

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th April, 2019

The House met at 2.35 p.m.

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

PRAYERS

Hon. Deputy Speaker: Good afternoon, Hon. Members, welcome to this afternoon session. Mr. Clerk, proceed.

STATEMENT SOUGHT

MAINTENANCE OF SANITATION STANDARDS IN MAJOR TOWNS IN THE COUNTY

Hon. Deputy Speaker: Hon. Members, under this Order, we have one statement which is supposed to be done as and looked by Hon. Peter Mutiso; can somebody read for him the statement. Hon. Mitaa, please proceed.

Hon. Mitaa: Thank you, Mr. Speaker. I beg to read statement on behalf of Hon. Peter Mutiso, MCA Machakos Central Ward.

Hon. Speaker, Article 42(a) of the Constitution of Kenya 2010 stipulates that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures;

Hon. Speaker, it is worth noting that most major towns have been neglected in terms of sanitation and especially the public toilets are in menace;

Pursuant to Standing Order 41(1), wish to seek the following Statement what the County government is doing to ensure that high sanitation standards are maintained in all the major towns in the County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, very much, Hon. Moses for stepping in for Hon. Peter Mutiso. This is a statement concerning sanitation and status of public toilets in our County and as it is the norm, I allow one or two comments anybody who has a comment to make on it before we can be able to proceed. Hon. Hellen.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I am in support of this Statement that has been brought by Mheshimiwa Mutiso. It is very important that the environment is protected

because if and especially solid waste from this toilets ends up in our rivers where we fetch water and this can be dangerous to our health. So in order to avoid contamination of our water or diseases such as cholera, we must ensure that all the toilets within the county are properly maintained. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Hellen. Any other member who wishes to contribute on this? Hon. Kamitu.

Hon. Kamitu: Thank you very much. Hon. Speaker, you are aware there are also some announcements in the radio that there is cholera outbreak in Nairobi and truly it has even extended to Machakos. So this statement is very valid and should be taken as a County matter in regard to preventing such situations from occurring. So we are asking the responsible departments to take up issues of garbage collection in all our major towns and again also the toilets should be repaired because we have workers on a very sincere note.

Hon. Speaker, We have people who have been assigned to those areas because they are in their payroll and they know their responsibilities, why can't they take those responsibilities to clean our towns and to ensure that such outbreaks do not occur. That is my comment on that, Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Judas.

Hon. Ndawa: Yes, thank you, Mr. Speaker, Sir. I want also to contribute to the Statement which has been brought here by the Member for Kangundo Central who has stepped in for Mheshimiwa Mutiso. Mr. Speaker, the Statement is timely; now the rains are on and when the rain is on and our toilets are not well maintained, it means that all the stuff that people have relieved themselves outside the toilets and nobody is ready to clean them will be washed to where our *mama mbogas* are doing their business and there is likelihood of an epidemic of cholera.

Mr. Speaker, I want to site an example of Matuu town. In Matuu town we have one toilet which is at the centre of the market and that is where everybody who is within that area when he has that need, it is where he goes to relieve themselves. Mr. Speaker, there are those who are assigned to man and maintain those latrines and I want to confirm in this House that those people are not doing their duty as it is required.

You will find that sometimes the toilet is closed and it is on a market day if you ask why, you are told there is no water. Mr. Speaker, the call of nature does not know today we have water or we don't have water, the call of nature doesn't know today is on a market or a Sunday; most of the times you will find they open on other days and on market day the toilet is closed. So, Mr. Speaker, I would request that this Statement which has already been sold to be answered with immediate effect so that we can arrest the situation from getting out of hand.

I wonder what the public health officers do because when we have this problem of toilets not being well maintained, they are very silent but when you are trying to hawk, what we call hawking you are moving around with your foodstuff selling, they are on your neck all the time; they want to arrest you and in case you don't part away with some coins, you will land yourself in cells and the following morning you are in court.

I want to cite an example of somebody who was a lady who was doing, who was selling this boiled maize That lady was doing, according to me, was genuinely observing very high

standards of health but because she was not parting with what was being demanded with one of the officers who was in Matuu, that lady was arrested one night and in the morning, we got information that she had been arrested and was in court.

On the same day, she landed herself in Thika Prison because of hawking maize and if you see how she conducted herself while doing the business, I think that the required standard is there because she made sure that the maize has those covers. Once they were boiled, she made sure she put them in a bucket and before she puts them in a bucket there is a polythene paper that she puts in then the bucket is covered. If you get one from her you will never miss getting one the following day.

