

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 21st July, 2020

The House met at 2.43 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. We can start this afternoon sitting. Thank you.

COMMUNICATION FROM THE CHAIR
DISCHARGE OF A MEMBER FROM TWO COMMITTEES

Hon. Speaker: Hon. Members, I have one communication which is as a result of a communication that the Speaker received from the Majority Leader and the following is the communication. Hon. Members, Standing Order 156 provides for the discharge of a member from a committee, Standing Order 156(1) provides that the Assembly party that nominated a member to a select committee may give notice, in writing, to the Speaker that the Member is to be discharged from a select committee.

Further, Hon. Members, Standing Order 156(2) states that the discharge of a Member shall take effect upon receipt by the Speaker of a notice under paragraph (1). So, Hon. Members, pursuant to the Standing Orders, I have just referred to, I have received a communication by way of a letter from the Majority Party Leader, Hon. Mark Muendo dated 21st July, 2020 in which he has discharged the Hon. Tariq Mulatya Muema from the following Committees.

1. Selection Committee
2. Committee on Appointments

Hon. Members, Standing Order 153(3) requires that a vacancy created by resignation or removal of a Member from a select Committee shall be filled within fourteen days of the vacancy. I direct that the Committee on Selection to note the provisions of the Standing Orders and table the replacements within the stipulated time. Thank you Hon. Members.

MOTION

REPORT OF PENDING BILLS FROM 4TH MARCH, 2013 TO 30TH JUNE, 2018

Hon. Speaker: Hon. Members, you recall in the morning sitting we attended to this business and we had it read and I proposed the question and we said we will start this afternoon

with a debate on the motion. So Hon. Members the motion is open for debate. I welcome you. Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. Madam Speaker, we listened to the report that was read this morning on pending bills by the Chair of the finance committee. I am a member of the same committee and I want first to congratulate the committee that has taken a lot of time to ensure that the report is conclusive. You heard that we had to write six times to the executive so that information can be availed.

I must congratulate this committee and at the same time I also wish to say that despite all those challenges, we were able to get all the information required including the list of the companies that have been paid which is an annexure of the report or one can obtain from the website. What I would want to comment about the report is that, it is unfortunate that a lot of people in this country has been thrown out of business because of bills incurred by county governments after the devolution simply because these county governments have not been able to follow the laid down procurement procedures by the national government.

I am hoping and I am pledging or requesting our county government to ensure that in future there is no commitment of public funds without the funds being budgeted for. Secondly, I would request that, the list of the ineligible bills keenly be scrutinized because it would be very unfortunate if any of our people of Machakos has rendered some services to this county and they are not paid because of maybe some discrepancies. I know sometimes you find that you execute a job for the county but because sometimes people are not very fair, you find that your file is hidden or some documents are plucked out and that can take you years before you get that file compiled again and have all the documents.

So, what I would plead with the docket of finance in the executive is to ensure that list of eligible is keenly looked into to ensure that nobody who deserves is left without being paid. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndeti. Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker. First, I wish to thank the committee on finance for the good report that they put together about the state of the bills that we have, the county government of Machakos and Madam Speaker, looking at the report, a few conclusions have to be drawn. First, Madam Speaker, if we have to allow development to be done, then Madam Speaker we have to follow to the letter all the laid down guidelines and procedures on public procurement.

Madam Speaker, we come to this House as the legislative arm of the county government and pass Appropriation Bills, it is important and prudent that this projects that as a House we pass are followed and if followed, Madam Speaker, we will rarely have pending bills. The biggest problem that we have is where us as the legislative arm we pass projects here but the executive will not follow or implement what we have passed here, they will bypass all that and implement what they feel like implementing. Madam Speaker, that is the biggest problem that we have and the biggest cause of the pending bills that we have.

Henceforth it is important that the executive follows the itemized budget that we pass here and the project-based budget that we have passed as a House Madam Speaker. Then again, Madam Speaker it is also important for the executive arm of the government to also have a

human heart and get to know that these people doing business with them come from within the county.

One objective of any government is to nurture economy is to grow the economy of the people that they lead and if we have people who have come from Machakos, who have invested, who want to do business genuinely with the county government and they spend two to three years without getting payments for the jobs that they did and assuming that these people had secured some loans and these loan is accruing interest, Madam Speaker, it goes without saying that they will incur extra cost and at the end of the day the little that they expected to get out of the returns will go into paying the bank loans.

Imagine, Madam Speaker, that this people could perhaps lose other investments that they had. I have one example of a businessman who had done some business with our government here and they had to spent about three to four years without getting their dues. What happened they got their property auctioned and this businessman was reduced to a pauper if I may use that term, Madam Speaker.

Therefore going forward it is important that the county government, the executive arm of our county government ensures that they pay all the contractors, all the suppliers, and any other people or organizations that trade with them genuinely in time and follow the Public Procurement Act. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndambuki. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. I want first to congratulate the committee on finance because of that elaborate report which they have presented to this Assembly Madam Speaker. Madam Speaker, this committee on finance went through hard time sometimes because they sought documents from the executive and they could stay for weeks without receiving those documents to work on.

I am requesting the county government to have that human face that when documents are requested by a committee for it to do its mandate those documents should be released immediately for the committee to do its work.

