

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 5th May, 2020

The House met at 10.26 a.m.

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

PRAYERS

Hon. Deputy Speaker: Good morning, Hon. Members.

Hon. Members: Good morning.

Hon. Deputy Speaker: We want to start the sitting this morning. Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

WELCOME TO THE SITTING IN CHALLENGING TIMES OF COVID-19

Hon. Members under this Order...I think I need to remove this so that you can hear me well.

(The Deputy Speaker removed his face mask)

I would like to first of all start by welcoming you all to this sitting for today giving thanks to the Almighty God for seeing all of us are back here well and in good health; it is not something we should take for granted. I thank God that we have all been able to take care of ourselves and I pray that we continue taking care of ourselves and our people especially during this very pressing time of the epidemic which is facing us that is the COVID-19 epidemic.

It is not an easy thing; it is one of the biggest challenges which has faced humanity over the last 100 years and we need to face it together as we have been doing. I know together we are strong enough and we shall be able to face this challenge and I am very sure at the end of it all we shall be able to say we succeeded and God saw us through it. So welcome Hon. Members and thank you very much. Mr. Clerk, proceed.

PAPERS LAID

Hon. Deputy Speaker: Hon. Members, under this Order, we have two businesses to transact the first one is by Hon. Moses Mitaa, Chairman, Agriculture and the second one is by Hon. Francis Kioko Kalumu, Chair, Labour.

FIRST QUARTER STATUS REPORT FOR THE DEPARTMENT OF AGRICULTURE FOR 2019/2020

Hon. Mitaa: Thank you Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the table of the House today Tuesday, the 5th day of May, 2020; the report of the Committee of Agriculture on First Quarter Status report for the Department of Agriculture for the FY 2019/2020. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Can I see the Paper?

(The Paper was laid on the Table)

(The Deputy Speaker wore his face mask)

Thank you, Hon. Moses. Hon. Francis Kioko Kalumu. Is he in the House? Or a Member of the Labour Committee can be able to lay the Paper on the Table on behalf.

REPORT ON CCTVs PROGRAMME IN MACHAKOS COUNTY

Hon. Kamitu: Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the table of the House today, Tuesday, the 5th day of May, 2020; the report of the Committee of Labour, Public Service and ICT on the closed-circuit television (CCTVs) programme in Machakos County.

Hon. Deputy Speaker: Thank you, Hon. Kamitu. May please see the Paper?

(The Paper was laid on the Table)

Thank you very much, Hon. Alex Kamitu. Mr. Clerk, proceed.

NOTICES OF MOTION

Hon. Deputy Speaker: Again, Hon. Members, under this Order, we have two businesses to transact again the first one is by Hon. Moses Mitaa and the second one will be done by Hon. Alex Kamitu on behalf of Hon. Francis Kalumu. Hon. Moses.

FIRST QUARTER STATUS REPORT FOR THE DEPARTMENT OF AGRICULTURE FOR 2019/2020

Hon. Mitaa: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Mission for the Department of Agriculture, Livestock and Fisheries in Machakos County is to promote innovative, commercially oriented and modern Agriculture through development and enactment of enabling legal framework;

Further aware that in Kenya agriculture is fundamental in economic development since it contributes 35 per cent of the gross domestic product (GDP) and constitutes up to 40 per cent of the export earnings;

Aware that Article 183(3) of the Constitution of Kenya provides that, the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Informed that in exercise of the functions vested on County Assembly in Article 185(3), the County Assembly through the Committee of Agriculture requested for the report on performance on budget for the first quarter of 2019/2020 financial year which is the period between 1st July, 2019 and 30th September, 2019;

Cognizant that pursuant to Standing Order 190(5) the committee analyzed the status report of the Department and consequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report on the First Quarter status report for the Department of Agriculture for the FY 2019/2020.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses, for the notice of Motion. Hon. Kamitu, you may speak from where you are. Just use the mic which is next to you. This I think will only now be used by Hon. Moses Mitaa for the remainder of the session. You can continue using that one when you are reading so that we can use this other one on the other side, stick to the one you are using and do not share mics. Proceed, Hon. Kamitu.

REPORT ON CCTV_s PROGRAMME IN MACHAKOS COUNTY

Hon. Kamitu: Thank you, very much Hon. Speaker.

Hon. Speaker, that aware that article 185(3) of the Constitution of Kenya 2010, provides that a County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Recognizing that the Labour, Public Service and ICT committee is established pursuant to Standing Order 190 and the Second Schedule of the Standing Orders define its mandate as follows; all matters relating to Labour, trade union relations, manpower or human resource planning; information, communication and technology; Appreciating that the Labour, Public Service and ICT committee while undertaking its oversight role engaged the Chief Officer, Information Communication and Technology on the CCTV programme in Machakos with an objective of ascertaining its current status and also establish the viability of the project;

Further appreciating that the committee conducted fact-finding missions on select installed CCTVs within the County;

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves the Labour, Public Service and ICT Committee on the closed-circuit television (CCTVs) programme in Machakos County.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, very much, Hon. Alex Kamitu. Mr. Clerk, proceed.

STATEMENT

Hon. Deputy Speaker: Hon. Members, under this Order, we have three Statements which are going to be laid in this House the first one is by Hon. Mark Muendo, the Majority Leader, the second one by Hon. Micah and the third is by Hon. Stephen Mwanthi. We start with Hon. Mark Muendo, Majority Leader.

BUSINESS FOR THE HOUSE FOR 5TH MAY, 2020

Hon. Muendo: Thank you, Hon. Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour, a Member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the Table, a Statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on Monday, 4th May, 2020 to business for the House pursuant to the provisions of the Standing Order 151. The Committee balloted business as follows:

Tuesday, 5th May, 2020
Morning at 10.00 a.m.

- i. Report of Agriculture Committee on the First Quarter Status report for the Department of Agriculture for then FY 2019/2020 by Hon. Moses Mitaa, Chairperson, Agriculture Committee.
- ii. Statement for provision of Guidelines or Regulations or Rules that will ensure the expenditure of all activities from the Emergency funds are used in a prudent and responsible way. Requested by Hon. Michael Nthuma, MCA Matungulu North Ward.
- iii. Statement on what the County Government is doing to ensure the House resolutions on human-wildlife conflict are implemented. Requested by Hon. Stephen Mwanthi, MCA Ekalakala Ward.

Afternoon at 2.30 p.m.

- i. Report of the Labour, Public Service and ICT Committee on the Machakos County CCTV program by Hon. Francis Kalumu, Chairperson, Labour, Public Service and ICT Committee.
- ii. Statement on what the County Government of Machakos is doing to engage entities like LSK in order to protect the vulnerable group within the County from domestic violence, gender-based violence and sexual offences witnessed during this Coronavirus epidemic as part of collaborative effort to support the National Government. Requested by Hon. Moffat Maitha, MCA, Matungulu West Ward.
- iii. Motion THAT the House resolves:
To adjourn plenary sittings indefinitely until the situation on spread of Covid-19 was put under control and to hold special sittings convened under Standing Order 26 to discuss urgent business of County importance by Hon. Mark Muendo, Majority Leader.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo. Hon. Micah Mutiso.

STATEMENTS SOUGHT

PRUDENT USE OF EMERGENCY FUNDS FOR TACKLING COVID-19

Hon. M.N. Mutiso: Thank you, Mr. Speaker. I am going to read the Statement on behalf of Hon. Judas Mbili Ndawa.

Hon. Speaker, Section 110 of the Public Finance Management Act, 2012 provides for the establishment of Emergency Fund whose administration shall be in line with a framework approved by the County Assembly.

Currently, with discovery of COVID-19 in Kenya, there is need to have sufficient funds to put in place measures to deal with the said pandemic. Further there is also need to ensure that expenditure meant to deal with the said pandemic is used in prudent way and in line with the principles of public finance provided in Article 201 of the Constitution.

Hon. Speaker, pursuant to Standing Order 41(1), I wish to seek a Statement that the Executive Committee Member responsible for Finance to provide this Hon. House with Guidelines, Regulations or Rules that will ensure the expenditure of all activities from the Emergency fund are used in a prudent and responsible way. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Michael Mutiso. Normally as custom with the Statements especially on Statements which catch on countywide related issues like this one and the creation of emergency fund, I am going to allow Members to air their views on this Statement in as far as the creation of this emergency fund is concerned before we proceed on to the next Statement. Members you may comment on this issue. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. Hon. Speaker, I start by thanking Hon. Judas Ndawa for the Statement sought has been read by Hon. Nthuma. Hon. Speaker, the issues raised are very important because they relate to how funds will be managed especially during this time of crisis. Hon. Speaker, so far, I can state that we are in darkness on matters related to the expenses on COVID-19 especially in our county because Hon. Speaker, you are aware that we do not have that emergency expense regulations; they have not yet been passed by this House Hon. Speaker.

Even though in our last sitting there was a communication by the Hon. Speaker that they are working towards establishment of such a kitty and they are working on the rules and how these funds will be managed. My request is that we expedite the exercise; we take it as urgency so that we do not stay for more time without allowing the County Executive to spend on whatever funds they receive.

Hon. Speaker, we witnessed yesterday people of goodwill donating goods, both foodstuffs and money towards His. Excellency, the Governor and Hon. Speaker, it is black and white that those funds cannot be used or else cannot be utilized before authorization through this Hon. House. So my urge is that we try to work on that issue as quickly as possible so that again we might know if these funds have been commissioned, how they are being spent because we have seen the County Government working towards some projects but Hon. Speaker---

Hon. Mule: Point of order!

Hon. Mitaa: These funds I can state that---

Hon. Deputy Speaker: Just hold on Hon. Moses there is a point of order from Hon. Caleb.

Hon. Mule: Thank you, Mr. Chair. Is it true that the County cannot spend donated funds before the passing of the House? Are donated funds part of our budget?

Hon. Deputy Speaker: Hon. Moses---

Hon. Mule: I am asking this because Hon. Mitaa said he saw some donations yesterday and the donations cannot be spent if the House does not pass that Bill.

Hon. Mitaa: Thank you, Hon. Speaker. I beg to leave it to the experts but what I know it is in response to the emergency we have of COVID-19 and it falls directly under the consumption by our Chief Executive, Finance and in my little understanding he has got no authority to spend those funds donated without clear guidelines through this Hon. House. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. Maybe I might need to give a direction here a bit on the same. Matters concerning donation or matters concerning funds, any funds or any monies which are handled on behalf of the public, have to go through even when they are received have to go through a specific kitty. Remember, for example, when we are doing our budget process, we show equitable share then we show grants then we show loans even the grants, the donations we get from outside countries into our country have to come through the budget process and have to be allocated by this House through the various voting.

Therefore, what the Hon. Member is saying is that, yes, we have received donations from various donors, both in kind and in cash. The one he is specifically talking about is especially the funds which have been received in cash because money which is received in cash has to go into an account, you cannot receive it and give it out without accounting for it so long as it has been given officially and what you saw yesterday is that it was an official function where the Governor was there, the MPs were there and everybody else who was there so that became an official function where he is receiving things on behalf of the people of Machakos.

