

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Tuesday, 15<sup>th</sup> September, 2020**

The House met at 10.26 a.m.

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

**PRAYERS**

**PETITION**

**OWNERSHIP AND MANAGEMENT OF UTUMONI BOREHOLE IN KITHIMANI WARD**

**Hon. Deputy Speaker:** Under this Order, we have one business; we have a Petition which has been submitted by Utumoni Village Residents today, Tuesday the 15th day of September 2020 and I am going to read the Petition.

Hon. Members, the Assembly received a Petition through the Office of the Clerk of the County Assembly on 25th August, 2020. This is in line with the provisions of Article 37 of the Constitution of Kenya, Section 15 of the County Governments Act 2012 and Standing Order 194 of the County Assembly of Machakos Standing Orders. The Petition is from residents of Utumoni Village of Kithimani Ward of Yatta Sub County, Machakos County.

Hon. Members, the Petitioner draws the attention of the Assembly on the ownership and management of Utumoni Borehole in Kithimani ward as follows:

1. Utumoni borehole was drilled using public funds by Constituency Development Fund in the Financial Year 2009. The land where the borehole stands is public land according to the records at Yatta Sub-County office in Matuu and the history of the land.
2. The law requiring ranching companies to surrender land for amenities was followed but there is continuous claim of the ownership of the land by Matungulu Ranching Company Ltd and mismanagement of water proceeds by the current and former management committees.
3. The residents have raised the issue of the management of the borehole with the current area Member of Parliament who was also in office when the borehole was drilled and had promised intervention through powering of the borehole as well as reduce the price of water to the residents. The residents have also sought assistance from the County Department of Water through the area Member of County Assembly but all the efforts have not borne fruits.
4. The residents further sought the assistance of the Sub-County Administrator, Yatta Sub-County who confirmed that the land where the borehole was drilled was handed over to them by the defunct Matuu Town Council as public land. On raising the matter

with the Management Committee of the borehole, they insisted that the borehole and the land belong to the Members of Matungulu Ranching Company Ltd.

The Petitioners are humbly praying the Assembly to:

1. Help the residents of Utumoni village to recover the aforementioned borehole supported by the County Government of Machakos through the Department of Water for better management and bring sanity.
2. Investigate to know what Matungulu ranching Company surrendered for approval of their land sub-division according to the Physical Planning Act.
3. Help the residents get accountability of funds realized for the last 12 years.
4. Determine who is the legitimate land owner of these two emotive resources between County Government of Machakos and Matungulu Ranching Company Ltd.

Hon. Members, Standing Order 200 provides that the Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes.

Further, Standing Order 201(1) provides that every Petition presented or reported pursuant to this part, shall stand committed to the relevant sectoral Committee. In this regard the Petition is hereby committed to the Environment, Energy, Lands and Natural Resources Committee. The committee has sixty (60) calendar days to consider and table a report on the Petition to this House pursuant to Standing Order 201(2).

I have the area Member of County Assembly and I think it is only fair that I give him time to comment on the issue for a few minutes then from there it is committed to that committee you can be able to go ahead and action on this Petition within 60 days. Hon. Francis Kioko Kalumu.

**Hon. Kalumu:** Thank you, Mr. Speaker. As you have seen, the Petition is drawing the attention of this House for giving clarification over an emotive resource which is water. Mr. Speaker, the law says, water is a right but I am so much amazed by the way these issues are being handled back there at Kithimani. The said borehole was drilled in 2009 with proceeds from CDF and after the CDF drilling, the said borehole was given to a certain committee to manage it which later realized it was good for them to sell water to the people and when they were looking for the water, they went to CDF to get at least free water not water to be sold to them because you know very well CDF is public money which has proceeds from our tax and I do not see how members of the public can be taxed twice.

They paid for the drilling of the borehole through CDF and again instead of the water being powered and be given to them, with maybe something small, the water is being sold to them at Ksh. 150 per unit. It is even more expensive than Nairobi Water because a jerrycan of 20 liters is costing Ksh. 3. If you multiply with 50 jerrycans it is giving you again Ksh. 150.

Since the borehole was done 12 years ago, it has never had a major breakdown and if you ask the committee where the proceeds for all those years are, they have nothing to show. I want to report to this House that residents came to me crying that successful committees have been there trying to find sanity and at least finally see the water proceeds because water has been sold for all those years but every successive committee which comes to that borehole, they pocket that money.

Again, the residents are buying the water instead of being given the commodity free or at least at a subsidized price which is affordable to the people of Kithimani mostly at these COVID times because it is at this time that water is most needed.

My attention was drawn because of a toilet which is closer to the borehole and a stage that is closer to the borehole. The toilet does not even have a drop of water and they are selling the water to the toilet which is also a public utility. They are also selling water to stands that are being offered to wash hands during this time. Mr. Speaker, the residents of Utumoni borehole need the assistance of this House to bring sanity to that property.

Again there is a controversy between who owns the land. I went with the residents of Utumoni borehole to the area MP who did the borehole when he was in office and he is also today in the office and he told us very well a public project cannot be funded by public resources when it stands on private land which also confirms very well that, that project belongs to the people of Kithimani but a particular group of people have taken the borehole and gone with it and nothing can be released from it to the people of Kithimani.

I asked them for all those years you can show us maybe some students that you paid school fees for or any project that you have done from the proceeds. Every Member here knows that water has money. How can a borehole be drilled using public resources and then be handed to a particular person and that person starts selling the water to the people and he cannot even show a single cent?

Again, you know very well Yatta was a ranching area during that time and when they wanted to subdivide the land in Yatta that is in Kithimani Ward, there is a law which says, if you want to bring so many people to one area you have to surrender some social amenities like, markets, public schools, and water points. I asked them, why are you not going to claim that Primary School which you surrendered when this land was being subdivided? They never answered. I also asked, why are you claiming this land, and if you have any legitimate document bring forward. But those people do not have any document which they can use to claim that they own the land.

So, I call upon the assistance of my Chairman here and the assistance of the full House when the report comes to this House we can bring at least sanity to who owns that land, bring accountability to that borehole and also end the tussle because the law says that the County Government is the custodian of all public land. I know there is a certain group that calls themselves, Matungulu Ranching Company although they surrendered the land according to the law they are still claiming it and that is the reason why the residents of Utumoni are requesting for your assistance. Thank you.

**Hon. Muendo:** Maybe Mr. Speaker if you can allow me I give some advice to the Hon. Member because I had a similar issue.

**Hon. Deputy Speaker:** Hon. Majority Leader, you may just comment on it briefly.

**Hon. Muendo:** Thank you, Hon. Speaker. I really sympathize with the Hon. Member, Kithimani and let me tell him those boreholes which were done those years by CDF, members made sure they formed some committees and handed over the boreholes to that committee and a committee which members belonged to the strong supporters of the Hon. Member. I had the same case at Kyumbi borehole which is in town and the committee had even done agreements of leases.

When I became the Hon. Member, I had to deal with them and I dealt with them this way. I know the Petition will come, we will be talking about it but I want to give the Hon. Member advise of what I did because I had the same scenario. First, water is devolved, and whenever water is done by public funds that water is part of what Machakos County Government has to take and it has taken long if you have not taken that water.

That committee which was in my place was very strong, it was formed purposely for the political reasons and even yours I know. What you will do is get the CECM for the Department of Water, Machakos County, get your own people from that area and you do elections. You do the elections to kick those that are there supervised by the CECM Department of Water, Machakos County.

The same scenario you are in, Katelembo did some division for the Katelembo Farmers Association; they left some public utility areas to be used by the members, they still come to claim for that borehole just the way they are doing at your place. So, when I went to do the elections I was with the CEC, Department of Water, Machakos, we did the elections, put up a committee which up to date it is the one handling the water and we are giving the people free water. That is the guidance. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Majority Leader. I think that is good advice and I believe in each and every one of our areas, we have similar cases. In my place, I also have a similar case at a place called Kwambunga which is a natural spring and it has a lot of water that flows from it and when I went there a few weeks ago, I realized that, that Kwambunga is water that can be able to feed the entire Machakos. We are talking about spring water which is coming from a spring 6" pipe coming from a spring from January to December but I realized that there is a cartel.

