

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 3rd March, 2015**

The House met at 2:41 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Honorable members. Let us proceed.**MOTIONS****INCOME AND EXPENDITURE REPORT OF THE FINANCE AND REVENUE COLLECTION
COMMITTEE FOR 2013/14****Hon. Speaker:** Yes the report is on the floor and the debate continues. The Chairman of finance committee maybe you can give us a touch up of your report. Refresh member's memory on the report.**Hon. Oliver Nzeki:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, it was on a Thursday last week I presented the report of financial year 2013/14 and it was brought to this House. I brought it and Mr. Speaker, Sir, I beg we start the discussion of the same. Thank you Mr. Speaker, Sir.**Hon. Speaker:** Thank you, the floor is still open and continues to be open for the debate. I invite additional contributions. I am waiting, yes proceed.**Hon. Nzeki:** Thank you Mr. Speaker, Sir. On Thursday in the afternoon session I brought the 2013/14 report of Revenue collection and Expenditure and it was received by this honorable House and it was postponed up to today Tuesday in the afternoon session and I hereby open by saying that the mood was very okay and the members asked for adjournment on that day and come fully armed. So Mr. Speaker, Sir, I hereby ask the members to be sober and discuss the report which I brought on Thursday in the afternoon session. I hereby ask Hon. Manyolo David to second. Thank you Mr. Speaker Sir.**Hon. Speaker:** Hon. Members the report is already on the floor, it doesn't need to be seconded. I think debate continues. Let us hear Hon Manyolo.

Hon. David Manyolo: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, it took the Finance Committee much time to go through the document which was presented to them and I understand we have some documents from the Minister of Finance which I understand were brought to the Committee through the Clerk of the Assembly and we discussed so many things and we went through the document and we found that there were so many irregularities.

Mr. Speaker, Sir, it is upon the House now to discuss and go through the document and see the necessary way, within your guidance, which we can follow for us to achieve. We need not fail but to see a way in which we can improve our County.

Mr. Speaker, Sir, I understand all the members have the document and I understand they have gone through the document. It is now the high time for us to go through and discuss wisely on which way and give guidance as the Chair on which way we have to take. Thank you Mr. Speaker, Sir. I am with the Committee of Finance and I am also supporting the document for now.

Hon. Speaker: Thank you. Majority Leader?

Majority Leader (Hon. Joshua Mwonga): Thank you Mr. Speaker. I was not present last week when the report was tabled and I wanted to know from the Chairman, Finance, whether we are discussing the finance report or we are discussing a quarterly report because there is a difference between the two.

Hon. Speaker: Chairman?

Hon. Nzeki: Thank you Mr. Speaker, Sir. What the Majority leader is asking is whether we are discussing the annual report or quarterly but we are discussing the report of 2013/2014 financial year. It is not six months, not four months, but twelve months. Thank you, Mr. Speaker.

Hon. Speaker: Chairman, I think you need to restate your position. Is the report that we are discussing the report for the entire year 2013/2014?

Hon. Nzeki: Yes, we are discussing the income and expenditure report of the finance and revenue collection Committee for the Fiscal year 2013/2014. It is nothing less than twelve months. Thank you Mr. Speaker Sir.

Majority Leader (Hon. Mwonga): Mr. Speaker, according to what the Chairman, Finance, has said it means we should not be discussing this report. Mr. Speaker, the Committees discuss the quarterly report but the issue of the finance report of a whole year Mr. Speaker, this is a document which should originate from the Auditor General. So Mr. Speaker, I better ask the Chairman and his Committee to withdraw this document because we are discussing the wrong document, Mr. Speaker.

Mr. Speaker, I want to draw the attention of this house to the Constitution of Kenya, Article 229 on the functions of the Auditor General, the way he is elected, the way he is confirmed and Mr. Speaker on Article 229 subsection 4 it is very clear on the functions of the Auditor General. It says “*within six months after the end of each financial year the Auditor General shall audit and report in respect of that financial year on the National government and County governments.*” So Mr. Speaker can we get to know from the Chairman whether this report has originated from the Auditor General? Mr. Speaker, I need your guidance.

Hon. Speaker: Yes, we can hear.

Hon. Dominic Maitha: Thank you Mr. Speaker, Sir. With your permission, I tend to differ extensively with the Majority Leader who is very seriously fighting to have this document withdrawn and I wish to bring to his attention that this Assembly is mandated to investigate any financial misappropriations or anything and make a report in this Assembly. It is not even the Committee on Finance, Mr. Speaker, Sir; even any other Committee.

I wish to ask the Majority Leader not to misdirect this house. There are so many other reports that have been brought on the floor of this house. I have not heard him on any single day proposing that we withdraw that report in this Assembly. Mr. Speaker, Sir, as you are very much aware, there is a letter that came from the Chief Officer, Finance department requesting this house to withdraw that report because she said it is a report that is half baked. That confirms to us Mr. Speaker that whatever the Majority Leader is saying on the floor of this house is directly proportional to what the Chief Officer was requesting this house to do.

This is a document of the house Mr. Speaker, Sir. I want to take you Mr. Speaker, to the Public Finance Management Act, Chapter 149 on responsibilities of accounting officers designated for county Government entities, Mr. Speaker.

Hon. Speaker: Just a minute... proceed

Hon. Maitha: Thank you Mr. Speaker. What I wanted to bring to your attention is Chapter 149 of the Public Finance Management Act which clearly states this: “an accounting officer is accountable to the County Assembly for ensuring that the resources of the entity that the officer is designated are used in a way that is;

(a) lawful and authorized,

(b) effective, efficient, economical and transparent.

I wonder when the Majority Leader stands here to say that a report that was properly laid on the floor of this house should be withdrawn. Whether it is a quarterly report, whether it is an annual report Mr. Speaker, it is a report that is concerning the revenues and finances of this County Mr. Speaker and the Constitution entails and gives the Assembly powers to interrogate,

investigate and give resolutions about the efficient spending and collection of revenue in any entity of the county.

When the Majority Leader stands here and says withdraw this report Mr. Speaker, it is holding the people of Machakos County, through the Assembly, hostage through inefficient financial management of their resources Mr. Speaker. What I want to say is this Mr. Speaker, this report was properly laid in the house, it is a document of the house and it is now upon the Hon. Members and I want to request all Hon. Members to discuss this document knowing that it is already on the domain of the public and we shall stand questionable and accountable if we are not going to dispense this document and give recommendations that are going to give fair ruling and fairness in terms of financial expenditure to the people.

Mr. Speaker, Sir, as I finalize, I want to say this: by virtue of the Chief Officer sending a document to this assembly to withdraw the discussion of this report Mr. Speaker and give an updated report, my question is, where did this document emanate from? This document has not landed in this Assembly one week ago. Mr. Speaker, this document has been pending from way back in August last year. Where was she and where was the other information she purported to give? Where is it going to come from? Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you Hon. Dominic. You say that there is a document to withdraw this report; where is that document?

Hon. Maitha: Mr. Speaker without any fear of contradiction, the Committee on Finance met today; there is a communication from the chief officer, department of Finance and Revenue instructing the Committee to withdraw the report. Mr. Speaker, we can try to hide our heads under the sand but it is not going to be possible, Mr. Speaker. There is that document, it might not have landed in this Assembly or in this chamber but the fact of the matter is the Committee on Finance received such kind of a communication Mr. Speaker. Thank you.

Hon. Speaker: Thank you. Let us hear from the Chair. Did you have a document or letter urging you to withdraw the report?

Hon. Nzeki: It was on 5th August, 2014-----.

Hon. Speaker: Respond to the question, do you have a letter withdrawing?

Hon. Nzeki: Yes, Mr. Speaker, Sir

Hon. Speaker: Read the letter to the house.

(Applause)

Hon. Nzeki: The letter comes from county treasury, dated 2nd February, 2015. It is addressed to the Clerk of the County Assembly.

“Dear Sir, Re: Income and expenditure report, 2013/2014. We write to withdraw the income and expenditure report, 2013/2014 erroneously presented to the County Assembly on 5th September 2014. Upon checking the report, it appears that it was work in progress and should not have been submitted to the Assembly for discussion as a final copy. In the circumstances, we wish to withdraw the report and request for 15 days to submit the correct version of the income and expenditure report of 2013/2014. ”

Hon. Speaker: So now, what is the import of that letter? They say that the report they gave you was erroneous?

Hon. Nzeki: Yes, it never originated from the department of Finance Machakos County.

Hon. Speaker: Ok, let us hear Majority.