Hon. Speaker: Hon. Maitha, even as the Members are applauding you on that point. I just want to pose a question to you, I have always told you and Members of this Assembly, you have all the powers you need to make sure that you discharge your mandate. I have seen here a total of six letters being written to the relevant officer to avail the documents. In other words, you are left to beg for documents; why do you allow so as Members of this Assembly? Hon. Maitha, we may not have the human face you are crying for and that is why the Constitution and the PFM Act decided to give you powers to call for the documents and then if they don't come, what do you do? You invite the member the first time, the second time you remind them of the invitation, the third time what do you do? You summon them.

Have you summoned any here or even before your committees and they refuse to come? Why don't you bring them to the General Oversight Committee? I don't want you, Members, to be lamenting and sitting on the powers that you have because what we want to do is to have execution. If you call for these reports and they come, you would not go even to the extent of inviting the member. You would not reach the point of summoning, but now the public there, remember these proceedings are now on YouTube and you are lamenting, you are looking helpless and it is them they are looking upon you.

What are you leaving them with? Hopelessness! Please do not follow the law, if there is any officer you are asking for documents they don't bring, invite them after the second reminder of a letter, the first letter may get lost, a second letter a reminder. The third one should be an invitation and if you are so generous, the fourth one is a reminder of the invitation and the final one is a summoning because you must move really. You cannot keep on talking. Please. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. Madam Speaker, the Chair is here and the committee Clerk is here, they have heard because we should not be begging those officers. In fact, I remember one time one officer had to call for an ambulance here to be taken back saying that she is sick, that is the thing we do not want to hear of in this financial year, Madam Speaker.

Madam Speaker, again I pity our contractors because some of the works which were being paid for were done in the financial year 2013/2014. Just imagine someone did work for this government and all those years that person has not been paid; that is very bad of this government, Madam Speaker.

Madam Speaker I know one Hon. Member was saying that one contractor had to have his property auctioned and we are asking the government to be friendly to the contractors such that once a job has been done let the contractor be paid so that he can also earn his living, Madam Speaker. Madam Speaker, when many pending bills are unpaid, there might be an element of bogus contractors to be paid, it is very important for the committee to check on the bogus contractors such that they do not get funds when they did not work for that money. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Hon. Mitaa, I will come to you, you know Hon. Minority Leader would take precedence. We agree. Okay because your hand was before his but please go; I will come to you Hon. Members also.

Hon. Kamitu: Thank you very much, Madam Speaker. Madam Speaker, having read this report and having a report being brought into this House, one thing I was here in the First Assembly and the committee has really captured all the pending bills from March 2013 up to 30th June of 2018. Madam Speaker, my contribution would be relevant to this report and Madam Speaker say that it is really painful for contractors who really having done their jobs, having finished the projects up to now they have not been paid.

Madam Speaker, maybe it is not an advise but we should also take another direction that procedurally Madam Speaker, when a project has been completed on the ground in a certain ward, normally there are offices from the executive who come to the ground, do the analysis relating to the BQs and what they normally do is, they write a report. So maybe Madam Speaker, the best practice now we can do is that immediately as an MCA elected, an MCA who oversights a project should also be in line with the contractor that is if there is a report from the executive, confirming that a certain project has been completed, a certificate is issued for that effect, Madam Speaker.

So normally us as MCAs what I think is proper is to bring a Statement that in my ward, this project has been completed and the contractor has not been paid so that Madam Speaker as you say, we start now writing a letter to the respective department that why is a certain project has been completed and that contractor has not been paid. I think by so doing Madam Speaker,

we should be in the right direction and things will be followed. That is my contribution Madam Speaker. Thank you.

Hon. Speaker: Thank you, Hon. Minority Leader. Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Madam Speaker. I want to applaud the committee on finance for the long-awaited report, Hon. Speaker. For quite a while we have been fighting with them to bring this report on pending bills to this Hon. House, Hon. Speaker and I am happy that at long last we have something which we can talk about, and if adopted by this Hon. House, the report will be of great help for any follow-up. Hon. Speaker, I would wish to remind you, you challenged Hon. Moffat Maitha but also it is prudent for you to remember that once upon a time this House impeached the finance CEC and---

Hon. Speaker: The Speaker always thinks prudently, so do not say it is prudent now, because always he thinks prudently. Put it differently and remind us where we have come from.

Hon. Mitaa: Thank you, Madam Speaker, but at least that tells you we have been trying to at least achieve our target of especially oversight bearing in mind also we have faced some turbulence and it is on record that we have done something. So, Hon. Speaker, issues to do with pending bills, is not something which is good to discuss because a pending bill means someone has committed his or her time, resources, and energy and it is obvious after you have done that you ought to be paid; there is a reward for everything.

So, when we talk about a pending bill emanating from the year 2013, most of us we do not have the capacity to take care of a project that will mean we have to borrow and Hon. Speaker, you can imagine borrowing from the year 2013, there are issues to do with interests and also the follow-up. So, Hon. Speaker, it is a bitter thing to discuss and I would wish that going forward we forget about anything called pending bill in Machakos County because Hon. Speaker, we have resources, we have budgets, which we pass every year and we pass those budgets so that they take care of any development which is being undertaken by the county government of Machakos.

Therefore, if work has been committed and has been delivered, Hon. Speaker, I don't see the reason why someone should start making follow-up in these offices seeking payments. Hon. Speaker, of late I have come to realize even those in charge especially the Chief Officers in various departments, their hands are tied because they are also under instructions. They get instructions from high and above and you find someone, yes, he is in charge of a department but he or she is also relying on some instructions or else some communication from another office and without divulging information, most of them are crying to this Hon. House to come and rescue them because we pass budgets in this House but they get different directives and they end up doing what they have been given from the other side.

