

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 4th March, 2015**

The House met at 2:41 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon.**PAPERS****ENVIRONMENT, LAND AND ENERGY REPORT****Hon. Speaker:** Yes Hon. Edrick Ngunzi.**Majority Leader (Hon. Mwonga):** Hon. Edrick Ngunzi-----**Hon. Speaker:** Hon. Majority Leader you must finish your address.

Majority Leader (Hon. Mwonga): Mr. Speaker, I was saying that Hon. Ngunzi is not around but as I was making my speech, I have seen the deputy. So I wanted to stand on behalf of Ngunzi because he had told me he has somebody admitted in Aga Khan Hospital and that is where he is, but now that the Deputy Chair is here, maybe they have liaised. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Sorry for him.

Hon. Jacqueline Nziva: Thank you Mr. Speaker and the house at large. I am standing on behalf of Hon Edrick Ngunzi. Since he is not around, he requested that you give him some time and maybe the paper can be laid tomorrow in the afternoon. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Granted. Proceed, Clerk.**NOTICE OF MOTION****ESTABLISHMENT OF MACHAKOS COUNTY CULTURAL DAY**

Hon. Veronica Mbithe: Thank you Mr. Speaker, Sir, and the house at large. I wish to give a notice of motion that this house discusses and approves the establishment of Machakos County cultural day. Thank you Mr. Speaker, Sir.

MOTION

DEBATE ON FINANCE AND REVENUE COLLECTION REPORT

Hon. Speaker: Yes, Hon Katela.

Hon. Leonard Katela: Thank you Mr. Speaker, but before we continue, I want to draw to your attention that one Hon. Nzoka is not dressed for the business of the house. He is in slippers.

Hon. Speaker: Hon. Nzoka.

Hon. Nzoka: May I respond, Mr. Speaker, Sir?

Hon. Speaker: Maybe you have a reason to be in slippers.

Hon. Nzoka: One of my feet is swelling. I even have medicine.

Hon. Speaker: We are sorry for that. You can keep being in the house.

Hon. Kyalo Kyuli: Asante Bw. Spika. Nashukuru kwa nafasi hii uliyonipa kuchangia juu ya mswada ambao uko mbele zetu. Bw Spika, nitaanza kwa kusema kwamba, jana nilisema msembo ambao usemao kwamba, 'aisifuye mvua, basi imemnyea.' Nikimalizia, nitaongea vile mvua inaonekana imenyeshwa waheshimiwa lakini naona haikuwa mvua, naona yalikuwa ni manyunyu.

Bw. Spika, tunapozungumzia kuhusu mada hii, kuna kamati ambayo ilikaa chini, wametaja wenyewe kwamba walikuja kwa ofisi yako Bw. Spika, wakazungumzia pamoja na wewe kuhusu mambo haya ama ripoti hii iliyoletwa mbele zao, wewe mwenyewe Bw Spika ukawapa ruhusa ya kuenda kuikalia chini. Tumepata habari hapa kwamba walitoka wakaenda mpaka hotelini mahali wakakaa chini, wakazungumzia mambo haya na wakatuletea ripoti hii ambayo kwa kweli ina makosa.

Na nitaanza kwa makosa baadaye lakini hivi sasa ni kwamba Bw. Spika, kuna watu ambao wameweka sahihi yao kwa ripoti hii kwamba walizungumza na wakaikubalia na wakakubalia mwenye kiti ailete hapa mbele ya bunge letu. Hivi leo Bw Spika ni kwamba kuna wengine waheshimiwa ambao ni wa kamati hio wamekuja kuikana mbele zetu. Tumewasikia.

Jambo la ajabu ni kwamba wao wenyewe wameweka sahihi kwamba wao walikalia kamati hii. Yale mambo wanazungumzia hapa mbele ya bunge ni kama si wenye kamati hio. La kusikitisha ni kwamba baada ya waheshimiwa kukaa chini kwa mahoteli, kutumia pesa ya umma kwa njia ambayo walitumia, wakaleta ripoti kupitia kwa mwenye kiti wao, mbele zetu wamekuja kukana ripoti hii.

Nitauliza, je, hao walikuwa kwenye hiyo kamati ama wamesomea hii ripoti mbele ya bunge? Kama walikuwa kwa kamati hiyo na wakakaa chini na wakahafikiana ,basi Bw Spika ni kwamba wanafaa pia nao watuelezee walifanya nini, kwa sababu hii ripoti imetokana nao Bw Spika.