The water weir was made by the Government and they put the steel pipes, the old GI pipes, 6" and put distribution tanks but then a group of people who have called themselves the committee with two operatives are the ones controlling the water and every household is paying Ksh. 150 a month and they are over 3,000 households connected to that. So, if you calculate Ksh. 150 by 3,000, then you can imagine the kind of money which is coming there yet they were calling me to go and buy three gate valves which are faulty that is why I went up there and you are getting Ksh. 150 times 3,000 every month.

So, I have intervened and we are going to do exactly what the Hon. Member is saying; do elections with the people around that area, put a formal committee in place, supervised by the department and give people water for free so that they can be able to enjoy and I like the Petition and therefore request that, the committee and the Hon. Chair is here, Hon. Robert Kisini. Please look into this matter and report back to the House within 60 days. Thank you, very much. Mr. Clerk, proceed.

## STATEMENT

BUSINESS FOR THE HOUSE FOR 15<sup>TH</sup> TO 29<sup>TH</sup> SEPTEMBER, 2020

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one business to be transacted by the Hon. Majority Leader. Hon. Mark Kimanthi Muendo.

**Hon. Muendo:** Thank you, Hon. Speaker, for knowing that name which was given to me by my mother and which is very rare but I appreciate it.

*(Laughter)*

Hon. Speaker, the House Business Committee met on Monday, 14th September, 2020 to ballot business for the House as forwarded by the committees and Hon. Members pursuant to the provisions of the Standing Order 151(5). The Committee considered the way reports are to be debated in the House as follows:

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The business balloted for Tuesday, 15th September, 2020 as laid in the House on 8th September, 2020 will be transacted as follows:

Tuesday, 15th September 2020

*Morning at 10.00 a.m.*

Report of the budget committee on controller of budget report for the first three quarters of Financial Year 2019/2020 by Hon. Dominic Ndambuki, Chairperson, Budget Committee.

*Afternoon at 2.30 p.m.*

Report of Environment, Energy, Lands, and Natural Resources Committee on Machakos County climate change policy by Hon. Robert Kisini, Chairperson, Environment, and Energy Committee.

Tuesday, 29th September, 2020

*Bunge Mashinani at Kyeleni Ward*

- a. Motion by the Hon. Josphat Kasyoki, MCA, Kyeleni Ward, that the House approves that Machakos enforces Machakos County Management of Quarrying Activities Act, 2016 and ensures that, quarrying activities or transportation of quarry materials be done between the hours of 6.00 a.m. and 6.00 p.m. through designated roads.
- b. The department of Finance and Revenue collection of the County Government of Machakos collects the appropriate and applicable revenue from quarries in the Matungulu sub-county especially Kyeleni Ward as well as the whole County.
- c. Statement by Hon. Moffat Maitha, MCA Matungulu West Ward on what measures the County Government of Machakos has put in place to ensure that trade of illicit liquor does not go on in the County.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mark Muendo, for that and through that Statement the House hereby notified that we will have the *Bunge Mashinani* on 29th of September, at Kyeleni Ward as the Statement has read. Mr. Clerk, proceed.

### MOTION

#### REPORT OF THE CONTROLLER OF BUDGET FOR THE FIRST THREE QUARTERS FOR 2019/20

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have that motion which is going to be moved by the Vice-Chairperson of the Budget and Appropriations Committee, Hon. Angela Munyasya on behalf of Hon. Dominic Ndambuki. Before she reads, I think it was an oversight on my part, we are all aware that Hon. Dominic Ndambuki had an accident which happened on Friday after we left the Bills we were working on in Nairobi, somewhere between Kathome and Kithini; he had an accident when he was being ferried by somebody else and the vehicle went and landed in a ditch. He is not injured seriously neither was the person he was with injured seriously.

He went to the hospital that day, he was treated and discharged but over the weekend he developed some pains on the back and headache and therefore came to Bristol Hospital here and he was admitted at Bristol Hospital for further examination and monitoring. Yesterday I was with him and he had undergone a scan on the back of the chest, he was waiting to be done a scan on the pelvis

because there is some pain coming from the pelvis but he was in good spirit, he was moving around, he is okay, it is only that we suspect there could be soft tissue injury.

So, he is there and as an Assembly, we wish him quick recovery from that injury which he had and that is why he is not with us here today. Lesson learned yesterday when I was with him is that if he had not had his seat belt on and his partner, the gentleman he was within the car, if they had not had their seat belts on we would be talking of a different story today. He said what saved him more than anything else was the seat belt because they landed into a ditch which is almost 20 meters deep and therefore, you can imagine if he did not have the seat belt on, then definitely he would have been thrown out and therefore that reminds us of the importance of the safety gadgets which have been put in our vehicles let us not take them for granted.

They were just going to Kyumbi he was dropping his friend to Kyumbi to go and jump-start his car, they took the Hon. Member's battery from his car and went with this gentleman in the gentleman's car to go and jumpstart another vehicle in Kyumbi, put the battery there, and come back with it. You know you just say Kyumbi is here but they managed to put their seat belts on.

So, even though you are getting from your house so long as you are entering the main road, seat belt I think is a must. So, those of us who will have time in the course of the day you may pass there and see the Hon. Member so that we are together with him during this time when he is recovering from his injuries. Thank you very much. Hon. Angela Munyasya.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker, for the update. We wish Hon. Dominic a quick recovery.

Hon. Speaker, that aware that the Office of the Controller of Budget is mandated to oversee and report on implementation of the budgets of both National and County Governments as per Article 228(4) of the Constitution of Kenya 2010;

Aware that the first three quarter's report from the COB was submitted to the County Assembly and it provides information on budget implementation by the 47 Counties covering the period from July 2019 to February 2020 and that it contains analysis on county Budgets, own source revenue generated, conditional grants and fiscal transfers from the National Governments and expenditure;

Acknowledging that the Committee on Budget analyzed the Machakos County Budget Implementation report as presented by the COB and compiled a report on the same;

Hon. Speaker, I wish to move the motion that this House discusses and approves the report of the Budget and Appropriations Committee on the report of the Controller of Budget for the first three quarters for the Financial Year 2019/20.

I call upon Hon. Nziva to second the motion.

**Hon. Deputy Speaker:** Thank you. Hon. Jacqueline.

**Hon. (Ms.) Nziva:** Thank you, Hon. Speaker and Hon. Members present. I second the motion. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Jacqueline. Hon. Angela Munyasya you may read the report please.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker. Report of the Budget and Appropriation Committee on the report of the Controller of Budget on the first nine months 2019/2020.

### *Introduction*

Hon. Speaker, the office of the Controller of Budget is mandated to oversee and report on implementation of the budgets of both National and County Governments as per Article 228(4) of the Constitution of Kenya 2010. The first three quarter's report was submitted to the County Assembly and it provides information on budget implementation by the 47 Counties covering the period from July 2019 to February 2020.

It contains analysis on county Budgets, own source revenue generated, conditional grants and fiscal transfers from the National Governments and expenditure. The information is extracted from reports on financial and non-financial performance submitted to COB in line with Section 166 and 168 of the PFM Act, CARA 2018, IFMIS and other information gathered by the office in the course of overseeing budget implementation.

### *Mandate of the Committee*

Hon. Speaker, 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.

Hon. Speaker, 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.

### *1.2 COMMITTEE MEMBERSHIP*

Hon. Speaker, the committee as constituted by this Assembly comprises of the following members.

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

### *2.0 Machakos County Approved Budget FY 2019/2020 Overview*

Hon. Speaker, the County's FY 2019/20 Approved Supplementary Budget was Ksh.13.49 billion, comprising of Ksh.8.1 billion (60.1 per cent) and Ksh.5.39 billion (39.9 per cent) allocation for recurrent and development expenditure respectively.