So, what the Hon. Member is saying is that it is important for us to expedite on the creation of emergency kitty so that on the cash part of it he can be able to have an avenue of saying 'I am utilizing this money that has been received it will go to enhance the emergency funding kitty and it will be issued from the emergency funding kitty. Otherwise, you cannot just receive a donation and then you give out it does not come anywhere in your accountability books you will be questioned later on by auditors.

So the good thing is what the Hon. Member is saying and the Statement has been brought and I am also aware that the Act is actually ready; they are only waiting to do a few amendments and bring it before this House which will be committed to the committee of justice.

So, once that one comes, we will be able to regularize these things and that is what the Hon. Member is saying. There is nothing official which is given in kind for free; you even see gifts, if it is an official gift which has been given, it has to be documented, normal gift given to you has to be documented and indicated that you have received a gift of this nature. Otherwise, it will be construed to be of a different nature.

So, I think let us hurry up and expedite on the creation of this fund so that we can be able to have accountability for all things which are coming into the County and not raise issues going forward. Hon. Majority Leader then we come to the Minority Leader.

Hon. Muendo: Thank you, Hon. Speaker. Let me start by thanking Hon. Member for Matuu, Hon. Ndawa for seeking this Statement. Hon. Speaker, this Statement should have come long time ago but since it is in the House, I think it is very critical we now engage the Executive on the issue of the emergency fund. Let me say it is not only COVID-19 which makes emergency funds to be available; we also have areas whereby the rains have made some effect on our roads and other things.

The same way, if we had these emergency funds during the locust invasion, I know this Hon. House you can remember during the locusts which were on the other side of Yatta and other places, we really needed emergency funds. Let me also say that wherever there is transparency there should be organized system of giving out donations. Donations are not given and then received by anybody and then they say this is just a donation. There must be a system because the donors are spending their own money, it is their own products they are giving out so if they hand over to His Excellency the Governor, there should be a way of how we are going to distribute.

Hon. Speaker, to me I think this House has got the Members who are elected by the people and those are the people who are supposed to be getting those products. What I am saying Hon. Speaker, is that, yes, it is good we have received the goods but this House should be involved on the distribution of those foodstuffs because I do not imagine a CO or a CEC will know a family in Kinanie which is suffering. It is only the MCA of the area who knows the most vulnerable families in the village.

Therefore, what we are saying, it is not bad Hon. Caleb, we are not competing; we are not saying it is bad, it is good but the system of distributing must be in place and that is Hon. Members should be involved. Let me say that, this House has been left in darkness on the issue of COVID-19 because in other counties MCAs normally meet with their Governors online and discuss and share on issues which are affecting their Wards. It is like in the executive it is a one-man show because why do we have people elected in the Wards?

Hon. Mule: Point of order Hon. Chair.

Hon. Deputy Speaker: Point of order Hon. Caleb.

Hon. Mule: I do not understand how the Majority Leader is saying that this House has been neglected or left behind where we have Madam Speaker, Hon. Masesi and yourself are in the committee. So, how are you being left behind? Or you are not representing us? Are you saying that you have left the House and you have left us because if you are there and you are saying---

Hon. Maitha: Point of information.

Hon. Deputy Speaker: Point of information from Hon. Moffat Maitha.

Hon. Maitha: Mr. Speaker, the Hon. Majority Leader was right because in other Counties we have seen Hon. Members of the County Assembly being provided with masks, sanitizers to give to their people.

(Applause)

In Machakos County, no Hon. Member here has been supplied with those very essential items. Mr. Speaker, it is very worrying when donations are given but we Hon. Members who represent the people out there; like in Matungulu West, Nguluni Location, 100 houses have been brought down by the heavy rains and if donations are to be sent there, I expect the Hon. Members of that area, who is me, to be included in identifying the houses which should be given the donations. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Moffat Maitha for your insights. You may continue Hon. Majority Leader.

Hon. Muendo: Thank you, Hon. Speaker. Thank you, Senior Maitha for seeing correctly what I am saying. We are there as leadership and sometimes we give recommendations and some issues. Myself in the meeting I have said several times our Hon. Members, representatives of the people are not getting any information. For example, we have seen areas masks being distributed, sanitizers are given by the National Government, they have been coming here, the masks have been coming here and no Member; in Kinanie I have not received any. Where are these sanitizers going to? Who is distributing them? If it is not the Hon. Members in this House---

Hon. Mwanthi: Point of information.

(Loud consultations)

Hon. Deputy Speaker: Order please! Just let me hear from Hon. Stephen Mwanthi.

Hon. Mwanthi: Thank you, Hon. Speaker. I have a feeling that the Hon. Majority Leader has just told us that he sits, I believe virtually, in that committee and I think it is the first time in fact we are even hearing of such a committee as Members and so I see it prudent for him in fact even to update us on what they talk about in that meetings, why we have not received such if he sits in that meeting at least for us also to be reading from the same script from him---

Hon. (Ms.) Mutua: Point of correction.

Hon. Deputy Speaker: Point of correction Hon. Winnie.

Hon. (Ms.) Mutua: Thank you, Mr. Speaker for giving me such an opportunity. I think the Majority Leader is very clear. It is like people are being used like statues even to sit in the meeting. If there was something and if there was a change of giving us masks and sanitizers (??) and all those things that are meant for the COVID, we should have felt it with our Members. Not one Member, not two and not three Members but this one should not be taken as a joke because people are taking advantage of the sickness that is there.

Soon it will come to Machakos and we will be really hard hit. You will not hear anyone rising here on a point of information or correction; we will all be suffering to rescue our people. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let me give some guideline here on a Statement which the Hon. Member has made. Is there anybody, maybe for clarity sake, in the House who is not aware of the three levels of COVID-19 committees which we have? Is there anybody who does not know there is a County COVID committee? Is there anybody who does not know there is a sub-County COVID committee? Is there anyone who does not know there is even a Ward Covid committee which has been created?

So, all of us are aware that there is a County Covid committee which is represented if I am not wrong---

Hon. Mulatya: Chair.

Hon. Deputy Speaker: Wait Hon. Member; do not interrupt the Chair until he finishes please. What Hon. Caleb said is that we are represented even at the County level by the Hon. Speaker herself, the Majority Leader, the Minority leader, Chair, Health Committee and Chair, Budge Committee. So, we actually have five people who are representing us at the County level and at the Sub-county level each Hon. Member I am very sure here you are a Member of the Covid-19 committee for your sub-county and you are also a Member of the Covid-19 at your Ward level.

So, I believe what we are trying to look at there is the effectiveness of this created structure; are they doing what they are supposed to be doing and that is what I believe we should be concentrating on that these structures which we have are they delivering what they are supposed to be delivering? Hon. Steve, you may conclude then Hon. Majority you continue.

Hon. Mwanthi: Thank you. Hon. Speaker, I might be misunderstood but whatever I am saying I believe it could be the best approach for us Members. You see, we have all those committees but there is a disconnect even in those committees; nothing seems to be happening. So my request was....

(Applause)

Because now we have that top committee, where the Majority Leader sits as he has just said, the Chair Health Committee, unless we get communication from them.....why the miscommunication then we will not be understanding what he is telling us. Maybe there is a problem in that committee which he should present it now to the Hon. Members so that we may know that committee maybe it is failing or is doing well then, we can pick from there and say maybe they are frustrated from their heads then we help them.

Hon. Deputy Speaker: Hon. Majority Leader, I believe that is what you were presenting on so just go ahead please.

Hon. Muendo: Thank you, Hon. Speaker. I do not want my attention to be diverted. When we sit in the committee, we make decisions and disseminate them down to the Wards. What I was saying Hon. Speaker, it is that there is nothing going on because if you go to the Wards, we could have seen the sanitizers and we could have seen the masks. So, Hon. Steve Mwanthi, I do not want this kind of---

Hon. Deputy Speaker: Please address the Chair.

Hon. Muendo: Yes. So, what the Member is trying to do, he wants to put as if the blame is on me and I have seen that happen here in this House. I am talking about the real things on the ground; let us Hon. Members grow up, support what is good not just---

Hon. Mule: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Please let us use---

Hon. Muendo: I withdraw. So, Hon. Speaker, let me come back to the debate. Hon. Speaker, when we talk about the funds being used we know when the Covid-19 came in our Country, we know we do not live in the moon alone as Machakos County, we know how other Counties have done it. We know about the funds because Hon. Speaker, you cannot spend funds like the ones we spent at the stadium pitching of tents, you are supposed to spend those funds without the approval of the Assembly. That is a fact. I will speak the fact in this House maybe I will be taken wrong by others but that will be the fact and that is the duty of every MCA here which is oversight.

Therefore, Hon. Speaker, when I commented on that committee on the wall, I said we should not be spending money on pitching tents in the stadium on the grass when we have Kathiani Level IV Hospital with a lot of facilities and also a ground which is tarmacked where you can pitch more tents and also the equipment that is coming from the National Government because they are provided by the National Government to be put there and after Covid-19 Kathiani could have become Level V Hospital; that could have been an achievement and I was thinking as a leader but that one not taken so, Hon. Speaker, sometimes you might be blamed but we also give out our input in the committee.

Hon. Speaker, Hon. Ndawa is talking about the emergency fund. That emergency fund could have been now the one handling all these donations, we could have come here with a supplementary budget from executive and because we care for our people, immediately we pass that supplementary to support Covid-19. Where are the funds coming from? Who authorized the disbursement of the money?

Anyway, that is not my business but my business is to oversight and I will say Hon. Ndawa is seeking, in fact, when I go through the Statement, it is like he is wondering like me, because he is saying expenditure regulations or rules that will ensure the expenditure of all activities from the emergency fund are used in a prudent and responsible way.

Hon. Speaker, unless we have emergency fund in this County, we are going to be failing, we are going to have a lot of cases not only on Covid-19 but other cases which might need and emergency fund because without an emergency fund this Hon. House will be blamed for any expenditure which will be done outside this approval of this House. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader. Hon. Minority Leader, Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. Let me applaud the Statement that was sought by Hon. Judas Ndawa and my contribution on this one is that I want to reiterate that the emergency fund is supposed to be approved by this House and on that strength Hon. Speaker, it is very important that we follow the sequence of events.

You are very much aware that during the rainy season, the House was also supposed to sit and come up with an emergency fund in regard to any emergencies that may arise in the county. This

House is very much aware and it was supposed to have been done and everybody is aware that we were caught up by this pandemic before this emergency fund was debated upon.

So it is on that strength that I stand here to inform the House that I am one Member as the Minority Leader of the House and the Majority Leader is a Member of the county committee which is collaborating with the National Government. In that regard, we also have the County Commissioner and our Governor and members drawn from the various departments within the County Government. We also have the Chair for health who is also a Member of that County Committee, we also have the Hon. Member for Budget and Appropriations.

