

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 19th December, 2017

The House met at 2.35 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. I welcome you to the second sitting of today. I know you were taught about the difference between sessions and sittings. Maybe soon I will be asking the questions as to what is the difference between the two. Hon. Members, we have an Order Paper before you, I ask Mr. Clerk to proceed.

COMMUNICATIONS FROM THE CHAIR
BIOMETRIC SIGNING

Hon. Speaker: Hon. Members, under this order, there are three communications from the Chair. The first one is on biometric signing. Hon. Members, the biometric signing of Members in committees and in the House is ready. This was mentioned to you sometimes back and it is going to be in use in the next session, in 2018 and I urge all the Hon. Members to comply with the use of the biometric log in come 2018. It does not do any harm Hon. Members also to get a feel of it even as we approach the next session.

CORPORATE WEAR

The second communication, Hon. Members, is about corporate wear. The County Assembly Service Board has discussed this matter and has approved corporate wear for the Assembly which is to be worn on Fridays in what we normally call dressing down and ordinarily, it is for identification with the corporate body. It is going to be available to both Members and staff. Hon. Members, I advise you to visit the office of the Public Communications so that you can have your measurements taken for that wear to be prepared upon which it will be delivered to you so that on Fridays you do not look left out. It is a good way of identifying yourself with the institution that you are part of.

GRATUITY FORMS

The third communication, Hon. Members, is about gratuity forms. Hon. Members, note that you need to register with the LapFund, and this is for purposes of facilitating payment of gratuity on monthly basis which is going to be paid at the end of your term. So, it is saving for the future. The forms for registration are available in the office of the HR Management and

Members you can go and pick them so that you complete and return in the earliest so that your savings can start being effected right away. Thank you Hon. Members.

PETITION
JEMILY CONSTRUCTION COMPANY LIMITED

Hon. Speaker: Hon. Members, under this Order, we have a petition and this is number 3 of 2017 and Hon. Members, kindly note that the Assembly has received a petition through the office of the Clerk of the County Assembly, pursuant to Standing Order 194 from one Emily Chemutai and one Jennifer Chepkurui of Jemily Construction Company Limited. The petition is dated 7th December, 2017 and it was received in the Assembly on 8th December, 2017. Hon. Members, the two petitioners have raised the following grievances:-

They formed a company called Jemily Construction Company Limited and that company, they say, was contracted by the Machakos County Government to carry out the installation of culverts and protection works on Mathautha-Ndingoni Primary Road on the 4th June, 2014, under the contract number GMC/GPRH/RDS/091/2014-2015 for the amount of Ksh. 3,280,804.80.

The company accepted the award on 4th June, 2014 and promptly implemented the work which was completed on 14th December, 2014. The company further says that it requested for substantial inspection of work on 5th December, 2014, following which a taking over certificate was issued on 25th February, 2015.

The company further says that payment was sought immediately upon receipt of the taking over certificate from the Chief Officer and on 20th March, 2015, the company sought a final inspection despite nonpayment. Following delay in payment, the company made a request vide a letter to the Governor on 14th July, 2015 but there was no response. The company further says that it has been following up on the payments verbally and also in writing but all in vain.

The company wrote to the Chief Officer on 3rd January, 2013 (??) and copied to the County Secretary requesting for payments but there was no reply. The company further says that it visited the County Secretary on 10th January, 2017 and raised the matter and was requested to do a reminder.

A reminder demand notice to the County Secretary was done on the 27th January 2017. The company further says that the County Secretary referred the company to the Chief Officer after informing the company that the money can be dealt with by the concerned Department. Since then, the company says that it has been unable to get any help from any office and they have lost assets like vehicles due to bank loans and accruing interests.

None of the issue raised in the petition is pending in any Court of Law, constitutional or other legal body. Hon. Members, the petitioners pray to this Assembly as follows:-

1. To intervene to have payment of the work done effected.
2. To facilitate payment of interest in accordance with the contract document.
3. To intervene to have payment retention money effected in accordance with the contract.

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 30 minutes. Hon. Members, further, Standing Order 201 (1) provides that every petition presented or reported pursuant to this part shall stand committed to the relevant Sectoral Committee.