To finance the budget, the County expected to receive Ksh.7.75 billion (57.7 per cent) as equitable share of revenue raised nationally, Ksh.2.19 billion (16.2 per cent) as total conditional grants, generate Ksh.1.61 billion (11.9 per cent) from own source revenue, and Ksh.1.94 billion (14.4 per cent) cash balance brought forward from FY 2018/19.

### *2.1 Machakos County Approved Budget FY 2019/2020 Performance*

Hon. Speaker, the Machakos County approved budget has been classified into two broad sections namely Revenue and Expenditure.

### *2.1.1 Revenue Performance*

According to the Controller of Budget in the first 9 months Machakos County received Ksh. 7.76 billion comprising of Ksh.4.26 billion Exchequer releases for Equitable share, Ksh,481.57 million conditional grants and Ksh.1.09 billion raised from Own Source Revenue. A cash balance of Ksh.1.94 billion was carried forward from FY 2018/2019.

### *2.1.2 Exchequer releases from CRF*

During the period under review the Controller of Budget (COB) approved a total of Ksh. 7.92 billion consisting of Ksh. 6.22 billion recurrent and Ksh. 1.70 billion development. However, the actual exchequer releases were Ksh.7.76 billion.

### *2.1.3 Expenditure*

The Total Expenditure in period under review was Ksh. 6,501,085,462 consisting of Ksh. 4,087,699,967 Personnel Emoluments, Ksh. 1,359,079,440 Operations & Maintenance and Ksh. 1,054,306,055 Development Expenditure. The absorption rate for Recurrent Expenditure stood at 67.2 per cent, Development at 19.6 per cent giving an overall absorption rate of 48.2 per cent.

## *3.0 Committee Observations and Recommendations*

Hon. Speaker, the committee observed and recommended as follows:

### *1) Low Absorption of development Funds*

Hon. Speaker, the county had a Development Expenditure of Ksh. 1,054,306,055 against a total expenditure of Ksh. 6,501,085,462 translating to an absorption rate of 16.2per cent contrary to the principles of Public Finance set out in section 107(2)(b) of the PFM Act 2012 which states that over the medium term a minimum of thirty percent (30per cent) of the County Government's Expenditure shall be allocated to Development.

The committee noted that IFMIS is based on accrual basis of accounting hence the County Executive Committee should not wait for funds to be availed before commencing procurement process. During the budget process the committee considered and funded both Executive Flagship Projects and Ward Based Projects. This Hon. House approved a Program Based Budget with itemized projects as advised by the Office of the Controller of Budget via Circular No. 8 of 2020, dated 23<sup>rd</sup> June, 2020 Ref. COB/CIR/002/VOL 2(9); on the exchequer requisition guidelines for County Governments.

Based on this, the Committee recommends that a work plan should be drawn and agreed upon by both the County Executive Committee and the Budget and Appropriation Committee. The projects should be undertaken as approved by this Hon. House without any undue delay the committee further recommends that the procurement process should start immediately and not later than 1<sup>st</sup> September of each year.

### *2) High wage Bill*



During the period under review, the Expenditure on wages was Ksh. 4,087,699,967 against a total expenditure of Ksh. 6,501,085,462 translating to 62.9per cent. PFM regulation 25(1)(b) proposes a ratio of 35per cent of the total expenditure.

Hon. Speaker, the National Treasury via circular NO.13 of 2019 issued on 28<sup>th</sup> August, 2019 requires each County to provide a summary of Human Resource requirements. This entails provision of the following information by Department:

- i. Programme code
- ii. Programme title
- iii. Designation/position title
- iv Authorized establishment
- iv. In post as at 30<sup>th</sup> June, 2019
- vi. Funded positions

From the above information it is evident that each department has an authorized number of positions (establishment) by programme.

The committee recommends that the County Public Service Board provides this Hon. House with the authorized personnel establishment for each department to enable it address the issue of ballooning wage bill. The Committee going forward, will not accept any Programme-Based Budget (PBB) presented without the above information as required in the Format of the PBB (See annexure I attached).

### *3) Use of Revenue at Source and Misallocation*

Hon. Speaker, the committee noted that Six Departments had more Expenditure than related Exchequer issues which could be an indication of use of Revenue at source, or misallocation of the requisitioned funds contrary to PFMA 2012. These Departments are:

- a. Office of the Governor which has a Development Expenditure of Ksh. 8.44 million against exchequer issues of Ksh.1.96million.
- b. Public Service Labor and ICT with Recurrent Expenditure of Ksh. 1.975 billion against exchequer issues of Ksh.571.08 Million
- c. Trade Investment Economic Planning and Industrialization with a Development Expenditure of Ksh. 47.76 m against exchequer issues of Ksh.45.53 m.
- d. Decentralized Units and County Administration Development expenditure of Ksh. 13.5 m against nil exchequer issues.
- e. Education, Youth and Social Welfare with recurrent expenditure of Ksh. 112.51m against exchequer issues of Ksh.109.66m
- f. Tourism, Sports and Culture with Development expenditure of Ksh. 29.18 m against exchequer issues of Ksh.11.70 m.

The Committee recommends that use of funds from the CRF should be utilized for the approved budget intended purposes that were requisitioned for. Salaries and Wages must be expensed under respective Departments where they were budgeted in and requisitions done from. The committee will follow this up with the COB to ensure compliance.

Further, The County Treasury should improve vote book and budgetary control to ensure that expenditure is within the approved budget. Further Strict internal controls should be put in place to

ensure all Own Source revenue collected is banked and transferred to the CRF in line with Section 109 (2) of the PFM Act, 2012.

**4) Late submission of reports by the County Treasury**

Hon. Speaker, the Committee has noted that there has been late submission of reports from the Treasury. This is an indication of inefficiency in the respective reporting Department. The Committee recommends that the Department ensures timely reporting is done as the deadlines are set in law in accordance with PFMA 2012.

**5) Duplication of programmes in Departments**

Hon. Speaker, the Committee observes that there was duplication of programmes in some departments as reported by the Machakos County Treasury to the COB as reported under table 3108. The department of Decentralized Units had water and Irrigation programmes under it while the Department of Environment had also the same programmes.

The committee recommends that programmes should be reported as they were in the County Fiscal Strategy Paper.

**6) Pending Bills**

The Committee recommends since an LPO is raised for every requisition during the year, the pending bills should be paid with balances carried forward from each financial year to avoid the same accruing further.

**5.0 ACKNOWLEDGEMENT**

Hon. Speaker, 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 appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report.

Hon. Speaker, it is therefore my privilege, on behalf of the Budget and Appropriations Committee to table the Report of the Controller of Budget for the first nine months FY 2019/20; in this Hon. House for consideration and adoption. Thank you, Madam Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you very much, Hon. Angela Munyasya, for that report well read.

*(Question proposed)*

**Hon. (Ms.) Ndeti:** Thank you, Mr. Speaker. I wish to take this opportunity to thank or congratulate the Budget Committee for a well-written report, very brief, very precise to the point. I am not going to discuss many issues but I have taken only one on the wage bill. We tend to all the time from the time we joined Machakos County, we have always talked about a high wage bill and low absorption rate with regard to development. I think it is the high time as a County and especially as our Assembly, we demand explanation as to why this wage bill has never been managed.

If our development is low, what do these workers do if we have got a high wage bill meaning we have got very many human resource, many people employed. What do they do since our absorption rate or we have got few projects being carried out; what do they do? So we need as an Assembly to be explained to as to why this wage bill has never been managed. We are coming to our fourth year and every year in year out, we are talking about wage bill. So, that is point number one.

Point number two is I have noted that I think sometimes the Exchequer is not releasing total funds allocated to the county and it appears they end up releasing them when the year is over and maybe having no time for the County to implement. So that is something that we also need to find out why it is happening, is it a delay on our part in requesting on the release of funds.

Finally is on the pending bills; I like the recommendation that in future, expenditure should be matched with resources. We cannot go on planning to procure when we don't have the funds allocated. We need local purchase orders married together with the funds so that payment is done. Apparently most of these suppliers in our county are our brother our people and when they go to the bank, take a loan, execute a job to turn around and do some business with the county and then they don't get paid for years, it is us who are suffering as a county because we are killing the economy within our county, so payment on time is also paramount. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Hellen. Hon. Robert Kisini.