So, Hon. Speaker, going forward especially with this budget which we have just passed, we saw recently the President signed a Bill to recall MCAs. So, things have changed and also now it is upon ourselves to adopt, call these Chief Officers and if someone is unable to perform, we honorably send them home because I would not wait to become a victim because of someone and leave him or her behind. I think it is important for them to leave ahead of us before the residents start collecting those signatures, we also collect signatures in this Assembly and send this Chief Officers home.

(Applause)

So, going forward, I think we need to send a very strong word, this is the time now this Hon. House should be calling the Chief Officers here and explain to us programs ahead and we make sure we make follow-up of those programs to the letter. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. The committee has done a very good job but since 2013, many people from our County have died because of the money they have used in the County and others have even parted with their families because of not knowing what the wife or husband has done with the money. The bad thing like now as we talk, there is somebody who supplied charcoal to the hospital and up to now, he has not been paid. So, my cry to the Executive, not even a cry, it is a statement to them, we have to take them home if they are not giving those people money.

I can bring that person here; he has not been paid and if you see him, he is walking around Machakos as if he is a beggar and the money is in the hospital and the CECs in the executive go buying big cars and at the end of the time they resign from that department and they go to another place. So, I do not know whether at times the Governor is aware of such things because some people are still walking around and they should be in the cell because they have consumed the Government money or money belonging to the Machakos people since they are not taking care of other people.

They come there every time to see how they can become rich. Yesterday we had the CECM for culture and he is not having powers to pay the boys who have been working for the County. He is not having money, he is waiting for the money because it will be given out and maybe the money will end up doing something different. So, the Executive should be very careful. Thank you.

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

Hon. Museku: Thank you, Madam Speaker, for giving me this opportunity to contribute towards this Motion. First of all, I would like to thank the Chairman and the Committee for Finance on the report which they have prepared and presented before this House on pending bills and a well-documented report. So, Chairman and your team, take my congratulations on the same.

(Applause)

Coming now to the main issues Hon. Speaker, concerning the recommendations which have been made by the Finance Committee, these are recommendations which if followed would be able to rid this County of this vice of pending bills. Madam Speaker, by definition you will find that we will always be having pending bills because a pending bill is one which has not yet been paid and at any one given time you will have work which has been done and the bill has not yet been paid but what are we talking about? We are talking about bills which have not been paid over a very long period of time.

So, when we are classifying pending bills, we need to be careful because even the bills which were done in the last Financial Year as of today they are pending bills and tomorrow they need to be paid and if they are not paid this year and they are paid next year then they become part of the problem.

The bills which the committee was looking at are the bills that accumulated from the financial year 2013 all the way up to the financial year 2018. Now, looking at bills, which have not been paid from Financial Year, 2013, 2014, 2015, 2016, 2017, 2018, six years and this person had maybe taken a facility from a bank or had even sold family property to put the money in these projects and they end up not being paid over a long period of time. That not only affects our people but it also affects our economy in Machakos in general.

Madam Speaker, I had a keen look at these pending bills during the last budget that we did and we did a thorough analysis as a budget committee on these pending bills. These amounts being talked about here, the Ksh. 249,251,494 we do have the itemized bills which are totaling to that entire amount of Ksh. 249,251,494 in the budget committee and we requested the Executive and they came back and said they have made provisions for it fully in the current financial year budget.

Now, when I looked at the genesis of why we have these pending bills and these issues, is that most development money tends to be released towards May/June; you come and find due to cash flow issues, the Treasury releases much of its funds in May and June. Now, this money is meant to pay for projects which had been committed throughout the year and certificates had been raised. So, certificates have been raised, contractors are waiting for payment, the money has not yet been paid, the financial year ends, the money has been committed in the system so it is transferred into the CRF but come 1st of July when these funds reflect in the CRF, those funds are not utilized to pay the bills for which they were incurred.

Those funds are transferred to other services and that is what has led to these issues of pending bills over a very long period of time. If for example, the money which is going to be in the CRF this month, is not used to pay the bills which were incurred for Ward projects and any other projects which were done by the County Government for last year, then since the current year's budget does not have provisions for them, they will become pending bills and they will not be having any funds to pay.

So, the emphasis is what we can see here the committee is recommending that they should ensure any pending bills in the Financial Year are paid as the first charge of the budget for the current year and any returned CRF issues should be utilized to clear pending bills first and any deficit factored in the Supplementary Budget.

That would be the only way we would be able to clear these problems but if now the money is put in the account and instead of paying pending bills, that money is diverted to recurrent expenditure because remember once the money hits the CRF, there is nowhere written Ikombe Dispensary, there is nowhere it is written that it is cash and I have given Ikombe as an example. It is cash sitting in the bank so anybody can withdraw it and take it elsewhere and then that contractor who had done the job when he comes to requisition for the money, it is not there. We need to ensure that one is taken care of.

The other item which I want to talk about is this issue of local revenue targets; they have talked about realistic local revenue targets. On this issue, only 30 percent of the local revenue target is put aside for development, and therefore when we talk about unrealistic local revenue targets, we need to be careful because if we give a target of Ksh. 1.7 billion then only 30 percent

of that will be eligible for development funds. So, are we saying that out of Ksh. 1.7 billion, if you take 10 percent of that is Ksh. 170 million times three is Ksh. 421 million.

