

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 17<sup>th</sup> April, 2018**

The House met at 2.28 p.m.

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

**PRAYERS**

**Hon. Speaker:** Good afternoon, Hon. Members. Let us get to the business of the afternoon. Is the office of the Clerk fully represented? We carry on?

**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, under this Order there is communication from the Chair and the same is not ready its being prepared it's going to come as we carry on with the business of the House.

**NOTICE OF MOTION**  
**DE-SILTING EXISTING DAMS**

**Hon. Speaker:** Under this Order, Hon. Members, we have one business by the Hon. Cosmas Kieti.

**Hon. Kieti:** Thank you, Madam Speaker.

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of water and sanitation Services;

Aware that the mission for the Department of Water and irrigation in the County Annual Development Plan is to contribute to County Development by promoting and supporting water resource management to enhance safe water availability and accessibility for all;

Further aware that the Machakos County has approximately 350 existing dams which provide water to the residents;

Acknowledging most of these dams are in deplorable state and risk drying up due to silting;

Aware that with the dams lacking fences, chances of pollution is high;

Cognizant of the fact that these unfenced dams pose as health hazards both to human beings and animals;

Hon. Speaker, aware that in order for these dams to be beneficial to the residents of the County, there is need to pump and reticulate water;

Hon. Speaker, I wish to give notice of motion that the County Government of Machakos;

1. De-silts and fences all the existing dams in Machakos County.
2. Reticulates water from all the existing dams for the benefit of the residents.
3. Plants trees around the dams and along the catchment area to increase forest cover and hold soil.

Thank you, Hon. Speaker.

### MOTION

COUNTY BUDGET REVIEW AND OUTLOOK PAPER 2017-18

*(Hon. Ndambuki on 11.04.2018)*

*(Resumption of Debate on the Motion tabled on 11.04.2018)*

**Hon. Speaker:** Hon. Members, under this Order, we have one business and it is by the Hon. Dominic Ndambuki that is the chairman of budget and appropriations committee. Hon. Members, just to remind you briefly, last Wednesday the question on this report was put to the members and so today the matter is for debate. Hon. Dominic Ndambuki, take the position.

**Hon. Ndambuki:** Thank you, Madam Speaker. Madam Speaker, last week as you have communicated we read through the report of the budget and appropriation committee on county budget review and outlook paper and I would wish to jog the memory of the Hon. Members.

Madam Speaker, the County Budget Review and Outlook Paper, abbreviated as CBROP is prepared in accordance with the provisions of the Public Finance Management Act of 2012, section 118 that states that the County Treasury shall prepare a County Budget Review and Outlook Paper in respect of the county for each financial year and arrange the Paper to be laid before the County Assembly.

The County Budget Review and Outlook Paper was received on 11 December, 2017 at the County Assembly and committed to the budget and appropriations committee in February, 2018 immediately after the long recess. Madam Speaker, the budget and appropriations committee met and went through the CBROP and came up with the following recommendations;

Madam Speaker,

1. The committee recommends that the Budget Estimates for each department should be independent in all aspects. In particular, every department should take into account the wage bill of their employees. The consolidated wage to the department of Public Service, ICT and Labor should be discontinued. The wages and salaries should be under the particular department vote. Executive Committee members should be accountable for their own budgets and expenditure.
2. Expenditure on Water and Irrigation should be defined independent in the County Budget Review and Outlook Paper. Water and irrigation has not been reflected in the CBROP and was independent in the budget.
3. Development Budget should be clearly stated and implemented as per the public finance management act that provides for a minimum of 30 per cent of

- the County revenue to be set aside for development, and should as well me spend on the same.
4. Local revenue projected should be based on previous year's performance, realistic and should be achievable. Revenue sources should be explored and not abandoned. The growing County suppliers and contractors pending bills have been caused by overestimated local revenue and abandoning of revenue sources.
  5. The County local revenue should be proposed to actual to support in planning and budgeting and avoid committing funds, that may never be realized, to County projects leading to accumulation of unpaid/pending bills to contractors and suppliers.
  6. A list of all ongoing and stalled projects showing various categories should be part of the report in the near future.
  7. The Strategic objectives should be aligned to regional distribution and take into account the priorities, that is, water, infrastructure, health, food security, sustainable environmental conservation and energy.
  8. A public participation should be undertaken on tree planting exercise to educate the public on the need to increase the forest cover of the County.
  9. Resource allocation framework should include disaster management which was not cited in the report and should ensure equal distribution per sub-county.

The executive should stick to allowed reallocation within departments' vote of up to 10 per cent with the approval of the County Assembly and as per the Public Finance Management regulations.

Madam 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.