Hon. Members, in this regard, this petition is committed to the committee on Finance and Revenue Collection and the committee has 60 calendar days to consider the matter and table a

report on the petition to this House pursuant to Standing Order 201 (2) and so the effective date for the report to be tabled before this Committee is on or before the 28th day of February 2018.

PAPERS LAID

WARD DEVELOPMENT FUND REPORT

Hon. Mwanthi: Madam Speaker, I beg to lay the following paper on the Table of the Assembly today, Tuesday, 19th December, 2017: the report of the Ward Development Fund committee on the current status of the Ward Development Fund. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mwanthi. We also have under this order another paper by Hon. Cosmas Muia Kieti.

Hon. Kieti: Thank you, Madam Speaker. I wish to lay the following paper on the table of the Assembly today, 19th December 2017: report of Trade, Planning and Industrialization Committee on Machakos County Annual Development Plan for the Financial Year 2018/2019. Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon. Kieti.

NOTICES OF MOTIONS

WARD DEVELOPMENT FUND REPORT

Hon. Mwanthi: Madam Speaker,

THAT aware that the Ward Development Fund is established under the Machakos County Ward Development Fund Act No. 2 of 2014 and the objects and purpose of this Act is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level;

Section 4(1) of the Act establishes the Ward Development Fund which shall be administered by the officer administering the fund under the direction of the County Ward Development Fund (WDF) Management committee;

Recognizing THAT the County Assembly of Machakos has been budgeting for the Fund more so specifically in the 2017/18 financial year where Kshs. 800 Million is budgeted for the Fund but has never been operationalized owing to concerns raised by the Controller of Budget;

Madam Speaker, I wish to give notice of the motion THAT this Hon. House discusses and approves the Ward Development Fund Committee report on the current status of the Ward Development Fund.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mwanthi. Hon. Museku—

CONSERVATION OF KATUNGA FOREST

Hon. Museku: Thank you, Madam Speaker.

THAT aware that the locals of Mumbuni North Ward take care of trees in Katunga Forest Plantation which is managed by the Kenya Forest Service; Aware THAT the service does not extend any benefits to the local community as provided for under section 45(2)(f) of Forest Conservation and Management Act, 2017;

Noting THAT during the harvesting of the trees, the Kenya Forest Service contracts private contractors to harvest mature trees for timber and aware THAT none of the locals is awarded the contract;

Aware THAT this contributes to exploitation of the community that takes care of the trees;

Acknowledging THAT paragraph 10(b) of part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 gives the County Governments the mandate of implementing specific National Government policies on natural resources and environmental conservation including forestry;

Aware THAT section 43(6) of the Forest Conservation and Management Act, 2017 provides that the Kenya Forest Service shall consider interest of local communities in the management of the public forests;

Madam Speaker, I wish to give notice of the Motion that this House resolves that the Department of Environment commences discussion with the Kenya Forest Service in charge of Katunga Forest with a view of ensuring the local community in Mumbuni North Ward are involved in the forest conservation programmes from tree planting, nurturing and awarding contracts to harvest mature trees in the forest.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. Hon. Kieti---

MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR 2018/2019

Hon. Kieti: Madam Speaker;

THAT aware that every County shall prepare a development plan in accordance with Article 220 (2) of the Constitution of Kenya 2010;

Aware THAT the County Executive Committee Member for planning shall, not later than 1st September in each year, submit the development plan to the County Assembly for its approval and send a copy to the Commission of Revenue Allocation and National Treasury;

Aware THAT the Machakos County Annual Development Plan (ADP) for the Financial year 2018/2019 was prepared pursuant to Public Finance Management Act section 126 and submitted to the Assembly by the Department of Trade, Economic Planning and Industrialization on 19th October, 2017;

Aware THAT the Trade, Economic Planning and Industrialization Committee considered the Annual Development Plan and made recommendations, Madam Speaker, I wish to give notice of Motion that this Hon. House discusses and approves the Machakos County Annual Development Plan for the Financial Year 2018/2019.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kieti.

