every quarry has got a weighbridge which is electronic. Other counties who have advanced have put their software joined together with the weighbridge of the owners of the quarry and then from there you do not need to have all these staff with the yellow *kabutis* collecting money.

You just have a collection from the source whereby our officer will know that in a day from the weighbridge, in a day we have sold these number of tonnes and if we have put the tonnage to be 9, 000 then we know how much money we are going to get and even the owner can give the County Government a cheque or bank that money directly and then we will prevent these kind of losses which we are facing.

Hon. Speaker, if you go there today, you will find a lot of disorganization. Some lorries come and do not pay, somebody is collecting the money and as I always say, these quarries can feed this county and we do not even need to ask *mama mboga* to ask her to pay Ksh. 10 because we will be collecting enough.

Therefore, Hon. Speaker, this is the time the County Government of Machakos must listen to this Assembly and take action and remove these people with *kabutis* from these quarries and we collect from the source or we hire, like Nairobi, when they found that they are losing a lot of revenue on parking, they hired KRA to collect the revenue for them and they are collecting a lot of money. We can also use KRA to collect revenue from those quarries. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo. Interesting! Hon. Members, this Statement is committed to the Finance and Revenue Collection and I would like to direct that they summon the Chief Officer, Revenue collection and hold a discussion with her. Actually I am going to make a recommendation that I am not going to commit this to the committee of Finance and Revenue collection but to the General Oversight Committee.

(Applause)

I direct that this committee summons the Chief officer in charge of revenue collection to appear before the committee in the next seven days to be able to explain why we should be collecting Ksh. 45 Million in three months while we should be collecting Ksh. 60 Million in one month; multiplied by three that is Ksh. 180 Million. So we have a loss of Ksh. 135 million in the first quarter only.

At the same time, I need her to be told to come with a report detailing what plans they have to automate revenue collection and do away with the manual Revenue Clerks we have there. I do not understand why we have a few number of quarries and we cannot collect all the revenue yet the government collects revenue from oil industry which has thousands of petrol stations but you will never find a revenue officer in a petrol station but all the tax is remitted to the government.

So why would it be difficult for us to collect revenue directly from the source from a few quarries which are located in one area in Mlolongo and another area in Matungulu. Let the Chief Officer also come and explain to us what processes they are putting in place to ensure we have automation.

MOTION

APPROVAL REPORT OF STATUS OF MAJOR COUNTY ROAD PROJECTS AS AT DECEMBER, 2021

Hon. Deputy Speaker: Hon. Members, under this order we have a motion to be moved by Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker.

Hon. Speaker, that aware that the County Assembly's oversight functions is one of the cornerstones of democracy;

Aware that oversight is a means for holding the County executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs;

Hon. Speaker, cognizant of the fact that Transport, Roads, Housing and Public works is established under this Assembly Standing Order 190 and is mandated to deal with all matters related to county transport, including county roads as per the second schedule of the same Standing Orders;

Aware that the Committee on Transport, Roads, Housing and Public Works received report on status of County major roads projects from the Department of Transport, Roads and Public Works;

Further aware that the Committee conducted site visits to ascertain the status of the projects as indicated in the report, held meetings with the Chief Officer, County Executive Committee Member and compiled a report.

Hon. Speaker, I wish to move the Motion THAT, this honorable house discusses and approves the Transport, Roads and Public Works report on status of County major roads projects as at December 2021.

Thank you, Mr. Speaker. I wish to request Hon. Mutinda to second the motion.

Hon. Deputy Speaker: Hon. Thomas Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you, Hon. Members. Noting that we do have the report with us I would like Members to go through this report. So I am going to propose the Question and we postpone debate for Members to go through the report and it will go back to the House Business Committee and you will come to do recommendations in the next sitting and continuation of debate.

Hon. Ndawa: Mr. Speaker, I request the Table Clerks to give us the hard copies so that we can peruse.

Hon. Deputy Speaker: So I request the Table Clerks to ensure Hon. Members get hard copies and post on the website.

(Question proposed)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, with that the House is adjourned to resume 16th February, 2022 at 10.00 a.m. Enjoy the rest of the afternoon.

The House rose at 3.22 p.m.