

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd February, 2022

The House met at 2.27 p.m.

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

PRAYERS

PAPER LAID

REPORT ON THE STATUS OF THE ESTABLISHMENT OF
ADMINISTRATIVE UNITS AS CHANNELS OF DEVOLUTION

Hon. Temporary Speaker: We have Hon. Grace Mutwiwa.

(Applause)

Hon. (Ms.) Mutwiwa: Hon. Speaker, I beg to lay on the Table of the Assembly today, Tuesday, the 22nd day of February, 2022; the Report of Committee on Devolution and Intergovernmental Relations on the status of the establishment of Administrative Units as channels of devolution in Machakos County. Thank you, Hon. Speaker.

NOTICE OF MOTION

REPORT ON THE STATUS OF THE ESTABLISHMENT OF
ADMINISTRATIVE UNITS AS CHANNELS OF DEVOLUTION

Hon. Temporary Speaker: We have Hon. Grace Mutwiwa.

Hon. (Ms.) Mutwiwa: Hon. Speaker, due to small errors I would like to request to come and read this motion.

(Laughter)

Hon. Katumo: Thank you, Hon. Speaker.

Hon. Speaker, aware that on 27th August 2010, Kenya promulgated a new constitution that would change the landscape of the country in terms of governance;

Aware that the new constitution stipulated the dissemination of both political and economic resources from a centralized system of governance to the people in the

grassroots in a process called devolution by providing a clear administrative framework between the National and County Governments;

Noting that, Article 176(2) of the Constitution provides that every County Government shall carry out its functions and the provision of its services to the extent that it is efficient and practicable to do so;

Acknowledging that the County Assembly enacted the Machakos County Government Administrative Structures Act, 2015 as provided for by Section 48 of the County Governments Act, 2012 and that the Act is in the process of its implementation;

Aware that in pursuit of playing its oversight role of County Government structures, the Devolution and Intergovernmental Relations Committee on its own motion, conducted site visits to selected wards to establish if the residents of Machakos are able to access County Government services through the administrative structures as required by the law;

Hon. Speaker, I wish to give notice of motion that this House discusses and approves the report of the Devolution and Intergovernmental Relations Committee on the status of the establishment of Administrative Units as channels of devolution in Machakos County.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa* Katumo.

MOTION

APPROVAL OF THE REPORT ON CHALLENGES HINDERING ATTAINMENT OF OWN SOURCE REVENUE TARGET FOR 2020/2021

Hon. Temporary Speaker: Hon. Stephen Mwanthi, Chairperson, Finance and Revenue Collection Committee. In the absence of *Mheshimiwa* Mwanthi, *Mheshimiwa* Betty Nzioki is going to read the motion.

Hon. (Ms.) B. Nzioki: Thank you, Hon. Speaker. I am standing in for the Chair, Finance Committee, Hon. Mwanthi.

Hon. Speaker, that aware that Article 185(3) of the Constitution of Kenya provides that a County Assembly, while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organ;

Further aware that Standing Order 190(5) provides functions of a sectoral committee to include among others: studying, assessing, and analyzing the relative success of the Departments as measured by results obtained as compared with the stated objectives and making reports and recommendations as often as possible including the recommendations of proposed legislation;

Noting that the Finance and Revenue Collection Committee undertook an inquiry to establish the administrative challenges faced in revenue collection that were likely to hinder attainment of own-source revenue target for the financial year 2020/2021 of Ksh. 1.7 billion;

Hon. Speaker, I wish to move the motion THAT this Hon House discusses and approves the Report of Finance and Revenue Collection Committee on challenges hindering attainment of Own Source revenue target for Financial Year 2020/2021.

I would wish to request Hon. Grace Munini to second my motion. Thank you, Madam Speaker.

Hon. Temporary Speaker: *Mheshimiwa* Grace.

Hon. (Ms.) Mutwiwa: Hon. Speaker, I stand here to second the motion. Thank you.

Hon. Speaker: *Mheshimiwa* Betty, you can read the preface, committee mandate, challenges in revenue collection then recommendations and conclusion.

Hon. (Ms.) B. Nzioki: The Finance and Revenue collection committee is one of the Sectoral Committees of the County Assembly of Machakos established pursuant to Standing Order 190 of the Assembly Standing Orders. The function of the committee is stated under Standing Order 195 which includes investigating enquiring and reporting on all matters relating to the mandate management activities, administration, oppression and estimates of department of finance and revenue collection.

The committee is also tasked with studying, assessing and analyzing the relative success of the department as measured by the results obtained as compared with their stated objectives. Further, the committee may investigate and inquire into all matters relating to the assigned department as they may deem necessary and as may be referred to them by the Assembly.

Mandate of the committee

Hon. Speaker, the mandate of the committee as defined in the Second Schedule of the County Assembly Standing Orders includes all matters relating to the management of county public service and revenue collection.