Majority Leader (Hon. Mwonga): Mr. Speaker, as I said earlier, if this and to answer Hon. Dominic Maitha member for Muthwani who I respect very much Mr. Speaker, if this was a quarterly report Mr. Speaker, I would have no problem. I have read the supreme law of this land Mr. Speaker and back to that article 229 of the Constitution Mr. Speaker, allow me to read section 6 and 7 Mr. Speaker: *“an audit report shall confirm whether or not public money has been applied lawfully and in an effective way.”* Mr. Speaker, 7 says: *“audit reports shall be submitted to Parliament or the relevant County Assembly.”*

Mr. Speaker, that is why I started by asking, are we discussing a financial report or a quarterly report? Mr. Speaker, the Chairman was very categorical that this is not a quarterly report; it is a financial report and the Constitution is here with us Mr. Speaker. Do we go against the Constitution and continue discussing a document which should originate from the Auditor General?

Mr. Speaker has taken us through a letter which was written by the chief officer, and the letter that forwarded the report that that committee sat and went through is neither signed by the chief officer nor the CEC, Finance Mr. Speaker, and those are the principal officers in that office Mr. Speaker.

POINT OF ORDER

Hon. Speaker: Let us take a point of order from Hon. Muthuka.

Hon. Stephen Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. I am rising on a point of order, and this is a caution to the Majority Leader. You will not hold the house at ransom. You said on Thursday you were not present; fine we don't know where you were. If I can quote our Standing Orders on reports of select committees, and I want to bring to your attention that this is not an audit report, this is a progressive Committee report like any other from other Committees. That is why we have Finance and Revenue Committee.

Mr. Speaker, every member of this house will bear me witness that we received an audit report last year, 12th February 2014 and up to date we have never discussed it when we know it is a criminal offence if we don't discuss it within three months and yet the Majority Leader, who represents the government in this house, has never pushed it so that we can discuss. Mr. Speaker, if you look at Standing Orders 180 (1) *"unless a more regular interval is prescribed under any written law or these Standing Orders, each select committee shall submit half yearly progress reports to the Liaison Committee."*

I don't even want to continue from there. We are almost winding up the second... I think we should be celebrating our 2nd birthday and up to today, this is the first report that we have received from Finance and Revenue committee. We should be thanking them and after this we should be having a cocktail because by the end of the day, we have received a report which we have been waiting for.

Mr. Speaker if I go to the report, we have a letter which is annexed in that report from the County Treasury, County Government of Machakos and it was received by this honorable house on 8th of September 2014. If you allow Mr. Speaker, I may go through the letter, written to the Clerk, County Government of Machakos, *"Dear Sir, Re: Financial year 2013/2014 income and expenditure reports. This is pursuant to Section 166 subsection 4 of the PFM Act. Attached are the incomes and expenditures for all the quarters of the financial year 2013/2014"* and it is signed for: Jacinta Masila, Chief Officer, County Treasury. At the same time, I can see the Clerk received it and forwarded it to the Budget for analysis on 9th September 2014.

So Mr. Speaker without much ado, the report was well laid in this hon. house on Thursday and due to its voluminous nature, we bought time to go through the report. Mr. Speaker, if you go through the report that's where the problem starts because under observations, what it has highlighted here, some things even if they are cooked in heaven, they will never convince anybody. I would expect the Leader of Majority, who represents the government, to stand up and defend the report and tell us for example, if you go to page three...

POINT OF ORDER

Hon. Speaker: Let us take the order what is the point of order?

Hon. Muthuka: I am still on a point of order Mr. Speaker

Hon. Speaker: Okay, finish

Hon. Muthuka: If you go to page three, and I give an example of aerodrome and airstrip expenditure incurred, which amounted to Kshs. 3.8 Million, is an outstanding revelation since the County Government lacks such facilities. Now what we are discussing here is a report of misappropriation and we need to know where our money is because now if we had that expenditure and at the same time the crucial expenditure that we expected to see in our Wards

has never been seen like the bursaries, MSWEP funds and all that is not included in this particular report.

If you look at the reports from the Controller of Budget, already there is another expenditure of Kshs. 53 million in rehabilitation of nursery schools. Mr. Speaker, since this contribution was just on a point of order, will the Majority Leader allow the house to continue with business and discuss this report and we wait for the audit which is about to be released so that from there we can discuss the Audit report which will be coming from the Government side. Thank you.

Hon. Speaker: The Chair, Hon. Nzeki, did the Chief Officer come to defend his accounts? Did he attend your committee?

Hon. Nzeki: We wrote a letter to the Chief Officer on 5th August last year and I can read the letter: *“from Machakos County Assembly to the Executive committee member for Finance & Revenue Collection, Machakos County Government. Re: Financial Year 2013/2014 income and expenditure report. Pursuant to the provisions of section 166 of the PFM Act, an accounting officer shall prepare a report for such quarter of the fiscal year in respect of the entity. Section 166 (4) further provides that not later than one month after the end of each quarter, the County Treasury shall consolidate the quarterly reports and submit them to the County Assembly, (b) deliver copies to the controller of budget, National Treasury and the commissioner of revenue allocation, (c) publish and publicize them. In view of the above, I hereby request your office to submit reports for the last four quarters to the County Assembly.”*

Another letter was written on 1st September 2014: *Re: Financial Year 2013/2014 income and expenditure report. Please refer to our letter of such and such Pursuant to the provisions of section 166 (4) of the PFM Act: not later than one month after the end of each quarter, the County Treasury shall consolidate the quarterly reports and submit them to the County Assembly, This therefore is a reminder that your office should submit reports for the last four quarters to the County Assembly within seven days from the date of this letter.”*

There is also a reminder of the first letter and that is invitation to the committee meeting for the chief officer.

“Pursuant to the provisions of Section 39 of the County Governments Act, Section 14 and 15 of the National Assembly powers and privileges Act, the Finance and Revenue Collection committee invites you to attend a meeting scheduled for 1st December 2014 at 10 a.m. in the County Assembly boardroom to clarify the details of the 2013/2014 income and expenditure report. You are further requested to carry supporting documents including bank statements, cash flow statements, title for the land purchased and any other relevant documents to establish facts on the income and expenditure report.”

That letter was written by our Clerk of the County Assembly.

We have a reminder 1, “refer to our letter written to you dated 4th November 2014 which requested you to appear before the Budget & Appropriation committee.” That was before the Finance Committee was formed. “...on 6th November 2014 with a detailed report of the 2013/2014 income and expenditure. It is unfortunate that you did not turn up. You are therefore requested to appear before the committee again on Thursday, 13th November 2014 at 10 a.m.”

Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Do you have a letter forwarding the quarterly reports?

Hon. Nzeki: Yes I have it here, and it is not quarterly but it is the whole year 2013/14, twelve months. They consolidated the four quarters. It is written here...

Hon. Speaker: The Chairman is on the floor let him finish

Hon. Nzeki: It is clear that the Chief Officer consolidated the four quarters of the income and expenditure for 2013/2014 and that is why she wrote here 2013/2014 income and expenditure to the Clerk of the County Assembly.

“This is pursuant to the provisions of Section 166 (4) of the Public Finance Management Act. Attached are the incomes and expenditures for all the quarters of 2013/2014. Signed for Jacinta Masila, Chief Officer.”

Hon. Speaker: Proceed, Hon. Kasoa?

Minority Leader (Hon. Thomas Kasoa): Thank you Mr. Speaker. This report was tabled last Thursday and members asked for adjournment of this report so that they may go through the report. Mr. Speaker, I happened myself this weekend to go through this report and according to me it is full of misappropriation of county money and public money.

(Applause)

Mr. Speaker, the reason why the Leader of Majority is hesitant for the members to discuss is because it is putting a bad image to the County but I ask him to allow the members to debate and discuss this report. If the Ministry of Finance is clean, these members will clear the Ministry of Finance. It is the mandate of these members to discuss any report at any particular time. Last week, we discussed the report on transport so I don't know why we are saying we should not discuss the reports. I am in support that we discuss these reports. Thank you, Mr. Speaker.

Hon. Speaker: Now I think the mood is that we discuss the report. Let me hear those who would want the report postponed. Let us hear the Deputy Speaker. He was on the chairperson when the report was laid.

Deputy Speaker (Hon. Nathanael Nganga): Thank you Mr. Speaker, and the house at large. I rise to contribute to the matter before the house and as the Chair has properly elaborated I was on the Chair when this matter came to this Committee and I also happen to be a member of the said committee that went through this report Mr. Speaker. I want to say that quite a number of measures were followed to have the right matter coming before this report, Mr. Speaker.

As you realize Mr. Speaker, any matter that has anything to do with finances anywhere even in the family unit will always elicit a lot of concern even from the youngest child who has known the meaning and value of money and any other time anybody is making a report on money, must always be careful before they submit that report whether to the wife or either to any institution of governance, Mr. Speaker.