**Hon. Kisini:** Thank you, Mr. Speaker, for giving me this chance to air my points. I first also want to give credit to the committee of budget for the good report. Mr. Speaker, I also want to raise one or two three points and one of them has been said by Hon. Member Hellen, about the ballooning wage bill. Mr. Speaker, we have been speaking much about this ballooning wage bill which we all agree has consumed or has done us not achieve our goals in terms of development. In 2018/2019 budget, our projects were not completed, 2019/2020 nothing was done and here we see that there is a very high ballooning wage bill which some of that money would have been turned to development.

Mr. Speaker, I am concerned about this department of labor and ICT, which had spent Ksh. 1.75 billion against the COB requirement of Ksh. 571.08 million. Mr. Speaker, I don't know why because we have talked about this money always being dumped to that department and it seems as if nothing has been done. So, it is the high time we would like to know what is happening to that department; have they put all departments under one department or what is happening?

The other thing, Mr. Speaker, I want to raise is that most of the departments seem to draw money more than what is required by COB. As much as there are some which have not consumed the amount expected for them, most of the departments consume or have high expenditure of what is expected. Are there no controls, Mr. Speaker? We have a budget, there is what we expect a department to use so why the over expenditure?

Mr. Speaker, the other thing is the pending bills as said; we sacrificed a lot to pay bills which emanated from the other Assembly and we didn't do anything because all the money was used to pay pending bills. I hope Mr. Speaker, this year and this financial year is not going to happen. So, because there are projects which we have budgeted for in our wards and which have not been done and we expect to see some change.

We paid a lot of money in the pending bills or we paid bills for the last financial year and Mr. Speaker, I do think and I do hope that this year, we are not going to spend money on pending bills, we are only going to pay what has been acquired for this financial year. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you very much, Hon. Kisini. Hon. Francis Kioko Kalumu.

**Hon. Kalumu:** Thank you, Mr. Speaker. Again, I would like to speak about the ballooning wage bill. Mr. Speaker, the last budget of this financial year we tried to convince the budget committee to at least allocate some money for special audit by a good company which can give us a true picture of what is happening in our labor service. But it is like our words did not convince them that we are in a serious situation that we need that audit.

**Hon. Deputy Speaker:** Hon. Member, at that point to give guidance because I am also in the budget committee. We are going to have a supplementary budget coming soon so I would be requesting that in your submission you request that, that needs to be put in place before the budget is presented before the House that those funds are put in place and go ahead and request for the firm you want; KPMG as an example. Thank you. Go ahead.

**Hon. Kalumu:** Thank you. We are requesting the House to support the committee of labor, public service and ICT at least this House can do something to run with the audit of the employees of this county. At least we bring sanity into that because Mr. Speaker, if you look at all the three things, one of them is ballooning wage bill another one is absorption rate, the way Hon. Hellen has said and also there again to the pending bills.

If we are not being taken for a ride, if you do compare the three issues and look every member here of this House comes from a particular ward and you find that, you are being told there is ballooning wage bill which is not being pegged or linked with the projects that are being done. Most of the projects Mr. Speaker, are being done through tendering process; people are being awarded tenders and we are still talking of ballooning wage bill.

Again we cannot be talking about a ballooning wage bill when nothing is happening in our wards. We cannot again talk about pending bills and you try and compare what is happening on the ground and still compare with the absorption rate; it tells you the absorption rate here is we never absorbed all the money, yet at the end of it we are getting pending bills.

*(Laughter)*

I am amazed. At the end of it we are getting pending bills, back to the absorption rate is not consumed all the money; are we sleeping? We need to wake up, we need to wake up because if we don't do that then this House will be poorest in performance in terms of you are being taught something here, take the three things run with them, absorption rate, pending bills, ballooning wage bill. That should be the matter we should be talking about every time we are here, every time we talk about budget committee, labor, those two committees talk about ballooning wage bill, when budget comes we speak about low absorption of the budget.

**Hon. (Ms.) Munyasya:** Hon. Speaker, point of information please.

**Hon. Deputy Speaker:** Point of information from the Vice-Chair.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker. Mine is to ask the Hon. Chair of the ICT and Labor Committee to inform the House what efforts the labor committee has made to ensure that the wage bill has been taken care of because an audit is one aspect. What has the committee been doing to ensure that we address the wage bill issue? Thank you, Hon. Chair.

**Hon. Kalumu:** Thank you, Mr. Chair. When I came to this House, I was not the first chair of labor and when I came in we were requesting for the payroll, to look at the payroll of the county employees which at that time was not given. Now it was given to each and every department and the department we have requested for an audit for as long time as we have been here. We have also requested for the retirees who have retired since 2013 and that list we have it now so we are trying to track as a committee what is happening down there.

We are not just sleeping on the job; we are doing the job and that is why I am requesting for support of the budget committee and also for the entire House because when you don't speak about the ballooning wage bill, which is being a scapegoat of the executive all the time Mr. Speaker, we are bound to fail. So what we need, Mr. Speaker, is to at least at the end of this term make sure that we have left a county which has the number of employees as per the law. Thank you, Mr. Speaker.

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

**Hon. Muendo:** Thank you, Hon. Speaker, for giving me this chance to contribute on this report. Hon. Speaker, let me start by thanking the committee of budget for coming up with a comprehensive and a brief report, which has got all the details. Hon. Speaker, having said that, when you look at this report, Hon. Speaker, you find it is not within, the whole of it, the executive is not within what is required by PFM Act.

Hon. Speaker, when you look the low absorption of development funds and I want every member especially the elected, to go there; when we talk of spending Ksh. 1 billion against Ksh. 6 billion, what do you expect to see on the ground. Nothing! Then we are saying the executive is doing well, we are saying, Machakos is No. 1. It is pathetic, Hon. Speaker!

Let me say Hon. Speaker, when you look because we belong to this County; when you look like Hon. Speaker if I may refer and this House must be together with me that we did a supplementary budget here which the wards were allocated Ksh. 3 million and that was last year funds not this year, from that time the executive has done nothing on the ground, Hon. Speaker. That is why you find the absorption is too low because whatever we give them the executive here they don't spend but they will tell you there is no money.

Hon. Speaker, let me say that the wage bill that we have been talking about here since we came to this House could be a loophole for the executive to be siphoning money through claims of ballooning wage bill. For example, Hon. Speaker, in my ward how many workers do I have from the county? Less than five; ward administrator and a few others in that ward and maybe sweepers who are about 10. When you try to look at that number and what we are seeing being paid the money being paid to the recurrent expenditure. it is not a reflection of what is on the ground, Hon. Speaker.

*(Applause)*

Hon. Speaker, some of us have worked for the government, maybe people might not know, I worked with the government to the level of director. Government officers are trained well through corporate trainings, ESAMI and governments put a lot of effort training its officers on the use of the budget because without the use of the budget even in your home you cannot Hon. Speaker, do any development in your house even buying soap.

Hon. Speaker, the other issue where we are looking and this centrally and this is where I do not know where the EACC sometimes the Hon. Speaker, they start chasing people. The people when you have this report, this is against the PFM Act totally and completely. When you look at the committee.....the use of the revenue at source and misallocation, itself Hon. Speaker, can take you to jail. Why do we have laws here? Why does an office spend Ksh. 8.4 million against exchequer issue of Ksh. 1.96 million; a difference Hon. Speaker, of about Ksh. 7 million? That shows that the executive is not doing their work. Let me tell you Hon. Speaker, there is a time when people will be answerable to these questions.

Hon. Speaker, when we talk of pending bills because that is what is eating our county. The pending bills, the ballooning wages and also money not being absorbed the way it is supposed to be. The pending bills Hon. Speaker, I remember in this House last year the whole of it there was no money which was spend on our projects because every time we question we are told we are paying pending bills.