Madam Speaker, it is therefore my privilege, on behalf of the Budget and Appropriations Committee to table the County Budget Review and Outlook Paper in this Hon. House for consideration and adoption. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Members, the last part does not form part of the jogging of the memories. Hon members, this report was presented to you last week and all I asked is that you be reminded because you are going to debate today, it would have difficult for many of you to just go into the debate without being reminded and the chair has done well to dwell on the recommendations. So hon. members the report is open for debate and I welcome the submissions. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker. First of all, I would like to thank the chairman of the budget committee and his committee for coming up with the detailed County Budget Review and Outlook Paper. I think when I look at it most of the things which have come out there are very articulate and very helpful to giving the House proper information as far as the budget review from the period in question is concerned.

One of the things, the only thing I would like to highlight just as a point on page 11, just for purposes of noting, item number 19; if you can see we are saying that the county recurrent

expenditure for the financial year 2016/2017 amounted to Ksh. 7.3 billion against a target of Ksh. 7.37 billion representing a 99 per cent execution rate.

When you go to the next one, number 20, development expenditure for the same period amounted to Ksh. 2.1 billion against a target of Ksh. 3.5 billion translating to only 61 per cent; so we seem to be executing very well on the recurrent but very poorly on development. So, mine is to request the executive that the same way they are achieving 99 per cent execution on the recurrent expenditure which means they are achieving 99 per cent on salaries and wages on operations and maintenance type of expenditure, we expect a similar if not 100 per cent execution when it comes to development projects because unless we are developing, then there is no way as a county we are going to be able to move forward.

We will only get stuck in the vicious cycle of recurrent expenditure and not be able to bring to move ourselves forward more by making sure that we use every single penny which has been allocated for development to develop or to do the projects which that money was allocated for. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Members, debate is open on the CBROP. Hon. Kamitu.

**Hon. Kamitu:** Thank you very much, Madam Speaker. Madam Speaker, in regard to the results that has been brought under review by the committee for budget, my emphasis is that we should also task the committee for finance because this is a committee which is mandated to look into measures of revenue collection because without revenue, you are aware that as a government we shall be weak in development also in those recurrent expenditure.

So, the ball goes to the finance committee that they should ensure that the executive because we have got employees who are directly employed in regard to revenue collectors. So, it is on these measures that the government is going to appropriate and collect enough revenue for us to run as a county. That is my emphasis, Madam Speaker. Thank you.

**Hon. Speaker:** Thank you Hon. Kamitu. Hon. Helen Matee.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. I also want to contribute to this today's discussion; my take is that on the local revenue, I think we have not even reached 50 per cent of the target. I think the county had given themselves a target of Ksh. 2.8 billion and so far the highest we seem to have collected is 44 per cent. We must task the executive to come up with their measures and procedures that will enhance revenue collection so that that money can go to proper use as far as development of our people is concerned.

**Hon. Speaker:** Thank you, Hon. Matee. Hon. Kisila.

**Hon. Kisila:** Thank you, Madam Speaker. I would like to start by thanking the committee the chairman for outlining very clearly where we should be looking at. Madam Speaker, I would like to draw the attention of members to the recommendations and this is what is going to guide us, what should guide us in our next budgeting process.

Madam Speaker, we have a very serious wage bill and I am talking about the first recommendation. It is only prudent that every department in the county takes care of their wage bill and in our year's budget, we want to see every department, total number of staff, the number

of overhead and the total cost of each department so that we can look at avenues where we can bring down the wage bill.

We cannot afford as a county to have a wage bill of Ksh. 350 million and as a House, we must give ourselves a target and we must come up with the strategies because we have very competent members here. How do we bring down this wage bill from Ksh. 350 to something like Ksh. 150 or Ksh. 200 million? Because we cannot continue having money which is meant for development going to wage bill.

Madam Speaker, water is our next big cause and we want to see how we are going to prioritize water and ensure every ward in this county gets enough water, and I am not talking about boreholes, I am talking about big dams. Big dams which are going to help our people with food security, employ our youths and empower our people.

Madam Speaker, I want to echo what the chair of chairs has said; minimum 30 per cent. Ladies and gentlemen, when you talk about 30 per cent, minimum 30 per cent should be on development. Let us ensure as a house that we have 30 per cent minimum budget allocated to all our wards, minimum. It would be very good if we can go to 40 per cent because without development, I can assure you that this county will not go the direction we want to go.

My last point, my second last point is on revenue collection. I was very excited with my chairman finance today. As a committee, we have put very serious measures to ensure that we grow our revenue as a county. As a House we must put systems, procedures including automation. Ksh. 1.7 billion revenue is a drop in the ocean for this county. Ideally, we can actually go and comfortably collect Ksh. 3 billion.