On that regard Hon. Speaker, there is a PFM Act which was passed in 2012; it also provides for establishment of emergency fund and that is why today we are debating on the same. Now because we have a reason and a very important reason that there is a pandemic already in the County, it is now the work of this House to discuss this Statement which is very important so that things will be put down and we move ahead because there will be an emergency fund established and approved by this House. All the expenditure in regard to this fund; having been approved by this House will be laid down and as per the PFM Act and rules will be followed.

On that regard, I don't want to repeat myself Hon. Speaker and from the County level, as I have stated, we have now the Sub County Committees talking of the same objectives up to the ward and village level.

So I would also give some light that, the donations that were done was through the National Government collaborating with the Executive and the Members of this Assembly led by Hon. Speaker, Madam Florence Mwangangi. The donations that were done yesterday are not going to be used until the approval from this House and that is why we have a special sitting; that is why a special sitting was gazetted.

Hon. Deputy Speaker: Point of clarification, from Hon. Caleb Mule.

Hon. Mule: Yes, thank you, Mr. Chair. I am wondering I saw some foodstuffs; will we wait for the regulations to be passed by the House for the foodstuffs to be donated because I understand they are perishables which were given. Again Mr. Speaker, in the budget we have a percentage of emergency fund, are you saying that we are going to supplement that with the donation that we were given. Do we have the emergency fund in the budget?

Hon. Deputy Speaker: Let me give guideline on this so that we can be able to conclude. The issue here is one and simple; we have been having a vote head written emergency fund but the problem has been that since the creation of the County Government, we have never created the fund for the emergency. I am talking about since 2013; it is not a problem which has come in our term but it was from 2013 up to today and we have not yet had an emergency kitty created to cater for these things.

Therefore, that is why we are applauding the Executive and telling them that they should bring that Act as quickly as possible because it is next to impossible for people to operate without an emergency kitty. I remember if you were all here when the Budget and Appropriations committee was reading its report, it observed that Machakos County does not have an emergency kitty and requested the Executive to move with speed at the time when we were approving the budget in June last year.

We noted that the emergency kitty had only been provided with Ksh. 7 million and we said first of all it was too little and secondly it cannot be used because it has to be operationalized. I think

what we need to concentrate on the debate here is; first of all we be happy now that an Hon. Member has brought a Statement here demanding that, that kitty be created and operationalized as quickly as possible.

In as far as the perishables are concerned because I have heard you talk about the donations are perishables, obviously, those ones especially if they are ready foodstuffs to be utilized, those will be given under the discretion of the Governor because if we have for example milk, which will expire in a week, you will not wait for a kitty; obviously you will give it to a needy person.

So, I believe prudence will take over when it comes to such issues but we concentrate on ensuring the creation of the emergency kitty. You may conclude Hon. Minority Leader.

Hon. Kamitu: Thank you, Hon. Speaker, for that good guidance and it is important to note that information is power; now that you have that information in regard to the donation that was carried out yesterday, there is a committee in the County collaborating with the National Government and they have set up various committees Hon. Speaker, that is in security now that there is another committee that was formed and our Hon. Speaker is spearheading one of the committees.

So, if there is anything that needs to be approved by this House, it will be brought to this House because as our Speaker and as a House, if there is any urgency or anything of importance to this County, we can always be called on a special sitting, which is gazetted.

So, Hon. Members, there is no problem that may crop up and once again you are very much aware that you cannot; there are always sequence of events. What is happening is that there is a sequence of events that is going to be followed and it is not going to take long but the most important thing I am saying, Hon. Speaker, is that this Statement is very important.

We are supposed to be speaking about this emergency fund today; that is why you have been called so that you take over, approve this emergency, so that now things can start working other than laying blame. That is why you are Hon. Members, elected to represent the electorates. So, in that regard, this you cannot jump the gun.

Hon. Deputy Speaker: Point of Order from Hon. Moffat Maitha.

Hon. Maitha: Mr. Speaker, what we want to hear from the Hon. Member who is sitting in that committee is where are the sanitisers for our people, where are the masks? Any other thing is history. Let them tell us where those important things are.

Hon. Deputy Speaker: Point of information from Majority Leader.

Hon. Muendo: Thank you, Hon. Speaker. Let me make it clear that the committee will make decision and it is the Executive to deliver. So this question of asking the Members who sit in the committee, we do not implement, it is being done by the Executive; in my part I have said, Hon. Members should be involved on distribution of food and everything that comes to this County. Hon. Maitha, that is what I said to the committee. You can take a donkey to the river, but you cannot force the donkey to take water. Thank you, Hon. Speaker.

Hon. Deputy Speaker: You may conclude Hon. Kamitu please.

Hon. Kamitu: Hon. Speaker, let me conclude by saying that if really these Members are following exactly what is happening from National up to the County level, in regard to what has been

happening in the committee, then they should also be informed of what is happening because if I may talk about Matungulu Sub-County where Hon. Moffat sits, he is also informed of what exactly is going to happen. Things will trickle down to the County in collaboration with the National Government up to the ward level.

In that regard, let me come back and say, this is a very good Statement where, as Hon. Members we are now supposed to be talking of how we are going to approve this emergency fund. Thank you, Hon. Speaker.

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

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. Mine is to say that I support the Statement by saying I think all the Hon. Members in the 40 wards have to be called by the Governor and be instructed by the Executive, the things which are being given so that they can take them to their people because, by singing and saying that we are going to pass the fund, that one we are going to pass it today. So, we ask the Executive to call all the elected Members so that they can take those things to their people.

I also ask the Government, all the people in Kenya to be tested even in Machakos because we heard there was somebody in Mlolongo, and we do not know whether that person came in to a supermarket in Machakos or the markets and we do not know whether we are having the virus. We are asking the Government to test everybody but not specific individuals. Thank you.

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

Hon. Munguti: Thank you, Hon. Speaker. I would like to applaud the Member who has brought this Statement. You remember some time back when we had the desert locusts, I brought a similar Statement in this House requesting the County Government if it would be possible that we have an emergency fund because calamities will crop up in our County and in the Nation.

Therefore, Mr. Speaker, I want to reiterate what several Members have said; we have an Act of 2012 and this is in regard to Section 110 of the PFM Act. It stipulates very well that this County must have an emergency fund and in our budget, it is general practice in any management of funds and in any budget, that there should be five per cent of the total budget of the County must be an emergency fund.

Therefore Mr. Speaker, when you calculate in simple mathematics, our total budget per year is Ksh. 12.8 billion and by five per cent you get Ksh. 640 million, (??) which will enable us, when we are getting such kind of emergencies or a calamity that strikes in our County, we will be able to handle these things very well. Therefore, Members, instead of discussing issues of COVID-19 or things which have passed like the dessert locusts, let us have it in our County Fiscal Strategy Paper, the emergency fund to be put there so that as we pass the vote heads of each department, we can have that emergency fund in our budget and that is how we are going to do through it, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Jeremiah, Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Hon. Speaker. Let me start by applauding the Member who sought this Statement. I believe it is a Statement that all of us Members are still asking ourselves what could be the problem. In fact, it would be my wish if in this particular sitting, the relevant person who

should draft the regulations, should be questioned and invited by the relevant Committee because the issue of emergency fund has been the song of the day.

I do not know how long or why we have not been provided with the draft; it is funny that the Assembly has been requesting for such a simple thing because I believe even before locusts, we were talking of this emergency fund regulations and up to now, I am worried we have never received that draft. So Hon. Speaker, it is something that we need. We could be talking of funds that we are aware of that we have a certain amount of money for our emergency fund and why is it not taking care of doing what it is supposed to be doing.

Hon. Speaker, as I now come to the issue of COVID-19 because I believe this one, the fund is an emergency now, the fund itself has become another emergency because we already have an emergency in the case of COVID-19. A lot has been said, sometimes we are hearing or seeing in the social media about tents; personally I thought maybe we could get some information from our Members who are sitting in the top Committee.

If I may say, for Members who are sitting in ward and Sub-County Committees, I tell you Hon. Chair, we are only being informed by the Deputy County Commissioners. We do not know where they get the information, I do not know whether it is from the committee or wherever they get it from but sometimes they are the ones. So they have taken charge of everything. Sometimes when Members we are sitting we just hear that there are some names that are being collected for the vulnerable families, we do not know where the names are coming from and we have not been informed.

So to me, I still insist that, even if there are Members who sit in those committees because for me I know nothing about the entire thing. I have been waiting and up to now I expect to hear from that committee, at least some information that can guide me. You can imagine when we go to those meetings what happens; if Mheshimiwa is seated there, even the officials who are there will be looking at you and yet you do not have any single information on what is happening.

So, to me still I want to insist that there is disconnect and we expect and I request this humbly Hon. Speaker, that can the committee because we have an able Committee from this Assembly; the Hon. Minority Leader has just told us something little that we will expect the donations to come to the Assembly for approvals which is good. We would also want to hear what exactly came; we just saw things over the social media.

We do not know how much came; if we can hear from that Committee at least we may know what we will be waiting as a House. Was it maize? In fact, I saw one sack was written something Mombasa Cement; so I did not know whether it is cement or food or what it was. So if we can get some information from that committee, it is for our Members who are sitting in that committee who can inform us and after informing us, if things have happened up there, let them tell us then we will help them at least to get the required information.

If they are being sabotaged, we still need to hear from them because they are our representatives who are there; we just want to hear from them what is happening. Why are we seeing these tents that we do not know where they came from? Where did the funds come from? If there are some things that are going to the ground, sometimes back I was spraying my market, where did that money come from? Those are the---

Hon. Deputy Speaker: Hon. Majority Leader, I wanted him to conclude but just give the information please.

Hon. Muendo: Thank you, Hon. Speaker. I do not know which language I am going to use to talk about this committee. Hon. Speaker, about the foodstuffs, we were not invited therefore the Hon. Member is not right to continue asking the committee. This committee, the Chair is the Governor and ours is just to give suggestions and yesterday I saw it in the media; I was not informed, I do not know whether Hon. Minority Leader was informed but I saw Hon. Madam Speaker.

Therefore, I feel it is not the committee to give information; it is the County Government of Machakos and the department of Health. So, I advise the Hon. Member to seek a Statement through this House, to summon the CEC of health and also the County Secretary to give light on the foodstuffs donations and even the funds being used.

I say several times about the tents, I said we should not put tents on the grass when we have Kathiani as an isolation centre which has been set aside by the National Government. So, I do not know what the Member wants to hear from the committee. I was not invited for the foodstuffs and I cannot give further information to that. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Steve Mwanthi you may conclude please.

Hon. Mwanthi: Thank you, Hon. Speaker. I think from the words of Hon. Majority Leader, it shows there is still another problem we are not seeing maybe, that is again cropping up because if there are things that are being done when the committee is not alerted, then that shows the disconnect that I am talking about.

Hon. Speaker, this is a time all of us leaders need to sit together and see the best to do to our people without feeling ill of each other. We need to understand where the problem is. We have been having those committees which up to date have never been given instructions or way on how we will be doing on those committees. We need some guidance on such, at least so that we may know where we belong. When you go and sit where the Assistant County Commissioner is or maybe the ward administrator and he or she is the one informing you, sometimes even when they deceive you, you will not know.

