

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 2nd February, 2022

The House met at 2.50 p.m.

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

PRAYERS

PAPER LAID

CHALLENGES HINDERING ATTAINMENT OF
OWN SOURCE REVENUE TARGETS FOR 2020/2021

Hon. Deputy Speaker: Hon. Members, we have one business to be transacted by Hon. Stephen Mwanthi, Chairperson, Committee of Finance and Revenue Collection.

Hon. Mwanthi: Thank you, Hon. Speaker. I wish to lay on the Table of the Assembly today Wednesday, the 2nd day of February, 2022; Report of Finance and Revenue Collection Committee on challenges hindering attainment of Own Source Revenue target for Financial Year 2020/2021. Thank you. Hon. Speaker.

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

NOTICE OF MOTION

CHALLENGES HINDERING ATTAINMENT OF
OWN SOURCE REVENUE TARGETS FOR 2020/2021

Hon. Deputy Speaker: Hon. Members, we have one notice of motion to be done by Hon. Stephen Mwanthi

Hon. Mwanthi: Thank you, Hon. Speaker.

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

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

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

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

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

STATEMENT
EXTENSION OF TIME ON INVESTIGATION
ON CORRUPTION ALLEGATIONS AGAINST
MACHAKOS COUNTY PUBLIC SERVICE BOARD

Hon. Deputy Speaker: We have one Statement to be done by Hon. Margaret Mwikali on behalf of Hon. Francis Kalumu, Chairperson, Committee on Labour, Public Service and ICT

Hon. Mwikali: Thank you, Hon. Speaker.

Aware that, the Committee on Labour, Public Service and ICT is established pursuant to Standing Order 190 and the Second Schedule of Standing Orders, which defines its mandate as follows; deal with all matters relating to Labour, trade union relations, manpower or human resource planning; information, Communication and Technology;

Aware that, a statement was sought in this House on 12th October, 2021 on abuse of office and corruption accusations to the Machakos County Public Service Board;

Noting that, the statement was committed to the Committee on Labour, Public Service and ICT on 12th October, 2021 for investigation and eventual tabling before the House within 60 days which lapsed on 12th December 2021.

Further aware that, a subsequent petition dated 13th December, 2021 against Mr. Franklin Makola, a member of the County Public Service Board was also assigned to the committee to undertake investigations and report back to the House in thirty (30) calendar days effective 15th December, 2021 which lapsed on 14th January 2022.

Aware that, the Committee is yet to complete investigations on the matters due to alterations made to the House Calendar that generally affected its work plan;

Hon. Speaker, I wish to seek extension of time for 30 days to enable the Committee complete the above tasks.

Thank you, Hon. Speaker. On behalf of the Chairman, Hon. Francis Kalumu, Chairperson, Committee on Labour, Public Service and ICT.

Hon. (Ms.) Mwikali: Chairperson Committee on Labor, Public Service and ICT. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. It is Hon. Kalumu.

Hon. (Ms.) Mwikali: Let me correct that. Hon. Speaker, it is Hon. Francis Kalumu not Kamulu. Chairperson, Committee on Labour, Public Service and ICT. Thank you.

Hon. Deputy Speaker: Thank you, very much Hon. Members. I think that statement just seeks to give extension of time because the committee has been noted there has not completed the work which it was given to do effective of 15th of December, 2021. We are all aware that we had the holidays for the Christmas period and that the House only resumed its business again last week and therefore, I think it is only right that we give them the extension which they have sought. They

have sought for an extension of 30 days to enable the committee to complete this task. Is there anybody who wants to comment on this? Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I am not objecting to the extension of time sought by the committee but I am concerned about the concerned parties. Suppose now the person who is accused in that report resigned because we are aware that some people will be leaving the government to go and contest. Will that report be of any effect in case that particular person decides to go and contest somewhere? If the report is brought after 30 days, will it be of any effect? Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: That is a good question but that is assuming...the issue here is this, if I may give direction on this. The County Public Service Board is a going concern and therefore whatever the report is going to bring out even if whoever it is will have resigned or left I am very sure they will not have cleared their dues by then from the County Public Service Board and any recommendations done by the committee will do two things to me.