So, unless we are saying that, out of the budget of Ksh. 1.7 billion, we are not going to be able to meet at least Ksh. 400 million, then the issue of setting unrealistic targets does not arise when it comes to pending bills. They need to be able to utilize the funds they have, 30 percent of it, and take it towards development so even if you set a target of Ksh. 1.7 billion and when you collect Ksh. 1 billion then pay Ksh. 300 million only out of that and then you will be fine.

The only danger we have with the issue of unrealistic targets is that we do not give ourselves a chance of meeting it and therefore miss out on the National formula which rewards those Counties which achieve their targets. So, if we put an unrealistic figure like Ksh. 2 billion or Ksh. 3 billion, then we cannot meet it then we will forever never gain on that additional amount which is given to those Counties which have met their targets. I think that is then the only main thing we need to consider but ensure that they utilize 30 percent of whatever has been collected to pay pending bills.

The other thing which I would suggest as I sit down is that, since we know that 30 percent of everything we get is what goes to development, then keep committing only 30 percent of what you think is your realistic target and you will not have a problem. If you think your local revenue is going to be Ksh. 1.2 billion, then take 30 percent of that and say for local revenue, we will not be able to allow more than Ksh. 300 million. Finished and put a cap on that. The same for the equitable share which comes from the National Government.

So, Madam Speaker, I thank you for giving me this chance to air my views on this issue and I thank the committee again for coming out with these things. I have seen there is the list of ineligible pending bills which again I have seen there and a concern I have there is, that as a result pending bills worth Ksh. 343,078,539 were declared ineligible by the office of the Auditor-General because some of the bills did not have adequate supporting documentation other bills were forwarded where else they had already been paid, work had not been undertaken for some of the pending bills. I see there is a committee that has been set aside which is looking at these issues and determining what has now become legible or ineligible.

It is important for that committee for the Finance Committee to ensure that that committee is working within certain strict guidelines so that you do not get bills which the Office of the Auditor-General had declared ineligible, maybe because no work was done, now being brought about by this Committee and recommended for payment because remember now the supervision by the Auditor-General when they were looking at the cut, to give you the original bills, was at a very high level.

They were looking at things very keenly. Now, this committee is prone to interference so I will be requesting through the Chair, the Finance Committee to look carefully into this committee and ensure that whatever bills they are now approving to become legible when they were eligible properly legible. Thank you, Madam Speaker.

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

Hon. Masesi: Thank you, Madam Speaker. First, if you allow me I would like to mention something to do with COVID-19. Madam Speaker, I have realized today morning that we have challenges when our brothers and sisters succumb to COVID-19. The normal hearses we have are not ready to transport these brothers and sisters who succumb to COVID-19. So, I was

feeling like we overlooked and that we should have considered the same during our budget to budget for vehicles to be transporting our brothers and sisters who succumb to COVID-19.

We had a case in Kyeleni where the normal hearses were not ready to transport that person from Kangundo for burial. Coming back to the report by the Finance Committee---

Hon. Speaker: Now that Hon. Masesi you have raised this even before I told you that you can go ahead. What do you propose to do with it? Why don't we finish on this Motion and perhaps as a matter of County importance you bring out the matter even without a written Statement? We can have a word because I know the Nyandarua County Assembly has already a Member who is positive in the Assembly; we do not know about our status.

Maybe we may need to discuss it, Members? Okay, remember you will be the mover but let us now have even the HANSARD expunge what you put in in the middle of this but then we will take it up even with the leave of the Speaker as a matter of County importance that we need to address that very briefly because the next sitting is next Tuesday and that is a bit too far.

Hon. Masesi: Thank you, Madam Speaker. When I look at the report I must say that the Finance Committee has done a lot. I am realizing that we are even paying ineligible debts, if you look at the observations by the committee on page 13, the committee says that some of the ineligible bills were paid and not paying the legible bills. Madam Speaker, I am surprised we did not do much in terms of development in the Financial Year 2019/2020 owing to the fact that we will clear the pending bills. Up to date, we have not even implemented the Ksh. 3 million we passed during the supplementary budget and still I can see we still have a total of Ksh. 467,544, 861 comprising of the eligible and ineligible pending bills.

Madam Speaker, there was a time as the observations by the committee, we were told that we only have Ksh. 47 million as pending bill; how it turned again that we have a total of more than Ksh. 600 million pending bills, it is a matter of a big concern. Again, you can imagine someone did some work, our brothers and sisters, you took a facility as Hon. Museku stated and now you are told you cannot be paid. You took a loan and did some work, I think we need to look at that one from a different dimension though it is not anchored within the law these people did work which is realistic and can be seen on the ground.

Madam Speaker, where the department is finding ways of paying some eligible bills of Ksh. 124 million which is captured on No. 7, page 13, the statement says that 'some Ksh. 124 million of ineligible pending bills have been paid while Ksh. 249 million of eligible pending bills have not been paid.' I am feeling that we need to get a copy of the bills which were paid during this Financial Year 2019/2020 which we assumed as an Assembly that, all monies meant for development, went to pedning bills.

The House remembers very well, we even paid monies which had been deducted from salaries; we took money from development and put it on recurrent just to make sure we settle the pending bills. Madam Speaker, we need to take another direction as an Assembly and we make sure that, if we are told this money goes to pending bills, let that money pay these pending bills.

There was a time in the month of April/May, we were told we cannot get more funds from exchequer due to pending bills and we had a meeting with the Governor and we agreed that the money which is there all pending bills will be cleared before the end of June. Madam Speaker, I do not understand how again we still have pending bills when there was no development done during 2019/2020. Thank you, Madam Speaker.