I have just said that there were names that were being given out and I believe many Hon. Members were not invited to such; why? Because we did not know where that story started and I believe Hon. Members are the people on the ground who know well the most vulnerable people in the society. I think we were shortchanged on that; it was not good, we do not know where the food was to come from or what those people will be given.

We feel left out; we would want to know how soon and where we are going to get the masks for our people. We would want to know where we are going to get the sanitizers and possible these plastic tanks in our markets because we do not have them. Some of us have gone to an extent of using our money to do such which of course is not enough for our people. So we feel we still need or expect better and good information from the top most committee and explain to us what we are supposed to be doing on those Sub-County and Ward committees. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Ndalana, this is a Statement so you should be the last one then we move to the next.

Hon. (Ms.) Ndalana: Thank you, Mr. Speaker. I support the Statement but I have listened to every Hon. Member when they were talking and I can see there is a problem somewhere which we do not understand. Let us get communication in what we do and let all the Members know what the problem is so that we can solve it because we must work together and do everything in unity. Thank

you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Ndalana. Hon. Alice.

Hon.(Ms.) Nzioka: Asante Bw. Spika kwa kunipa nafasi. Nimshukuru Maulana kwa kazi nzuri ambayo ametutendea sisi kama wabunge. Tulioka hapa tukaenda nyumbani; wengi wetu tumerudi na Mungu ametulinda. Cha muhimu kwetu ni kwamba, tujikinge sisi kama viongozi maana sisi ndio kielelezo kwa wale ambao wametuchagua.

Bw. Spika, kama vile unavyosikia Waheshimiwa wanaongea, imekuwa ni kazi nzito sana kwa Waheshimiwa ambao wamechaguliwa na pia sisi ambao tumeteuliwa. Katika mitandao na matelevisheni, unaona Kaunti zote zimekuwa na mipango ya kupatiana barakoa, kupatiana vieuzi; sasa sisi kama Kaunti tumekuwa na shida kubwa. Maana tunauliza Machakos ni nini ambacho kinaendelea.

Sisi kama viongozi tuko kwenye giza; hatujui tuende wapi ama turudi wapi, maana kama kuna ujumbe ambao umetoka kwa kamati kuu ya ugonjwa huu wa Korona, sisi kama viongozi tungekuwa na utaalumu wa mambo ambayo tunaweza kuongea kama viongozi. Ndio maana unaona Wabunge wanaenda mzunguko, kujua ni kwa nini hawana ujumbe na kama viongozi, hawajapewa hizo barakoa wapatie wananchi; hawana vieuzi, kuna vitu vingi.

Juzi, nilishangaa kusikia kwamba DC wa sehemu yetu ya Masinga akiniambia kwamba ameshaandikisha watu ambao hawajiwezi kuwapa chakula. Kama aliandikisha kutoka Ekalakala, alijuaje na hakuita Mheshimiwa wa sehemu hio. Kama alienda Muthesya, anajuaje Muthesya wale watu ambao wanahitaji usaidizi?

Bw. Spika, ukisikia tukiongea, sisi tuko kwenye giza na ukitembea unasikia wananchi wanasema; huwa mnakuja kwetu wakati ambapo mnataka kura na wakati tuko na shida hamtutembelei. Wewe kama kiongozi na hauna ujumbe wowote utaenda kwa watu kuwaambia nini? Na wanasikia kila mahali kazi inaendelea, wananchi wanaendelea kutunzwa na unasikia wakisema pia; sisi huwapenda wakati ni wazima. Unajua mtu akiwa kwenye shida ukimusaidia huwa anakukumbuka.

Kwa hivyo Bw. Spika, hio Kamati kuu ambayo iko katika Kaunti yetu, tunapaswa kuwa na ujumbe na tujue kitu chochote ambacho kinaendelea kwa sababu kama kiongozi ukiulizwa kinachoendelea katika Kaunti yako, wewe mwenyewe utasema nini na haujui. Sisi tuko kwenye giza na tunahitaji ufahamu ndio tujue vile tutafanya na kuelezea wananchi. Jambo kuu ni kuwakinga na huu ugonjwa. Asante Bw. Spika.

Hon. Deputy Speaker: Asante sana. Hon. Geoffrey.

Hon. Kamulu: Thank you, very much Hon. Speaker. Things on the ground are exactly the way Hon. Alice has said; our people are on us because as a County actually we are doing very little as far as the sanitisers and masks are concerned.

However, Mr. Speaker, I was very keen when some of the Hon. Members were contributing and reaction of Members who represent us on various committees. To me, I would like to say, the opinion or the reasoning of these Hon. Members, for those who represent us in other committees we are really empowering them. We are giving them our expectations so that when they go to those committees they can argue using our expectations. In fact, nobody is fighting anyone here; we are only giving suggestions so that those Hon. Members who are representing us on higher levels can use our notions to those committees so that we can benefit.

Hon. Speaker, as I support this Statement, I am wondering why the Executive is reluctant in drafting regulations on emergency fund. We as an Assembly we want to give them the money, we want to empower them so that when emergencies come, they have something to sort them out. I am wondering why they are reluctant on the same because they should bring it here, we deliberate on the same and we pass it so that we can have that readiness on any emergency which can arise. Call it floods or locusts or this Corona and even fire outbreak; anything can happen anytime and if we do not have these regulations we will continue suffering.

Mr. Speaker, it is in order to speak our minds when we see things which have actually not been thought well. I happen to go to the Covid-19 centre at the stadium, I wanted to see the Chief Officer and it was raining. I want to confirm that place was waterlogged. If the place is like that and it is not adopting the climate changes, will we be wise enough to say this was a viable project? Mr. Speaker, that is why some of the Members are questioning why this is being done.

When I was there, I was wondering while looking at the beds and imagine people were there and they were supposed to sleep there and it was waterlogged. That area, the Statement which was proposed by Hon. Majority Leader is necessary so that we can make the necessary amendments before things get worse.

Otherwise the key word and our prayer is, we want sanitizers, we want masks and we want those things to take them to our people because they do not have them.

I also want to say the communication from the top Committee down to the lowest is not clear. We have the Clerks with us who represent the various committees which means the Assembly is represented well; then us MCAs are there. Then, it is good when they deliberate up there, let them give the Clerk Assistants at the lower level that information so that the Clerk Assistant can bring that information to the MCA so when we address those people they see us having some information. But we just sit there and begin to make hypothesis on what to deliberate on.

So, information is necessary and it should trickle down properly to us so that when we meet in those committees we can be seen as people who know what they are doing. Mr. Speaker, this is a very good proposal and if it is done, the County will be moving well. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Mr. Speaker. I would wish to applaud Hon. Ndawa for this Statement. It has been my problem since COVID-19 started and also as most of the Members have indicated on the issue. It is very funny when you are in a meeting and it is like you are not recognized by anybody as per your representation.

I do not know whether it is ignorance or what especially where I attend the committee meeting in Mavoko Sub County, If an Hon. Member raises an issue, it is termed as politics; we have attended those committee meetings and I do not know whether it is out of ignorance that the chairman decides to ignore the Hon. Members and if you look at it, Hon. Members are almost being sidelined on those meetings. Whatever you contribute is not accounted for; it is like you are invited just to appear but the meeting is already known. Every other committee member apart from the Hon. Members, are in one meeting and Hon. Members are not involved; it is like a parallel meeting.

So I would wish and I also indicated in that committee because we met twice and I asked the chairman; now when I was coming here, I normally communicate with my electorates that I am going in a committee so the issue of masks and sanitizers, this evening I will give you a report. When I get into that meeting we walk away with nothing; when our electorates are actually waiting for masks and sanitizers and donations for those vulnerable families.

So, I don't whether the experience is in all Sub-Counties but it has been really revealed here. It is important Hon. Speaker, for the committees to recognize the presence of the Hon. Members because they are the peoples' representatives. Unless they recognize Hon. Members, the problem will not end because Hon. Members are the ones who meet with the people on daily basis, every hour every minute and every other second.

My request is, if we can be having one meeting for all the committees, probably if it once a month or twice because that miscommunication is where the problem is. When we meet, you find even the chairman of our Sub-County Committee has nothing to tell you; you ask him something, he refers you to the senior committee. So it would be important if all the committees ward level and Sub-County level could be meeting one meeting at once. I think that miscommunication would be solved.

My other request is; once the committee meets and those Hon. Members who meet there, the emergency kitty does not mean the person who is already affected. It is important to take care of and also to have a budget on either road because if a road is not passable, how do you serve your people yet you cannot get there. So it is important to have teamwork sort of meetings so that we can take care of all the emergencies which are arising in our County. You remember and you know very well the rains are a lot and our roads have been affected. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Members. I have left that specific Statement to be debated on for quite some time because of the importance it has on the County especially during this time of the pandemic and therefore your views have been well received and I believe the relevant committees and relevant departments are hearing what the Hon. Members are saying and we are going to be able to come out with a report; which will be able to summarize the things which have been said by this House.

In summary, what I am getting from this is there is communication breakdown from the County level going down. Therefore, there is need especially for the Sub-County committees to work better in disseminating information from the National committee and from the County level Committee. The County level committee does not seem to have out with a plan; Hon. Members, need to see a plan which tells them, 'we expect to collect funds up to this period, we expect to buy sanitizers at this period, we expect to be giving out masks at this time, we expect to be giving food stuffs at this tie.

There has to be a program which Hon. Members are aware of and therefore a plan which will give them a direction to go. Where are they going, what are we targeting, what are the deliverables; if it is masks, if it is sanitizers like that. So, I believe that will be done,

I commit that Statement to the committee on justice and legal affairs chaired by Hon. Moffat Maitha and I believe that they should be able to bring or I direct that they bring back their report within 30 days to this House in as far as the creation of that emergency fund is concerned. Hon. Steve Mwanthi, you may continue with the next Statement please.

IMPLEMENTATION OF HOUSE RESOLUTIONS ON HUMAN-WILDLIFE CONFLICT BY THE COUNTY GOVERNMENT

Hon. Mwanthi: Thank you, Hon. Speaker. Hon. Speaker, on 5th November, 2019, this Hon. House approved a Joint Committee report of Environment, Land, Energy and Natural Resources and Justice and Legal Affairs on Human-Wildlife Conflict within the County.

On the 17th day of December, 2019, the Clerk of the Assembly, by a letter notified the following entities on the considerations and recommendation of the Joint Committee and resolution of the House;

- (a) Cabinet Secretary, Ministry of Tourism National Government.
- (b) Chairperson, Kenya National Commission on Human rights.
- (c) The County Secretary, County Government of Machakos.
- (d) Law Society of Kenya (LSK) South Eastern Branch.

Hon. Speaker, pursuant to Standing Order 41(1), I wish to seek a Statement on what the County Government is doing to ensure the House resolutions on Human-Wildlife Conflict are implemented. Hon. Speaker as I sit, the Hon. Member for Masinga has already reported that today in the morning and hippopotamus has attacked a resident of Masinga Central ward; I believe he has not even been retrieved from the waters so something also has become an emergency. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Steve. Again this is Statement, which again came from Hon. Steve Mwanthi and Hon. Tariq Mulatya. What I would like us to do, Hon. Members, in view of time, I am going to give comments to members who come from affected areas which have got human-wildlife conflict. What I mean by that is Hon. Peter Mutiso, for example Machakos Central, I would not expect him to be having human-wildlife conflict this is a town.