Committee Membership

Hon. Speaker, the Finance and Revenue Collection Committee, as currently constituted, comprises of the following Hon. Members;

Hon. Stephen Mwanthi	-	Chairperson
Hon. Josephat Kasyoki	-	Vice-Chair
Hon. Betty Nzioki	-	Member
Hon. Grace Mutwiwa		“
Hon. Hellen Ndeti		“
Hon. Brian Kisila		“
Hon. Caleb Mule		“
Hon. Fredrick Muthoka		“
Hon. Justus Kiteng’u		“
Hon. Cosmas Masesi		“
Hon. Judas Ndawa		“
Hon. Moffat Maitha		“
Hon. Phoebe Koki		“

Challenges in revenue collection

Hon. Speaker, from the site visit observations, the committee has identified the following as administrative challenges in revenue collection that are likely to hinder the County from attaining the revenue target of the own source revenue:

1. Lack of land documentation. This has made it difficult for the Physical Planning Office to approve building plans for buildings under construction in Mlolongo against which revenue is estimated and paid.
2. Collusion between County Staff like Revenue officers, Physical Planners and Inspectorate Officers and developers/traders to have some of the developers not pay for the building plan approvals. This collusion was also observed at the slaughter house where it was reported that some butchers keep on slaughtering cows stating that they will pay later.
3. Weak monitoring and enforcement of revenue collection. The officers in the Physical Planning office reported lack of strong vehicles for the use to move around the areas of Mavoko checking compliance in buildings under construction. This was also observed when revenue source of slaughter house stayed for days without submitting revenue and the same was not noted and the situation rectified.
4. Lack of coordination among various players in revenue collection especially the Physical planners, Inspectorate and Revenue collectors. The inspectorate officers have been accused by both the physical planners and the revenue collectors for frustrating their efforts of revenue collection by going round without them and soliciting for bribes. For those who co-operate, the inspectorate officers protect them and frustrate the efforts of the Revenue Officers from collecting revenue.
5. Inadequate facilitation of revenue officers. The revenue collectors especially those in quarries work for long hours at a difficult environment without appropriate compensation. This was likely to lead to pocketing of some revenue. This aspect of long hours was also noticed at the slaughter house.

Committee Recommendations

Hon. Speaker, based on the observations, the Committee makes the following recommendations:

1. That the Department of Energy, Lands, Housing and Urban Development which houses the Physical Planning Offices should ensure that ongoing constructions in the County had the necessary approvals. The Physical Planning Office in the County should be able to carry out frequent inspections and should also team up with the NCA and NEMA to ensure un-approved buildings do not go on.
2. The Department of Energy, Lands, Housing and Urban Development should also find a solution on lack of land ownership documents in Mavoko so as to ensure that the County collects revenue on construction of buildings through building plan approvals. Where court orders exist, the Department should liaise with relevant organs of the National Government to ensure constructions do not go on.
3. That the Department of Finance and Revenue Collection should improve on revenue management in Matungulu Sub-County especially in quarries and ensure transportation of quarry materials was carried out between 6.00 a.m. as the opening time and 6.00 p.m. as the closing time.

4. The Department of Finance and Revenue Collection should facilitate revenue officers appropriately. The officers need proper revenue collection gadgets and basic facilities like sheds and toilets. The officers should also be compensated appropriately especially when they work for extra hours or on weekends and holidays.
5. The Department of Finance and Revenue Collection should improve supervision of revenue collection in Mavoko sub-county. Targets should be set for the revenue officers and if not met action should be taken. There is need for frequent transfers of officers from one station to another.
6. The County Executive Committee Member for Finance and Economic Planning should liaise with the relevant security organs to ensure the cartels, imposters and fraudsters who collect revenue illegally and prevent our revenue collectors and threaten their lives are brought to book.

CONCLUSION

Hon. Speaker, achieving the set revenue targets will assist the County to meet its budgetary obligations. It is therefore important for the Department of Finance and Revenue Collection Committee to deal with the challenges of poor revenue collection management and supervision, collecting revenue in cash and pocketing of revenue, cartels in revenue collection and lack of documents needed for plan approvals.

Hon. Speaker, it is therefore my privilege, on behalf of the Finance and Revenue collection Committee, to table the Committee Report on challenges hindering attainment of revenue targets in the FY 2020/2021 in this Honorable House for consideration and adoption. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa Betty*.

(Question proposed)

Members, I now invite you to deliberate on this motion. *Mheshimiwa Cosmas Kieti*.

Hon. Kieti: Thank you, Madam Speaker. I want to congratulate Hon. Betty for the report that the committee of finance came up with on challenges that are affecting revenue collection within our County. The observations that have been made by the committee is the true picture of what is on the ground. As citizens in this County, we require services and some of these services can only be achieved through funding and some of the funding is through the revenue that is collected locally because it is also the one that is used to finance the budget that we pass in this Hon. House.