Saying that is because as we learn on the establishment of societies, the basic unit of any society is the family, Mr. Speaker. Mr. Speaker, coming to the matter before us I want to agree with the Chair that the matter before us is properly laid in the house and is a property of the house.

(Applause)

Mr. Speaker, the report and the chair of the committee I think was properly advised to go through the necessary procedures and I find negligence on the part of the liaison officer who was supposed to appear before the Committee to clear matters before the committee went ahead and submitted the report to this house Mr. Speaker.

Mr. Speaker, I want to say that what the Majority Leader would be doing is to request with the leave of the house to grant the officer in question an opportunity to further explain some of the issues but not rather to dispute the report before this house Mr. Speaker. I don't have a copy of the audited report but there is a wind that was in the committee that the figures mentioned herein coincide and are consistent with that report Mr. Speaker, which I am not certain about Mr. Speaker.

The important thing to do if the government of the day feels that there is need to clarify the matters before we proceed, is to request with the leave of the house that they can be able to further substantiate but not rather to dispute a report that is based on an official document that came from the same government, Mr. Speaker, so that we may not be playing mischief at the expense of our people because already once the matter was laid on the table it became a public document, it has been in the dailies and the manner in which we handle this matter will always determine how far we sink or how far we rise on the cadre of integrity within the county of Machakos and the whole country, Mr. Speaker.

So I would urge that the debate be based on that line because the matters that are here are matters that will need to be addressed by the officers in question so that this house can be satisfied with the issues that have been raised. Mr. Speaker, audited reports or accounts are

supposed to come from the committee on Public Accounts and Investment as the chair can ably determine.

With your guidance Mr. Speaker we can be able to proceed with the debate and the house can make a ruling or a resolution based on the proposals that the members concerned will be able to propose, Mr. Speaker. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. So that we delimit arguments, the report is properly before the house and I would want perhaps the discussion to go with the direction, can this house give the Minister or the officer in charge any opportunity to explain any of the items that perhaps they are able to explain without altering our document which is already the property of the house. Let us hear the members who have not spoken. I think it would be interesting to hear Hon. Mueni.

Hon. Benedette Mueni: Thank you Mr. Speaker, sir. Mine is to support the document and to ask the hon. members to relax and discuss the report. We are not against the government, we are building the government. So please, relax and discuss about the... and Mr. Speaker, don't tell the members that the minister to explain more; we have been calling her in the committee for more than ten times and she is not respecting the members of the County, so we have to go ahead even if it means for her to go home.

(Applause)

Hon. Speaker: Okay, let us hear Hon. Raphael at the back.

Hon. Raphael: Thank you Mr. Speaker sir. Mr. Speaker, Sir, may I start by congratulating my able Chair for being firm on this report and may I also remind the Majority Leader through you Mr. Speaker, that I am a member of the Finance committee and the committee is mandated, through the Standing Orders that established that committee, to deal with all matters that are related to county finance and revenue collection.

Mr. Speaker, Sir, this one does not limit us to quarterly reports; we have the mandate as a committee to ensure that public money is utilized prudently. Mr. Speaker by saying that our committee, that is the Finance and revenue committee, is not supposed to discuss yearly reports, this one is wrong. Audit reports are supposed to go to the Public Accounts committee but the Finance and Revenue Collection committee is supposed to deal with all matters relating to management of public funds.

So Mr. Speaker, Sir, I request the Majority Leader to apologize to the committee because it is a committee with a Chair who is very independent and who is not supposed to be swayed by the waves of some of the leaders.

Mr. Speaker, the report before the House was expected three months after the close of the financial year, 2013/14. Today we are talking of 2015. We were expecting these reports by the year 2014, latest August or September and Mr. Speaker, by the month of August, a letter was

written to the department and they forwarded a report. If you look at the forwarding letter it also has, leave alone the signature, it also has the stamp of the County government. There is no way the County Government can purport that this document did not emanate from the County government.

Mr. Speaker, I can attest that the document before the House came from the Executive and the committee had the entire mandate to discuss that document and to make appropriate recommendations.

Mr. Speaker, taking you to the report of the committee on page 10, there is a section whereby the committee recommends that *“the Executive committee member of Finance and Revenue Collection responds to the queries raised herein and give reasons as why this Hon. House should not hold her to account and responsible for this mess.”*

Mr. Speaker, what we are doing is discussing a report that has a mess. Let us discuss the report then the recommendations that we have in the report will follow late so that money meant for the public is utilized in a proper manner and is managed prudently. So Mr. Speaker this is my submission and I urge the house, let us be sober, let us support these reports and then other recommendations will follow later so that we can unearth this kind of mess which is messing our county. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think those are very good contributions, let us hear from this side...

Hon. Felix Ngu: Thank you Mr. Speaker, Sir, I want to take this opportunity to appreciate the Chairman on Finance and revenue collection for a good work done and for leading us well because I am also a member of the same committee. Mr. Speaker, Sir, I also want to appreciate that the report was laid in the floor of the house properly and now that we have a chance to deliberate on the same Mr. Speaker, I would want your guidance.

Now that the report has been laid on the floor of the House properly, the only thing we should be discussing here is the authenticity of the report that we got from the Executive. Mr. Speaker, I happen to have a report that was forwarded to the Auditor General by the Executive on 31st October 2014 and the report that was forwarded to the Auditor General greatly differs with the report that was presented to the County Assembly.

Mr. Speaker, again we have two letters; we have a letter that came with the report when it was presented to the County Assembly which is actually signed for, and I actually want to believe that finances and a report of finances is a very sensitive document that is not supposed to be signed for either the Minister or the Chief officer. Again Mr. Speaker, I suspect the authenticity of the report because the signatures differ and I think I will be in a position to give you copies of the two letters.

Mr. Speaker, there is a letter that presented the report to the Assembly dated 5th September 2014 and there is a letter that forwarded the report to the Auditor General dated 31st October 2014; the signatures differ greatly and Mr. Speaker at that point, I want you to give guidance because basing on the Constitution of this land as it has been stated by the Majority Leader, after the officer in charge of finance prepares the annual report, the report is supposed to be presented to the Auditor General then it comes back to the Assembly.

It is very clear Article 229 sub-section 8 that the Auditor General should report and submit to parliament or the relevant County Assembly. Again quoting the PFM Act, it is very clear about the quarterly reports and the annual reports. Article 167 of the PFM Act clearly states that the administrator of the county public fund established by the Constitution and Act of Parliament or a county legislation shall declare financial statements for the fund for each financial year in a form prescribed by the county standard board.

So Mr. Speaker, at that point I would want you to give guidance whether the committee on finance should have written a report basing on the report from the Controller of Budget or it is the report from the office of finance. Thank you Mr. Speaker, Sir.

Hon. Speaker: Let me see the two communications. Hon. Chairperson..... the letter dated 31st October, 2014 appears to be forwarding financial statements for the year ending 30th June, 2014. And the letter by the Chief Officer, County Treasury is forwarding income and expenditures for the quarters of the year 2013/2014 so they represent different content. Hon. Members, let us debate this report for whatever it is worth.

(Applause)

Hon. Speaker: And I think I have given a ruling. Let us hear contributions. Hon. Majority Leader, kindly contribute.

Majority Leader (Hon. Mwonga): Mr. Speaker, I am not going to contribute on this report.

Hon. Speaker: Yes.

Majority Leader (Hon. Mwonga): Because Mr. Speaker, earlier you had asked the house whether we should discuss the report or not and members were giving their contributions. I also want to make a clarification. I am not against the report, Mr. Speaker, but my first question was, is this a financial report or a quarterly report, Mr. Speaker? If it is a quarterly report, I will have no problem, Mr. Speaker, but if it is a financial report, the Constitution, which is the supreme law of this country, is very clear Mr. Speaker-----

Hon. Speaker: Order, Hon. Members. I am the one who asked him to contribute. Proceed.

Majority Leader (Hon. Mwonga): I am not saying that we throw the report through the window, Mr. Speaker, but in a nutshell, what I am trying to put forward is that we allow the committee to have a chance of inviting the Chief Officer or the CEC finance so that Mr. Speaker...some members are ruling me out of order, Mr. Speaker.

Hon. Speaker: Proceed,

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker, and I am very much committed in this house deliberating of this report but Mr. Speaker, I have just received a communication from the Chief Officer of Finance who is willing and ready to appear before that committee, Mr. Speaker. So I would humbly urge this Hon. House, we just give them another chance Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: Which other point of order do we have? Any other point of order before we hear Dominic? Yes Hon. Ndeto, not point of order? Point of order? We have heard Dominic over so many points of order today; maybe we can take Raphael.