So, I am very excited about number 4 on how we expand our revenue stream and also how do we curtail revenue leakages so that we don't have any losses.

My last point is point number 7 on what our strategic objectives; I have seen we have mentioned water, infrastructure, health, food security, sustainable environmental conservation and energy but we did not put education. Education is one of our biggest our strategic objectives and we need to allocate enough money to educate our population. With those few remarks, Madam Speaker, I get to support the Motion and urge Members to seriously look at the budget outlook and let us come up with proposals which are going to be out of the box.

Let us not continue doing the same thing over and over again. We need to change the way the County has been doing things in the past and I am very excited that we are putting systems and procedures which will be able to help this County move to that direction. Madam Speaker, I support.

**Hon. Speaker:** Thank you, Hon. Kisila. Hon. Mwikali.

**Hon. (Ms.) Mwikali:** Thank you, Madam Speaker. I rise to congratulate my Chairman for good work and this Committee which I am part of. Madam Speaker, I rise just on one point, that out of point 19 and 20, it still rises a serious concern about the expenditure. The County recurrent expenditure for the Financial Year 2016/2017 amounted to Ksh. 7.3 billion against the target of Ksh. 7.37 billion representing a 99 percent execution rate.

That reflects so seriously about the recurrent expenditure which we know that goes to salaries and what have you. But when it comes now to the community and development expenditure, it has been pointed out, out of the 30 percent that we get for development, imagine we have only spent 61 percent of 30 percent that is set for development.

This is very embarrassing and I would wish to ask the executive to give us and an implementation schedule that should be actually followed so that we exhaust the 30 per cent of out expenditure.

Madam Speaker, I would imagine that it is easier to exhaust 30 percent rather than exhausting 70 percent of our budget. This is a bit embarrassing and I know if we are given that schedule and our Implementation Committee now takes over and does it diligently and exhaustively, I think this County Government will be one of the best. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Margaret. Hon. Mark Muendo.

**Hon. Muendo:** Thank you, Madam Speaker. Let me first congratulate the Committee for budget on the job they have done but my area of concern will be on the local revenue collection, number four on the recommendation 14. Madam Speaker, we live in this County and we know all areas where we are losing money and where the executive is not performing.

I will give an example of Quarry collection in Mavoko Sub-County, and I give you an example of when we were there during the municipal days, we used to collect Ksh. 2.6 to Ksh. 3 million a day. It is known. Today we are only collecting Ksh. 300,000. When you look at this budget, the local revenue collection was only 13 per cent and 87 percent has not been collected; that means if we used to collect Ksh. 3 million or let us say Ksh. 2 million a day, in 30 days that will be Ksh. 60 million, in a year that translates to Ksh. 700 million which is a lot of money which can push this County to another level.

Madam Speaker, these are facts in records and I will say the executive is sleeping on the job on the side of collection of local revenue. When you look at the wage bill also, it is a bit disappointing if we are saying the ceiling of development should be 30 percent and we are actually exceeding the ceiling of the recurrent expenditure then that means the executive is also sleeping on it.

Madam Speaker and the Hon. Members of this House, I will suggest that, where we normally collect a lot of revenue is in quarries; I suggest that the executive and the Finance Committee should look into the loopholes where we are losing that Ksh. 3 million every day to collect Ksh. 300,000.

*(Applause)*

Madam Speaker, I think this House should be doing oversight on every corner. That is our business in this House and I think when we seal the revenue loopholes through our able Chairman of Finance, mostly in Mavoko, if we seal those loopholes because we also understand there are some Mpesa points which even today we do not know who the Mpesa paybills pay and it is for what. Thank you, Madam Speaker, I support.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Mark Muendo. Hon. Betty.

**Hon. (Ms.) B. Nzioki:** Thank you, Madam Speaker. I want to bring to your attention on the outlook paper page 9, number 14. Madam Speaker, to eliminate leakages in non-disclosure of revenue, the County Government should.....it is been written, the County Government will instill the following measures; strengthening and implementation of cashless revenue.

Madam Speaker, I think the base of our County Revenue Collection depends on what we collect on our daily basis. It is my attention that as all the Hon. Members of this House, we are aware that, there are some sectors that Madam Speaker, even up to date they do not give out the revenue collection.

It is our responsibility as the Members of this House to request the Executive through the office of our Governor that it is a responsibility for us as people of Machakos County to enjoy paying taxes because if we will not be able to collect revenue, it will be impossible for us to get it back.

Madam Speaker, I would strictly or else request this House so that we can support the outlook paper but we look measures on how we can make sure the revenue collection is being collected in the right way, in the right manner and to go to the right place.