Hon. Speaker, I understand this is also coming again because when you want to siphon government money you talk about pending bills. Hon. Speaker, with experience as a contractor, we know pending bills is a way of stealing money. I can manufacture a contract and invoice or I can manufacture LSO and back date and say this work was done in Katangi in 2014 and it will go through all the way to Treasury and that money will be consumed. That is what is killing devolution. Pending bills which will never be told these were the pending bills, these were the invoices, these were for this year, these were for who and this is the company which did the work but we are getting just an umbrella of pending bills.

Hon. Speaker, you talked about supplementary coming to this House; let me tell you Hon. Speaker, it will not be a free ride. From Wiper party where we do not condone corruption unless; Hon. Speaker, we are shown where Ksh. 3 million went from last year's supplementary budget which we allocated, there will be no such supplementary budget through this House Hon. Speaker. Take it to the bank. The Wiper party will not support it is upon us to be taken serious. It is upon us to be shown how the money is being spent.

Hon. Speaker, I am talking knowing we only have two years remaining and I am talking knowing that there is nothing going on the ground now. The graders have no fuel, the graders, are down. Last year we were talking about graders no fuel, graders down and we passed a budget. Graders no fuel, graders down; pass this supplementary so we can repair. How many times are we going to repair graders? Through the five years we will be in the House?

Mavoko, for example, which is not favored by the executive of this county, I can say Mavoko is not favored as a sub-county and that is true. Our grader has broken down for the last two years; now I am being called being asked do you know the supplementary is coming? No forget about it Hon. Speaker, and whoever from Wiper is going to deal with this supplementary budget; I am going to deal with him through the party lines. We do not support corruption and we will never give money for people to eat. Let us call a spade a spade Hon. Speaker.

Reason is, we want to talk to the Governor, we said let us not have fights, let us see things being done but now it has turned against our people. Our people are telling us what are you doing? Two years giving budget Hon. Speaker, money is not used, money is diverted and then here we come year in year out supplementary budget because we do not want to go home. Let us declare war because the executive is not doing any good to this County of Machakos.

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Hon. Speaker, I am talking this with bitterness because I know where I come from and I know the money is being swindled in this county. Hon. Speaker, when you look at this report, this can take somebody to jail if things are taken serious because these are the laws that make people be jailed. Everything here is against what is supposed to be done by the PFM Act, Hon. Speaker.

When you look at the committee, their findings are very correct when you have the report of the COB they are right because, for example, Hon. Speaker, why should we talk of we have allocated a certain department a certain amount and then that certain amount they overspent; where have they gotten the other money? Who has authorized them to spend because this House has not received if for example in the department they have overspent we have not received any supplementary on them.

Hon. Speaker, let us be serious and I urge all the Members because there is no member who does not want to come back here, if we go with this trend Hon. Speaker, we will not be being doing justice to our people. People might think because of being loyal to Kalonzo or being loyal to whomever is going to help you come back to this House; Kalonzo will be having his business, Governor Alfred Mutua will be having his business and you will be left alone on the ground.

Take it to the bank. Nobody let us be sober, let us get the executive to do their job and let us do our job. We give them the budget and let us oversight because Hon. Speaker, really this report is hurting me. We are talking about one against Ksh. 6 billion. Ksh. 1 billion against Ksh. 6 billion then what are we doing? What are we seeing on the ground? Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Minority Leader.

**Hon. Kamitu:** Thank you, Hon. Speaker. Hon. Speaker, going by this report, this is a committee report on the Controller of Budget report that the committee sat down and in fact, it has given us the factual report about it and as the eyes of the government in this Assembly Hon. Speaker, I am for this report and my humble request is that ....exactly what our Majority Leader has said, it is a big concern and my concern as the Leader of Minority is that...because there is a department which is supposed to give answers in regard to this report, my humble request Hon. Speaker, is that...you saw me walking out and I have talked to the Deputy Governor who is also the CECM for finance and his request is that tomorrow he is ready to appear before this House as a whole House and through your permission, immediately we leave here we are also going to consult with Majority Leader because for this should not be a party issue but it should be an issue by this Assembly 59 members plus the Speaker, the 60 members should take the concern about this report and even the forthcoming because we did our budget we are very much aware we passed the budget for 2020/2021 and in fact for us to interrogate not even the head of the department, first to interrogate the CEC who is also our Deputy Governor, it is important for him to show up that is tomorrow so that also by this report he can give us some answers.

It is also not bad Hon. Speaker, not even consultation tomorrow if the House is going to allow the CEC finance who is our Deputy Governor we will be able to answer this questions because that his is department and is also a concern of this House.

So my take on this report is it is a report which should be taken very seriously because in fact, it is affecting the development performance within the county.

*(Applause)*

It is also affecting the wage bill and the absorption rate and as I said earlier it is a report that the budget committee has taken seriously and we have seen where we are going wrong and it is the work of the Assembly to see which are our strengths and weaknesses and we work on those weaknesses for the purpose and the interest of this report and for the purpose and interest of the community of Machakos. That is my humble request and looking forward to have a very open discussion tomorrow if the House is going to permit. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Moses Mitaa.

**Hon. Mitaa:** Thank you, Hon. Speaker, for granting me the opportunity. First of all to wish the chairman budget quick recovery and second to thank the committee for the great job they have done, Hon. Speaker. Hon. Speaker, to advance what my colleagues have already contributed it is worthy to note Hon. Speaker, that for a while this Hon. House has been undertaking their mandate when it comes to issues related to budgeting and Hon. Speaker, I think our duty is, first of all to work on the budgets and we expect the executive to implement because that is the implementing entity Hon. Speaker.

Lack of development in our county cannot be directed towards the Assembly Hon. Speaker. Since 2017 Hon. Speaker, when we started undertaking our mandate as Hon. Members of this great county of Machakos, indeed we have been passing the budgets with the expectations that we will see development so that again through our mandate of oversight and representation we go again to the ground and ensure whatever issues the Assembly has passed well implemented by the executive.

Hon. Speaker, it has really been a disappointment because it is not relating; whatever we are doing in this House is not relating to what is on the ground Hon. Speaker, and for a while Hon. Speaker, we have been after this happens we meet with the CECM finance, we have also gone to an extent to an extent of meeting H. E the Governor through the leadership but there is no action, Mr. Speaker.

What is missing is actually implementation of whatever we agree in our meetings. It is not the first time we are meeting the DG as this Hon. House, as a Hon. Member I am not refuting meeting the DG, I mean the CECM finance but surely there is also an end to anything, Mr. Speaker. We can keep meeting but when there is no action then those meetings become irrelevant Mr. Speaker. At this point my feeling is that even if we meet the DG it is still irrelevant, Mr. Speaker.

What we need, what this Hon. House needs is not meetings but implementation of whatever we pass. Why should we meet, Mr. Speaker, if I am performing my duty well? Why should I meet you? Maybe we meet over a cup of tea to celebrate achievements but here is a situation whereby Mr. Speaker, every time we are being called to meet either the CECM finance or to meet H. E the Governor but yes we meet we have gone even to Mombasa but I do not want to go to Mombasa when there is nothing going on in my ward. Even if something is going on in my ward, I want it to go on what is expected not just something to show that there is something which is being done and yet it is not at the right value of what is supposed to be done.

I think Mr. Speaker, at this point I am not against meeting the DG or the CECM finance but I think the right people we need to meet Mr. Speaker, is the policy makers like the Chief Officers and the County Secretary, Mr. Speaker. Let us go down to the people we can control not to the people we cannot control. From where we are we can dictate these Chief Officers to implement whatever we expect to be done in our wards. We can authoritatively force our County Secretary as the Hon. House to implement matters which are of our concern, Hon. Speaker.

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It is a very humble request I would request our Minority Leader who is the eye of the government not to bring to this Hon. House CECM finance; we would request you Hon. Minority Leader to bring to us the County Secretary and the Chief Officers of relevant departments Hon. Minority Leader because we want to deal with them since the CECM finance you know he is also engaged; we know his ambitions he might not be seeing what I am seeing an Hon. Member representing Kangundo Central ward people.