So, Madam Speaker, having leakage in revenue collection totally affects service delivery within our County. Some of these challenges that we have are man-made especially where there is collusion because that is something that can be dealt within the offices. Some of the officers on the ground do not do what they are supposed to do. You even go to the parking areas and you find those officers who are supposed to enforce that are colluding with the drivers who are parking and they get money.

At the same time you go to other areas like the quarries you find people are collecting money and they do not have receipts. So, this is a matter that needs to be addressed very fast so that we do not continue losing revenue within our County. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you *Mheshimiwa Kieti. Mheshimiwa Ndawa.*

Hon. Ndawa: Thank you, Madam Speaker. I want to congratulate the Committee for coming up with this report. I am a Member of this committee and what is captured here is exactly what is happening on the ground. I want to confirm. We are lacking resources to do development but the resources have gone to personal pockets and others have been diverted to other avenues. Madam Speaker, if I can define the word management; management is an art of having things done through others and when we talk of things being done through others, it means there is a principal who is sending another person to go and do another task and maybe that person who has been sent also has another person whom he or she is going to pass the message to go and do a certain task.

Madam Speaker, I want to confirm here on the issue of revenue collection. What is lacking is what we call supervision because if you send someone to go and do ascertain task and you do not supervise, that a particular person can do something else different from what you have send him or her to do. Madam Speaker, you will go to our markets to day you know everybody knows that we automated our revenue collection but these people are collecting cash.

One officer will collect revenue from more than 20 traders and if you ask; you are collecting money and putting in your pocket and it is supposed to be sent to the bank at what time are you going to send? The report that you are going to get is that; I will be sending the money in the evening. Who will be there to witness that all the money that has been collected has been sent to the County kitty? Madam Speaker, we need to be more serious. From the CO finance to the Director, these people are not doing their work as we expect them. If they are serious with their work I am very sure the County will get resources.

In the quarries, you will find that most of the trucks coming to ferry these materials are colluding with the officers. "Come at the moment we are out." If you are supposed to work up to 6 o'clock, the officers will move by 6 o'clock and the trucks will come and they will collect the money from another quarter but not from where they are supposed to be collecting and they are not issuing any receipts.. Madam Speaker, we need to come up with clear guidelines on how revenue is supposed to be collected.

Otherwise, if we continue the way we are continuing the county is going to continue crying that we do not have resources when they are going to personal or individual pockets. Thank you very much, Madam Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa Ndawa. Mheshimiwa Jeremiah Munguti.*

Hon. Munguti: Thank you, Madam Speaker. Madam Speaker, I would like to applaud the committee for the good work that they have done. The observations which they have made are true record of what has been happening and for these things to be eradicated, we have our Committee of Implementation which we have given the task of ensuring that every detail of departments of the Executive has been followed to the letter. Madam Speaker, I remember one

time we passed a motion in this House concerning the automation of all monies that have been collected in this county of Machakos.

Madam Speaker, you realize that majority of the revenue collectors are only using booklets in the name of receipts and you find that majority of them instead of giving the number or the paybill number for the County account, they are just giving receipts to the people who are collecting the quarry materials and those are some of the things which are making the cartels not to end in this revenue collection.

Also, Madam Speaker, to put off this menace as a County Government we should invest in ensuring that in all the quarries that we have in Machakos County we put CCTV cameras so that we may know which truck comes in and the time it comes out and what kind of materials they are carrying so that we can ensure that all monies that are being collected have been put to the right account of this public money.

Also, Madam Speaker, it is quite unfair for the revenue collectors who have been collecting this money and they have not been submitting the money to where it is supposed to be submitted. I remember one day we were questioning the machines which are used for paybills and we were given several numbers. According to me because we have only one source revenue account in this county of Machakos, it will be prudent for this Assembly to ensure that we are going to use just one machine but because we use a system when they have their phone numbers, they give the number so that those who are sending the money can be put into one account. That is how we are going to control this menace.

Otherwise, we are going to discussing issues concerning revenue collection in this House but it will just fall on deaf ears. Otherwise, I support the committee and my appeal to this House is that Madam Speaker, we ensure that the Finance Committee together with the Implementation Committee can work hand in hand in the soonest time possible so that they can ensure all these things are being put in the right manner. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa* Jeremiah. It seems like we have exhausted today's business. I put the question. Sorry, I call upon the mover to reply on the motion.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. I want to take this opportunity and thank this Hon. House for giving their contribution concerning the revenue collection within our county. Madam Speaker, us as the committee together with the Assembly we played our role. It is now up to the Executive to make full force of what we pass through this Assembly. Madam Speaker, it is my cry and I want to plead with the Executive to take this matter seriously and the recommendations that have been given by this Hon. House and they follow them to the letter.

They are the people who are supposed to do the implementation. Us as an Assembly we have done our role and it is my plea that they take it seriously for the betterment of Machakos County. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa* Betty.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Members, I think we are through with today's business and we are now going to adjourn this afternoon sitting. This House adjourns to Wednesday, the 23rd day of February, 2022 at 10.00 a.m.

The House rose at 3.01 p.m.