For example, Madam Speaker, through our Chairman of the Finance committee, there was a time we had asked for all the Till numbers for Machakos County that they are being paid through the paybill numbers but you find that Madam Speaker, it was not easy for us to find out which is which.

So, we should implement and put structures that will enable us as the County Assembly of Machakos together with our people that we are representing, that we pay our taxes 100 per cent and we use it in the right manner. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Betty. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I stand also to support the report which has been tabled here by the Hon. Ndambuki. In fact, the report is very elaborate and it is very clear everybody can understand. Madam Speaker, I just want to go straight to the recommendations which the committee has come up with and I will start with recommendation number 4, it is about local revenue.

There is the issue of pending bills. Madam Speaker, as a County, we may not be able to do what is required if at all we do not know what we owe creditors. It is good that I would suggest that we audit all people who provided services to this County and have not been paid so that we can be able to see and to gauge ourselves before we allocate money to go and do ABCD and already there are some works which were done and were not paid. So, on that recommendation, I think it is proper.

On recommendation number 7, it is about strategic objectives. Madam Speaker, all the issues listed here about water, infrastructure, health, food security and sustainable environment are very okay but Madam Speaker, if at all if we want to invest for one year, we are supposed to plant a seed. If we want to invest for 10 years Madam Speaker, we are supposed to plant a tree but if we want to invest for many years, 100 and above, we need to educate our people.

So, Madam Speaker, leaving the issue of education, that one means the County will not have a future. So, education should be given the largest allocation if possible so that at least if we are not in this Assembly, we have other Hon. Members who are as smart as ourselves sitting in this Hon. House.

Madam Speaker, on the other issue, is on number 9, recommendations; it is talking about disaster management. This morning, Madam Speaker, I brought a statement here about the same. So, this issue of disaster management should also be given a lot of weight and a lot of allocation because we are losing lives every day, every hour, every month. I want to cite an example Madam Speaker.

Last week on Thursday, I lost a Member of the Community within my ward, a young man who was joining University this year September through drowning. He went to swim in a dam and drowned there. Madam Speaker, we tried all our level best to rescue the man but we could not, we tried to contact the department concerned, the one which is called Emergency Department but we did not help any help. The advice we got Madam Speaker, was not applicable because we were told to stay there until the following morning to see whether the body will come up.

Madam Speaker, we were forced by circumstances to travel to long distance to look for somebody to come and remove that body at a cost. Suppose we had an expert in our area; that problem that we went through, we would not have gone through it. So, Madam Speaker, the report is good and I wish to support it. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa. Hon. Kalumu.

**Hon. Kalumu:** Thank you, Madam Speaker. I would like first of all to thank the Chairman of budget committee for bringing such a Paper and start by saying that, this is one of the very important documents in the budget-making process because it outlines on how the last Financial Budgetary allocations were done. It is like a SWOT analysis of how the monies allocated and revenues collected were used and projections.

Having said that, I will say that if you read on page 24, on the conclusion, you will find that the second sentence, 'fiscal discipline will be important in ensuring proper management of funds.' What I would like to ask the Executive is to match their words with their actions because starting from the resource allocations on how they allocated money, if you look at page 20, number 55, the resource allocation framework and the line development programs, you will find that there is improvement of infrastructure.

Madam Speaker, the Executive and the Implementer of the budget of 2016/2017 and those respective years, gave many efforts on constructing tarmac roads while the local roads were not given priority and if that one could be done, I think could open very many business opportunities for our youth.

If you look at clean water, I would say also there, there was strength because we are aware of how many boreholes were dug during the last budget. Access to quality healthcare that is subject to our hospitals which we know how they are and our people from our villages they visit them.

So, my only request is to give priority to where it deserves and make sure that whatever allocation is made, it is used and proper use and management of funds is done. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kalumu. Hon. Cosmos Masesi.

**Hon. Masesi:** Thank you, Madam Speaker. Madam Speaker and Hon. Members, on page 11 on the document itself on our table, number 6 states other payments. Madam Speaker, my



concern is, what if these other payments could have been Ksh. 3 billion, Madam Speaker, I wish to say that in future this term of other payments should not arise but every item should be noted as per the item because this could lead us astray, Madam Speaker. Number 18 on the same page says that, a total of the Ksh. 207.06 million was carried forward. I am trying to imagine if there were no developments and yet there was money to be carried on to the next financial year, Madam Speaker, this act is not called for.

Madam Speaker, another point of concern is, when we do our projection in terms of the local revenue collection, we normally base on the previous collections on the past years, Madam Speaker, and now when the Executive comes up and un-procedurally stops collection of revenue, Madam Speaker, without following the right procedure, this Assembly should just sit and watch when things are not going on the right directions, Madam Speaker.