I want him to have the comfort of furthering his ambitions but I engage the Chief Officer and the County Secretary who are not supposed to think of what is happening on the ground politically but development-wise. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Minority Leader you have a point of information? Please go ahead.

**Hon. Kamitu:** Thank you very much, Hon. Speaker. The information that the House through our Majority Whip is very valid to this report and valid to what I am going to say is that the DG has also the powers to even compel the County Secretary, the DG has all the powers to compel the Chief Officers in his meeting so that we may kill---

**Hon. Muendo:** Point of information.

**Hon. Deputy Speaker:** May be let me because I think this is going to go round and round let me just give some guideline on this because I think I should give guidance. I think the mood of the House Minority Leader as you can tell it is that Members are saying they are tired of meeting with the DG and the Governor on issues that is what their submissions have been brought here. So I hear the request which is here is that they need to meet with the County Secretary and the Chief Officers to come out with implementation plans not to discuss anything to do with the supplementary or budgets or anything but first of all to draw out implementation plans for their projects that to the is the priority.

So, I think the Hon. Member has said the right person whom you need to talk to your government and said we need to meet here or the House needs to meet here is let us meet with the County Secretary and the Chief Officers who are the executioners of the various budgets given to them by the County so that the Assembly can discuss with them on how they are going to implement their projects.

After that we can meet with DG and we can meet with the Governor. So, if it is possible to pass on the message I think that is what I am hearing from the House that we need first of all to meet with the executioners, the accounting officers who are in charge of this various departments. The DG will not know what is happening in the Department of agriculture. The DG will not know what is happening in the Department of water but the Chief Officer will be able to sit down with the Hon. Member and say; I am going to implement this and this if I am given this and this. That is the kind of discussion I think the House is looking for. Thank you, Hon. Majority Leader from there we go to---

**Hon. Muendo:** Thank you. I in my position Hon. Speaker, you know I can ...Hon. Speaker, our Minority Leader who is our father in this House is trying to convince us telling us that the Deputy Governor has got powers to summon. Hon. Speaker, two weeks ago, I was given a grader by the same Deputy Governor and it was taken back by a very junior fellow it was taken back and I even complained to the DG as the DG how can a junior fellow take a grader which you had already given

to me. Therefore, as I said Hon. Speaker, Hon. Minority Leader, we respect you but this House is not ready; our side is not ready to meet first with the DG.

First let us meet with the people who are entitled to ensure implementation of the budget which we normally gave, those are the people who are responsible. So our feeling and that is the mood of this House if they are not going to meet, the COs are not going to meet with this House somewhere where we can ask them our supplementary budget which we passed last year was this much how far have you gone to Kamitu's ward, how far have you gone to Hon. Mark Muendo's ward; there is no other meeting we are going to have with the DG. Even His Excellency; sorry to say.

The reason is let us be serious let us meet those COs before we meet the DG. Pass the information very clear and us our part we are not ready we have been meeting with the DG in Mombasa, all over, in his office, in Kiwanjani there and there is nothing coming out of meeting the DG. Let us talk, let us be told how our money has been spent by the COs. Hon. Speaker, that is the stand of Wiper party in this House. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Masesi before we come back to you. Hon. Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker. Mr. Speaker, first I want to appreciate and applaud the budget committee for bringing this big light to this House and Mr. Speaker, it is not rocket science; all is not well. Mr. Speaker, I think our handshake worsened everything.

*(Applause)*

Mr. Speaker, if you look at the County Government, we have been taking money to the CRF 2017/2018 we took Ksh. 1.94 billion. 2018/2019 again there was a balance of Ksh. 1.8 billion. Mr. Speaker, this is unutilized funds to the CRF and when you look Mr. Speaker, at the ground, I was just doing some quick calculation of the years down devolution and they are eight years, Mr. Speaker.

Mr. Speaker, assuming we have been getting total budget of Ksh. 10 billion per year as per the law 30 percent Mr. Speaker, each year is Ksh. 3 billion development. Multiply by eight years Mr. Speaker, we have a total of Ksh. 24 billion; do we have anything in terms of development on ground Mr. Speaker, worth Ksh. 24 billion?

*(Applause)*

That is the big question Mr. Speaker. Mr. Speaker, again today we are three months down the line that is 2020/2021 we passed the budget Mr. Speaker, and as per the recommendations by the budget committee that by the 1st September, we should be doing procurement. Mr. Speaker, up to now besides passing an itemized budget, I am sure as Hon. Members we do not know how much we are going to spend as per the wards. Nothing Mr. Speaker, has been done and you will find us here the same place Mr. Speaker, 30th June, next year saying that we should rush and pass the supplementary budget to make sure that we do some development and we have all this period, Mr. Speaker.

Mr. Speaker, I want to believe as a House we need to rise and I am sure God will not forgive us, Mr. Speaker. We are looking and we are assuming everything is well and Mr. Speaker, we are not doing any development. Mr. Speaker, if you look at the departments which have overspent money, bad enough every department is missing.

Mr. Speaker, you can imagine at Machakos Level V we do not have a machine which can do a CT Scan. Electrocardiogram (ECG) machine Mr. Speaker, we do not have as a County Government. Mr. Speaker, our patients, our people are being referred to private hospitals on daily basis. They are parting away with Ksh. 10,000 to 20,000 and you can see Mr. Speaker, and I want to believe all members can support this; we are in a very difficult time. With no money, the pandemic is with us and Mr. Speaker, as a county we cannot afford a machine to do a CT Scan. That is too bad for us Mr. Speaker and we are seated here and our people are suffering.

I have been raising this issue Mr. Speaker, on a daily basis with the department of health, the CECM and Mr. Speaker, so far we have got no positive results. Mr. Speaker, something has to be done. Otherwise, Mr. Speaker, as elected Members we are in our fourth year and politics are just around the corner. Next year Mr. Speaker, I am not sure if we will get time to be here because you will be told your opponent is just within your area, he is meeting some women and men there and Mr. Speaker, we need to have something to show at the end of this term. That is the only secret for us coming back to this House. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. I have King'ori then I come to you. Hon. King'ori?

**Hon. King'ori:** Thank you, Mr. Speaker. Mine is just to congratulate the committee for doing a simple job of knowing what is going on in our county and also to know that the handshake is not working and also to know that we have a corrupt government in Machakos hidden; the way the report is saying is that people are not honest, people are not working, people are paid by the community but they are not working for the community because if money cannot be utilized, it means somebody is sleeping on his job.

That means development is a dream to the people of Machakos which is true and if I am wrong I want to know any project which was done last year apart from being told that we are paying pending bills yet they did not come to this House to request for that money to pay those pending bills because we have passed an itemized budget twice but we do not have any results. The only thing we have is the Ksh. 10 million projects which we proposed which you can say this is what is on the ground, this is not what is on the ground but where is the big money?

Where are those billions because if we talk about this year Ksh. 11 billion plus and I want to know after removing let us say 50 percent because they cannot afford the two thirds, 20 percent of Ksh. 11 billion is around Ksh. 5 billion where are those projects? Where are those projects even if it is the stadiums, the airport? The white House cannot consume all that money at a go so Mr. Speaker, I want to understand why not take action on those people who run this county not only the Governor but also the CECMs who have diverted money from the coffers without approval of this is illegal.

Hon. Speaker, it is sad that we have a county that does not respect the rule of law because if we have that then the budget should be taken the way we have passed it here not anyone else to come and divert our budget because that is not a constitutional right. That is thuggery because stealing a chicken is stealing but million is corruption; no, they are all thieves.

Yesterday I was called in a popular television station then I was asked; what project do you have in your ward? I decided to just mention a few but in my own brain I knew what I was actually giving is purely Ksh.10 million ward projects and nothing more. What if I had Ksh. 1 billion in my ward, what would happen because if you calculate two thirds or one third of that money, how much is

that, Ksh. 24 billion. How much per ward? Ksh. 800 million. How many projects do we have of Ksh. 500 million leave alone Ksh. 800 million.