MOTION
WARD DEVELOPMENT FUND REPORT

Hon. Mwanthi: Madam Speaker;

THAT aware that the Ward Development Fund is established under the Machakos County Ward Development Fund Act No. 2 of 2014 and the objects and purpose of this Act is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level;

Section 4(1) of the Act establishes the Ward Development Fund which shall be administered by the officer administering the fund under the direction of the County Ward Development Fund (WDF) Management committee;

Recognizing THAT the County Assembly of Machakos has been budgeting for the Fund more so specifically in the 2017/18 financial year where Kshs. 800 Million is budgeted for the Fund but has never been operationalized owing to concerns raised by the Controller of Budget;

Madam Speaker, I wish to give notice of the motion THAT this Honorable House discusses and approves the Ward Development Fund Committee report on the current status of the Ward Development Fund.

Thank you, Madam Speaker and I wish to be seconded by Hon. Jeremiah Munguti.

Hon. Munguti: Thank you, Madam Speaker. I would like to take this opportunity to second the Motion that the Ward Development Fund be actually operationalized to the County so that our people can benefit from the funds owing to fact that Ksh. 800 million budgeted for these monies, when you translate and divide them to the forty Wards, each Ward is supposed to get Kshs. 20 million which can be helpful to our people. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Jeremiah. Hon. Steve Mwanthi, you want to present a report?

Hon. Mwanthi: Thank you, once more Madam Speaker. Madam Speaker, the Ward Development Fund is established under the Machakos County Ward Development Fund Act No. 2 of 2014. The objects and purpose of this Act is to ensure that a specific portion of the County annual budget is devoted to the wards for purposes of development, wealth creation and in particular the fight against poverty at the ward level.

Section 4(1) of that Act establishes the Ward Development Fund which shall be administered by the officer administering the fund under the direction of the County Ward Development Fund (WDF) management committee. Since the Financial Year 2014/15, the Assembly has included in the budget funds to go into this kitty. However due to a number of reasons, the Fund has not been fully operationalized.

In the 2015/2016 Ksh. 800 million was allocated for the Fund and which amount translates into Kshs. 20 million for each of the 40 wards in the County.

Madam Speaker, the main purpose of this report is to provide this Hon. House with information on the Ward Development Fund starting with its establishment, subsequent amendments to the Ward Development Act (principal Act), the current status of the Fund and lastly, committee recommendations on the way forward on the Fund.

Madam Speaker, the committee on Ward Development Fund is established pursuant to Section 35 (1) of the Machakos County Ward Development Fund (Amendment) Act, 2015 which states that the County Assembly shall, in accordance with its Standing Orders, establish a select committee consisting of the chairperson and not more than ten other members of the County assembly.

Madam Speaker, the committee is mandated to consider and recommend to the assembly any matter requiring action by the County Assembly pursuant to the provisions of the Act; to oversee implementation of this Act; oversee the policy framework and legislative matters that may arise in relation to the fund; continually review framework set out for the efficient delivery of development programmes financed through the Fund, consider and report to the Assembly.

Madam Speaker, the committee has nine members as follows:

1. Hon. Stephen Mwanthi - Chairman
2. Hon. Betty Nzioki - Vice Chairperson
3. Hon. Hellen Ndeti - Member
4. Hon. Alex Kamitu - Member
5. Hon. Fredrick Muthoka - Member
6. Hon. Robert Kisini - Member
7. Hon. Cosmas Masesi - Member
8. Hon. Antony Mulu - Member
9. Hon. Annastacia Mutuku -Member

Madam Speaker, the Machakos County Ward Development Act was first established in the year 2014 with a purpose of providing for the establishment, administration and use of Ward Development Fund and for connected purpose. However, the Act could not be operationalized due to issues raised by the controller of budget that needed to be addressed first.

As a result the assembly amended the Act and passed The Machakos County Ward Development Fund (Amendment) Act, 2015 in order to incorporate concerns raised by the Controller of Budget. Later in 2016, the Controller of Budget again raised concerns that some of the issues earlier raised had not been addressed in the amendment Act (2015). After which the assembly amended the Act (2015) once more and passed the Machakos County Ward Development Fund (Amendment) Act, 2016.

Madam Speaker, in compliance with the recommendations of the Controller of Budget (whose letters of advice we attach to this report), the Assembly made the following amendments to the Act to ensure that it is in line with the constitution and other legislation.