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

Hon. Kisini: Thank you, Madam Speaker. I want to first thank the committee for the good job they have done and for bringing us a document which is very well-analyzed and which is self-speaking. Madam Speaker, I want to say, it is good to thank this Hon. House for agreeing to bail out the executive pending bills of previous years against work which should have been done in current years. It was not an easy task to forego almost a billion which was paid as pending bills against pending works in various Wards.

Madam Speaker, if you try to look at this document very well, you might wonder like the Department of Tourism, Culture, and Sports even at cross-checking, what has been done on this tourism? What has promoted tourism in this County and more especially when you try to check they were paid Ksh. 32,341,000 and so forth?

So, Madam Speaker, it is also good to be checking if this money that was paid is realistic and can we find it on the ground. We have been made to suffer for paying bills for previous years while we should have said no because there were budgets then but we have agreed to pay and it was not an easy cost. I also again go to the point of this LapTrust issue. Salaries and personal emoluments are deducted from each member and they should be paid because that is part of salary. How on earth do they come forward and be treated as pending bills while that is part of salary to someone?

Madam Speaker, there is also the question of those bills which are being checked by that committee. We know people outside there and I think that used to happen during the First Assembly, that you could be given work by an executive officer, you are told do this, we will come to regularize the documents after and then that after those documents are not regularized and you are not paid.

So, as we also check, let us try to see those people who did not know how to go about the right procedure and were told to do this and they did, if they really had done that work, let us see if there is a way they can be paid because they also used money to do that work.

Madam Speaker, I want to finish by saying that the committee did a very good work and more especially on the recommendations whereby they said this year no turning around the ward development fund or amounts which were put there they are going to be put into use. Let us see if those projects are going to be implemented. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini. In the extended sitting we have Hon. Johanna, in the list that I requested only Hon. Johanna was wishing to contribute.

Hon. Munyao: Thank you, Madam Speaker. I stand to support the report from the finance committee. Madam Speaker, among the benefits of implementing such projects in the county, one is to create some employment; another is to exploit the resources within the county. Madam Speaker, when we empower the contractors we are empowering our people. Contractors are meant to employ our youths because not all of us can fit in the white collar jobs.

We know there are a lot of people idling without anything to do and therefore by investing in such jobs we expect the contractors to employ or engage our people. If we do not pay them we are denying their rights, we are also financially crippling them and as a result saying that in other words we do not want our people to get the jobs or rather to get employed through such contractors. Madam Speaker, through the same projects we have our resources like

sand, ballast and all that being exploited and therefore earning the county also money as well as our people.

Again by not paying the contractors, we are saying we are crippling them to an extent of not also exploiting the resources and therefore having our people get some coins earn a living. Madam Speaker, it is with that understanding that we start to say that it is important to pay the contractors their dues, it is important to plan well right from the procurement because I understand and it is not really that it is an understanding but it is the truth that before a project is given out, we have to ask ourselves whether we have the budget and then of course we commit the funds to a project. Before we issue an LPO or an LSO, it is very important we ensure we have the funds to be committed.

Therefore, with that understanding we may not understand why we may end up having accumulated pending bills. Pending bills maybe can arise if the works were not certified as having being done and ready for payment but if inspection was done, a certificate was issued I do not see the reason as to why we may end up not paying the said works.

Therefore, Madam Speaker, the amounts of pending bills is very alarming and the request or demand that the executive organizes themselves to continue reducing the said amounts of pending bills and at the same time put in place strategies to ensure that we do not have an accumulation in future. I therefore wish to end my contribution and that the committee for the nice report. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Johanna. Hon. Ikusya.

Hon. Kaloki: Thank you, Hon. Speaker. I stand here to support the report which has been done very well by the committee on finance; I think it is a job well done. Madam Speaker, I am concerned about the debts. Debts have a bad image on both to individuals, organizations and Madam Speaker, institutions. Even individuals with too many debts all over the command no respect in society and the reason why the government came up with the blacklisting of people who have debts all over and that is why they are blacklisted by CRB the Credit Reference Bureau.

Madam Speaker, I want to say that these suppliers or the contractors who did work for this county government of Machakos are investors like any other investors and we have to invest our good money to bad money where the money will never come out then that is not the best way of doing business. Madam Speaker, I want to say that when a supplier supplies you with goods on credit that person in a way or the other has supported you.

The other day, Madam Speaker, we had a meeting here with the CECM finance and we requested him to come up with a secretariat a special permanent team in his office to look into ways of fast tracking the payments of the ward projects debts and we agreed to do that. I would also want to ask the same CECM finance to come up with a permanent secretariat a team to work on the pending bills, Madam Speaker. This is the only way we are going to save our suppliers. So many people have been auctioned others have died and others have closed their businesses because of pending bills.

How do we go about this, Madam Speaker? I would want to recommend that to take ourselves back; Madam Speaker, we have talked about ineligible and eligible bills. Madam Speaker, if you agree with me there is nothing like ineligible debt; all debts are eligible it is only that they lack some documents to support and if these secretariat was to be set up by the CECM finance and come up with a criteria, like I remember of two three years ago and you are aware of

that the National government put up an advert in the national dailies asking all suppliers to submit their queries on pending bills to the respective county governments.