Lastly, I wish this Assembly could be furnished with reports on monthly basis, concerning development projects alone, the status of the projects within the County; this Assembly needs to know on monthly basis for us to be able not just to come at the end of the years and say that no monies were made for development when 35 per cent minimum should go to development.

Madam Speaker, my prayer is that this House will look for a way the Executive to be furnishing us with information on monthly basis on the development projects only. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Cosmas. Hon. Stephen Mwanthi.

**Hon. Mwanthi:** Thank you, Madam Speaker. My concern is on page 13 where we have the funds allocation; we have Ksh. 127 million that was allocated tourism and that is a recurrent expenditure. To me, I thought it would be prudent if such monies are allocated maybe in education; because with Ksh. 127 million possibly if you change to employees you will find that 4,200 employees have been working in that department alone and to me I think that is a lot of money that should be channeled to other departments like education.

Then if you turn to page 14, you will still find something similar; another Ksh. 110 million still going to the same department of tourism Sports and Culture yet in education they only got Ksh. 17 million. I think if such like monies are being allocated other departments and we be left with enough, I think in Machakos we do not have much in tourism and such like things and it could be good for the county. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Stephen Mwanthi. Hon. Cosmas Kieti.

**Hon. Kieti:** Thank you, Madam Speaker. I want to draw attention of the House to page 14, on the recommendations. Recommendation number seven leaves out a very important and key sector called education; so it was my wish that, on the priority sectors or strategic objectives, it reads, 'the strategic objectives should be aligned to regional distribution and take in to account the priorities; water, infrastructure, health, food security, sustainable environment, conservation and energy.'

In my opinion, I think education is key; we have countries that are benefiting a lot in exporting brains through technology and professionals and without education we will not be able

to achieve that parameter whereby our county will be in a position to export professionals and people who are versed with technology.

So, it was my wish that the County government of Machakos considers a lot that education as a key sector that should be prioritized and when you look at what Hon. Mwanthi has just cited on page 28 and 29 on the CBROP, you can see very well that, I don't whether our priorities are upside down, tourism, Sports and Culture on the recurrent budget performance you can see the actual performance is Ksh. 127 million and when you compare it with education, you find education is low.

When you go to the development itself, you find that sector on Tourism, Sports and Culture, the actual performance is Ksh. 110 million plus while education is just taking a mere Ksh. 17 million. So, my emphasis is that, education is not being given the priority it deserves and I would request it be considered in the future budgets.

I also have another concern on page 14 where we have a graph that illustrates development expenditure for the financial year 2016/2017, you look at Decentralized Units, it is number two on that graph on expenditure. So, it was my wish that the County government comes up with plans on reducing expenditure on some of the areas which are handled by the decentralized units like collection of rubbish within the town, there are measures that can be put in place to reduce the wage bill that goes towards those people and also other areas.

The report is good and I support it but it is good that we include education as key to our county. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kieti. Hon. Kisini.

**Hon. Kisini:** Thank you, Madam Speaker. I also want to go to number 14 where it talks of...the committee recommends that the budget allocation for each department should be independent. Are we all that strict to the independence of the committees? When money comes from the treasury and then it is reallocated to various departments, is it used as allocated or do we divert to other projects because, without strictness we will not see any change done to our parts.

Again go to that strictness in our CIDP; we come we recommend projects at our various wards and then we have the budget for them from the CIDP from the ADP---

**Hon. Speaker:** Hon. Kisini, please stick to the motion at hand.

**Hon. Kisini:** So, what I am saying is that, for that non-compliance of the strictness to our budget and that is why we don't see the budget functioning at our wards. I would also talk on the local revenue and suggest; do we give incentives to the local collections and by that I mean, as one Member has said at Mavoko sub-county, we get a lot of money from the quarries. I would also like to say we can also get a lot of money from the ratepayers but at times it is also good the House gives incentives to those people so that we can collect as much as possible from the ratepayers.

So, those kind of incentives can make the county have a lot of money. So, my key word here was about the strictness of the allocations to various departments. Thank you.

**Hon. Speaker:** Thank you, Hon. Kisini. Hon. Mutinda.

**Hon. Mutinda:** Thank you, Madam Speaker. Let me take this opportunity to thank you for this time and we go to recommendations. Madam Speaker, there is the issue of 30 per cent for development. I think it should be real; this House should support that we ensure that 30 per cent of our budget goes to development. It might be in writing but when you go to the ground it should be reflected down there.