Let us be sincere and it means that somebody somewhere using corruptive ways and using our money; it does not matter the language you choose to use, yet we have what we call institutions like EACC and DCI going after the wrong people and forgetting that the people on the ground are suffering because some of us are stealing money because we think we are learned because we have degree and masters and we have everything we need to deceive the poor who are not learned but, there is God in heaven.

Mr. Speaker, I want to say this, let us stop these things we are calling supplementary budgets. The Jubilee party will support the Wiper party in this Assembly to make sure that no supplementary budget will be passed without implementation of the budget itself the way we passed it. Why should we have a supplementary budget when we give all our time to the budget process? I think it is the right time there be no supplementary budget this year. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Hon. Minority Leader and from there I would like to go to the outside tent I have Hon. Maitha and Hon. Mueni who will be next.

**Hon. Kamitu:** Thank you Hon. Speaker. I will be brief in the sense that you have given us the right directions and the right direction is that as I add from the mood of the House, we should meet the County Secretary and the Chief Officers. It is also my humble request that our Clerk should also write a very strong letter in regard to those sentiments and comments and the report we have today because those are facts and facts are facts.

So, Hon. Speaker, that is the direction, I have taken note and I am going to call the CEC Member and the Chief officers and also this is an Hon. House, it is a House of elected and nominated Members and in co-operation and collaboration with our Majority Leader because we had a handshake so we are going to do this and I believe unity is strength. Thank you, Hon. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Before I go to the Members outside, the Majority Leader and Minority Leader will work together to ensure that Hon. Members meet as quickly as possible with the County Secretary and the Chief Officers to come up with an implementation plan urgently for the projects which have been approved by this Assembly. Can I request Hon. Moffat Maitha?

**Hon. Maitha:** Mr. Speaker, I want to commend the budget committee which I am a Member for that elaborate report before the House. I also want to congratulate the Members who have spoken before me about the ills facing our county. This county has received a lot of money and when you go to the ground there is nothing to show for it. Go to Matungulu West, roads are in a pathetic condition and when the people ask me, I tell them we have budgeted some money for the those roads but do we know whether that money will come; I ask myself why is it that all the time we are talking of projects

in the country while there money with the government but that money is not trickling down to the people.

This morning I was in Musyi FM and people where asking me about roads; I had to tell them that we are waiting for the money from the government because as Hon. Members, we have nothing from our pockets which we can do roads for our wards, Mr. Speaker. We hear of flagship projects, have they not seen it fit for one flagship project to be done in Matungulu West ward? Where are they being done and have they been completed. We want answers from the government.

When we say we are inviting the County Secretary; has she got powers of the Chief Officers to allocate money to our needs? We must find another way of forcing this Government to do projects to our people. If those projects will not be done, you will find many of us not coming to this Assembly. Mr. Speaker, we have paid a lot of pending bills, millions of shillings, for work which was done in the first Assembly but when you go to Matungulu west you will not find a project which was paid which was done that time.

Where are those contracts which were done and in which wards where they paid for. Let us not be taken for granted, Mr. Speaker. The Governor will be asking to be the President and even if he comes to your ward he will not talk about you; he will talk about himself. It is time for us to ask him to do something for us so that we can show the people as we prepare to ask for their votes again.

Mr. Speaker, look at the graders, in Matungulu West we have one grader which has been out of order almost the entire year. It has been in Kyeleni ward for almost two months now; it is not moving because it has mechanical problems. From Kyeleni, it is intended to go to Matungulu East, Matungulu North and Tala Ward before it comes to Matungulu West ward. When will it ever come to Matungulu West ward and the rains are coming soon. When we ask them to buy new graders; we get no answer for that.

Hon. Members, let us say I am Maendeleo Chap Chap, I am Jubilee, I am Wiper, but we need development on the ground for our people to appreciate the billions of shillings which have been given to our county by the Government. Mr. Speaker, we need something, not this sweet talking. When I hear Hon. Kamitu saying that he will talk to the government; Tala ward is not better than Matungulu West. Those people are suffering as I am suffering. Let him stand firm as a Member of County Assembly and stop defending the government.

The government should be supported when it is doing well to our people and when it is not doing well we must say the government is not for the people. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Can I request Hon. Mueni?

**Hon. (Ms.) Mueni:** : Thank you, Mr. Speaker. I am very happy you have been at home and seen what is happening on the ground and now, there is nothing you can do. Calling the Deputy Governor here, you are doing a lot of nothing because you are coming to stamp the papers for the people to eat the money. What is good is to meet the Governor because the Deputy Governor has no powers to the senior people. The person you can call is the Governor; if he wants the supplementary to be passed so that we seat with him and don't be saying that nominated MCA; when I go home, I

am called a *Mheshimiwa* and I am asked what work we are doing and I have nothing. Mine is to ask the House to call the Governor.

Our Majority Leader, you are speaking very well; we are not going to pass that supplementary and we do not hate *Mheshimiwa* Governor, it is only that his people are not working. I have been requesting about my road and each day I call those Chief Officers and my road is only one kilometre from my house and when it rains, I cannot access the road with my car. What I can beg all the MCAs of Machakos is to try and do something because you have not worked more than the Majority Leader who was there and the other *Mheshimiwa* who was in Mwala. They had worked but they did not come back to the House.

I am not saying that I will come but nobody will come back to this House if you are going to continue like that. It will be history of none of us coming back to this House. Thank you.

*(Laughter)*

**Hon. Deputy Speaker:** Thank you. Hon. Titus Kaloki.

**Hon. Kaloki:** Thank you very much, Mr. Speaker. I want to say. I have seen the report, I came a bit late. It is not a very bad report, it is a good report but I have some concerns and reservations as an elected Member of this House. I have heard what the other Members have said and I want to start by saying that I agree with majority of the Members that, it is important that we have a meeting with the Chief Officers who are the implementors of our budget. Why I am supporting this.

His Excellency the Governor gave directions for work to be done in Machakos County. The Deputy Governor was here, he met the budget committee and he gave directions. I want to agree with all of you that, it is important that now we have a meeting with the Chief Officers one on one. I have had an opportunity to sit in one of the meetings in Makueni County Government where the Governor holds regular meetings with the Chief Officers, contractors and the suppliers of Makueni County. A contractor would stand and say I have worked in this ward and I have not been paid this much money for this period.

The Chief Officer is always there to defend and say for example, the reason why the contractor has now been paid, the reason why a certain project has never been implemented. I want to say this as the Deputy Whip of the Government, it is not about parties, Jubilee or Wiper, and it is about the people of Machakos being served with development. I am not defending the government as such; I want to be very honest and I have heard what the other Members have said. There is work being done, some work has been done but the main problem is imbalanced development projects. The way they share the development projects is not balanced.

Mr. Speaker, I want to give a good example; the last Kenya Roads Board projects Kangundo and Machakos Sub-County. The two combined never attained a maximum of Ksh. 10 million combined. I am talking of Machakos town and Kangundo sub-county. Personally I had a KRB of Ksh. 1.6 Million, Hon. Mitaa had less than Ksh. 1 million. I know what happened in Machakos town. If you look at some ward like Matungulu West, the previous KRB, there was a road of Ksh. 16 million, the other day, there was another one of Ksh. 7 Million and if you look at the road that was done from Matuu ma Mwiitu all the way to Kyeleni, almost Ksh. 23 million. Is there a balance there if I may ask? No.

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I want to say something else and I want our Governor to hear this when we will have a sitting with him to hear this; some of the Executive officers have turned themselves into MCAs. They are allocating projects in the areas where they come from not forgetting to consult the area MCAs. If you remember Mr. Speaker, I was with you in the budget committee; we had Ksh. 363 Million set aside for mega dams. Where did this money go? In Kangundo Sub County there is no single stadium---

**Hon. Maitha:** Point of order.

**Hon. Deputy Speaker:** Hon. Moffat Maitha, you have a point of order?

**Hon. Maitha:** Hon. Speaker, is it in order for the Hon. Member to talk of Matungulu West Ward when he was the contractor of that road and is he also in order because the other road, the bridge I gave to do he never finished it. He should not be talking about what he is Hon. Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Moffat, I think it is important when we make strong Statements in this House, we need to substantiate them. You cannot accuse a Hon. Member of being a contractor unless you can be able to substantiate it. So, I will be requesting Hon. Maitha, if you have the proof, then you may need to lay it before the Assembly so that that Statement can be admissible otherwise I will be requesting you to withdraw it unless you can substantiate before the House that the Hon. Member is actually a contractor. Hon. Maitha, do you have evidence you can table before the Assembly or are you going to withdraw the Statement?