POINT OF ORDER

Hon. Raphael: Mr. Speaker, sir, is it in order for a matter that the chair has ruled on to be contributed on? And Mr. Speaker, sir, is it in order for the Majority Leader to mislead the house that we are not supposed to discuss the financial report yet what we are waiting for from the Auditor General is the audit report, it is not a yearly financial report. There is a difference between an audit report and a financial report.

Majority Leader (Hon. Mwonga): Mr. Speaker to respond on what that member has said Mr. Speaker...

Hon. Speaker: I think I agree with Hon. Raphael. The Chair has ruled on that matter, debate proceeds and now let us hear those in support of the report.

Hon. Kyalo Kyuli: Thank you Mr. Speaker for catching my eye. I will start by thanking the Chair and the committee for giving us such a beautiful and well illustrated report. I want to say that those members that are of that committee deserve a lot of appreciation. Mr. Speaker, when you look at the observations before I go to the real report, I will first touch on a few items on the observations of the committee and this observation by the Hon. Members of this house that there was a sum of Ksh. 109 million that was unspecified.

Truly when you go to the report that they got from the annexed reports, you will find that it is not numbered but there is an unspecified amount of Kshs. 109,845,583 million in converting that to 9 percent. Therefore Mr. Speaker, there are issues that as an Assembly we want to know because when we talk about unspecified revenue, then Mr. Speaker every revenue that comes as an income in this county must be explained.

We cannot have just a cheque; either somebody went out and was given a donation. They are supposed to declare that this is some amount that was received from wherever. Mr. Speaker on the other infrastructure and other civil works, there is an amount of Ksh. 383 million which the committee says that they need elaboration on. Mr. Speaker when I hear that the Hon. Member from Masinga has information from the CEC Finance that she is now ready to come and now sit and explain that point and time Mr. Speaker, I hope it is going to find us here so that we get a lot of explanations for this but before she avails herself, you have heard the letters that were written to her and she ignored or she did not find time to come and sit with the committee.

Therefore Mr. Speaker, there is that Ksh. 383 million on the expenditure talking about civil works and infrastructure that the committee did not understand. On the same page, page number four Mr. Speaker, I would want to read bullet number nine on page four that is saying, *“rent received from July to September 2013 was a constant figure of Kshs. 3,382,200 per month,”* which was supposed to be a predictable movement throughout the year. The collection fell again drastically in December, where for December and January 2014, they posted 222,000, down from Ksh. 3 Million. That is an opening Mr. Speaker, if you look at it; one month we collect from rent Ksh. 3 Million, the next month Mr. Speaker, we collect Ksh. 200,000.

Mr. Speaker, there are a lot of question marks in between such collections, Mr. Speaker, sir. Bullet number eight on the same where it talks about royalties that is the quarry extract fees, as computed were too low to comprehend. From bullet number seven, the department collected zero on cess Mr. Speaker, in the month of October and November and again they collected Kshs. 7 million in the month of December. Mr. Speaker.

Mr. Speaker, does it add up? Two months, zero collection; another month they are collecting Ksh. 7 million. Mr. Speaker, if there are things to hide, then they should not be hidden in this manner, Mr. Speaker. If you look at a collection of Ksh. 7 million in one month and then again zero collection from the same source Mr. Speaker, there are serious questions.

Mr. Speaker, if you look at the report where they were doing recommendations, there is something I wanted to point out on the same on page 7 Mr. Speaker; the said *‘investigation as to why revenue collection has highly dropped be undertaken or examined; comparison with revenue collected in 2012/2013 should be provided per sub county.’*

Mr. Speaker, if revenue collection has to be perfected, it is prudent that we have a report whereby we know this particular amount comes from this particular sub county for us to know exactly where to reinforce and when to reinforce Mr. Speaker, because if it is not planned well, if monies are just lamped into one basket, this particular amount is not known where it comes from, there will be an opening of misappropriation or stealing, for that matter.

Mr. Speaker the report again on the same page, again Mr. Speaker, this is a recommendation from the committee that *‘the rent collected in July, August and September 2013, the one that I was saying was Ksh. 3,382,000 dropped in January 2014 to Ksh. 171,000.*

Mr. Speaker, rent even if there were demolitions Mr. Speaker, even if there were evictions, Mr. Speaker, that could have easily explained but we never heard of demolition of county houses or wherever they get rent from. Therefore Mr. Speaker, this report according to recommendations I want to read just the next sentence that says *'the committee recommends disciplinary action, recovery and legal action against responsible accounting/ revenue officers.'*

Mr. Speaker, I want to support that statement with all my strength that those that have misappropriated, those that have either stolen, Mr. Speaker, we need to have recovery of the said money and legal action taken against them. Mr. Speaker lastly, when the said minister wants to come to the committee Mr. Speaker, there seems to be an intention of either mutilating this document to suit whatever they want us to hear or to get because Mr. Speaker, again, in this same Assembly there is a time we received a document that was giving us revenue collection analysis for the month of March 2014 that was giving us a total of Ksh. 155,031,308 and for the month of April as Ksh. 88 Million, Mr. Speaker.

If you look at this report that they brought here Mr. Speaker, if you compare that particular report that they gave and this one that they brought Mr. Speaker, you will find that there is a lot of difference because on the same Mr. Speaker, there is a lot of money that has gotten lost somewhere on the expenditure. In the ministry of Culture and Tourism, members you remember when we were doing our 2014/2015 budget, the minister explained to us and before you Mr. Speaker if you allow, I will lay a document that was brought by the minister to us when we were doing the budget 2014/2015 and she explained very well how she was able to utilize the monies that she was allocated.

Therefore, Mr. Speaker, this document that if you allow I will give you, gives us a total of Ksh. 54,757,682 as the total amount that the ministry and the minister explained to us, and here is the document, Mr. Speaker. If you look at this document the explanation given here Mr. Speaker is giving us Ksh. 154 million and therefore there is a disparity of a whole Ksh. 100 million Mr. Speaker, meaning that there is a lot of cookery; this particular document they have cooked a lot of figures Mr. Speaker, because when the Minister came to us when we were doing the 2014/2015 budget she gave this document as the way she expended the allocation that we gave her and the total down here is Kshs. 54 million and in this document Mr. Speaker, it is telling us they expended Kshs. 154 million. That is a discrepancy that cannot elude our attention.

Lastly Mr. Speaker, there is a saying if you allow Mr. Speaker, a Kiswahili saying that says *'aisifuye mvua, imemnyea'*. Mr. Speaker we are seeing a member of this Assembly, our Hon. Member that has moved out, trying to derail, and I have quoted a Kiswahili saying, Mr. Speaker. On Thursday the member was not in the Assembly; I don't know whether he has this particular document because we have not even heard him say anything about the document. The only thing that some of us are keen on is just fighting things for the sake of fighting.

Mr. Speaker, if anybody is at fault, maybe the Assembly will vindicate them and we are not here to accuse anybody. We are looking at the revenue collected, Mr. Speaker, this is a document that is in public domain and we saw the release of the revenues that were collected when we read in the newspapers that the county of Machakos collected only Kshs. 400 Million in six months while other counties were able to collect above a Billion, for example Makeni, Kitui, Mandera, name them, Mr. Speaker.

We have loopholes, Mr. Speaker, that must be sealed so that we get to match... when we were doing our budget, Mr. Speaker, there is a lot of money that we were supposed to collect. Therefore, we must seal these loopholes so that we match the budget that we passed. Thank you, Mr. Speaker.

Hon. Speaker: let us hear the point of information

POINT OF INFORMATION

Hon. Mwonga: Mr. Speaker, the point of information I want to give that Hon. Member is what was in the newspapers; the figures which were in the newspapers about the revenue account Mr. Speaker, was the actual balance at that particular date Mr. Speaker but not what had been collected in a whole year, Mr. Speaker and about two weeks ago I also said the same Mr. Speaker.

Hon. Speaker: Let us proceed with debate; I think let us not divert our debate. If anybody wants clarity, he can bring a substantive statement on the matter. Proceed.

Hon. Alex Kathinzi: Thank you Mr. Speaker. I would like to start by thanking in a special way, the chairman finance and his committee for unearthing and bringing to this floor Mr. Speaker such a terrible report, which we accept and appreciate that these are the issues at hand. Mr. Speaker, I would like to take you through page three, the second last paragraph and I can read. '*Aerodromes and airstrip expenditure incurred Kshs. 3.8 Million*' is an outstanding revelation since the county government lacks such facilities'. This in itself shows how inefficient this particular department is and it is trying to give irrelevant information, Mr. Speaker.