Also on the issue of departments taking care of their budgets, the departments should have their budgets; we know there are serving departments like finance and others which might not really have to have this 30 per cent but eventually in the total summation of all the departments, the 30 per cent should reflect and we see that were the 30 percent is coming from. Priorities which we have like water should take a big budget of what we have and I think going that way, we will deliver to our people.

The other thing is item number four, were we are talking about local revenues. I think this House should strictly adhere to this one and through the committee of Finance, I think we should ensure that the local revenue is realized and enhanced because when you go to areas like Athi River, Mavoko, those areas we have set value rates and I think currently we are using an outdated valuation roll which over ten years and the land value in those areas has increased.

*(Applause)*

So, there is need for a revised valuation roll and if possible a revised rate track so that we get money which can support our budget because if we are giving local revenues which we are not raising, I think there must be a problem. So, the finance committee should ensure that we have extra sources of revenue.

The other thing is on the issue of planting trees; this county should endeavor to see that it has to achieve the 10 per cent forest cover which are the international standards required and we should invest in that and much as we are investing in that, there is also need to check on the issue of sand harvesting because the two cannot walk together.

We are a lot of sand harvesting ruining our environment much as we are collecting revenue from there but the trees cannot survive with the type of sand harvesting which we are calling sand harvesting but rather it is sand scooping. So, this House should come up with regulations which will try to minimize the issue of sand harvesting so that the tree cover we require the ten percent is achieved. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mutinda, Hon. Annastaciah.

**Hon. (Ms.) Mutuku:** Thank you, Madam Speaker. Mine is on page eight, I have a concern on number 10; the County targeted to collect revenue Ksh. 2.8 billion but already they are managing to collect Ksh. 1.6 billion. Madam Speaker, this County has a lot of wealth and mine is just to emphasize to the County Government to be serious because we have a lot of wealth in this County, what is here is just maybe mismanagement and we are here as county Assembly; our mandate is to oversight.

I know the collection is there but there is a problem somewhere because in Machakos County, we have Mlolongo where the county is getting money on daily basis from the trucks which are going outside the country. We have big towns like Matuu, Mavoko and the county is collecting a lot of money.

The Executive must be serious to manage this money so that the people of Machakos County can benefit and just to say, as a Member from Kibauni, like now we are experiencing some people like the sand harvesters and vendors, now they are taking that sand at night. I don't know where the Executive is, I don't know whether they are working or not because there is a problem somewhere. We need to be serious, if we have a motion like sand harvesting not be fetched somewhere, this motion must be implemented, Madam Speaker.

Again we have a problem of wage bill where workers of this County are taking a lot of money with which can do some projects but not yet. We need to do some implementation (??) to the workers of this county so that we as Members of this County to do better for our people so that somebody can see we are doing something because implementation is the problem and it is the key in this County.

So, the Implementation committee needs to be serious to work with the Executive. There are some problems but as I am speaking and standing here, we are waiting to pass supplementary budget because of our people; let us be serious Members of this County to serve our people seriously and very honestly, fearing God.

Let us be very serious to work for our people, not to serve somebody. Madam Speaker, we have a problem here of leadership and I would like to stand here as a Member, very honestly, let us respect the leadership.

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

**Hon. Mulatya:** I think the Member is totally out of order when she is talking about leadership, she is talking about supplementary budget which are not yet in this House, Madam Speaker. She is still on her feet; I don't know who is on the floor. Thank you Madam Speaker.

*(Laughter)*

**Hon. Speaker:** Hon. Annastaciah.

**Hon. (Ms.) Mutuku:** I stand to be corrected.

**Hon. Speaker:** Hon. Annastaciah, the Speaker is talking. I was following your debate keenly up to the point of order and I guess you have been corrected appropriately and when I turned to this side to see who is raising a point of order, I had left you having resumed your seat; then you resumed it. So, what you do when an Hon. Member has he was raising a point of order, you take your seat briefly. I can feel the passion in you in the debate, so carry on and finalize.

**Hon. (Ms.) Mutuku:** Thank you, Madam Speaker. I stand to be corrected. Let us come to the point again about number 10, page eight; my concern was about the revenue collection. So, I want to finish and before I do that I want support and say that we Members need to support the County to see that these loopholes of revenue collection; because the money is there but it does not reach where it needs to be so it is our mandate to monitor maybe the officers who are doing this job of collecting the revenue. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Anastacia. Hon. Matee, do not submit I have seen you want to talk again; you have already talked on this matter. Let me first hear those who have not talked on the matter first. Hon. Kiteng'u.