So, Mr. Speaker, we also as we talk about those who are manning the toilets, let us also talk about public health officers who are mandated to ensure that our living areas are in good condition and I would suggest that whoever is trying to embarrass the people of Matuu, known by name Kisilu, should be told to do his duty and if he cannot cooperate with people from from Matuu let him ask for transfer to go to another area because Matuu residents will never condole such an officer. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Judas. As I said this is a Statement where I need Members to discuss and being a Statement, I am committing it to the committee on health and emergency services. They need to investigate what the Hon. Member has stated in the Statement and bring back a report in this House before seven days' time. So, the health committee, please look at this issue and come back with a report within seven days. Mr. Clerk, proceed.

MOTION

EDUCATIONAL TOUR TO MURANG'A COUNTY

Hon. Deputy Speaker: Hon. Members, under this Order, we have one motion by the Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Mr. Speaker.

Mr. Speaker, that aware the annual report of the Controller of Budget is prepared with accordance with Article 228(6) of the Constitution, Section 9 of the Controller of Budgets Act 2016 and Section 29(8) of the Public Finance Management Act of 2012;

Aware that the Controller of Budget for the first quarter of 2018-2019 was received on 9th February, 2019 and committed to the budget and appropriations committee;

Recognizing that during the analysis of the report, the committee on budget and appropriations noted that Murang'a and Narok Counties had adhered to the CoB regulations in implementation of their development budgets unlike Machakos County and hence resolved to carry out a benchmarking exercise with their counter parts in Murang'a County Assembly and further had an educational tour to the development project within the same county;

Aware that the committee carried out exercise on the 14th and 15th February 2019;

Mr. Speaker, I wish to move the motion that this house discusses and approves the report of the budget and appropriations committee on the educational tour to Murang'a County.

Thank you, Mr. Speaker. I call upon Hon. Moses Mitaa to second.

Hon. Deputy Speaker: Hon. Moses.

Hon. Mitaa: Thank you, Mr. Speaker. I support the motion.

Hon. Deputy Speaker: Thank you, Hon. Moses. Hon. Dominic, I wanted to find out whether your report has been posted in the website? So, if it is in the website maybe we will do the overview and then which other one do you want to read; observations and then recommendations? Go ahead, Hon. Member.

Hon. Ndambuki: Thank you, Hon. Speaker. The annual report of the Controller of Budget is prepared in accordance with Article 228(6) of the Constitution, Section 9 of the Controller of Budget Act 2016 and Section 39(8) of the Public Finance Management Act of 2012.

The report of the Controller of Budget for the first quarter of 2018-2019 was received on 9th February, 2019 and committed to the budget and appropriations committee. During the analysis of the report, the committee noted that Murang'a and Narok Counties had adhered to the CoB regulations in the implementation of their budgets. They has also adhered to fiscal responsibility principles set out in section 107 of the PFM Act of 2012 which stipulates that a minimum of 30 percent should be spent on development. The Murang'a County achieves 31.9 percent while Narok achieved 38.4 percent; Machakos County had zero percent.

In view of the above, the Committee carried out an educational tour to Murang'a County on 14th and 15th February, 2019 to share experiences on County Budget implementation. Mr. Speaker, as you have directed, I shall take the House to

2.2 Findings and Observations

2.2.1 Murang'a Budget and Appropriations Committee Composition

Mr. Speaker, the composition of the Muranga's Budget And Appropriation Committee is anchored on Standing Order 200(2)(b) of the County Assembly of Murang'a which provides that the Budget and Appropriation Committee shall consist of a Chairperson of all the sectoral committees and not more than four other members appointed by the Assembly. Further, the Standing Orders provide that Budget and Appropriation Committee shall invite all Sectoral committees to make presentations during the consideration of Budget.

2.2.2 Improvement in the collection of own source revenue allocation by 148.6 percent -from 52.81 million collected in the first quarter of 2017/18 to Ksh. 131.29 million in the reporting period

The Committee was informed that the Executive worked harmoniously with the Assembly in identifying potential revenue streams in the major towns within Murang'a and in the wards. The legislation of the Finance Act was done on time and the Executive has developed a system of collecting revenue to reduce revenue leakages. Employment of adequate personnel and capacity building has also contributed to improvement in revenue collection.

The County Government of Murang'a is working on improving the business environment and creating a conducive investment climate through licensing and addressing the challenges faced in conducting business.

2.2.3 Adoption of the County Integrated Plan (CIDP), 2018-2022 and the Annual Development Plan in line with Section 226 of the PFM Act, 2012 and Section 104 of the County Governments Act, 2012

Mr. Speaker, the Committee was informed that Murang'a County Assembly has approved both the County Integrated Development Plan 2018-2022 and the Annual Development Plan which was submitted in September, 2018. These plans have helped in effective budgeting and planning by the County.