I understand the fifty nine of us come from this county, from different wards and from different sub counties Mr. Speaker and so therefore as I was trying to consult before the start of this particular assembly session today, I tried to talk to several members and there is none. There is no facility like this and therefore that is why I am saying *Heko*, Mr. Chairman. We go to page four Mr. Speaker, you can read from that particular document Mr. Speaker that the department reported zero collection of cess in the month of October 2013, November 2013 and from wherever we don't know now that we need to get this particular information, in the month of December 2013 they managed to collect a cess of more than Ksh. 7 million. Mr. Speaker.

This is a questionable figure and you can see Mr. Speaker this report says that this particular figure does not add up to the normal cess which we have been given by nature. Mr. Speaker, if you go to the issue of rent whereby my colleague Mr. Kyuli has just said about rent, and I believe several members here are landlords who collect rents on monthly basis, there is no way in a single day you can collect rent of hundred shillings, tomorrow hundred shillings, the day after tomorrow you collect one million because this goes hand in hand with the type of investments which we got from the defunct Municipal councils and municipalities Mr. Speaker.

So in this particular record, if you skip page four and go to the data whereby now it shows July, August, September all the way to January the following year Mr. Speaker, it can show you that this are the records extracted from bank statements which shows this particular amount of money is the true figure which was collected and is lying in the county revenue accounts. So there is no way we can doctor this particular amounts.

I continue supporting this particular document by saying we know the purchase of computers still on page four Mr. Speaker, an expenditure of computers and other equipment amounting to Kshs. 305 million, Mr. Speaker. Three hundred million is a huge amount of money, very huge. If they were saying something to do with thirty million we could be able to understand but three hundred million I think we need maybe in future to get fair figures; even if some guys are running away with county money it is fair to give reasonable amounts because we deal in such businesses, Mr. Speaker.

I continue and say when you proceed to page five, the issue of fire fighting is a continuation from page four; you see in December 31st, revenue from firefighting and ambulance management rose from Kshs. 368,190 shillings to an amount which is Kshs. 2,854,632 in March and April 2014. This is also very much suspicious and I can tell the members, be informed when I pronounce a figure, just go to that particular table because that one is an extract from the bank statement.

These are reports which have been gotten from those particular statements Mr. Speaker. My proposal because other members are going to contribute in this, we need to go the recommendations of this particular report Mr. Speaker and this is why the honorable member from Masinga Central ward is nervous because of this report because he knows-----

Hon. Speaker: Order, order Hon. Kathinzi, discuss the report not your colleagues.

Hon. Kathinzi: Thank you Mr. Speaker

Hon. Speaker: I don't know how you saw that he is nervous? Just proceed and dwell with the report. I think the matter is done.

Hon. Kathinzi: Thank you Mr. Speaker for your protection. This is what I am saying Mr. Speaker is the recommendation is very good that we need to have the officers who have been

misappropriating our county funds in this particular report. This is a document in which the public is just watching us to see what we can be able to do.

To secure the good name of Machakos county, to secure our good names even though the names of hon. members is just being wiped out in another Bill from government Mr. Speaker, we need to show respect, we need to abide by the Constitution. We need to be hon. members; we need to be ourselves Mr. Speaker. Therefore as we continue supporting this particular document Mr. Speaker, I request because we have trust on you and trust on all these particular members, we support this document and let the recommendations which have been forwarded by this particular chair finance to take immediate effect Mr. Speaker, so that we can save this particular county.

We are sinking Mr. Speaker; these are the true records of this particular committee. I think this is a true revelation that things are underway somewhere going wrong and so therefore I say honorably I support and say the most appropriate action should be taken Mr. Speaker. Thank you very much.

Hon. Speaker: Thank you.

Hon. Geoffrey Munyao: Thank you Mr. Speaker. Mr. Speaker, I think it has leaked where it bites most. When we talk of finances, most of our people hear there is something wrong when we are discussing this report. Mr. Speaker, I think this report was done by senior economic officials of our government. So Mr. Speaker, I think this report is good enough to be deliberated by this house, Mr. Speaker. I am referring to local revenue analysis; when you look carefully at this report, you will see there is duplication of numbers. Mr. Speaker when you look at building plans and approval...

Hon. Speaker: That is page?

Hon. Munyao: It is in local revenue analysis per item

Hon. Speaker: Ok.

Hon. Munyao: When you look at building plans and approvals in the month of July, August, September, you get the same figure of Ksh. 2,757,235 in the Month of July, August and September. That shows two senior economists of our county just duplicated what they saw in the first month of July. Mr. Speaker, when you look at the cess in the months of July, August and September, you get Ksh. 215,200 in the month of August and Kshs. 215,200 in the month of September.

Mr. Speaker, with those few remarks, that is enough evidence that those senior economists of our county are misleading our county. Mr. Speaker, this report I think was not even half baked or even half cooked. This food was just taken to the kitchen and put in the shelves either to be cooked or to get rotten. Mr. Speaker, my argument is if this business of

Machakos County is going to be transacted in this manner, Mr. Speaker, this shop of Machakos, the County Government of Machakos will be frozen. Thank you Mr. Speaker

Hon. Speaker: Thank you, who was the next contributor? Oh yes number four.

Hon. Joseph Kalunde: Mr. Speaker, Sir, I start by applauding the committee of finance for making a lot of input on this report. In fact, this report already reveals why so many contractors who have done a lot of work in our county have been quarrelling for non-payment of the work which they have done. Mr. Speaker, I will not waste time but I will dwell on the recommendations on page number six, which says that the *'committee noticed so many errors of commissions and omissions to trust the report and is left with no alternative other than to recommend the forensic audit of the bank statements to match the revenue banked against receipts recorded per month at collection points and the combination of these two transaction cycles would reveal the overall cash collected in the year 2013/2014.'*

Mr. Speaker, it is true that the committee has seen so many errors whereby even money collected today sometimes is matching exactly the amount of money which is collected tomorrow. So this reviews that somebody somewhere was only trying to make things just match what they collected yesterday even if it was more that what was collected today.

Mr. Speaker, this report obviously has shown clearly that most of our resources have been looted, not even stolen. Thank you Mr. Speaker and I think obviously at the end of this particular one, some of the Executive members should be taken somewhere whereby it will be a lesson for the others. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much.

Hon. Joseph Muli: Thank you Mr. Speaker. First and foremost let us applaud the Chairman and the committee for finance for the good work which they have brought to the floor of this house. Mr. Speaker, I will not dwell much on the documents because much has been totally exhausted by the committee; the information Mr. Speaker, is very clear. Mr. Speaker, I took time and went through the document and much of irrelevance which is here even can't be debated more.

Mr. Speaker, on observation, it seems there is much of relaxation on the Executive side, much of distorted information, sabotaging Mr. Speaker, the issue of irrelevant information being brought in this house Mr. Speaker whereby this Hon. House must be granted the honors it deserves.

Mr. Speaker, I support this document and request the Hon. Members that the verdict to be very high; very strict for these officers who have been related to this document because Mr. Speaker, even I would not like to reciprocate what the committee has done, and the good work

they have presented except only emphasizing more on what the actions without fear on what should be done on this work done here. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Maybe we can hear Ndeto there and we have not heard Hon. Collins for a long time...

Hon. Festus Ndeto: Thank you Mr. Speaker for this opportunity to contribute to this very special motion. I first congratulate the chair and the committee that sat and came up with this report. Mr. Speaker this report, if the members of this assembly have been keen of which I believe they have been, this is not the first time we are coming in to contact with this report. Towards the end of the financial year when we were preparing the 2014/2015 financial budget Mr. Speaker, we invited all the Chief Officers to give an account of what they did with the budget that we allocated to them for the 2013/2014 financial year.

Mr. Speaker, in fact I almost attended sixty percent of those committees and what has being given in this combined report from the finance docket is exactly what was given by the Chief officers from the various departments. Contributing to this document page four and I want to deal with the same department in which I was the chair before I was kicked out because of unexplained reasons but they can be seen today very well, the details for expenditure on microfinance youth program amounting to 114 Million were not available or the nature of activities involved.

We are aware we allocated 160 Million for the microfinance youth program in which no single cent has gone to the people. Here it says 114 Million has been spent and it is in the attached documents on page six; it is well indicated where it says microfinance youth program 114 million, that was expenditure for the 2013/2014. The last time I met with the Chief Officer who was in charge of that docket, Collins Sila, and also the minister, they tabled this, we interrogated them, we questioned them and they were unable to explain.

When we come to bullet number two, expenditure of 23 million on education, youth and social welfare, the same as above, I don't want to state or make any more comment on that. Bullet three, 36 million expenditure on construction of ECDE classes and polytechnics, members, and remember this document was forwarded. This document according to the attached signed letter for Jacinta, was forwarded on 5th September, and by then, no single ECDE class had been constructed in the forty wards in this county.