**Hon. Kiteng'u:** Thank you, Madam Speaker. On Machakos County Budget Review Outlook Paper on number 20, page 20 numbers 54; I would like to talk on priorities. We have the medium budget framework for financial year 2017/2018, 2019/2020 and I would like to capture on CIDP on IV whereby Madam Speaker, on the first CIDP, I tried to capture a project in my ward which was irrigation scheme and the project is worth Ksh. 100 million but Madam Speaker, I must confess to this House that the project does not exist.

Madam Speaker, since we have the second CIDP coming, I will request this Hon. House the committee of budget try to go through the first CIDP and see whether you can capture that because my people already know that it is there and if we could have it in my ward in the same Kamuthumba scheme then as a member of Kivaa ward and representing the same people of Kivaa I would be and all of us will appreciate so much.

So, Madam Speaker, I beg to request this House, if you go through the same first CIDP you will see what I am asking and what I am trying to present to this House. Madam Speaker, thank you.

**Hon. Speaker:** Hon. Mutiso.

**Hon. P.J. Mutiso:** Thank you, Madam Speaker. My concern is on page nine, number 12. I think, Madam Speaker, as we are ready to seal the leakages on revenue collection, sometimes some mistakes, we ourselves we are the ones who come up with them. For example, we visited Machakos Level V hospital last week and what we saw there was quite fantastic because the people are collecting money there are casuals.

According to the law they are not supposed to. The money is supposed to be collected by a person who is employed permanently. What you find there and there are witnesses here who we went with them in that hospital and remember they were not able to tell us how much they collect even the CEC how much is remaining they were not able to.

So, Madam Speaker, my concern is as far as we want to seal the leakage; that is a big problem because I understand that an empty sack cannot stand by its own. So, a casual is like an empty sack and I give you another example.

If I am a casual and I am given the task of collecting money at the end of the day I must go with some money because you cannot even take me to the court although you are a guru of the law, you can advise on that.

There is a fellow here in town who met with a street by the *chokora* and the street boy was asking for food so the boss told the boy 'I do not have money I have only Ksh. 1,000.' So the boy told the money 'give me I will give you balance' then when he was given the money he ran away with the Ksh. 1,000 and the man could not take him anywhere.

So, my advice is that the government of Machakos, if they want to seal some loopholes, let us give that task to a permanently employed person but not casuals. Thank you, Madam Speaker. I rest my case.

**Hon. Speaker:** Thank you, Hon. Mutiso. Hon. Pauline

**Hon. (Ms.) Mene:** Thank you, Madam Speaker. I want to speak on recommendations number seven. In my opinion, I feel in the priorities you have left out expansion of manufacturing sector and affordable housing because these are in line with the Big Four Agenda. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Pauline. Hon. Hellen Matee I note that under Standing Order 78 Standing Orders of this House no member is to speak twice on any question unless it is at the discretion of the Speaker and unless it is a matter that is burning where you want to make a correction on any point you may have been misunderstood. Is that the case you have? You have a new point. Let me first decide whether I am going to allow you.

Hon. Members, I will allow the Hon. Member not for anything else but for her persistence every other moment she has been putting her up so let us hear what she has further to what she had said.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. I think I need to go through the Standing Orders of the House and understand some of these things. Now, I just looked at the revenue received from the National Government and also from our County and I noticed that when we were in Ole Sereni learning about the budget, we learned about resource mobilization and when you look at the only source of funds that Machakos County received outside Kenya or outside the County it is only from DANIDA so I saw that there is need for the County to come up with an aggressive move to look for outside the Country sourcing of funds so that we can enhance our development projects in the County. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Hellen Matee. Hon. Dominic, you need to reply; you are the mover and you need to reply before I put the question.

**Hon. Ndambuki:** I wish to thank the House for the passionate contribution to this motion and if Machakos County is to stand on its own and be self-sustaining, there is need for us to optimize local revenue collection as it has been suggested by members.

It is also my prayer that one day, we shall have a total budget where the recurrent budget is less than 70 per cent and the development budget will be more than 30 per cent. That time, our county will be growing and we will see tremendous growth. Thank you, Madam Speaker.

*(Applause)*

*(Question put and agreed to)*

Hon. Members, the House having resolved to pass that motion the matter is now in the hands of the County Executive for implementation but the House implementation committee, the work is cut out for you. Members have been talking about implementation particularly of this paper and you have heard very useful views of members on the floor of this House on the debate of this report.

It is therefore, expected that the House implementation committee will ensure that this resolution is implemented to the letter and that the necessary reports are called for, for the view of this House if they are not forthcoming from the executive.

**COMMUNICATION FROM THE CHAIR**  
**REVISED CHANGE OF MAJORITY PARTY LEADERSHIP**

**Hon. Speaker:** Hon. Members, earlier on when we started the sitting under Order number 2, I indicated that there was going to be a Communication from the Chair and I now have the communication which I want to give to the Members.