First of all it will affect him as a person, if at all he is found guilty. Up to now we do not know whether he will be found guilty or not guilty. It will also give guidance to the County Public Service Board on how to handle such matters on how to handle such matters in future. So I would suggest that the House looks at whether it is possible for them to extend this time and give the extension of 30 days. Anybody with an objection to this apart from what Hon. Judas has noted?

Then I think the House resolves to extend and give what has been sought by the Statement; 30 days and strictly 30 calendar day. Which means they will report back on 2nd of March, 2022. So to report back to this House on or before the second day of March in the year of our Lord 2022. Thank you, very much.

MOTION

REPORT ON REVENUE ENHANCEMENT AND MONITORING EXERCISE

(The Chairperson, Finance and Revenue Committee on 1.2.2022 Afternoon sitting)

(Resumption of Debate interrupted on 2.2.2022 Afternoon sitting)

Hon. Deputy Speaker: Thank you, Hon. Members. I think this issue of approval of report of finance and revenue collection committee on revenue enhancement and monitoring, the question was proposed last week and debate was postponed to enable Members to go through the report and therefore, I do believe now Hon. Members you are free now to comment on the report and more so based on the recommendations which have been made by the Hon. Committee.

Hon. Members, you may debate on the report. I believe this report is available on the website and you can go to the website you will find the report there to give you some guideline on the issues which we need to debate on. Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I want to take this opportunity to congratulate the committee and more so our most able Chairman for coming up with an elaborate and self-explanatory report. Mr. Speaker, whatever is contained in this report is exactly what is happening on the areas which are cited in the report. We made site visits to those areas and whatever is captured here is exactly what we found. So I am requesting the House to agree with the recommendations of the committee and approve the same. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Judas Ndawa. Any other Member who would wish to comment on this especially on the recommendations which have been given by the committee as far as this item is concerned? Hon. Cosmas Kieti.

Hon. Kieti: Thank you, Mr. Speaker. I want to congratulate the Chair and the committee for the report that they brought after doing research on issues affecting revenue collection in the County. Noting that, the County Government is unable to give services including medical services to our residents because of lack of funds while some funds are getting lost in one way or the other by the means that they are using to collect the local revenue.

At the same time, I looked at the recommendations made by the committee and they are very good. One of the key things that I noted is that we have issues that are touching on the investors who have invested in our county; they are employing non-residents living out the residents the only way our people can benefit from the investments that we have in the county is by getting a certain percentage of the jobs that are available.

So, it is very unfair to find that these people have invested in our place and at the same time they are not employing our people. So that is a very good recommendation and I wish that the government moves fast and ensures that we get a certain percentage at least 70 percent of the employees should be coming from other local community.

At the same time we have the issue about CSR. Sometimes back we used to see so many companies or investors giving back to the community where they have invested. It is only a few companies like Safaricom and maybe Portland who are trying to give back to the communities. So, the recommendation about CSR is a welcome idea and they should be pushed to ensure that after they have harvested in our County they should do something to the community where they are serving.

Even the roads that they are using, some of the roads are impassable and I wish that they could some work of the road works so that even when they are transporting their commodities they have good roads. So I support the report, and the recommendations. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon Cosmas Kieti. Maybe will the chair respond before I put the question?

Hon. Mwanthi: Thank you, Mr. Speaker. Thank you, Members for supporting the recommendations of this committee. Hon. Speaker, I would like to highlight some of the key things that maybe we would need to be addressed just as the recommendations have said including the County Government going cashless. If you go through Hon Speaker, you will find out that some of the areas you would find the Revenue Clerks receiving cash in the name of our traders do not have phones or Mpesa apps to send the money, so it is an area that our County Executive should check on and make sure that our county goes 100 percent cashless.

Hon. Speaker, there is another issue there of the Revenue Clerks and the people working in our quarries. Hon. Speaker, we found that there is a lot of dust in those areas; in one of the areas we were told according to a certain survey that was carried out that eight out of 10 children from that area have been found with asthma because of the dust that flows in those areas. So we recommended that the County Executive should buy a grader for those areas and water bowsers to make sure that the issue of dust is controlled.