So I expect members for example from Masinga or members who border wildlife, if they can be able to give one or two comments on this issue then we can be able to move on to the next agenda. Hon. Moses Mitaa.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Mitaa:

Hon. Speaker, that aware that Standing Order 27(2) provides that the speaker shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3)(a) provides that, the House may resolve to extend its sitting time;

Aware that, Standing Order 27(4), requires motion to extend sitting time be moved at least 30 minutes before the time appointed of adjournment;

Hon. Speaker, I beg to move the motion that the House resolves to extend its sitting time until the business at hand is completed.

Thank you, Hon. Speaker and I request Hon. Alice to second my motion.

Hon. Deputy Speaker: Hon. Alice Nzioka.

Hon. (Ms.) Nzioka: I support the Motion thank you.

(The House resumed business on the Order Paper)

Hon. Deputy Speaker: Hon. Members, that is just a procedural motion because of extension of time and I believe you are all in agreement that we extend the time until we finish the business on hand, so the time is extended. Could I get any Member who wants to comment on this issue of conflict of interest of the animals and the human? Any member who has got a comment on it? Hon.

Constance Mbula.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, I want to say what I am presenting here may not be very crucial like Mheshimiwa for Ekalakala has said but is also dangerous for human beings. Where I live, we border with the animal land called Maanzoni, *ama kwa* Mutula and we have so many of them. When you are driving down from uphill going to Nairobi or wherever at around 5 a.m. you normally find them very many right on the road and you have to stop for them to pass wherever they want and they become so furious that you either hit one or you wait until they want to go.

As you move on drop Kwa Mutula to Maanzoni area they are even worse; they are hit every day by trucks driving to Nairobi or Mombasa and people have been complaining but no action has been taken. Mr. Speaker, I want to plead with the authorities that if something can be done, it will be better for the residents of Upper Mua and the people in the surrounding areas like Mavoko, Makutano and the way on.

So Mr. Speaker, if any action could be taken, it could be helpful to the residents of Mua and those other areas. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Constance. Hon. Alice Nzioka.

Hon. (Ms.) Nzioka: Asante, Bw. Spika, tena kwa kunipa nafasi. Bw. Spika, hili jambo la wanyama pori na watu na haswa sehemu ya Masinga limekuwa shida sana. Bw. Spika, ukipatiwa hesabu ya watu ambao wameuawa na wanyama pori sehemu ya Masinga na hasa sana sehemu ya Masinga *Central ward*, imekuwa shida maana nimshukuru mheshimiwa Mulatya amekuwa kila wakati akiskia kuna janga ako na hao watu. Bw. Spika, watu wengi wamepoteza maisha yao na imekuwa wimbo wa kuimba leo kuimba kesho na kesho kutwa.

Imekuwa ni kazi maana wakati umekutana na wao walinzi wa wanyama wanasema mwanzo watafanya kazi, wataondoa na kama mwananchiukiwa mmoja wa hao wanayama umeshikwa. Bw. Spika, jambo la kunishangaza ni kwamba, uhai wa mtu na uhai wa mnyama; mtu akiuawa kama ni familia itafuata miaka nenda rudi kabla ya huyu mtu kuwa amefidiwa ama amepewa fidia. Mnyama akiuawa lazima utaona ulinzi utakuja kujua kwa nini huyo mnyama ameuawa. Bw. Spika, ni jambo sisi kama Bunge tulichukue kwa ujuu sana kuona kwamba wananchi wetu wamelindwa.

Bw. Spika, pia katika sehemu ambayo nimetoka, ni sehemu kubwa ya kama tarafa ndogo mbili, tarafa ndogo ya Mikuyuni, tarafa ndogo ya Kangonde. Kumekuwa na tumbili ambao wanaharibu chakula shambani na tumekuwa tukisema kila wakati ya kwamba wanaharibu chakula yetu na Bw. Spika, itakuwa mshangao kwamba Mwenyezi Mungu ametupa msaada ama ameleta neema ya mvua na utasikia wananchi wa hizo sehemu wakisema hawana vyakula. Hili ni jambo ambalo kama mambo yanachukuliwa na uzito, hili lichukuliwe na uzito maana familia za mtu kama huyo hajulikani aliko, familia hakuna usaidizi ambao unapatikana.

Nakumbuka ni mwezi uliopita, Mheshimiwa Mulatya alikaa katika mto Tana karibu wiki mzima akitafuta mtoto ambaye alikuwa ameuawa na mamba na aliuawa hata watu wenye ulinda wanyama hawakusaidia, hawakupatiana usaidizi wowote ikawa ni lazima mheshimiwa Mulatya ashughulike lile jambo ambalo litafanyika. Sisi kama Bunge tunasema kwamba hili jambo la wanyama pori na watu liangaliwe na uzito maana mtu mmoja akiuawa ni hasara sana kwa nchi yetu. Kwa hivyo ni jambo ambalo sio nzuri na hasa sehemu ya masingi imeleta shida. Bw. Spika, nasema kwamba hilo ni jambo liangaliwe na haraka sana maana watu wetu wanaumia. Ahsante sana.

Hon. Deputy Speaker: Hon. Francis.

Hon. Kalumu: Thank you, Mr. Speaker, for giving me the chance to contribute on the animal conflict and people. Mr. Speaker, as you are aware it has become so hard for a brother to look after the other brother. Why I am I saying this? In the beginning, it was said that we are from one family which is Abraham and our forefathers Biblically are from Abraham. But if you look at what is happening now, human life compared to animals lives has become so much important that human.

Why I am I saying this? Budget allocations and money made to protect human lives is not used for that purpose; it is being directed to other maybe pockets of people or being used for other purposes. Without solving the exact problem, Mr. Speaker, like for example, in my ward there is a problem of monkeys attacking the *shambas* of mwananchi. You find that at the end of the rains, wananchi in my area don't have, they are not secure in terms of food security. Why? Because they planted their crops and the monkeys ate all of it.

You find that like in Masinga that it is only erecting of a fence and preventing human lives getting lost. What is so hard for this Assembly to set aside some money for that purpose instead of just speaking and speaking over something all the time? We have the department of environment which is represented here by a certain chairman here which has a CO, CEC, but we have been speaking over this issue over and over again.

We are redirecting our powers to somebody else while this Assembly has a lot of powers when it comes to budget process and giving money to that person direct and tell them it is now the time Machakos County Assembly protects the lives of our people in Masinga and other areas, by saying this money will go to erecting a fence in Masinga and we shall follow it and they committee on implementation goes and makes sure that, that fence is put.

We have tried calling the Kenya Wildlife Service in your committees, telling them we have been in our justice committee trying to see whether these people will get justice. But let us give justice to our people through allocating the money and tell the CEC and the CO of that particular department, your budget will not go through without money to erect a fence in that area. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Francis Kalumu. This Statement is now committed to the committee on implementation to report back here within 30 days to report before this House I direct that and more so to follow up on the motion. Remember there was a joint committee report which was brought here by the joint committee on environment, land and natural resources; there is that report which was adopted in the House so you need to follow up with the Executive and find out what have they done to it.

Take into consideration the comments made by the Hon. Member to see to it that we do actually go ahead and make a provision in our budget and for that to happen I will be also directing the Committee on Environment, Land and Natural Resources to work jointly with Kenya Wildlife Service and come out with budgets on how long is the fence, where do we need to fence, what is the cost, how much are we supposed to provide for so that when we sit down in the budget committee and do allocations we allocate based on actuals or based on close estimates BQs which are close estimates to what the actual cost is going to be for us to be able to get it effectively done. I thank you Hon. Members for that healthy discussion on the same.

MOTION

FIRST QUARTER STATUS REPORT FOR THE DEPARTMENT OF AGRICULTURE FOR 2019/2020

Hon. Deputy Speaker: Hon. Members, under this Order, we have one motion to be moved by Hon. Moses Mitaa, chairperson agriculture and cooperative development committee. Hon. Moses, you may go ahead.

Hon. Mitaa: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Mission for the Department of Agriculture, Livestock and Fisheries in Machakos County is to promote innovative, commercially oriented and modern agriculture through development and enactment of enabling legal framework;

Further aware that in Kenya agriculture is fundamental in economic development since it contributes 35 per cent of the Gross Domestic Product (GDP) and constitutes up to 40 per cent of the export earnings---

Hon. Maitha: Point of order, Mr. Speaker.

Hon. Deputy Speaker: The Hon. Member is moving a Motion; let him finish reading the motion. You do not raise a point of order when a Motion is being moved.

Aware that Article 183(3) of the Constitution of Kenya provides that, the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Informed that in exercise of the functions vested on County Assembly in Article 185(3), the County Assembly through the Committee of Agriculture requested for the report on performance on budget for the first quarter of 2019/2020 financial year which is the period between 1st July, 2019 and 30th September, 2019;

Cognizant that pursuant to Standing Order 190(5) the committee analyzed the status report of the Department and consequently compiled a report;

Hon. Speaker, I wish to move the Motion that this Hon. House discusses and approves the report on the First Quarter status report for the Department of Agriculture for the FY 2019/2020.

Thank you, Hon. Speaker and I request Hon. Rozina Kanini to second my motion. Thank you.

Hon. Deputy Speaker: Hon. Rozina Kanini.

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

Hon. Deputy Speaker: Thank you, Hon. Rozina. Hon. Moses Mitaa, you may read the report. Hon. Moffat Maitha, you had something you wanted to raise.

Hon. Maitha: Mr. Speaker, my concern was one Hon. Member near me who is coughing and she is just hanging the mask here instead of putting the mask at the right place. Can you order her to leave the chamber if she is not feeling well?

(Laughter)

Hon. (Ms.) C. Nzioki: Point of information.

Hon. Deputy Speaker: Just a minute, Hon. Members. I think what the Hon. Member is saying, let us adhere to the set rules. Please let us keep our masks on at all times unless you are doing something else; let us just adhere to ensuring that we have our masks on. It is critical; it is an issue which we need to be able to do. Hon. Constance, it is okay; what I am saying is let us just keep the masks on and Hon. Moses you may continue with your report.

Hon. Mitaa: Thank you, Hon. Speaker. I want to table a report of the committee on Agriculture on First Quarter status report FY 2019/2020.

1.0 INTRODUCTION

Hon. Speaker, Article 183(3) of the Constitution provides that, the county executive committee shall provide the County Assembly with full and regular reports on matters relating to the County. In exercise of the functions vested on County Assembly in Article 185(3), the County through the Committee on Agriculture requested the Chief Officer to submit the report on performance on development budget for the first quarter of 2019-2020 financial year which is the period between 1st July, 2019 and 30th September, 2019.

In the Machakos County budget for 2019-2020 financial year, the department of Agriculture, Food Security and Co-operative Development was allocated a budget of Ksh.383.45 million for recurrent and Ksh.354.53 million for development.