- a) **Involvement of Members of the County Assembly (MCAs):** The original Act contained provisions that required the involvement of the MCA in the Ward Development Committee and Ward Fund Committees. This meant that MCAs were to be involved in the implementation of the Fund contrary to the principles of separation of powers between the executive and the legislature. These provisions were removed and the implementation of the Fund is the exclusive mandate of the executive.
- b) **Establishment of separate institutions for the Fund:** The original Act created separate offices to manage the Fund. This was going to be expensive to implement. The Act was amended to provide that the County Executive is to implement. Existing county executive officers would oversee the administration of the Fund.

- c) **Ward Fund Committees:** The original Act created Ward Development Committees for every ward. This was bound to be expensive, cumbersome and would eat into the development budget. This provision was also removed.
- d) **Public Participation:** The original Act was amended to require that the public, through the leaders in each ward be involved at all levels of the implementation of the ward projects. This is particularly so during the identification and prioritization of ward projects.
- e) **Ward Accounts:** The original Act provided for the opening of a bank account for each Ward. This was not workable since the financial systems changed but also because it was going to be costly and logistically difficult to operate the accounts so the provision was removed.
- f) **Allowances for Members of the Committees and Staff:** Since the Fund did not have institutions separate from the County Executive, it was not necessary to make separate provision for the remuneration of the members of the different committees and staff. After the amendments it is envisaged that any expenses incurred in the administration of the Fund will be defrayed directly from the County Treasury.
- g) **Provision of Bursaries:** Since bursaries are not development expenditure the original Act was amended to remove their provision under the Act.
- h) **Provision for emergency cases:** The Act was amended to remove reference to emergency funds since the Public Finance Management Act makes provision for the same.

Madam Speaker, the above issues were addressed by The Machakos County Ward Development Fund (Amendment) Bill, 2016. However on 12th October, 2016, the Assembly received a letter Ref: COB/MKS/004/1(8) from the Office of the Controller of Budget. In the letter, the Controller of Budget advised that the position of 'Officer of the Fund' created in the Machakos County Ward Development Fund (Amendment) Bill, 2016 needed to be done away with and instead it was proposed that the County Government should use the existing administrative structures as provided for in the County Governments Act, 2012. The move was aimed at ensuring that there would not be duplication of roles and would also avoid increase in wage bill to the County. Madam Speaker, all the correspondences with the Controller of Budget are annexed to this report.

Madam Speaker, the Ward Development Fund Committee in 2016 visited Kisumu and Busia County Assemblies in order to understand how they had managed to operationalize their Fund. Members were awed to realize that actually the two assemblies did not have any Fund rather, they operated a 'resource envelope' that saw honorable members identify projects through public participation in their respective Wards and then work hand in hand with the executive(respective departments) in the execution of the said projects. The committee was informed that the 'resource envelope' thrived best in an environment where good will existed between the executive and the county assembly.

The committee also noted that upon members identifying their priority projects, Funds would be budgeted with regard to the projects, to the various departments and then followed through to ensure that they are executed.

Honorable Speaker, in order to further comply with the recommendations from various institutions that have reviewed our Act as amended, the Committee proposes that when the Assembly reconvenes for the next session the Act be overhauled. The committee recommends

that the Fund be done away with and that a “resource envelope” for ward development projects be created.

This is in line with lessons learnt in Busia and Kisumu Counties, with which the last Assembly benchmarked and who have been doing ward projects without creating a Fund. This is also informed by the fact that the Controller of Budget interprets the Public Finance Management Act to mean that only the County Executive Committee Member for finance can create and abolish County Funds.

Madam Speaker, the Act will be repealed so as to bring in fresh provisions on the process of planning, budgeting, approving, implementing and monitoring the application of the funds to do ward projects. The new Act will also vest the responsibility of publishing and publicizing the list of ward projects in the county executive rather than in the Clerk of the County Assembly as is the case in the current Act.