Hon. Members, the communication that I have received is again on Majority Party leadership. Further to the Communication from the Chair to the House this morning, the office of the Chair received yet another communication on the issue of the Majority Party Leader.

I wish to remind the House that the Office of the Majority Party Leader is a constitutional office and that is because it is provided for under Article 108 of the Constitution. Similarly, Section 10 of the County Governments Act which regulates the operations of County Assemblies also provides for the office of the Majority Party Leader

The Communication that I am now referring to is by a letter dated 17th April, 2018, today, by Hon. Tariq Mulatya, the Majority Party Whip. It reads as follows;

To the Speaker, Machakos County Assembly,

Dear Hon. Speaker,

Reference: Communication of Change of Majority Leader.

Please note that at a meeting held on 16th April, 2018, minutes attached, members of the NASA coalition voted to change their Majority Leader in the House pursuant to Standing Order 15.

As per Standing Order 15(5), I hereby write to inform you of the same and request you to effect the same as per their recommendation detailed in the minutes. The list of the members present and making the decision is attached.

I have minutes that are dated 16th April, 2018. They are signed by a Hon. Member described as the Chairperson, Hon. Steve Mwanthi and another member described as the Secretary Hon. Justus Katumo.

The list of the members that is attached reads as follows;

The top has a date that is 16th April, 2018 and has a provision for name, ID number and signatures. The list reads as follows;

1. Hon. Cosmus Ngula Masesi
2. Hon. Francis Kioko Kalumu
3. Hon. Mark K. Muendo
4. Hon. Justus M. Katumo
5. Hon. Justus M. Kiteng'u
6. Hon. Agatha M. Mutunga
7. Hon. Daniel M. Mbevi
8. Hon. Betty Nzioki

I notice that from the point of Hon. Betty Nzioki, it is just written Betty Nzioki and because I am to read as it is written, I will just go ahead. Betty Nzioki

9. Hon. Daniel Kalumu
10. Hon. Robert Muoki Kisini

11. Hon. Tariq Mulatya Muema
12. Hon. Thomas Mutinda
13. Hon. Dominic Mulwa Ndambuki
14. Hon. Stephen Mwanthi

From there,

15. Hon. Justus katumo
16. Hon. Jane Nyawira
17. Hon. Christine Koki
18. Fredrick Mbuva, there is no Honourable for Mbuva but Fredrick Mbuva
19. Hon. Angela Munyasya
20. Hon. Margaret Mwikali Mbithi
21. Hon. Grace M. Mutwiwa
22. Hon. Jeremiah M. Munguti
23. Hon. Winnie Mutua
24. Hon. Jacinta Luka
25. Hon. Judas M. Ndawa

From that, I will make a point I notice of the membership of this House, I know those are Hon. Members of this House. So, by the fact that the title honourable is missing does not make them less members of this House.

Hon. Members, I have noted, as I indicated in the foregoing that the position of the Majority Leader is a constitutional office and is also a statutory office.

However, you look at one way, it is in constitution and Section 10 of the County Governments Act, it provides for that office but it doesn't provide for removal of the occupier of the office. If you look at the provisions of Standing Order 15 of this House, I do note that it makes provisions as to how a member elected as a Majority Leader can be removed.

It talks of a decision of members meeting and writing minutes and the decision to elect or remove is required to be communicated to the Speaker in a letter written by the Majority Party Whip.

The letter I have just read to you with the attached documents is by the Majority Party Whip of this House and therefore it is compliance with the provisions of Standing Order 15 of this House.

What the Speaker is required to do, upon receiving such a communication which means the threshold of the law, is to communicate the communication to the House. The Speaker has no option and the Speaker is a vessel of communication in that case.

On that particular point Hon. Members, I want to refer you to the recent decision of the Hon. Speaker, Mr. Justin Muturi of the National Assembly which addressed the requirements for the appointment of a Minority Leader.

It is a reference of the National Assembly Standing Orders from which this House borrowed its Standing Orders and the two provisions of the Standing Orders are the same. The only difference is that they only appear to apply to two different Houses.

The decision by the Hon. Speaker of the National Assembly touched on the appointment of the Minority Leader in the House. It is however relevant to the matter that is before this House now because you notice it is about election or removal of a Minority of a Majority Party Leader.

I have therefor looked at the correspondence and I am bound to communicate it to the House and it has to take effect. Hon. Members, that is the Communication from the Chair. Thank



you.

*(Applause)*

### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members, at this point, the House would stand adjourned to continue its sitting on the 18th of April, 2018 at 10 a.m.

The House rose 4.08 p.m.