Then there is also the issue of invoicing; Simba Cement should be invoiced and pay within 30 days to the County Government the money that is owed by that company. As I conclude there is that issue of CSR, many companies that are in Machakos are no longer willing to do any CSR in areas where they are working, some of them have terrible roads just outside their gates and many other things they need to do.

Hon. Speaker, for those around our sub-county that is Masinga, we have Kengen and with Kengen we have committees that deals with CSR for our people. Sometimes they will build classes, sometimes they even fueled a county grader sometimes back to grade some of our roads and many other things, they have sponsored our children through those committees that we elect people who always seek with Kengen although they do not perform 100 per cent but I think with such little

things that they do, if this other companies follow suit we can have many other things being done by our companies that are benefiting from our area.

So it is an area I think we should also check as an Assembly and the Executive and make sure that those companies at least we can see some classes in schools that have been built by Simba Cement by those other companies those quarry companies we do not have schools around those quarries and there are people who are getting a lot of money. We can have a school in that area because it is an area with very big population; you know they get so many casual laborers so if those people working in those companies they are always everyday ferried by trucks from the quarries to their areas where I believe they have informal settlements.

It is an area where maybe those companies can construct some schools there and get children of their workers at least benefiting from what they are getting so it is an area that we need to enhance and see and our County will look good working well with those companies. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Steve for those fine comments. I wish to move the motion that this Hon. House discusses and approves Report of Finance and Revenue Collection Committee on Revenue Enhancement and Monitoring Exercise.

(Question put and agreed)

Hon. Members, before I conclude I want to emphasize on the issues which now that the House has adopted the report on the issues which have been raised by Hon Stephen Mwanthi the issues of cooperate social responsibility also Hon. Kieti is key. If you go to the mining, we learn from mining and what is happening here is mining of resources and when you go to Tanzania or you go to South Africa where they mine gold, you will be able to see the kind of gullies which are left after the minerals have been extracted. All what is left is a huge gully in that area and the companies which have been doing this they close shop and go away as they have finished whatever minerals were there.

So it is up to us as the County Government Machakos to ensure these companies perform cooperate social responsibility in construction of schools, hospitals and other facilities within that area so that by the time they fold shop and go home we are left with something we are able to say the resources we had here constructed for us this hospital, put for us that school put for us this facility here.

I was in Tanzania and I know there was some time there was an investigation going on in Buhemba gold mines and Nyamongo gold mines which are used to supply fuel when I was working in Tanzania and when you go there, you would find that the companies have constructed a fully equipped hospital and a school which is free. Everything which is being done is free; a technical training institution because Tanzania learned that sooner than later this people will take off and when they take off we have to remain behind with something to show for it .

There is this issue of Simba Cement a very good issue, how can we be having a company which is not paying and is in Machakos. So that suggestion you have said 30 days; secretariat the issues which have been raised and, the recommendations which have been done by this report need to be noted because that one is important within 30 days of approval of this report the department of Finance and revenue collection should invoice. So we need to ensure within 30 days we have seen an invoice; the House is furnished with an invoice. Letters need to be done to the relevant departments based on the recommendations of the committee so that we can follow through this item here which to me is a very key item.

A grader, how much does a grader cost? Very little money. How much revenue are we collecting from there and we find the roads are not being maintained. Sincerely it is a good recommendation; we should be having a grader based there, just a grader for the mining area whose

work is nothing else but to grade those roads just to ensure that the trucks are going in smoothly and coming out smoothly. They are generating revenue for you. So one of the biggest sources of revenues you do not have a grader there so where do you have a grader? We should be having this equipment where they are supposed to be. Very good recommendations and I hope they are followed through for implementation.

ADJOURNMENT

Hon. Deputy Speaker: With that, Hon. Members, the House is adjourned to resume again on Tuesday, the 8th day of February, in the year of our Lord 2022 at 10.00 a.m. Enjoy the rest of your evening.

The House rose at 3.15 p.m.