Madam Speaker, informed by the consultations and earlier discussions with the secretariat, executive and written correspondences from the controller of budget, the committee makes the following recommendations:

1. That with regard to the concern from the Controller of Budget and Regulation 197 (1) (d) of the public Finance Management (County Government) Regulations, 2015 which caps administrative expense at 3 per cent of moneys allocated to the Fund, the committee recommends the administrative expenses of the Fund be reduced from 5 per cent to 3 per cent.
2. In 2017/2018 the fund has a total allocation of Kshs.800M. This has been distributed as follows:

Capital transfers in the department of Trade, Planning and Industrialization Kshs. 679,750,000 Million, Current Transfers (administration) in the department of Trade, Planning and industrialization Ksh.40,250,000 Million and Current Transfers (bursaries) in the department of Education, Youth and Social Welfare Ksh. 80 million. The Ksh. 80 million is available for utilization and the committee on Education should take up the matter and ensure that bursaries are issued. It is noted that the committee will endeavor to supplement for the other Kshs. 80 million meant for bursaries from the Ward Development Fund.

Members are advised to present a list of their priority projects per ward to the Ward Development Fund Committee by 25th January, 2018 before expiry of 2017/2018 which ends in June, 2018. The process of generating the list shall be as follows:

- a) Identification of projects through public participation with involvement of the Sub County Administrator.
- b) Costing and quantification of the projects through the Ministry of Works.
- c) Listing of the ward priority projects and forwarding through the Sub County Administrator.
- d) Inclusion of the projects in the supplementary budget.
- e) Monitoring and evaluation of the ward development projects.

Madam Speaker, it is important to note that these projects will guide the committee in determining how the funds will be reallocated to the various county government departments.

3. That with regard to the budgetary procedures of accessing funds from the national government, the committee recommends that the projects be undertaken quarterly in each financial year. Honorable members we are already half way into the financial year

(2017/18) and so realistically we can practicably access half of the Fund; we therefore urge members to identify various small projects totaling to Kshs. 16 million per ward.

4. That this Assembly engages the County Executive, particularly the County Executive Committee member for Finance and the Chief Officer Finance to plan on the modalities of implementing the ward development projects as budgeted for under the current financial year.
5. That the Members of this Honorable Assembly do liaise with the County Executive Committee member for Finance to mobilize sub county administrators so as to organize public forum to identify and prioritize ward development projects and which will be consolidated, costed, published and publicized and incorporated into the supplementary budget and thereafter implemented.
6. That through the House Committee on education this Assembly advises that the county Executive commences with immediate effect, the disbursement of bursaries in time for the first school term of 2018.

Madam Speaker, the Ward development Fund is very important to the County and more specifically to our Wards as the electorates will be able to prioritize key projects in their wards thus improving service delivery and development to our people. Special gratitude is to the First Assembly for formulation of the Ward Development Fund Act and also for striving hard to advocate for its implementation.

Madam Speaker, I thank the members of the committee for their cooperation and zeal to ensure that the Fund is operational. The committee makes a promise to this honorable House that it will oversight thoroughly the operationalization of the Fund and ensure that projects identified in the Wards by the honorable members are executed.

Madam Speaker, it is therefore my privilege and duty to present this report on the current status of the Ward Development Fund to this honorable House for consideration and approval. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mwathi. You had a seconder?

Hon. Mwanthi: Madam Speaker, I beg Hon. Helen to second the motion.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker, thank you, Mheshimiwa chairman Hon. Stephen Mwathi. Members, I stand here to support this motion because I believe and I am very convinced that this is the best thing you can ever do to your people. We need all of us to speak in one voice and ensure that these funds are allocated so that the people on the ground can feel your presence. Thank you.

Hon. Speaker: Thank you, Hon. Stephen Mwathi and Hon. Helen Ndeti. Hon. Members I propose the question.

(Question proposed)

Hon. Members, the matter is open for debate. Hon. Mueni.

Hon. (Ms.) Mueni: Madam Speaker, I stand to support the motion of having the Ward Development Fund but my fear is one because there is no way we can say we have good relationship with the Executive even now here in the House, we are lacking money so I do not know how we can get those for our people when ourselves we cannot get money so I think Madam Speaker, we have to ask those people of Executive to be kind to our elected people here because they were promising the people there down everything. Even the kids are reporting on 9th and they are not having fees, so I am having a lot of fear and I think the minority group which is led by Nziva to go and talk to the Governor very kindly. Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: I think Hon. Mueni the minority party group is not led by Hon. Nziva. We have the minority leader that is Hon. Alex Kamitu. I think he had covered his head, you were not seeing him---

(Laughter)

---but Hon. Nziva is very prominently being seeing. Hon. Members let us continue. Hon. Margaret.