It was further noted that the County Executive of Murang'a submits the statutory documents and any other needed documents to the Assembly in time hence enabling an ample time for consideration and approval of the same by the Assembly in time.

It was noted that the County Integrated Development Plan, the Annual Development Plan and the County Fiscal Strategy Paper are usually interrogated by the various Sectoral Committees together with the various sectoral CECs; after which the reports are forwarded to the relevant Committee in charge for reporting in the House. Members noted that this process has created synergy between the various sectoral committees and the Executive. Approval of the documents by the Assembly in time has enabled an effective absorption of development budget by the County.

In consideration of the Annual Development Plan, the members of Murang'a County Assembly had listed the needed projects in their wards which were yet to be implemented by the Executive. The members of the host committee indicated that the County had now adopted the use of itemized budget as a supporting document for the programme based budgets which will be implemented this financial year. This will be done in line with Transitional clause 12 of PFM Act, which stipulates that the County Governments shall implement programme-based budgets.

2.2.4 Relationship between the Assembly and the Executive

Hon. Speaker, it was noted that the members for Murang'a County Assembly have frequent formal and informal Consultative meetings with the Governor and CEC members hence allowing them to review and consider the proposed projects. This has enabled both arms of the Government to work with synergy hence bringing development to the County.

It was highlighted that allocation of projects in the Wards was equitable. Some of the projects done in all the wards equitably include; grading, murraming and tarmacking of roads, construction of ECDE classes and provision of bursaries. It was noted that the Governor of Murang'a County involves all the MCAs in sponsorship of 10 needy secondary students in each ward in every financial year.

3.0 Visit to the Murang'a Milk Plant

Hon. Speaker, The Committee had an opportunity to join His Excellency tThe Governor of Murang'a County for a tour at the Murang'a milk plant.

The Murang'a County Government has installed a milk-processing plant with a capacity to process 20,000 litres of milk per hour, which is scheduled to be commissioned for operation in later this year. The plant is owned by the Murang'a County Government and intends to issue 70 per cent of the shares to farmers once the plant is in operation.

The plant will enable farmers to add value to their produce and earn more money. It will process milk products such as yoghurt, cheese, powdered milk and long and semi long life packed milk. Further, the committee was informed that the plant would also process fruits and water.

The plant will also provide market for the local dairy and horticulture farmers. This is intended to ensure income generation and improved living standards of the residents of the County.

The County budget has provided a budget allocation to provide free milk to schools once a week. The County Government intends to roll out a programme to provide a cow to each homestead to ensure sustainable supply of raw materials (milk) for the plant.

4.0 Challenges experienced by Murang'a County

Hon. Speaker, Some of the Challenges experienced by Muranga County are:

- a. A high wage bill that increased by 52.3 per cent from Ksh. 634.95 million in the first quarter of FY 2017/18 to Ksh. 967.09 million in the period under review. This has led to over spending by the Department of Public Service and Administration.
- b. Delay in funds released from the National Treasury to County Treasury especially after close of Financial Year whereby funds are received in August.
- c. Overspending in departments.

The Sectoral committees were yet to resolve the problem on overspending in Departments by having consultative meetings with the CECs for the particular departments.

- d. Under spending in departments.

The Committee was informed that in cases where departments have under spent, the Assembly Budget committee while considering the budget estimates for the affected departments, reduces their budgets in the subsequent year. Further, if a vote had not been utilized in a particular financial year, then it would be reduced to zero in the subsequent year.

3.0 RECOMMENDATIONS

Hon. Speaker, the Committee recommends as follows:

1. In order to achieve development in Machakos County, a good relationship between the Assembly and the Executive is paramount.
2. The Executive should provide regular implementation reports to the various Sectoral Committees for proper oversight.
3. Each County Department should submit their work plans and procurement plan to the County Assembly at the beginning of every year. This will also ensure proper monitoring of implementation of projects.
4. Section 104(1) of the County Governments Act, 2012 stipulates that a County Government shall plan for the County and no Public funds shall be appropriated outside an approved planning framework. The Planning documents which should inform the budgetary allocations include the County Integrated Plan (CIDP) and the Annual Development Plan (ADP), County Budget Review and Outlook Paper (CBROP) and the County Fiscal Strategy Paper (CFSP). In view of this, each County Department should ensure that the projects implemented are in line with the approved Budgets and avoid spending outside the budget and that the planning documents