Therefore Mr. Speaker, looking at all this, I support this document fully and as I support the document fully, I recommend some changes on the recommendations where it states that, the finance docket, those who are in charge, I beg somebody to direct me to that page where recommendations are given on the department of Finance, Mr. Speaker, my recommendation is that apart from the department of finance, we also recommend that all the Chief Officers who were in charge of the various departments also face the same consequences that the finance docket will face because, it was the same officers who were in charge of the dockets.

I have given a good example of the youth docket, which Collins Sila was in charge and when we called him when I was the Chair, he was not able to explain how they spent that money. Then the other day the CEC member came to the committee, in which I did not attend because I am no longer a member, and she gave a building that was constructed through CDF in Mavoko as a building done by this County Government. This is a pity. A building constructed by Wavinya Ndeti when she was the member for Mavoko and it is forwarded to this Assembly and a whole CEC member says it was constructed.

Hon. Speaker: Order, Hon. Ndeto, are you able to prove those allegations?

Hon. Ndeto: Yes.

Hon. Speaker: Can you be given a moment to do that?

Hon. Ndeto: You can give me time to bring another day because I will see the Education committee and prove that.

Hon. Speaker: If you are not able to prove on the floor, then withdraw.

Hon. Ndeto: Pardon.

Hon. Speaker: If you are not able to prove that on the floor, can you withdraw?

Hon. Ndeto: The report is with the Education committee.

Hon. Speaker: Do you have it as you address this Assembly?

Hon. Ndeto: I do not have it but for the sake of now, I can withdraw and I will bring it.

Hon. Speaker: Ok, please do that.

Hon. Ndeto: Ok.

Hon. Speaker: You have not withdrawn.

Hon. Ndeto: I have withdrawn, but any way I have withdrawn. Let us move on.

Hon. Speaker: Ok.

Hon. Ndeto: So Mr. Speaker, I recommend that over the recommendations, this hon. house further recommends that all the Chief Officers in charge of the various departments face the same consequences as that recommended for the Chief Officer of Finance and as I sit down Mr. Speaker-----

Hon. Speaker: Sorry hon. chairperson, maybe you can hold for a while. I wanted to talk to him.

Hon. Ndeto: And Mr. Speaker, before I sit down, this house needs to understand that two weeks ago, the National Assembly was under serious scrutiny by the citizens, and it was said money went around the Committees and for the sake of this Assembly, I request this house we be serious on this report, follow each and every recommendation to the latter and as one of the hon. member from Athi River, that was Hon. Rachael, stated the other day, we have so many reports that have passed through this house and we have recommended and nothing has been done but I believe this time round, this will be a totally different case. We shall see action taken, and the necessary action recommended. Thank you.

Hon. Speaker: Thank you very much. I think for a moment I would want to hear the Chair of this Finance committee. I am holding a report here known as income and expenditure report 2013; this is the report? Maybe you can just come, is that the report perhaps you were dealing with?

Hon. Oliver Nzeki: This is the information we got from the CEC finance, then all the information is transferred to this report brought to the Assembly and to support it Mr. Speaker, sir, we have seen it was just a copy and paste in some of the July, August, and September collections. There was a time the finance committee tried to go out for revenue enhancement and when we went, we reached the quarry area at around ten and we left at four.

When we reached there in fact we tried to check how much they have been collecting and from what we were given by the revenue clerks who were there, they were collecting around four hundred and eighty and four hundred and twenty thousand, five hundred thousand and that day we went out for three days for revenue enhancement, that same day we collected seven hundred...

Hon. Speaker: Chairman I was asking is that the report that you considered?

Hon. Nzeki: Yes, this is the report we got from finance department and treasury.

Hon. Speaker: Is it signed by the officer?

Hon. Nzeki: It is not signed but we have a covering letter because the copy was brought to the Clerk and it was forwarded to our committee.

Hon. Speaker: And you have a letter saying that the report was erroneous?

Hon. Nzeki: Yes, I have it in my copies.

Hon. Speaker: Take your seat.

Hon. Nzeki: So, so I wanted to explain-----

Hon. Speaker: You wanted to explain what?

Hon. Nzeki: I wanted to explain why most of the Members were saying there is something wrong because it was just copy and paste; this is not the amount which was collected. When we went there, we went at ten and we left at four; in fact the amount which was collected was five hundred and twenty thousand Kenya shillings and that day we collected six hundred and forty six thousand Kenya shillings. The following day, it was six hundred and twenty and on that Monday it was six hundred and twenty eight thousand Kenya shillings. Up to now, it has not gone down because they think we are just around and we are monitoring them.

(Applause)

So Mr. Speaker, I expected members to extract more from this report and what members are contributing is what we gave them. I thought it was said by Hon. Mueni they went and kept it in their lockers and their cars so I expect them to go deep into this report and not to discuss what I gave out. What I gave out is just pass by but I expect members to come up with a very good report.

Another thing Mr. Speaker, Sir, it is page six - Mr. Speaker, Sir, the committee noticed so many errors of commission and omission; that means there were some items which were omitted, to trust the report and it is left with no other alternative other than to recommend for forensic audit of the bank statements. We never received bank statements to match the revenues banked against the receipts recorded per month at collection points. So Mr. Speaker, Sir, I would like because we have not received these receipts from bank statements, we are still waiting to receive them and the combination of these two transaction cycles would reveal the overall cash collected in 2013/14. Thank you Mr. Speaker, sir.

Hon. Speaker: Thank you very much for those clarities, Hon. Members... let us hear Hon. Collins at the back, please.

Hon. Collins Mbithi: Thank you Mr. Speaker. Like you have said, you have not heard me for some time. I am busy on the ground and still to sort some issues with my personal life and finances. Mr. Speaker there is a Ghanaian saying that 'a lie moves a million miles before the truth puts on its pants.' That is very practical; much has been said about Machakos County that it is the leading county, this or that. If this report is anything to go by Mr. Speaker, Machakos will also be the leading county in corruption.

Mr. Speaker, from the first bullet to the last one, I want to say that the committee for Finance must have done a proper research and I don't think from the first bullet to the last one anything can be challenged, not even in the highest court of law. Mr. Speaker, much of what is said in this report does not reflect what we have on the ground and like I have said from the first bullet, to be very precise, each of these Hon. Members comes from a certain ward within the county and for your information, when I got this report, on a number of occasions I have gone to the first page to see if it is really a report from Machakos County because much of the report here seems to be from somewhere else but not from the county where I come from.

Like it has been stated before Mr. Speaker, once and again we have been pressing on the issue of bursaries, issue of ECDE classes and when you look at a certain bullet on page four, it says 23 million has been spent on education, youth and social welfare. In which ward Mr. Speaker, if the department of finance is not trying to tell us that it is sitting on a very huge graft in this county?

Last week but one, the Committee for Education chaired by Hon. Manyolo from Matuu, summoned the minister for education and with the report she tabled in that Committee, only five ECDE classes had been completed as at that particular time, but with this report, it indicates that that 36 million has been paid for ECDE classes and polytechnics. My question is which ECDE classes in Machakos County if only five had been completed by that particular time? This leaves a lot to be desired.

I also want to appreciate the work of the Speaker for supporting many of these committees because late last year, the same committee for ECDE traversed the whole county looking at the status of the polytechnics; no single polytechnic has been maintained, upgraded or done wherever by the county and here is the information of 36 million spent on ECDE classes and polytechnics. It is the high time as an Assembly we wake up, play our role and protect the money of Machakos County.

Mr. Speaker, on page five actually the last paragraph, the committee observed that there was a suspicious intentional practice to ignore revenue collected from various points; in some months, revenue collected from several services and sports management, public toilets and it reads down to say the revenue and motorbike fees was recorded zero in the months of July to November.

Mr. Speaker, this tells me in the month of July to November 2013 nobody in Machakos County visited the public toilets because the recording was zero. Mr. Speaker from the month of July to November 2013, no motorbike operated in Machakos County; Mr. Speaker in the month of July to November 2013 no bus or social joints opened because there was no single recording of revenue collection.

However we come from different wards in the county; the pubs have been running, the motorbikes have been running, the public toilets have been running so our question as still asked by the committee for finance is where has this money been going to because this inspectorate cars have been harassing the businessmen, chasing the *boda bodas* up and down then at the end of the day they come and tell us we have not collected anything even after the chasing and every other job we have been doing around.

Finally Mr. Speaker, many recommendations have been made by the committee; I am not a member of that Committee. My point is, this shows so much money may be going to individual pockets and if we don't take acute and serious measures immediately, much more money is going to get lost. So I propose that the CEC member of the said department finance and the Chief

Officer step aside and pave way for investigations and if he or she is discovered to be innocent she can continue with the job but if fate takes its course, let him or her carry his or her own cross. Thank you.