Hon. (Ms.) Mwikali: Madam Speaker, I wish to congratulate and really thank the Ward Development Fund committee through its chairman and members for bringing this report. I wish to support it with all that there is to support this motion. First of all, the first assembly dreamed about it, they wished for it and it never happened and therefore, I wish to thank this House and I know this House there is no one in it that will really not support this motion.

Madam Speaker, these members were elected under serious commitment to the community. They were elected on promises of bursary; they were elected on promises of development; they were elected on very serious commitment to the needs of our community. Therefore, because these are all very serious members, none of us wishes to really not see it on 1st January 2018, and because of that, I wish to support it very strongly and ask the members we should not waste time, and ask anybody who cares to listen, anybody who cares to talk to any Executive member and especially His Excellency The Governor and his executive committee that the livelihood of these members and the next assembly, the Third Assembly, will really depend on this, just this one motion and this report.

Therefore, I support it and I request that we pass it very fast and we talk about it when it is already passed and that on 1st of January our children, our community will enjoy the development that these members promised them. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Hon. Margaret. Hon. Helen.

Hon. (Ms.) Ndeti: Madam Speaker, unfortunately as a nominated Member of Parliament, sorry, nominated Member of County Assembly, we will not be able to get allocation but we are happy because the allocation that is going to be given to the elected members will still serve the same people that we serve.

(Applause)

I personally am very convinced that this is the first step as an elected member that will make you get felt by your people by delivering services. So I kindly request all the members in this house to support this motion and as my colleague Madam Mwikali said, try to talk to the Executive, His Excellency our Governor, so that they can have a soft spot on this very crucial responsibility that we have so that the Kshs. 16 million that we are supposed to get before the financial year ends is availed to the members. This should be our first priority members. Let us vote for this motion. Thank you.

Hon. Speaker: Hon. Cosmus.

Hon. Masesi: Madam Speaker, I stand to support this report and motion in that all the Hon. Members in this House made several promises to the electorate although small. Madam Speaker, I want to believe that actualizing of this ward fund will enable us validate our promises to the electorate, Madam Speaker.

Madam Speaker, there is a clause that is causing some alarm because on the amendments, number 'g' talks about the provision of bursaries. It says that bursaries are not development expenditure so the original Act was amended to remove this provision under the Act. It is my worry whether we are going to have some bursaries on the same kitty having amended and removed the fact of bursaries, although Madam Speaker, I want to believe that I do not see any worry because it is clearly said that the Executive will play the oversight role.

So, Madam Speaker, I want to believe that if this ward funds are made available, they will enable the Hon. Members to build on their career if so, Madam Speaker. Thank you, Madam Speaker, and I stand to support the report.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Museku.

Hon. Museku: Madam Speaker, first of all great congratulations to the committee on Ward Development Fund for the detailed report you have brought before the House. Looking at this report, it shows that you have been able to go through the road which was followed by our predecessors and the shortfalls or the pitfalls which they encountered. You have found ways of negotiating through them to ensure that this Ward Development Fund becomes a reality for the current assembly. I think it is a honourable thing.

Personally when I look at the recommendations you have made, they are recommendations which are achievable. We are saying that the Ward Development Fund is going to become a resource which is going to be put through the various executive members or through the various ministries but which are going to ensure that each member of the County Assembly who is seating here today, your pet project which you are going to do public participation and get the go ahead to do with your people, is included under the budget; put under the CEC.

I have heard a lot about we need to discuss this issue with the Executive to ensure that it is actually actualized. Remember these funds are budgeted for and that is an approved budget; it is not an issue of discussion. It is an issue of there was a budget which was put there and the budget was passed and the Appropriation Bill was assented to. So what we are talking about here is its implementation and our ensuring that the Executive does go ahead and implement the budget as it had been passed by our predecessors.