If our county government was to put up an advert requesting all suppliers with pending bills, whether with documents or not, to come forward and present themselves to that secretariat with whatever documents that they have because I know most of them they lack LPOs and LSOs. If they can prove that they actually worked for the county government, if they can show proof, they can swear some affidavits, if they can say I was given this kind of a task on assignment by Mr. so and so who was A-B-C-D in this county government and there is proof, let that person be issued with the right document and payments processed, Madam Speaker.

I know some officers in this county government are very much aware. I have come across some suppliers who supplied graders, who supplied a lot of stuff to this county government. They are holding some contracts but they do not have LPOs and LSOs, Madam Speaker. They are taken round and round in circles by the officers. Some are being told can you identify the officer who gave you this kind of a tender. Some either resigned, others were sacked there is nowhere you can trace them. So, kindly I would want to ask our county government of Machakos---

Hon. Speaker: Are the graders there?

Hon. Kaloki: The graders were sub-contracted to do some grading work for the county government, Madam Speaker.

Hon. Speaker: So they were not being bought as such.

Hon. Kaloki: No, they hired them out to the county government before the county government purchased their own graders and some of them are very elderly people so what I would want to ask our county government is to set up what I called earlier a secretariat and invite all these suppliers to come forward and regularize their payment documents. It will not take ages, it will not take years to do that and I am sure within a month or so we will have settled all these issues of pending bills.

The other point I want to say, Madam Speaker, is that as a county government it is high time our county government does a thorough clean up in most of their departments to weed out these rogue officers who are not willing to come forward and sort out this mess on pending bills. That is all I wanted to say Madam Speaker. Thank you very much.

Hon. Speaker: Thank you, Hon. Ikusya. The mover of the motion can you reply please?

Hon. Mwanthi: Thank you, Madam Speaker, and thank you, Members for your contributions. Madam Speaker, that was the report on county pending bills and I believe and trust that we all want our contractors and suppliers to be paid by the county government because without giving our people hope we might not be going far so I believe this report will reach the executive and they will do the necessary and that is paying our contractors.

I would also wish to look at some of the issues that were raised by Members like one we also need to be very careful with the ineligible pending bills, Madam Speaker. I believe if we are not keen we might end up having even more or other pending bills that have never...that we did

not have because some of them are opening loopholes for maybe some rogue officers making them their own documents and calling those ineligible pending bills for them to be paid.

It is good to be involved as a House to know the ineligible pending bills and the process that is being used to clear them because already over Ksh. 118 million has already being paid to the ineligible pending bills when we already still have the eligible pending bills that should be paid. In our report, Madam Speaker, there are annexures on contractors and suppliers who served this county; it is there. We called some of the contractors and suppliers who were paid and even as a committee we tried to call the to ascertain whether they were really paid because I believe there are more than 80 something contractors and we called like 15 of them to ascertain whether it is true that they were paid.

On the issue of realistic local revenue targets, I still believe it is a good way we also check on that. Madam Speaker, I believe any other time when we do not meet our revenue targets that is when we draw our budgets based on both local revenue and the equitable share, any balance in that budget will be used by the executive to treat it as a pending bill. If we check on that and make sure we meet the targets of our local revenue, I believe no one now should ever talk of pending bills in this county and if we get any surplus amounts of money in our local target that means it will go straight to development.

Madam Speaker, it is also good we also note that that 30 percent development money, if our target is lowered it will still remain at 30 percent. So anything above what we have collected will be going straight away to development so the 70 percent can go for recurrent and 30 percent will go to recurrent and any surplus amount Madam Speaker, will be going to development expenditure. As I speak of the Ksh. 40 million that was noted by one of the Hon. Members, Madam Speaker, I believe page 6 has outlined that issue of how---

Hon. Speaker: A report from the CoB.

Hon. Mwanthi: Yes, it was a report from the CoB.

Hon. Speaker: I think Members have read that.

Hon. Mwanthi: Yes, on page 6 it has elaborated so thank you and thank you very much.

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

(Question put and agreed to)

I believe that the committee will be able to share the resolution of this House on that report for purposes of implementation of the recommendations as soon as is possible. They will be shared to the county executive.

STATEMENT SOUGHT

ASSISTANCE BY THE COUNTY IN BURIAL OF COVID 19 FATALITIES

Now Hon. Members, you recall that in the middle of the debate on this motion the Hon. Member, Cosmus Masesi raised an issue of the coronavirus pandemic in the county and I guided

him to see if he can bring it as a Statement on a matter of county importance. I notice that we had passed Order No. 7 seven for Statements. We had passed there as if there was no business but the business has arisen and it really because of the importance of the matter it can be raised at any point with the permission of the Speaker, which I am giving to the Hon. Member Cosmus Masesi and it is befitting because he is the Chair of the health committee in the House. Hon. Cosmus Masesi. Hon. Masesi, please use the other side you should have a sanitizer around there Christopher (Commissionaire).

Hon. Masesi: Thank you, Madam Speaker. Hon. Speaker, the cases of Covid-19 have been on the rise in the country and also in Machakos County. Currently, Madam Speaker, the cases in the county as at 20th July, 2020 is 416 Covid-19 cases with 20 persons having succumbed to death across the county in the eight sub-counties. With Kangundo 1, Kathiani, 1 person, Machakos 5, Masinga 2, Matungulu 3, Mavoko sub-county 1, Mwala sub-county 2, Yatta sub-county 3. Madam Speaker, again out of the 416 positive Covid-19 cases, 65 cases have been obtained at our Machakos Lab, whereby again currently we have 365 persons in isolation within Machakos County.