- should be submitted and approved on time to avoid unnecessary delays in service delivery to the residents of Machakos County.
5. The Chairpersons of the sectoral committees to oversee the interrogation of planning documents by their respective committees. The documents include the Annual Development Plan, County Budget Review and Outlook Paper, the County Fiscal Strategy Paper and the Budget Estimates.
 6. The Committee recommends that the Agriculture Committee carries out an educational tour to Murang'a County to learn on the Agricultural projects implemented by the Murang'a County and the impact they will have to the common mwananchi.
 7. Murang'a County has focused on the mega milk project which is in line with the Big 4 Agenda, under industrialization. The Committee recommends that the County Government of Machakos should focus on one major sustainable project in line with each of the Big 4 Agenda to enhance the economic status of the County, improve the living standards of the citizens and also to attract support from the National Government and other financiers.
 8. The Committee recommends that the County Government should ensure equitable distribution of sustainable projects in all the wards.
 9. The County should institute economic stimulus projects which shall ensure income to the citizens of Machakos. Murang'a has considered milk project as a programme that shall stimulates the economy because it shall increase the income for all the citizens.

4.0 CONCLUSION

Mr. Speaker, the good relationship between the County Assembly and the County Executive of Murang'a County has contributed immensely to the effective service delivery to the residents of Murang'a County. The Committee therefore advocates for the two arms of Machakos County to work together for the benefit of the residents of Machakos County.

5.0 ACKNOWLEDGEMENT

Mr. Speaker, the Budget and Appropriation Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for facilitating the committee to undertake the educational tour. I wish also to thank the H.E. the Governor of Murang'a County, the Hon. Speaker and the members of County Assembly of Murang'a for hosting us during the tour. I wish to express my appreciation to the Honorable Members of the Committee for finding time to participate in the tour and sacrificing their time to attend the committee meetings and in preparation of this report.

Mr. Speaker, it is therefore my privilege, on behalf of the Budget and Appropriation Committee to table the report on Educational Tour to Murang'a County, in this Honorable House for consideration and adoption. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Dominic.

(Question proposed)

You may discuss the motion, Hon. Members. Hon. Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I start by thanking the chair and his committee which I am a member and I think they did a very good job and I wish to congratulate them. I was one of those who attended and the things that Murang'a have done are worth emulating. We went there and discussed with the committee and what we found is that Murang'a started with a fight, just like us but immediately they were reading from the same page with their Governor and they went down and started working well and when we went there we found a lot of good things were happening.

The bursaries were regular and a lot of things from Murang'a were good and there is this issue of their budget; their budget is slightly lower than the Machakos budget but when you walk and see what they have achieved, it is a lot because like that big project which we went to visit where we were welcomed by His Excellency the Governor of Murang'a is a project which is empowering everybody in Murang'a. The plans they have for their people are worth emulating and I think Mr. Speaker, it is the high time this county also emulated those who are doing well as also they come to emulate from us, but I think Murang'a is doing well for farmers doing well and investing in their people.

They have a program of buying every homestead a cow so that they empower their people; that cow will produce milk which will be used in that factory. So, I think in Machakos is good that we see what major project we can do for our people something we will boast of about our time and to say 'when we were Members of the County Assembly of Machakos, this is what we did for our people to empower them.' So, I think it's important that we see which way can do.

The other thing is on the sectoral committees where sectoral committees were holding their departments to account; things like workplans, procurement plans. Here the practice is we call them to ask them what is going wrong but I think it is good also to take them to account and let them explain to us what is happening for each sectoral department because sometimes like July we tend to not have a lot of work because is just the time we have finished about the budget, but that is the high time we check the procurement plans of those departments and we see the implementation status, the preparedness by the department so that by the month of October, when funds are available then is the time we can start our projects.

As it is today, it is just like we started our projects in April while others are yet to start; we have to see to it that we start as early as September or October so that we are able to complete our projects in time. This issue of doing the supplementary for every project is not good; supplementary should be done at a time when you are just looking for funds to complete a project or finalizing but not supplementing the whole project when the project had been funded initially.

So, Mr. Speaker, I think there is a lot to be learnt from Murang'a; our agriculture Committee should go and learn for itself and see what we can do and other committees can also learn from elsewhere. It is also important to note that we are now lucky we are learning from around; maybe the previous House had to go to Canada and other countries to learn but now we are leaning from around and we implementing what we have learnt. I wish to say I support the report and this is the way to go. Thank you, Mr. Speaker.

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

Hon. Mitaa: Thank you Hon. Speaker for granting me the opportunity to contribute to this report. I wish to thank the Budget and appropriations Committee for a job well done. We

have learnt a lot from what we have gone through and one of the recommendations is on agriculture committee to visit Murang'a County and what I can assure my colleagues is that we are on the right track as a committee and we are propelling the wheel well on matters agriculture in Machakos. Every day is a learning day and we must admit we have had our own shortcomings as Machakos County.