The other thing, going forward, this House will be the one to vet the CECs who are going to take over the respective ministries. Remember that the execution of some of these issues like our Ward Development Fund will be key in the vetting process of those who are going to take those offices because we cannot vet people and again they go ahead and refuse your pet projects from going on.

So it is my belief that with the recommendations he has made, if we put these funds through the Executive, we are not going to be able to contradict any of the regulations as provided for in the Public Finance Management Act and the guidelines as given by the Controller Of Budget are going to be followed and therefore we should be able to implement this. Mine will be to urge all of us to make sure that we meet the deadlines of 25th January and be able to bring those projects before that committee for them to be included in the supplementary budget. Thank you.

Hon. Speaker: Thank you, Hon. Museku. Hon. Kalumu.

Hon. Kalumu: Madam Speaker, I would like to start by saying that for us who are elected to be re-elected, projects must be done because when we were looking for votes, we promised our people a lot of goodies and these goodies we were expecting them to come from the Ward Development Fund and now for my case, I have started seeing things changing. They have now changed from the Ward Development Fund to a Resource Envelope, bearing in mind, and the words are very clear here, that this can only work when there is the goodwill of the Executive which to my case, I don't know, we are about to be at the mercies of somebody.

So, may I say this, I will support because every time the first assembly tried to get these funds, they found a stumbling block but now it is like the committee, thank you to our chairman, and he has seen a certain loophole whereby we can get these funds through that loophole but my question is, this Ward Development Fund had an Act which was controlling and managing these funds and now we are repealing the law. Repealing the law means now we abolishing the law today, the Act, and we are leaving the funds free without anything to control or to say these funds are a must.

I would like before I say I support, I would like to ask, where are we and where are we heading? Because a resource envelope does not have any law governing it, though they have tried and the idea behind this was development to our people of Machakos County. I would wish to think that the so called goodwill by the Executive will be exercised in the near future because I am sure that these funds were in the budget and we need to see things start or development projects start because these projects will be our benchmark for us to be re-elected, and even for those who are nominated here, some of them might want to come here as elected members. I would wish, because the loophole is clear we can get the funds, I would wish to support it for now. Thank you, Madam Speaker.

Hon Speaker: Thank you, Hon. Kalumu. Hon. Minority Leader, Alex Kamitu.

Hon. Kamitu: Madam Speaker, I happened to be one of the committee members of this Ward Development Fund and in fact we have really sat down and you can see this report is a self-explanatory report whereby I would urge my Hon. Members, especially the elected members, we are supposed not to go on the timeline. Because the guidelines have been given in this report, I would urge the Hon. Members of this House that we move fast, we meet the

deadline of 25th January because as per the instructions and as per the report, you have been directed whereby you are supposed to go sit down with the sub county administrators and if you can see and if you can go through this report, there are those appendixes that are showing the amendments the First Assembly did and to make the current House that would have no problem in regard to the policies that have been laid down by this committee so that things will be easier for us.

So, without much ado, maybe Hon. Cosmas, in regard to the bursaries they have set aside Madam Speaker that Ksh. 4,000 out of the Kshs. 20, 000. Ksh. 4,000 for the two terms may be the first and the second term, which is the money meant for the bursaries. So, the remaining, Ksh. 16,000 are the monies, and I stand to be corrected by my chairman, and that is exactly how this should be done.

Otherwise, thank you very much, Madam Speaker. I support and say that let us make a move to see some new development in regard to projects because projects once implemented on the ground are the initials, the signs that an MCA will be seen to be doing some good things to the electorate. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Minority Leader. I was just observing Hon. Cosmus; he wants to give information but he does not want to leave the seat but I know when Hon. Minority Leader talked of Ksh. 4,000 he meant Ksh. 4 Million and I believe when he said Ksh. 16,000 he meant Ksh. 16 Million. Thank you. Hon. Kiilu.

Hon. Kiilu: Madam Speaker, first and foremost allow me to most sincerely applaud the committee on Ward Development Fund for articulating the issues very well and also giving some achievable recommendations. One thing is that because they have touched on bursaries, and when he mentioned bursaries, all the heads were on me and I want to briefly comment on the same if you allow me. One thing I have realized is that we need to use some discovery methods to survive here because...may I continue?