Hon. Speaker, our people are facing challenges in transporting their loved ones once they succumb to the disease as the private hearse operators are turning them down. Hon. Speaker, pursuant to Standing Order 40(1), I wish to seek a Statement from the department of health and emergency services on what it is doing to assist our people in the county to transport their loved ones for burial in this case.

Madam Speaker, I wish to come again. Hon. Speaker, pursuant to Standing Order 40(1) I wish to seek a Statement from the department of health and emergency services on what it is doing to assist people in the county to transport their loved ones for burial in case they succumb to Covid-19. Thank you, Madam Speaker.

Hon. Speaker: Hon. Member that is a statement which usually Members make comments and then the House makes some decision on the way forward. Can we have Members including the Members in the tent find out if there is any member who wishes to contribute to the issue of Covid-19 as a matter of county importance as we start with Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Hon. Speaker, I want to congratulate chairman health for seeking that statement on this issue of Covid-19. Madam Speaker, yes we seem to not have been prepared for this pandemic Hon. Speaker, and every day we are facing different challenges on issues related to this issue or else this virus. I host a level four hospital, Kangundo Level IV hospital and I have firsthand challenge on these issues related to Covid-19.

Madam Speaker, there was news recently in the media after the county government decided to refer some patients from Athi River to Kangundo Level IV hospital and the locals there opposed the transfers because they believed that they had taken care of themselves there was lockdown that time and it was like bringing the diseases to their vicinity by referring those patients to Level IV hospital.

So, Madam Speaker, that was a challenge because it seems our people have not been informed on well-equipped our hospitals are because after I engaged them, I came to realize most of them never knew we have an isolation ward at Kangundo Level IV hospital which is very well equipped and modern and until this happened, it is when they came to realize there is an isolation ward at Kangundo. So, Madam Speaker, in terms of infrastructure on fighting the pandemic, yes

we have been reading about budgets from the donors and the national government and again recently we passed some monies here to be spent on the pandemic but how the money is being used has remained quiet. The department is not divulging information on how they are spending this money.

So at this time now that the Chairman Health has come up with a Statement; we would want to know how they intend to advance on fighting this pandemic because this again is another challenge which had not been foreseen. Those private owners of hearses are not willing to transport victims of the disease. At Kangundo Level IV hospital, the only ambulance which is there has been delegated to Covid-19. So you imagine like yesterday, I had a case of a patient who needed to be referred to Machakos Level V but there was no ambulance to bring the patient because we have transferred the infrastructure which is already there to fight Covid and we have exposed the other side, Madam Speaker.

My humble request is, if the county can now procure vehicles to be used both when the person is sick and when they succumb to the disease because we would not want the same vehicle which are being used by the normal patients, even if they sanitize or do what, to be again used by the victims of this pandemic.

Madam Speaker, again one thing I have realized, we also need to request the department of Health to come up with a program because we are victimizing those patients. Once we victimize them, it is affecting them negatively. On Saturday there was burial at Kakuyuni of a patient who had succumbed to this disease but I understand now every person from that village is running away from Members of that family.

So, these are things we want to and since there is money which can be spent on civic education, we need to reach to our people and educate them that this is not the end of the world. These people are our brothers and sisters and anyone is a possible victim.

I support the Statement and let it be acted upon, there is money and at any given time we can be called from home; if there is that room we come approve and allow the department to use the emergency funds on purchasing what we might be missing because even this private people who operate the hearse do not have the equipment to handle these bodies which is another challenge.

So, if we can set aside a team which is dedicated; in case someone succumbs to this disease, we dedicate them. We have eight sub-counties and we dedicate a team in each sub-county so that when this issue happens they will be in charge and that will also reduce the family the pain have to go through when they have a victim in their homes.

Madam Speaker, I support and I urge the House to hasten the process so that the required measures can be undertaken. Thank you, Madam Speaker.

Hon. Speaker: In this chamber the Government side is empty except for Hon. Antony Kasimu. It looks very bad. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I want to congratulate the mover of this Statement Hon. Masesi for bringing such a wonderful Statement which will take care of our people. I think it is the high time and it is urgent we have those vehicles availed because of the high risk. Transporting those people and the sensitivity of the matter and how they are being treated is very critical. So without a mince, I want to support that be done urgently if possible.

On that note, I want to speak on behalf of Mavoko people more especially on the Covid-19---

Hon. Speaker: Hon. Kisini, what is the name of your ward.

Hon. Kisini: Athi River Township.

Hon. Speaker: I thought so.

Hon. Kisini: On the other hand, Athi River Township is the one which hosts the Shalom Hospital which you heard sometimes back it has 33 cases and so forth. It also hosts EPZ where many cases were found. It is on this note, why I am requesting the chairman of Health committee to see to it that as he tries to purchase vehicles for transporting people especially those with the virus, he gives Athi River town and Mavoko entirely a special treatment.

I am saying so because of the dense population there, Mavoko hosts over 100,000 people those who were found during the census and I do not there is any other sub-county which has that high number and therefore the risk of getting that virus is high.

There is a hospital which was built there which was not complete but now it has been handed to the Executive because it was constructed with the CDF funds. I want to request if possible, this hospital be allocated some funds, gets completed and I want to tell you Madam Speaker sincerely, at Mavoko with that high population we do not have any inpatient wards to have people treated there. It is high time we note Mavoko is one of the most populous constituencies whereby we urgently request for on. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini. Hon. Ndeti

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I congratulate the Chair for Health for bringing this Statement. I know through the national and even as a county government we have set aside some funds. If it is such that we need a specialized ambulance to carry those who succumb to Covid-19, perhaps then the county can procure two or four ambulances or per sub-county so that it can be used for this purpose. That is my statement.