2.0 MANDATE OF THE COMMITTEE

Hon. Speaker, the committee on Agriculture is established pursuant to the Second Schedule of the Standing Orders with specific mandate to deal with all matters related to agriculture, including crop and animal husbandry, cooperatives, livestock sale yards, county abattoirs, plant and animal disease control, irrigation, fisheries, cooperative societies and veterinary services (excluding regulation of the profession).

3.0 COMMITTEE COMPOSITION

Hon. Speaker, the committee on Agriculture comprises of the following Hon. Members;

- | | |
|---------------------------|-----------------|
| 1. Hon. Moses Mitaa | - Chairperson |
| 2. Hon. Michael Mutiso | - V/Chairperson |
| 3. Hon. Agatha Mutunga | - Member |
| 4. Hon. Benedette Musyoka | “ |
| 5. Hon. Eric Musembi | “ |
| 6. Hon. Geoffrey Kamulu | “ |
| 7. Hon. Joshua Nzuki Muli | “ |
| 8. Hon. Constance Nzioki | “ |
| 9. Hon. Antony Mulu | “ |
| 10. Hon. Nicholas Mutuku | “ |
| 11. Hon. Paul Nyanzi | “ |
| 12. Hon. Rozina Kanini | “ |
| 13. Hon. Tariq Mulatya | “ |

**4.0 DEPARTMENT OF AGRICULTURE AND FOOD SECURITY IMPLEMENTATION REPORTER
QUARTER 1- 2019/2020**

Hon. Speaker, the committee scrutinized the report forwarded by the Chief Officer Department of Agriculture and Food Security vide a letter Ref: CO/DOALF/CA/37/VOL.1/91 dated 3rd February, 2020. The report is tabulated below.

Table 1: Status report for the Dept. of Agriculture for the First Quarter of FY 2019/2020

S/No.	Items	Amount 2019/20 budget	Expenditure at 31 st September, 2019	Status	Area the activity was done
1	Quarter acre program	15,000,000	0	This was for procurement of seeds for quarter acre farmers. Procurement process was started with advertisement having been done.	All the 40 wards
		5,000,000	0	The amount was not enough to procure the buck hole	All the 40 wards
		10,000,000	0	This is to procure pond liner for the quarter acre project. Procurement process started	All the 40 wards
		8,000,000	0	Procurement of agrochemicals was started and advertisement done	To be distributed in all the wards
2	Extension Motorcycles	2,000,000	0	Procurement process started with advertisement having been done	The project is expected to cover 16 wards
3	Free Tractor	5,000,000	0	Even though	Mumbuni North,

	Program	0		there was zero expenditure on fuel under development, ploughing was done using fuel procedure under the recurrent vote. 497 acres were ploughed for 496 farmers.	Muthetheni, Mitaboni, Matungulu East, Kinanie, Kithimani, Matuu, Katangi, Masinga Central and Kivaa
4	Free seeds	15,000,000	0	Procurement processes for seeds was started	The activity was done in all the wards in the 2 nd Quarter. Timing of the issuance of the seeds and onset of rains is normally very critical.
5	Tree seedlings	2,000,000	0	Procurement process for seedlings started and advertisement done.	This was to cover all the wards. However the Department got 10,000 avocado and 10,000 macadamia seedlings which were distributed in the second quarter.
6	Indigenous chicks and chicken feeds	5,500,000	0	Even though there is zero expenditure, 1899 chicks were distributed from the hatchery to the etc.	Masii, Kangundo central, Tala, Upper Kaewa
7	Free Livestock vaccination	3,000,000	0	Even though there was zero expenditure, vaccination were carried out using balance of vaccines procured from last year. A total	Matungulu East, Matungulu North, Tala, Athi River, Kinanie, Masii, Wamunyu, Kibauni, Mwala, Ndalani, Kithimani, Ikombe, Masinga, Ekalak

				of 32,703 animals were vaccinated against foot and mouth disease, lumpy skin disease, black quarter, rabies and new castle disease, contagious caprine pleural pneumonia and gumboro.	ala, Masinga Central, Kivaa/ Kithyoko and Machakos Central.
8	Artificial insemination	5,000,000	0	Advertisement for the equipment was done	To be distributed to all the dairy cooperative societies.
9	Dips construction/ slaughter rehabilitation	16,000,000	0	Development of bill of quantities ongoing	8 wards
10	Aquaculture Production	600,000	0	This is for procurement of feeds for the fish hatchery in Machakos ATC. Procurement on going.	In Machakos ATC
		492,000	0	Procurement of fingerings	In Machakos ATC
11	Kenya Cereal Enhancement Program- Climate Resilience and Livelihood. Free chicks program (KCEP-CRAL)	82,600,000	0	Selection and identification of farmers to benefit from the project was done. The beneficiary number of farmers benefiting from input package (2 crop model- maize/ beans; sorghum/green grams). The	The activity was done 10 wards of Mwala, Yatta and Masinga.

				funding is managed at the project headquarters.	
		86,215,500	0	2 dams were advertised for excavation in the period under review	Kilaatu in Ikombe and Kitambaasye in Matungulu North
12	Kenya Climate Smart Agriculture	26,400,000	0	Proposed development for micro project development was done with total of 200 proposals developed	In the 6 implementing wards of Kola, Klama, Muthetheni, Masii, Katangi and Ikombe
13	Smallholder Irrigation and Value Addition Project (SIVAP)	96,675,000	0	Hydrogeological survey done for 6 Boreholes. The funding of the project is managed by National Government- Ministry of Agriculture Livestock, Fisheries and Cooperative development	In Masinga Sub County: Kivaa/ Kithyoko ward and Masinga central.

5.0 OBSERVATIONS ON FIRST QUARTER STATUS REPORT FOR FY 2019/2020

Hon. Speaker, after analyzing the First Quarter status report for the Department, the committee observed the following;

1. That for the Quarter acre program, the procurement process for seeds took a long time since by 30th September 2019 no expenditure had been incurred at any stage of the procurement process. This can be attributed to poor initial planning.
2. That the remark from the Chief Officer that the Ksh. 5,000,000 allocated to purchase buck hole for all the 40 wards was not enough is unjustified. It is an indicator of poor budgeting. Again the Department had an option of purchasing buck holes amounting to Ksh. 5,000,000 instead of just keeping the money unspent.
3. That for the amount of Ksh. 10,000,000 budgeted for pod liners. , no funds had been committed by end of the 1st quarter of the financial year. This is delay of service to the residents of Machakos.

4. The amount of Ksh. 8,000,000 budgeted for agro chemicals, no funds had been committed by end of quarter of the financial year. This is unjustified delay of service to residents of Machakos.
5. The project of purchase of Motor cycles for extension work targeting 16 Wards at estimated to cost Ksh. 2,000,000, no funds had been committed by end of 1st Quarter.
6. That the free tractor program was funded under recurrent expenditure to plough 497 acres of land. But the Chief Officer did not disclose how much money under recurrent vote was spent on tractor fuel.
7. Indigenous chicks and chicken feeds- Chicks were distributed from hatchery at the ATC to Masii, Kangundo central, Tala and Upper Kaewa wards only.
8. That Ksh. 5, 000, 000 had been budgeted for Artificial insemination. However, the report indicates that the product is yet to be delivered. This is an indicator of weakness in the supply chain process.
9. Dips construction/rehabilitation of slaughter house, the report indicates that the amount budgeted for the whole year was Ksh. 16, 000, 000. However the project had not begun by end of the 1st quarter in the targeted 8 wards.

6.0 RESPONSE FROM THE CHIEF OFFICER ON ISSUES RAISED BY THE COMMITTEE

Hon. Speaker, on delay of procurement by the Department, the Chief Officer responded that the department was formerly Department of Agriculture, Livestock and Fisheries Development and was sharing Ministry with water department. When the departments were reorganized the departmental codes from National Treasury changed and it took very long time for them to give codes to the department. The department use IFMIS and e- procurement in its procurement process therefore it could not be able to log in and start procurement process. IFMIS was down up to August / September and that complicated the process.

On backhoe, it is reported that the amount of Ksh. 5,000,000 was not enough to purchase buck hole for all the 40 wards.

In the case of Pond liners-the amount budgeted for was Ksh. 10,000,000 but no funds had been committed by end of the 1st quarter. The reason given was that there was delay caused by late mapping of the department by the National Treasury in e- procurement and IFMIS.

For agrochemicals the amount budgeted was Ksh. 8,000,000 but no funds had been committed by end of 1st quarter. Just like the above the reason given was delay caused by mapping of the department for IFMIS and e-procurement by the National Treasury.

On Extension motor cycles the project targeted 16 wards and was estimated to cost Ksh. 2,000,000. However, no funds had been committed by end of 1st quarter. Later the Chief Officer confirmed that by October the following month, 13 motor bikes were purchased and released for use.

On the free tractor program the project was funded under recurrent expenditure and the actual amount of fuel spent for ploughing 497 acres cost Ksh. 686,400. It was also stated that during off season the plant operators for the tractors are deployed to ATC and show ground to assist in field operations.

On dips construction and rehabilitation of slaughter houses, the report indicates that the amount budgeted for whole financial year was Ksh. 16,000,000. However, the project had not begun by end of the 1st quarter in the targeted 8 wards. The Chief Officer argued that although the department had budgeted for dips, it was later found out that dips were not in the CIDP and therefore could not be undertaken. The whole budget will therefore go towards rehabilitation of Mavoko slaughter house.

The committee went ahead to request the Chief Officer to explain on unaccounted monies released from the Exchequer shown in the report of the Controller of Budget. On this matter the Chief Officer confessed that explanation of monies shown in the report of the Controller of Budget was a hard thing to be explained by her Office.

7.0 REPORT FROM THE CONTROLLER OF BUDGET FOR THE FIRST QUARTER OF FY 2019/2020

Hon. Speaker, for the purpose of tracking usage of the Departmental Budget, the committee used an extract from the report of Controller of Budget for comparison purpose as indicated in Table 2 below.

Table 2: Budget allocation, Exchequer issues, Expenditure and absorption rate

Dept	Budget Allocation (Ksh. Millions)		Exchequer issues (Ksh. Millions)		Expenditure (Ksh. Millions)		Expenditure to Exchequer issues (%)		Absorption rate (%)	
	Rec	Dev	Rec	Dev	Rec	Dev	Rec	Dev	Rec	Dev
Agriculture	383.43	354.53	58,87	7.68	0.99	-	1.7	-	0.3	-

8.0 BUDGET EXECUTION BY PROGRAMS AND SUBPROGRAMS IN THE FIRST QUARTER OF FY 2019/2020

Hon. Speaker, the committee also considered an extract on budget execution by programs from the report of controller of budget as shown in Table 3 below.