(Applause)

Hon. Speaker: Let us hear the Chairperson, legal matters, here.

Hon. Joseph Itumo: Thank you Mr. Speaker. Mr. Speaker, Sir, I concur with the report we have before this Hon. House. Mr. Speaker, through this Hon. House, because of the seriousness of this report, to continue and then we give the Chief Officer more time so that she may shed more light on this report Mr. Speaker because there is this Kamba saying that says ‘one wrong does not make a child to be a *kyuk* (sic).’

Mr. Speaker, because of the mood of the house I also want to adjourn the House Mr. Speaker, with all due respect, so that also we may go and do a bit of consultation amongst ourselves. This is a very sensitive report and we need to have sober minds, Mr. Speaker. Mr. Speaker, protect me...

Hon. Speaker: Proceed, yes.

Hon. Itumo: It has been a long time since I participated in this house, Mr. Speaker. When I went through this report, it is a very sensitive report and we need more consultation and we also need to hear from the Chief Officer concerned with this report, Mr. Speaker. Mr. Speaker, hear me.

Hon. Speaker: Hon. Members and hon. Itumo, concentrate on the matter because we dealt with adjournment, we dealt with the matter of the report and said the report is properly before the House. Unless now, you want to put a substantive-----

Hon. Itumo: I ask for the adjournment of this house, with all due respect, Mr. Speaker.

Hon. Speaker: He has a right to adjourn the house but give your grounds for adjournment.

Hon. Itumo: Yes, let me give my grounds, Mr. Speaker. The matters in this report are very sensitive Mr. Speaker, and by going through this report, I saw those sensitive matters because there seem to be a lot to be enlightened by the Chief Officer concerned and we need to hear from the Chief Officer concerned with this report, Mr. Speaker. So Mr. Speaker... Protect me Mr. Speaker, why should I be finished here, Mr. Speaker?

POINT OF ORDER

Hon. Speaker: Hon. Itumo, have a seat; let us take Dominic’s point of order.

Hon. Dominic Maitha: Mr. Speaker, Sir, is it in order for this Hon. Member to keep on repeating that he has gone through the report, found sensitive issues and he is not even outlining which sensitive issues he is even talking about. Mr. Speaker, he is talking about giving the Chief Officer time, not even outlining even a single caption of this report Mr. Speaker, where he thinks it is sensitive. Let us be led on the floor of this house Mr. Speaker by the Hon. Chair, outlining the number of times the Chief Officer was summoned and failed to show up for those summons.

So he is out of order Mr. Speaker and after all he is out of order on another context Mr. Speaker; this Hon. Member is adjourning this house when we have more than ten members who are willing to contribute, Mr. Speaker. They are not fed up or satisfied with the contribution. We may continue with the contribution Mr. Speaker with your permission. Thank you Mr. Speaker

Hon. Speaker: Let us hear that point of information there.

POINT OF INFORMATION

Hon. Geoffrey Munyao: Thank you Mr. Speaker. I wonder how the Hon. Member for Kangundo is adjourning the house while he is not keeping an eye or an ear in the house. He is getting in and out and is not concentrating on matters of this house, Mr. Speaker. My request is the hon. member for Kangundo to be seated and to get to an adjournment, he has to listen to the other members the way they are listening to him.

(Applause)

Hon. Speaker: Thank you. Is it a point of order? Point of information? Let us hear the Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker, mine is a point of information and at the same time a point of concern. The point of information I want to raise is on page six of the report, page seven of the report, page eight of the report and also page ten of the report. Mr. Speaker, the information is that the committee sat and Mr. Speaker on page six, the last paragraph it says ‘*Mr. Speaker, Sir, the committee noticed so many errors of omission and commission*’, that is one point of information I wanted to give Mr. Speaker... ‘*to trust the report and is left with no alternative other than to recommend for forensic audit*, Mr. Speaker. That is one point of information, Mr. Speaker.

On page seven, ‘*the committee recommends disciplinary action, recovery and legal action against the responsible accounting/revenue officers*’ yet it had said this requires a forensic audit Mr. Speaker.

On the second last paragraph, the committee recommends – it is a repetition – ‘*disciplinary action, recovery and legal action against the responsible accounting officers/revenue officers.*’ Mr. Speaker on page eight paragraph two, ‘*Mr. Speaker, Sir, the report had no supporting documents attached such as bank statements, bank reconciliation statements or cash*

flow statements to support it, Mr. Speaker. 'The committee demands that the documents be availed for scrutiny,' Mr. Speaker.

Have we given that committee that chance? No Mr. Speaker. And Mr. Speaker on page ten, second paragraph, *'the committee recommends that the executive committee member of finance and revenue collection responds to the queries raised herein and give reasons as to why this honorable house should not hold her to account.'* Mr. Speaker they say she should be given time to respond and should be held to account and responsible for this mess and approve for audit of the county revenue collection by the Auditor General.

Mr. Speaker, this report as the Chairman says, is erroneous Mr. Speaker. It is during this period when the government constructed the stadium, Mr. Speaker. There is nowhere in this document Mr. Speaker where we have the stadium and the park, Mr. Speaker.

So in a nutshell Mr. Speaker, this report is erroneous as the Chairman has said Mr. Speaker. So I think we should go by the recommendations of this committee, giving the finance minister some time to come and respond and Mr. Speaker looking at the mood of the house, I want to propose for adjournment on this so that we can give this...

(Loud consultations)

Majority Leader (Hon. Mwonga): Yes, Mr. Speaker I don't have the 'moodometer' but I can see the mood of this house is that we adjourn, and Mr. Speaker finally,

(Loud consultations)

Hon. Speaker: Order, order.

Majority Leader (Hon. Mwonga): And Mr. Speaker finally, I want to thank the Hon. Member for Kivaa, that is Hon. Kathinzi and hon. Kyalo Kyuli for addressing me as the MCA Masinga Central which is true but I also want to remind them Mr. Speaker that I am the Leader of Majority and I do represent the government. Thank you, Mr. Speaker

Hon. Speaker: Let us proceed with debate on the report.

Hon. Nzoka Munywoki: Thank you Mr. Speaker. Let me take this opportunity to commend the chairman of the committee; he has done marvelous and in fact what you have unearthed will make Machakos better. It is this House which shall give the momentum to the Executive; otherwise, if we mess and make bad laws here, don't expect the county to shine. I want also to comment a bit about page four, bullet six on LATF; the money which they are talking there of Kshs. 265,600.

What I can say is this, I was lucky because I was a councilor in the last regime; the amount which we left in LATF was much and we were with the CEC today and we were talking of those projects and she was unable to explain although we gave her two weeks to explain.

Hon. Speaker: Just concentrate on the report.

Hon. Munywoki: I am saying here it is enlightened there was some little money although it was millions of shillings. So when we say we need forensic audit, it is because the money I can see here is not the money which we left when we were there even in Kangundo town council; it had a lot of millions of shillings in development.

Again, when we come to the Kshs. 36 million expenditure on ECDE classes, I was moving around with my vice chair and only five ECDE classes were complete and again the contractors are not paid yet the money has been spent. It is high time to see why is the budget which comes here after we pass it, why is it not executed? Why is someone coming up and doing some other projects which have not been passed by the assembly? And that is why we are getting these anomalies.

Also when we come to the polytechnics and ECDE, I don't know whether this money was spent when we were visiting polytechnics because in Machakos County, there is nowhere where there is any polytechnic which has been rehabilitated, constructed or done whatever. So what I can say is there is a lot of misuse of money and you just post whatever you think.

Again when you see this money, I do suspect that there might be some two receipt books. There is also that stealing whereby you can collect a lot of money, you are shown this book and it is still reflecting the same date and same time. So we need it to be audited thoroughly.

So what I can say, when you go back to page six, invitation of the Chief Officer, it has explained itself; this person cannot come to the committee because they have nothing to say. They have been invited and they have nothing. How can you go somewhere when you know there is nothing you can say? Don't expect them to come; let us deal with these people as it is now. We do recommend that we put a lot of effort on the committee recommendation. We need it to be emphasized and whoever has done any wrong let her or him carry his or her cross. Thank you very much.

Hon. Speaker: Thank you. Hon. Matheka.

Hon. Francis Matheka: Thank you Mr. Speaker, sir, and the house at large. Mr. Speaker, sir, allow me to give the chairman a pat on the back because of a job well done and Mr. Speaker, sir, I just want to wonder and you know I like wondering loudly. Mr. Speaker, sir, under the observations, there is a sum of Kshs. 109.8 million which is unspecified revenue. Mr. Speaker, sir, I am just wondering, a government which is ever broke like Machakos County government, how can the Chief Officer walk with an unspecified amount of Kshs. 109 million? I am wondering; it is just like a hon. member here walking with a million in his pocket and he doesn't know.