Hon. Speaker: One thing Hon. Members, it is said that ladies or women know how to multitask. If you gave that job to the gentlemen or men, they will not be able. I was listening to you keenly as I was also consulting. Proceed, Hon. Kiilu.

Hon. Kiilu: Thank you. I just wanted you to be very attentive; I rarely speak.

(Laughter)

So, thank you to the committee on ward development fund for the issues that you well-articulated. Allow me to assure you members that I have been moving up and down to seek for this information on the bursaries. You have heard Hon. Mueni say that she is worried; don't worry, there is no need to worry, the money is there. Actually what I need to identify is the amount. I don't want to speculate; I have not been given the real amount but I will try to seek for the information so that I can give you the right figures.

Otherwise, maybe, Madam Speaker, if you allow me, I can give out this information that prepare for the bursaries and number one, before you are given these bursaries, you should have your bursary committee. That is the first thing that you will have to do.

You have to compose your Ward Bursary Committee and this is the process; allow me Madam Speaker, I want to give you this process so that you can be on your toes now. The first step is making sure that you have your committee. Who are these members? You are supposed to have seven members as follows; I hope you are taking down the notes.

1. There is establishment for each ward a committee to be known as the Ward Bursary Committee, and the committee shall consist of:
 - a) One person with experience matters who ordinarily resides in the ward who shall be the chairperson. That is a person with experience in education; a retired officer, I'm told.
 - b) The county officer responsible for matters relating to education in the ward who shall be the secretary. I will inform you more on that.
 - c) The elected Member of the County Assembly from the ward. Yourself.
 - d) One person representing Faith Based Organizations involved in education matters in the ward, that is a pastor, I believe, and because you will not have time to carry the pastor all the way from your place, you are requested to identify one and forward his details. I will inform you further.
 - e) Two persons who ordinarily reside in the ward representing marginalized groups.
- 3 The person referred to in paragraph 2(a), (e), and (f) shall be nominated by the chief officer responsible for matters of education in the county in consultation with the elected member of the County Assembly, yourself. Therefore, you will be requested to forward names of the same. People whom you believe that you can trust with information, they can give you the right information and can advise you on the same.

Finally, allow me to say that for us to survive, we need to have this Ward Development Fund. Members let us support it and I stand to support.

Hon. Speaker: Thank you, Hon. Kiilu. I wish to call the mover of the motion to reply. Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker, thank you Hon. Members for supporting the motion. I think we will do our best to make sure this kitty, the Ksh. 800 million, is operationalized. I know at some point I requested members to budget for Kshs.16 million. With the Ksh. 16 Million, I meant the Ksh. 80 Million allocated in the department of Education translates to Ksh. 2 Million per ward. That will mean that we supplement Ksh. 2 Million more possibly for the next term at least so that every ward may have like Ksh. 4 Million for bursaries.

So, as we work on the Ksh. 80 Million which is already at the department of Education, we will supplement Ksh. 2 Million more on the same. It is also again good to note that members, with the Ksh. 800 Million that is in the budget, we only have Ksh. 800 Million which is lump sum so it will need us also to supplement, that is why we have requested you to bring the priority projects so that we may supplement the Ksh. 800 Million which we already have with the department of Planning. So thank you members, thank you Madam Speaker.

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

(Question put and agreed on)

Hon. Members, this report is committed to the committee on Implementation and the committee on Budget and Appropriation so that the aspect of implementation is addressed and the aspect of appropriation of the funds is addressed and that the two committees, the joint committees should give an update report to this House on the implementation and the appropriation the earliest possible but not later than the 28th February, 2018.

I notice that there is action that is to be done by the 25th of January. The only hitch is that the House is going to be on recess and as a matter of fact, let me do the earlier direction so that we can have the report on the implementation on 13th February, 2018, that is when this House resumes the sittings, the very first sitting, because this is a project that should be up and running like yesterday, Hon. Members.

ADJOURNMENT

Hon. Speaker: At this point Hon. Members, this House adjourns to the 20th day of December, 2017 at 10.00 a.m. Have a good evening.

The House rose at 3.42 p.m.