Table 3: Budget Execution of the Department by programs and subprograms in the First Quarter

Department of Agriculture, food security and Cooperative Movement					
Program	Subprogram	Approved Budget (Ksh.)	Actual Payments (Ksh)	Variance	Absorption %
General Administration and support services	Support services	261,899,172	740,365	261,158,807	0.3
Crop Devt and Management	Crop Devt and Management	179,174,991	30,000	179,144,991	-
Livestock resource management	Livestock resource management	93,126,412	220,000	92,906,412	0.2

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and devt.					
Fisheries Devt.	Fisheries Devt.	14,752,645	-	14,752,645	-
Veterinary Services	Veterinary Services	82,328,402	-	82,328,402	-
Agriculture Training Centre	Agriculture Training Centre	15,628.231	-	15,628.231	-
Cooperative Development	Cooperative Development	91,063,157	-	91,063,157	-
TOTAL		737,975,010	990,365	736,984,645	0.1

9.0 COMMITTEE OBSERVATIONS FROM TABLES 2 AND TABLE 3 ABOVE

Hon. Speaker after analyzing tables 2 and 3 above from the Controller of budget and in comparison with the status report provided by the Chief Officer, the Committee draws the following observations;

1. The report of the Office of Controller of Budget (OCOB) on County Governments Budget Implementation for the 1st quarter of FY 2019-2020 indicates that the department of Agriculture, Food Security and Co-operative Development received Ksh. 7.68 million for development from the exchequer. However, no funds were spend on development by the department. The committee was concerned why the Department requisitioned Ksh. 7.68 million for development but the money was not spent (*See Table 2*).
2. From the same report, it can be observed that the Department requisitioned Ksh. 58.87 million for recurrent expenditure from the Exchequer out of which only Ksh. 0.99 million was spent. The committee is concerned how the balance of Ksh. 57.88 million was spent and why the money was requisitioned without an expenditure plan (*See Table 2*).
3. The total unspent money requisitioned from the exchequer sums to Ksh. 65.56 Million (7.68+ 0.99 = 65.56). The committee is concerned where this money was spent.
4. From the status report, that is Table 1 the column for expenditure on projects reads Ksh. 0 for all the projects indicated. This means NO expenditure was done from July to September 2019. This contradicts the information from the controller of budget in Table 3 which shows Ksh. 30,000 and Ksh. 220,000 was paid for Crop Development and livestock resource management respectively. The committee is concerned on the position of Ksh. 250,000 (sum of Ksh. 30,000 and Ksh. 220,000) not reflected as expenditure in the status report but reflected in the report of Controller of Budget.
5. The total unaccounted money for the Department from July to September 2019 sums to Ksh. 65.81 Million (Sum of Ksh. 65.56 million and Ksh. 0.25 million). This is contrary to Article 201(a)(d)(e) that provides that
 - (a) There shall be openness and accountability in financial matters
 - (d) Public money shall be used in a prudent and responsible way; and

(e) Financial management shall be responsible, and fiscal reporting shall be clear.

10. RECOMMENDATIONS

Hon. Speaker considering the above observations the committee on Agriculture recommends as follows;

1. The Department of Agriculture requisitioned from the exchequer Ksh. 65.56 Million which the Department did NOT spent indicating poor financial plan for the Department. On this matter the committee recommends a budget cut of Ksh. 65.56 Million for the Department of Agriculture for FY 2020/2021.
2. Further to the above recommendation, the committee recommends that investigating agencies should investigate on the unexplained expenditure amounting to Ksh. 65.56 Million that was requisitioned from the exchequer but was not spent by the Department and act accordingly as per the provisions of Article 226(5) of the Constitution which states that ‘if the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not.’
3. The report of the Controller of Budget (Table 3) indicates that a sum of Ksh. 250,000 was spent on Crop Development and livestock resource management respectively whereas the status report for the Department (Table 1) contradicts that NO expenditure was done on crop and livestock related projects. On this matter the committee recommends that investigating agencies should investigate on where the Ksh. 250,000 was spent and act accordingly as per the law.
4. From the status report in Table 1 the committee noted that for most of the projects indicated, no monies had been committed through the procurement process. The committee recommends that in the next Financial year, the Department should commit the budgeted funds early awaiting for release of funds from the exchequer. This will ensure timely payments, hence timely service delivery during the First Quarter of every Financial Year.

11. CONCLUSION

Hon. Speaker, the primary goal of the government is the provision of the essential goods and services to the citizenry. The Government is held accountable by the citizenry on allocation, custody and use of state resources through the budget. These functions should be performed in accordance with established rule, policies and practices contained in the Government financial regulations. A well formulated and properly implemented budget has capacity to promote socio-economic well-being of the people, finance development projects and support public service administration. This cannot be achieved without a good budgeting process.

It is therefore my privilege and pleasure on behalf of the Committee on Agriculture to table before this Hon. House the report on the First Quarter status report for the Department of Agriculture for the FY 2019/2020 for discussion and adoption. Thank you, Hon. Speaker.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, you may debate on the report. Hon. Fredric Muthoka.

Hon. Muthoka: Thank you, Mr. Speaker. I want to thank this committee of agriculture for laying down just a report which is black and white. This is a very big joke because even know we have been talking about the emergency funds here. Imagine Mr. Speaker, on page 6, the committee went ahead to request the Chief Officer to explain on the unaccounted money released by the exchequer shown in the report of the Controller of Budget.

On this matter, the Chief Officer confessed that explanation of monies shown in the report of budget is hard for her to explain. You are the accounting officer, you are the one who is in charge of this money and you come here tell us it is hard for you. It is hard for you! This is somebody who should be at home, I am telling you. This House should take it seriously, summon her here and account for this money immediately.

I also support all the recommendations. Imagine you have requisitioned and taken around Ksh. 67 million and Ksh. 57 million is nowhere to be seen. This money cannot be accounted for; in short, this is a big joke. This is a department even in the next financial year, we have to cut its budget because it means even if you give them money, the other time when we were ploughing, they were saying no fuel. They just ploughed in Mitaboni like seven farmers and they went and now here they are saying no money and we have given them a lot of money.

It means they do not need this money. Can you take this money to another department? This is a total failure and we cannot accept here. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Fredric Muthoka. Hon. Constance Mbula?

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. First, Mr. Speaker, I want to ask the member next to me not to be worried; I am not corona-positive. I only suffer from allergy maybe from smelly shoes or strong perfumes around myself and when I was coming in my temperature was taken---

Hon. Maitha: Point of order.

Hon. Deputy Speaker: Hon. Constance Mbula, I want you to withdraw the Statement you made and continue. Withdraw the Statement.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. Sorry, I withdraw.

Hon. Deputy Speaker: Continue with your submission.

Hon. (Ms.) C. Nzioki: As earlier said, I am a member of this committee and I am in agreement with the whole report. This is what we said and it is just unbelievable at some stage because most of all these listed items, no need to repeat but they were done at 95 percent only and you are left to wonder; are we really serious because as members when we sit and we find all these things are just incomplete, money was allocated, we called the CO, she cannot explain so do we say we are doing zero work when we come to sit on all these things. Mr. Speaker---

(Hon. (Ms.) Mwendé changed her seat)

Hon. Deputy Speaker: Hon. Irene, go back to your seat the one you were using. You can only use one seat the whole day. You cannot use a different seat in between please for purposes of

Covid-19. Remember when you come back in the afternoon, sit in the seat you were using; do not change.

(Hon. (Ms.) Mwendu resumed her reserved seat)

Go ahead.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker. I would wish to have the House possibly realize that in agriculture there is almost nothing happening because we have gone round as a committee in most of these items and particularly with the slaughter houses especially the one in Mumbuni is pathetic. You will not believe people eat meat from there and I do not know why it has not been closed.

Hon. Deputy Speaker: Mumbuni or Mutituni.

Hon. (Ms.) C. Nzioki: Mumbuni/ Mutituni market. This soko that---

Hon. Deputy Speaker: Mutituni market.

Hon. (Ms.) C. Nzioki: Mutituni market, there is a market on Sundays. It is a pathetic thing; you cannot even breathe. If people are not sick there then they are very lucky people. Some of these things need to be called off (??). When you get into chicks, we were always wondering.....you may get 500 of them in a ward or something but by the end of the term, count how many of them survive because they do not have that care they used to have from their mother. You are given at one week or one month old but how do you take care of them. So Mr. Speaker, all the items something needs to be looked at and the right thing done.

We have to move as Machakos County because I believe all the committees are taking care of whatever they are sitting to do and agriculture committee is not doing very well; that I must say because of shortage of funds. You can see from the report the funds were allocated, zero expenditure, nothing is done so where are we going? Are we really moving in the right direction?

Mr. Speaker, I stand now to support this report and wish this House to do the best it can do so that we can move as agriculture. Agriculture stands for Machakos County and most of us know what farming means, most of us know what we get from those farms because they keep us going, we have food and we sell food to get school fees for our children. So, if nothing is moving, we are not doing something sustain ourselves. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Winfred Mutua.

Hon. (Ms.) Mutua: Thank you, Mr. Speaker for giving me such an opportunity. In the Big 4 Agenda the President stood and gave out, agriculture was one of them and as a county I think we should be progressing very well on agriculture but what we are seeing here is contrary. On the expenditure, on the observation of the committee, you are seeing this money was passed, this money there is a balance that was not used.

It makes my heart to wonder what happens with the executive. What about all these monies that is unaccounted for? I do not know whether the implementation committee can really sit on these because so many things have not been implemented and as I have said in another forum, the only

tangible thing that I can say I have seen in Machakos is only the State House building for the Governor.

Why can't we see more even in the agriculture sector because every human being in Machakos, every home depends on agriculture? We should see tangible things that we can work out after 2022 and we can say surely the Governor has done this; surely the executive has implemented this. What steps has the Governor taken to... these amounts that have never being used? Has he being keeping toes on the executive or the committees are just being used to rubber stamp authority and to rubber stamp money?

It is quite sad even now and then we are saying we are passing budget and when we are passing the budget we are not seeing anything productive that we can say this one has been done. So, it is good for the Implementation committee tell us what has happened to this money and this because it has been passed. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kasyoki.

Hon. Kasyoki: Thank you, Mr. Speaker. Mr. Speaker, I stand to support this report which has a lot of problems because if you go to page four, No. 6 on free tractor program. The money was borrowed from recurrent and I am wondering how a Chief Officer could not disclose how much they have used and that person is the accounting officer of that department.

Mr. Speaker, something is wrong with this department and us being the oversight team, I think something should be done to the department of agriculture because how can you request for money from the Exchequer and when you are asked how much you have used you cannot say. Then I think something is wrong somewhere. So my request to the chairman of agriculture committee is to kindly try to call the Chief Officer of agriculture to appear before the Whole House to explain because agriculture as you all know we cannot do without agriculture and if they can request for money and not use it, then something is wrong somewhere. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kasyoki. Hon. Moffat Maitha?

Hon. Maitha: Thank you, Mr. Speaker. I want first of all to thank the committee on agriculture for such a detailed report which they have brought to the House but before then Mr. Speaker, I do not want to respond on what the Member next to me said in her Statement. That was out of malice and ignorance because all these Hon. Members cannot see a smelly shoe around this House. It is only hers possibly which are smelling---

(Laughter)

Hon. Deputy Speaker: Hon. Moffat Maitha, I would like to withdraw that Statement because she had already withdrawn her Statement. So withdraw your Statement please.