As it has been repeated, once upon a time, this county was in news day and night on wars just like we had last year but they learnt and they chose the right way which I believe as Machakos County we have learnt and decided to choose the right way. On matters of absorption of money on development, I have seen we had zero but Mr. Speaker it is due to that challenge which we had last year; what I can request my colleagues is that we pull our socks we also push the other side to ensure that any money which is budgeted is utilized at the right time and on the right projects.

Going back to the issue of agriculture we have had the issue of LECOM which I equate to the issue of milk farmers in Murang'a where they have owned the milk plant projects there and it is on record that we have been pushing for coffee farmers to own LECOM in totality so that they manage it and see the success of that institution.

On the issue of how we can improve especially on dairy farming, I don't know whether Hon. Members are aware that there is program under the National Government they are providing milk coolers to organized groups which can produce milk to a certain capacity so that we avoid wastage of milk and I can challenge my colleagues especially now to go back to their wards and identify groups farmers; once they bring the group together we will be able to lobby for the groups to have a milk cooler in their wards.

I think it is something which can propel milk farming ahead because you can imagine the challenge which has been there is on how to preserve the milk for a day or two. I think with milk coolers it is a solution and our farmers will be able to reach the market and at the right time and without undue losses. So, I support the report and I wish we can perform better as Machakos county government. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker. First and foremost, I am appreciating the work by the budget committee on the education tour to Murang'a. When you look at the challenges the county is facing, they are similar to ours whereby I want to believe still even though we are encouraging for a good relationship between the Assembly and the Executive, the issue of audit of our employees is long overdue; something which the County Public Service Board confirmed they did in 2016/2017 and up to date we still don't know the number of employees as a county government.

Secondly, I want to focus more on number five where the chairperson of the sectoral committees to oversee the interrogation of planning documents by their respective committees. Today the health committee had the privilege to host the Chief Officer, Dr. Mwove where we had a concern on CDF projects which were completed by the CDF but the county government is yet to equip and send over medics. Mr. Speaker, we were made to understand that the Hon. Members need to follow the matters with the area MPs and make sure that the projects are handed over to the county government.

We were also made to understand that some of the projects have some debts; they were completed but the contractors were not paid. The county government, I am made to understand

that it cannot pay for the debts which were incurred by the National Government so members are encouraged to follow up with their area MPs to make sure that the debts are cleared and then handing over is done to enable the county government to take over.

Again we were informed that Members who had proposed for new facilities in the 10 million projects, it is not practicable for the department to do a fresh facility so I would encourage Members who had given a new facility in the health department to move fast and make sure that they make use of the funds by looking for other achievable projects in the other departments. Otherwise, I support the report fully and encourage the committees we have to do more educational tours within the world. Thank you.

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

(Question put and agreed to)

That is a commendable report which has been brought from Murang'a with a lot to learn from it and I believe if we concentrate on the learning and see how we can be able to apply them in our area, we will be able to achieve much more.

Hon. Moses, has talked about coolers; personally I have already taken it up in my area and we are registering dairy farmers we form a society and they are giving a cooler of 3,000 to 5,000 liters and a huge generator to go with the cooler. So, it is something which is worthwhile initiated in our wards so that milk farmers can be able to have somewhere to store the milk. I believe after the initialization of those coolers all over the place, it will be possible in future now to have a huge milk processing plant since we have the storage in the small areas where we can now be able to move with vehicles in to a bigger facility for processing within the county. I think it is a step in the right direction.

The issue about audit of staff; we know that the term of the County Public Service Board is ending this June and we are going to put into office new Board members who will now be having the allegiance to yourselves. So, it will be the right time for you to ensure that you put the right people in the CPSB when you are vetting them so that they can be able to deliver on those issues the House needs them to deliver on especially on the staff audit. That will be key and I think the advertisements have been done so once the names are brought let us make sure that we get the right people for the job. We know what has happened in the past, let us not make the same mistake again.

The other issue is the debts on the facilities which are from CDF; as the Hon. Member has said, let us work very closely with our MPs because that facility cannot be utilized by our people if it has a debt on it and the county government cannot take over somebody else debt. So, let us push through our MPs and see whether we can be able to complete those health facilities to the benefit of our people.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, that concludes our afternoon session and the House adjourns to Tuesday, 7th May 2019 at 10.00 a.m. considering that tomorrow is a public holiday. Enjoy your evening.

The House rose at 3.20 p.m.