The Chief Officer should say clearly where the money came from but not classify it as money which is unspecified. Mr. Speaker, Sir, on the same page three, bullet number four on the County Assembly, she says the county assembly recurrent expenditure was Kshs. 522 million and development was Kshs. 25 million which do not add up. I am wondering they should add up to what? She has not given any other figure which we should compare.

It is perplexing; I do not know what she was doing. Mr. Speaker, the same page, second last bullet, aerodromes and airstrip, I am wondering whether we built an airstrip or whether we have a jet which was being charged landing fees or what? Mr. Speaker, sir, this chief officer and her minister should explain where the money went; what kind of airstrip do we have in Machakos? What aerodrome fee she was talking about, whether it is landing fee, whether it is training fee we should know exactly what happened.

There is another figure which is flat. Ksh. 10 Million for buying land here and there. Did the committee verify where the land is? Did they see the land? What happened to this money? I understand the county government has a lot of land; are they buying extra land and where are the papers for that land?

Mr. Speaker, on page four, I am wondering there is Kshs. 114 million which went to microfinance program and welfare. Mr. Speaker, we should note that this is 2013/2014 budget and Mr. Speaker now we are in the year 2014/15 and all members will bear me witness there is no single cent which went to social welfare neither to micro youth finance. So we are wondering where did this money go? To whose pocket? Mr. Speaker, Sir, the Majority Leader should be here because he is the leader of government business in the house and explain where they took this money. In whose pocket?

On the same note, there is Ksh. 36 million expenditure on ECDE. ECDEs are being built in the year 2014/15 and we are talking of 2013/14. Nothing was built. Where did this money go? Whose pocket? Mr. Speaker we are wondering.

Mr. Speaker there is a lot of money here which we don't know where it went. Mr. Speaker there is zero record of collection and I am wondering, for three consecutive months having zero collections, is it practicable? No. business was usual in Machakos County, all the quarries were operating and everything was moving on. Mr. Speaker sir in whose pocket did this money go? How come the collection is shooting from zero to Kshs. 7 million the following month? Mr. Speaker, whose pocket did this money go? The Majority Leader should explain. Mr. Speaker, sir, on the income and rentals, it dropped from Kshs. 3.3 million...

Hon. Speaker: Hon. Matheka, who should explain?

Hon. Matheka: The Majority Leader.

Hon. Speaker: I thought we are discussing a report.

Hon. Matheka: Ok. I am just wondering Mr. Speaker, Sir, and somebody should respond to my wonders.

Hon. Speaker: Oh yes, I agree.

Hon. Matheka: Mr. Speaker, Sir, I am also wondering, revenue from rentals dropping from Kshs. 3.3million to one hundred and seventy one thousand; a difference of Kshs. 3.1 million pocketed and Mr. Speaker sir, it is a trend if you see the analysis. I am wondering and again loudly, whose pocket did this money end to?

Mr. Speaker, Sir, we understand our ambulances are free and we are seeing an income from ambulances here. Who is charging the ambulances? I am just wondering also. The report gives a clear indication of what is happening in Machakos County; misappropriations after the other and Mr. Speaker, I am not afraid to say that somebody should be held accountable.

To finalize my submission, I want the hon. members to go on the analysis and have a keen look on what is there. It was deliberated by Hon. Geoffrey Munyao; figures were just being cooked, copy and paste, three consecutive months having the same amount. Mr. Speaker, sir, even if you were giving these figures to nursery school kids, they would have noticed the anomaly. It is a big anomaly and it shows clearly that this is a copy and paste thing.

Mr. Speaker, Sir, surely, we were elected to this house to represent our people and this is not what we expected from the Executive. They should give us figures which add up; they are not adding up to anything. Mr. Speaker, sir, I want to echo the words of the Majority Leader. He said that the Stadium and the Park are not here. Where are the figures? Where did the money come from? Did it fall from heaven like manna and they did the park and the stadium? It should be reflected somewhere Mr. Speaker, sir, as an expenditure. Mr. Speaker, Sir, I am wondering----

Hon. Speaker: He wants to assist in wondering. Maybe he can give us some information.

Hon. Mwonga: Mr. Speaker that is why I have said the document is erroneous. I am also wondering and he should agree with me the document is erroneous and we should not be discussing it because it is leaving out giant projects, Mr. Speaker which put this county to be county number one.

Hon. Speaker: Thank you. Let us hear the Minority Leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I propose Mr. Speaker if you allow, we adjourn for thirty minutes to consult. As members of the Assembly we adjourn for thirty minutes to do some consultation.

Hon. Speaker: Hon. Matheka is still on the floor.

Hon. Matheka: Mr. Speaker, Sir, my last point was this, in any accounting standard all over the world, there should be receipts and expenditures and there should be systems; a system which is used to record incomes and expenditures. Mr. Speaker, sir, I am wondering whether we have such systems in Machakos County Government because things seem to be done anyhow in any way they come. Systems seem to be changing on monthly basis.

Mr. Speaker, Sir, this house according to me should not be adjourned, but should finalize with this document and give its recommendations and whoever erred, should go home and Mr. Speaker, sir, I want to repeat some words I made in this Assembly the other day and they were said by the former Professor of Mathematics, Prof. George Saitoti: there comes a time when an individual is lesser than a country.

This is the time when Machakos County is bigger than all of us, we should think of Machakos County and its people than think of our stomachs. Our stomachs are small we can fill them in any other way but the people of Machakos county need services, they need water, they need bursaries, name it. There is hunger looming; we should not think of ourselves, we should think of our people and that will take us to the next level. Thank you Mr. Speaker, sir.

Hon. Speaker: Thank you. I think before we move on, let us hear the reasons why Hon. Kasoa wants the house to adjourn for 30 minutes.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I was proposing because this is a very sensitive report we are discussing that you allow members Mr. Speaker to adjourn for thirty minutes, we stand outside we talk then we come back after thirty minutes.

Hon. Speaker: Are members in agreement that they step out? Those in support of the position by Hon. Kasoa, that the members consult on this matter in 30 minutes?

Majority Leader (Hon. Mwonga): Mr. Speaker.

Hon. Speaker: Yes.

Majority Leader (Hon. Mwonga): Allow me before you put that question.

Hon. Speaker: Yes.

Majority Leader (Hon. Mwonga): Mr. Speaker, majority of members are tired and that is why they have walked out. Maybe before you ask the question, you allow me or the Whip to whip the members to come in so that we can take a consensus, Mr. Speaker. With your permission, Mr. Speaker, just one minute.

Hon. Maitha: Mr. Speaker that is holding members at ransom.

Hon. Speaker: Order, order, hon. members. You can only speak with permission from the Chair. The matter before the house is a matter for Hon. Kasoa and that is what we are deliberating on.

Majority Leader (Hon. Mwonga): And that is why I am saying Mr. Speaker, I do agree with the Leader of Minority, Mr. Speaker that we adjourn for some time so that we can consult on this document, Mr. Speaker. It is a sensitive document and as I have said and as Hon. Matheka has said, we need to know each and everything. Not just sitting here a few of us and passing an erroneous document, Mr. Speaker. My request is you can order for the bell to be rung so that we can have the consensus of the House whether to adjourn or not Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, I think the essence of this house is to discuss this document exhaustively. If time is the matter then we still have tomorrow; we don't have to finish the matter today. So if members feel that we can continue with the matter tomorrow, then we can exactly do that. Yes?

Hon. Maitha: Mr. Speaker, I wonder when these Hon. members are proposing for adjournment, what consultations Mr. Speaker will be held in thirty minutes which could not have been held way back from last week on Thursday? All the members here had the document; if the Majority Leader was not in the house to have this document, he would have consulted his counterpart who is moving the adjournment, the Minority Leader, to have the documents. So now what are we going to discuss in thirty minutes that we never discussed in more than five days, Mr. Speaker?

Hon. Speaker: Hon. Dominic Maitha, the point and where we are now is, we all want to discuss this document exhaustively and if a member requests to understand the document and we have all the time with us, we rather have it. We are here tomorrow and we will talk about it. There are also a few things I would want clarified by the chairman that I have also noted and I need to understand them also as we proceed and I will propose that we proceed with further debate of this matter tomorrow at 10:00 a.m. and it will be the first business of the House.

(Applause)

ADJOURNMENT

Hon. Speaker: So Hon. members, I propose that we adjourn and meet here tomorrow at 10:00 a.m. to proceed with the business of the day. Thank you.

The House rose at 5:02 p.m.