Hon. Maitha: It was a bad Statement first of all---

Hon. Deputy Speaker: Please withdraw your Statement.

Hon. Maitha: I withdraw it.

Hon. Deputy Speaker: Go ahead.

Hon. Maitha: Mr. Speaker, when a department is given a lot of money like what we are seeing here and nothing is done, the best thing for us to do is to withdraw a sizeable amount of money from the next financial year.

(Applause)

Although the committee has said we cut the budget by Ksh. 65.56 million I wish we cut a budget with a bigger amount of money so that they learn, all the other departments learn from that one, Mr. Speaker.

Mr. Speaker, on the books there is no money used by this department but are we sure that the money is intact? Possibly they want to misuse the money of Machakos people through collusion, Mr. Speaker. Mr. Speaker, when you see money for dips the department saying the money should be ploughed to the slaughterhouse in Athi River; that is not fair, Mr. Speaker. Let that money go to the intended purpose which it was originally budgeted for. Let dips be done or repaired so that our animals do not die of East Coast Fever. Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Hon. Alice Nzioka.

Hon. (Ms.) Nzioka: Asante, Bw. Spika, kwa kunipa nafasi. Nimshukuru Mheshimiwa Mitaa mwenyekiti wa kamati ya kilimo na kamati yake kwa ripoti nzuri ambayo wameleta. Bw. Spika, ni hivi majuzi tulisoma kwamba Gavana wa Machakos Dkt. Alfred Mutua alifanya mageuzi katika bunge yake ya mawaziri. Waziri wa kilimo Musyoka alikua mmoja wao ambaye alikuwa amepewa onyo mara ya tatu. Bw. Spika kwa kuwaza na kuangalia, hio inamaanisha nini?

Huwezi fanya kazi nzuri na upewe onyo. Umepeewa onyo mara ya kwanza umeambiwa badilisha mtindo wa kazi. Unashindwa unapewa onyo ya pili na ya tatu. Hii ripoti inaonyesha kwamba hio idara yote hakuna mtu ambaye anaweza hio kazi. hata kama sio sababu ya hili janga la *Corona*, mimi ningesema kama mbunge niandike mswaada wa kutokua na imani na huyo waziri ili tumtimue.

(Applause)

Hao ndio wale mawaziri ambao kila wakati unasikia shida ziko Machakos, wanaaibisha jina la Gavana wa Machakos kwamba si mwangalifu kwa pesa ambazo zinaletwa za kufanya kazi. Nakuuliza Bw. Spika swali; wakati watu wa Mumbuni ward walikuchagua, walikuchagua maana waliona kazi ya kuwaakilisha unaweza na ndio maana kila baada ya miaka mitano, ukikataa kufanya kazi wanakutoa na kura ambazo wanazo. Kama mfanyikazi au waziri ukipewa kazi na ushindwe, haja yako ni kutimuliwa na kama utatimuliwa na umetumia fedha za wananchi wa Machakos vibaya una maanisha kufungwa na kulipa hizo pesa.

Maana huwezi kuwa waziri na uko na wadogo wako na ukiulizwa juu ya bajeti ama zile pesa wametumia huwezi sema. Inamaanisha nyinyi mlipewa kazi ambayo hamuwezi. Mimi ningeuiliza Gavana wa Machakos Dkt. Alfred Mutua, watu kama hao angekuwa kitambo amewafuta kazi na kuwashtaki ili wale wengine wafuate laini ama wafanye kazi kwa wananchi wa Machakos vilivyo. Kwa hivyo mimi nasema mtu kama huyo ambaye hawezi kazi sisi kama Bunge tuwe na haja ya

kutokuwa na Imani na kumfuta kazi. Hiyo tu ndio itafanya wale wengine wafanye kazi vilivyo. Asante.

Hon. Deputy Speaker: Thank you, very much, Hon. Alice. Hon. Irene Mbivya.

Hon. (Ms.) Mwendu: Thank you, so much Mr. Speaker. I would wish to commend the chairman of agriculture and members for the good report presented in this House. Mr. Speaker, I would recommend.... they have given good recommendations here and I would wish that the same should be followed to the letter because this is Ksh. 65 million and it is not little money that has been mismanaged and no report has been given on how the money was used and according to this report, anyway, it was not utilized.

So, I would recommend that proper audit should be done to this department because this is the much we can be seen now, maybe we have much more money that has been mismanaged by this department so I recommend that a proper audit should be done on this department so that we may be able to know the ongoings of the monies that have been given to this department. Otherwise, thank you for the good work and the good report that has been given by this committee. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Member from Ndalani.

Hon. Muli: Thank you, Mr. Speaker. First, I want to thank the chairman Hon. Mitaa and also members to that committee for such good work. Mr. Speaker, it is true we have a problem in this department of agriculture because if you go around, you will find all the tractors which we bought using the county money are all stalled. Like the tractor for Ndalani, all the spares were stolen. I even went ahead and reported to the police trying to get the thieves; I did not know. I also called the Chief Officer and I told him the department or what was happening on the ground and nothing was happening so I believe that they knew who the thieves were.

If you go again to the quarter acre system in all the wards, it was a total failure; nothing was happening the money was squandered by these officers. I even went to see what was happening in terms of the greenhouses and whatever they bought was fake. They could not even last a year so the money was also squandered and it was a total failure in that department.

Let us say all that was done in this department was total failure and I was supporting my friend Hon. Maitha that we should summon all these officers here in this Assembly to try to get deeply what really happened because there are so many things which may be happening. We know a few but there are so many which are there which we do not know at the moment. We call them here in the General Oversight Committee then we try to see what is happening and in case either of those officers or if we discover something is happening, we chase them away from those departments.

That will enable the Governor to appoint new officers in that department....

(Applause)

.....because at the moment Mr. Speaker, we have a lot of money which has been misappropriated by this officers. Not unless we take up our mandate, I do not think we will see the light of day. The department of agriculture from the chicks to the tractors programmes, to the greenhouses and all of those are all failures. We do not have anything going on and it is our work to

see what to do about this officers. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you. Hon. Rozina Kanini.

Hon. (Ms.) Kanini: Thank you, Mr. Speaker. Mr. Speaker, you will agree with me that agriculture it is the backbone of every economy and when we get such feedback from accounting officers, Mr. Speaker, it is very worrying and this is what we call PR business. Going to the issue of dips, Mr. Speaker, when conducting some site visit on the existing dips Mr. Speaker, they were very pathetic and when we see one Ksh. 65 million (??) and the Chief Officer claims that the dips were not in the CIDP, if she was wise enough, she could have used some of the allocation of the Ksh. 16 million to do the renovation of the existing dips.

So I think she should be summoned and the other Members have said she should be shown a red card. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Members for that robust debate on this issue. Hon. Members, I know call Hon. Moses Mitaa who has moved this motion and the report to respond before we move head. Hon. Moses.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity you have granted me. I want to take the opportunity also to thank my Hon. Colleagues for their contribution towards the report, Hon. Speaker. The report is in black and white Hon. Speaker, and it is very important that I request my colleagues that we work without fear or expecting some repercussions, Hon. Speaker, because the worst repercussions and we can get it is from our electorate and we can only get that if we fail to deliver.

We are here to oversight and ensure that there is prudent utilization of public resources, Hon. Speaker. Yes, in my contributions last week Hon. Speaker, I actually said our main problem as a county government, let me be specific now let me get out of the department, it is that we are not SMART, Hon. Speaker. We are not specific, we are doing projects without measures, we are not time bound, we have that problem.

How I wish our departments would focus on few projects which have impact, which can easily be followed in terms of how they have implemented on the issues of budget but the challenge we are having even those departments the challenge they are having is that they want to have this project, they want to have that project...and see in the process, we fail to have impact, we fail to have even the issues to do with planning and then we end up failing on what Hon. Alice has said.

The problem is not the Governor because a Chief Officer is the accounting person. We have people who are doing planning in our departments; let them pick what we can achieve, let them pick what we can do within a financial year because every project which is supposed to be undertaken has been budgeted for within a specific financial year. So let us not do things which will extend to another financial year. That sums up failure in terms of planning.

So, Hon. Speaker, the committee I want to thank Hon. Members who belong to that committee on agriculture who have committed themselves and they are out to see as Hon. Winnie said this is part of the Big 4 Agenda and if we fail, we have failed our people, Hon. Speaker. Agriculture is very key and I always say empty stomach...you cannot even talk to someone

who has an empty stomach because he or she will never listen to you even a small child. So, I want to seek this House to assist us as a committee and ensure that there is success in this department.

So, Hon. Speaker, I want to thank every Member, I want to thank your office and that of the Clerk for the good job they have done and for the assistance they have offered to this committee and we hope for the best from this department. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Moses Mitaa.

(Question put and agreed to)

Hon. Members, I think as the custom before I close, I just want to first of all, say that the issues which have been raised here are a bit weighty. It is a little bit difficult to hear a Chief Officer saying they cannot be able to explain funds which have been requisitioned to their department and more worrying is when a department requisitions for money from the Exchequer and the money is not spend under that department in whatever capacity the money has been spent. If money is requisitioned for under department A and the Exchequer issues funds to department (A) those funds should be used in department A.

We should not have a situation whereby funds are being requisitioned by department A, Exchequer issues money to the CRA under department A and the money ends up being spend in department B. Hon. Members, that is something which we need to be able to look at and ensure it is done.

One Hon. Member here said that the Chief Officer needs to appear before the committee of the whole House; I will be recommending the committee of agriculture to see how they can be able to arrange for that specific officer to appear before the committee of the whole House and explain how they cannot be able to explain to a committee why funds they requisitioned for under their department have not been used under their department.

I see one of the issues she gave there or the Chief Officer gave there was that dips are not in the CIDP. A quick look at the CIDP, dips were included in our CIDP! So, if dips were included in our CIDP, the Chief Officer is not aware that the dips had been included in the CIDP and instead she is requesting the money to be transferred to a slaughter house. I think Hon. Members we seem to be having the wrong people in the wrong places and the higher, the sooner the Governor is advised about those people, I think the better for this Assembly.

More so, normally I say this we are asking about the Chief Officer, there is the CEC and the buck stops at the top. So the Chief Officer and the CEC need to be called to appear before the committee of the whole House so that the *Waziri* himself can explain how his department does not even know that dips are in the CIDP. That is one of the questions that should be indicated in the question paper. Is he aware that dips are in the CIDP before requesting for reallocation of funds to a different area because they were put in the CIDP and I have requested the secretariat to check and they have shown me and I can see in the CIDP we had dips.

That was a blatant misinformation which was being given but I believe the committee under the able chairmanship of Hon. Moses Mitaa will be able to undertake what is necessary to ensure that those officers appear before the committee of the whole House.

ADJOURNMENT

Hon. Deputy Speaker: With that Hon. Members this House is adjourned to Tuesday 5th day of May, 2020 at 2.30 p.m. Enjoy your lunch.

The House rose at 1.10 p.m.