Hon. Speaker: Thank you, Hon. Ndeti. Hon. King'ori.

Hon. King'ori: Thank you, Hon. Speaker. What I want to say is that, we have a budget of around Ksh. 338 million, that is what we have been given by the national government; 188 Million. Ksh. 100 million we passed and Ksh. 50 Million too. That is enough money to cater for the ambulance we need or the services we need if utilized well.

So, Madam Speaker, I want to say that we need to think beyond masks and sanitizers. We need to see our county becoming an example in the country and the world being the first of its kind on how it is dealing with Covid-19. I want to propose to the Governor who I listened today and he spoke on investing on health and that there are other countries that have come up with a vaccine. We should be the first ones to import like the UK how they have imported 100 million (??) of vaccines.

So those vaccines to come fast in Machakos and get our people treated so that we can also avoid this calamity of Covid-19 because if we can get a vaccine earlier than others then we

shall have no problem with Covid-19. I also want to ask my Governor that last yearhave some medicine for the Covid-19 (??). I think it is the high time we also think of ways rather than thinking of only the masks on prevention, let us have cure because it is there.

Secondly, Madam Speaker, I want to support---

Hon. Speaker: Point of information, Hon. King'ori. We need to be brief you know this kind of comments should not take how long? Table Office. There is a period that is set for this kind; please give me that period because I am going to cut it short. We need to stick to the Standing Orders. Hon. Hellen, what is the information?

Hon. (Ms.) Ndeti: The information is that I want to inform the Member that there is no medication for Covid; maybe the scientists are working on a vaccine but there is no medication. Thank you.

Hon. Speaker: Hon. King'ori.

Hon. King'ori: Madam Speaker, I am ahead of Hon. Hellen because I understand this world very well; I know what I am speaking about and I know they are there. So let me stop there and say thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. King'ori. Hon. Geoffrey Kamulu.

Hon. Kamulu: Thank you, Madam Speaker. I want to narrow down to the timely Statement. One thing the County should do is reduction of stigma. The way we have been seeing burials of people with this disease is very embarrassing and sometimes it increases the stigma. It is my appeal that the county and even the country, comes up with a standard program on burial of a Covid-19 person.

Secondly, I think it is in order that the county comes up with essentials which are used in burial; for example the lowering gear, the coffin and the transportation mode because they are the people with the monies.

Otherwise, it should be taken that this one comes as an accident; it is not something which people are prepared for, it comes to a person when the people concerned are not ready. So, the Statement is timely; let the county have a transportation program, have full preparations on the burial of these persons and that will be orderly. If they come up a coffin, a lowering gear, and every facility and after the burial they go away with the facilities to sanitize and that will ease more spreading of the disease. I support the Statement; it is very timely and is very much in order.

Hon. Speaker: Hon. Kamulu before you hand over the microphone; what do you say to the Members of public in the county that are not wearing masks or wearing them in the wrong way? What do you want the County Government to do?

Hon. Kamulu: Thank you, Madam Speaker. There is need for civic education just the way we have been doing in the County. Let it be extended even more so that the people can know the need to follow the health sector protocols; sanitizing, washing their hands, wearing the

masks in the right way and not in a half manner so that we can ensure we take care of ourselves and our colleagues.

Not forgetting, Madam Speaker, the issue of social distancing; not coming closer to each other and minimizing contact. Living the way the Cabinet Secretary of Health advised that we treat our colleagues as suspects. It is only in that manner we will ensure the disease is not spread the way it is spreading currently. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamulu. Hon. John Musyimi.

Hon. Musyimi: Thank you, Madam Speaker. I take this opportunity to support the Statement which was sought by the Chair Health Committee. The challenges which we are facing nowadays because of Covid-19 we have no option but to prepare ourselves well. I have heard the sentiments of other Hon. Members that we procure vehicles to help in carrying the bodies of our people who succumb to the disease. I support that but we have to take a First Aid precaution.

I suggest the County Government of Machakos to take one of the ambulances and prepare it to be the one to take the emergency cases in case of death and that should be set aside and not to carry any other patients in hospitals. The ambulance should be set aside only for the deceased Covid-19 cases when we are going to bury them. So, Madam Speaker, I support the Statement and request the County Government to take measures with speed. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Musyimi. Hon. Members, there is no doubt that this matter is of great county importance and the worry is that we do not know where we are heading but one consolation is that we can determine how bad where we are heading will be because if we follow the protocols on Covid-19 for public health and make our people follow then we can lessen the bad situation we may be heading into even as a country.

We do appreciate that the CECM Health and Emergency services has his hands very full at the moment because he is fighting the Covid-19 but the concerns of this House are well-placed especially on the hearse and the ambulances because you Members can do the part of stigmatization.

So, this matter is committed to the Committee of Health and Emergency Services under the same Member who moved the Statement and that committee is obviously going to work urgently and quickly with the department of Health and Emergency services and file a report on this matters which have been raised for this House to appreciate on 28th July, 2020. That is just a matter of seven days. You will need to move fast because it is a matter of urgency and great county importance.

ADJOURNMENT

Hon. Speaker: With that Hon. Members, the sitting of this House is adjourned and a continuation of the sitting will be on 28th July 2020 at 10 .00 a.m. Have a blessed evening.

The House rose at 4.19 p.m.