**Hon. Maitha:** Hon. Speaker, I wish I was there. Can he deny that his company did not do that road that he is talking about?

**Hon. Deputy Speaker:** Hon. Kaloki, can you respond so that we can close that issue

**Hon. Kaloki:** Hon. Speaker, I want to say like Prof. Lumumba that sometimes you do not respond to a mosquito bite with a hammer. For once he has admitted a road worth Ksh. 16 Million was done in his ward, the other day a road worth Ksh. 7 million was done in his ward but I do not want to go into that direction.

What I want to say if there was a road done by a contractor probably who is known to me or someone who is related to me that is not Hon. Kaloki doing the contract. He can go to the registrar of companies or the relevant authorities and confirm whether I am doing any contract as Hon. Ikusya Kaloki.

**Hon. Deputy Speaker:** Point of Order from Hon. Moses Mitaa

**Hon. Mitaa:** Hon. Speaker, I am not refuting your direction but I think we need to be honorable in the way we do business in this House. Hon. Speaker, my feeling is, it is either Hon.

Moffat tables proof or he withdraws. Referring the issue back to Hon. Ikusya, to me that is not the best direction, Hon. Speaker and I respect your direction Mr. Speaker.

**Hon. Deputy Speaker:** Thank you and the only reason why I allowed Hon. Ikusya to comment on it is because when you are directly mentioned in something, then unless; for example he has clarified himself he has said he is not related to it therefore I have to go back to the Hon. Member and request him to show proof or withdraw because the Hon. Member has said he is not related to that company, so Hon. Maitha with that in mind I would like, if you cannot table proof before the House now, you withdraw that Statement.

**Hon. Maitha:** Hon. Speaker, he did not deny and therefore I am not withdrawing.

*(Hon. Maitha withdrew from the House)*

**Hon. Deputy Speaker:** Hon. Maitha, I would request you kindly to leave the Chamber and I will be discussing this issue further with you based on the Standing Orders of this House because if you cannot table proof before this Assembly then you cannot continue accusing a fellow Member of a grievous issue like the one you have; you are saying that the Hon. Member is actually trading with the government he is working for. So, Hon. Ikusya can you conclude please.

**Hon. Kaloki:** Thank you, Hon. Speaker, for defending me. I want to say categorically that I am a business man, I do business with other counties and I know what the law says clearly. I remember one of my fellow MCA here admitted that he does contracts with Makueni County I do too in many other places but I have no single contract that I am undertaking in Machakos County. The reason why the Member for Matungulu West is so bitter with me is that I have mentioned some things that he was trying to hide under the table that there are projects that are being carried out in those respective wards.

What I talked about Mr. Speaker, which is good for the purpose of recording, is that earlier I said that we have imbalanced projects. If you look at the stadiums for example, there is no single stadium in my ward, there is none in your ward, and there is no single big dam in your ward. For example, in Kangundo Sub-county, we have no space for mega dams and they consumed hundreds of millions. We need a sitting with the Chief Officers to agree with them on how we are going to balance projects across the county.

Secondly, we want to know what is being done and where. As we speak Mr. Speaker, I think KRB projects have been sent to KRB board for approval. We also need to know again; how are we going to benefit from these projects. Last time when we had a meeting with the Governor, he said, 'we do not want a repeat of what in the last KRB projects, what we used to refer as cross cutting.'

I may not have a road that cuts from my ward to Hon. Mitaa's or to the neighbouring ward of Hon. Kamitu, so we must consult first but some of the chief officers have taken it upon themselves to decide for Hon. MCAs on what should be done where. That is the reason why we need to have a meeting. Accusing one another that so and so is a contractor or a supplier will never take us anywhere; that kind of bitterness. But we need to be truthful, we need to bring the culprits who are implementing our projects before this House.

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Finally, I do not want to defend anyone over corrupt allegations but we are here to be served equally as Hon. Members. We only have this year and probably half of next year to work for our people. I have no single tarmac road in my ward even the neighbouring ward. We have seen other roads benefiting from tarmac roads, we have not accused them, we have not complained but I still insist and support that we must have a meeting with the Chief Officers and we must have balanced projects. Thank you, Mr. Speaker

**Hon. Deputy Speaker:** May I request the mover of the motion to respond please; Hon. Angela Munyasya because of time.

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker. I would like to thank all the Members for the participation and support for this motion and I would like to urge members to continue pressing for their right to have projects implemented in their wards because it is the right of the people we have put us here.

We have been placed here to play that duty to ensure that our wards are equipped and worked for and it is not a favour being done. It is the right of our people to receive those services and our jurisdiction is to ensure that those services get to the grassroots and that the people benefit, politics or no politics. Thank you, Mr. Speaker. I beg to leave.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Angela Munyasya.

*(Question put and agreed to)*

*(Applause)*

Hon. Members I would like to draw your attention to our House Standing Orders 87(2) on responsibility for a Statement of fact. "If a Member has sufficient reasons to convince the Speaker that a Member is unable to substantiate the allegation instantly, the Speaker shall require that such Member substantiate such allegation not later than the next sitting day failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order 108, which talks about grave disorderliness and unless the Member withdraws the allegations and gives a suitable apology if the Speaker so requires."

Based on that Standing Order, I will be requiring Hon. Moffat Maitha to substantiate on the allegations he has made before this House by the next sitting day which will be next week on Tuesday when the house shall assemble again failure to which, my expectations will be that he will give a suitable apology before the House. Thank you, Hon members.

As I conclude this morning sitting I would like to comment on a few things which have been mentioned here. The first one is by the request by the Labour committee which the Hon. Chairman has said that he is requesting for an audit to be done by an independent body on our workforce. It is

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something which I believe that the committee needs to follow through with and ensure that they get necessary budgetary support to ensure the County can be able to engage a private audit firm to audit wage bill and come out with a comprehensive report to the House on which way forward in as far as the ballooning wage bill is concerned. So I will be directing that committee to seek for that.

The other issue that has been mentioned is the issue of CT scan machine and the ECG machine which I have found touching by the Hon. Member for Matungulu East and the Chairman for health committee. I direct that the budget committee needs to work jointly with the health committee and ensure that provisions are made for that equipment if it is not there, to be purchased and installed in the county hospital. It is not possible for us to be referring every CT scan to private hospitals or even for something as simple of ECG which looks at the rhythm of the heart.

This is pointing towards a possible cartels which could be there making money maybe through because to the best of my knowledge we have a CT scan machine, maybe it is not working or maybe it does not have the necessary materials it needs for it to function, so this should be followed up. I think it is an issue which is urgent.

Finally, on the issue of pending bills; as Members have said and as one Member pointed out clearly; you cannot have a low absorption rate of development funds (.....inaudible). We are saying that even the little which we have absorbed we are not paying. If you have a very low absorption rate and high pending bills then it means the little absorption you are doing, you are not paying for it.

The Hon. Member talked about how much money has been spent in this county in the last eight years and it is a lot of money. The budget committee in its report has talked about the issue of funds remaining in the CRF which are not utilized for the right purposes. For example, the Ksh. 3 Million you are chasing now; there was Ksh. 441 Million which was brought forward in the CRF in the current year which included money for the supplementary budget. Why has that money not been utilized up to now for the respective projects? It is going to end up being utilized for other things and not paying for whatever projects where done last year.

## ADJOURNMENT

**Hon. Deputy Speaker:** With that, the House is adjourned to 15th September, 2020 at 10.00 a.m. Thank you Hon. Members.

The House rose at 12.39 p.m.