Jambo la pili Bw. Spika, hapa kuna mambo ambayo yameandikwa vizuri kwamba kamati ilijaribu kumuita yule ambaye anafaa kuja kuwaletea mwanga ndani ya ripoti waliyoandika na yeye hakuweza kufika. Kuna ripoti ambazo waliomba kutoka ile ofisi, na ikaonekana ofisi haileti. Mimi ninasema hivi Bw Spika,kama ripoti hii ,kamati mwenyekiti wake,waliomba ripoti zingine waletewe kama za benki, na hawakuletewa, inamaanisha kuna mtu anaikalia mahali hakutaka mambo kama haya yajulikane hapa kwa bunge yetu.

Hivi ni kusema kwamba, basi kama ripoti hii iliyoletwa mbele yetu, kupitia kwa ofisi ya Bw. Clerk na ofisi yako, kama hii ina makosa, basi tuanzie hapo Bw. Spika.

Tuseme ya kwamba walioandika wakaileta basi wao wamepitia mlango wa nyuma ama hawakuleta mambo ambayo yanafaa kuletwa kwa bunge. Hiyo inamaanisha wao kuileta ikiwa mbovu ama mbaya, waheshimiwa wengine wanavyosema ni kwamba wale wanadharau bunge yetu.

Hivi ni kumaanisha ya kwamba kama wanaidharau bunge yetu, basi ndio bunge iendelee, wakae kando kulingana na vile maandishi mwenyekiti aliyoandika. Kwa sababu hii ripoti nimesikia waheshimiwa wakichangia wakisema ina makosa mengi- mara yaliyoandikwa si ya kweli, mara ilivyoletwa sivyo ilivyostahili. Bw Spika, inamaanisha kuna mtu alileta hii ripoti akiwa na madharau.

Hivi ni kusema kwamba sisi kama waheshimiwa hatutaki kudharauliwa; tuna jukumu ya kuwakilisha watu wetu ambao walituchagua kwenye hii bunge. Pendekezo langu la kwanza ni kwamba, hawa walioileta kwa bunge wakijua si nzuri, basi wao wakae kando, wengine wakae kwa hizo maofisi watupe ripoti nyingine ambayo inastahili.

Pendekezo la pili, kama ni kweli hii ripoti ilipitia mikononi mwa Clerk na labda ikapitia mikononi mwa Spika, na basi inasemekana si ripoti ambayo ni sawa, eti huko ilikotoka hatujui kwa sababu hakuna mtu aliyetia sahihi, eti barua zilizoandikwa zimewekwa sahihi na watu ambao hawajulikani, basi Clerk wetu ndiye atatuelezea na kabla hajatuelezea, huko ilikotoka, je ni ofisi ya kaunti government ya Machakos ama ni ofisi ya kaunti government nyengine.

Mambo yaliyotajwa hapa Bw Spika, ukisikiza waheshimiwa wengine, itakuwa ni jambo la kusikitisha kwamba ni kweli kuna fedha ambazo zilivujwa na ripoti inasema hivyo. Mwenyekiti wa kamati hii alituambia kwamba walienda kule Mavoko, wakakaa wakajionea vile pesa zinavyoingia kwa kaunti, ukilinganisha na pesa walizoona zikikusanywa na pesa tunazoambiwa hapa zimekusanywa, Bw Spika unaona kuna uvujaji.

Ni jambo la kusikitisha sana kama pia kuna watu pia wako kwa bunge na wanaona mambo kama haya yanaendelea na wanapinga tukichunguza ama tukiangalia mambo ya ripoti hii.

Hapa mimi kama aliyechaguliwa kule Wamunyu, kuna mambo yaliandikwa kwa bajeti ya 2013/2014 ambayo yalifaa yafanywe, kwenye wadi zetu ama kwa wadi yangu. Yale mambo hayakufanyika. Sijui kama sababu moja ni kwamba pesa hazikuwepo. Na hivi leo kwenye hii ripoti tunaona vile pesa zinakusanywa na hazifiki.

Siku moja nikiwa sokoni niliona wale wakusanya ushuru na vijidude vya kidijitali. Wanakusanya ushuru, sikufahamu wanakusanya vipi ndio hicho chombo kionyeshe pesa ambazo wamekusanya. Lakini nikaelewa kwamba, sisi kama Kaunti ya Machakos tumesonga mbele na tumedijitika.

Bw Spika, baada ya kudijitika, muda si muda nilirudi tena kule nikawauliza, je, wiki iliyopita ukitumia hichi chombo unaweza ukaniambia ulikusanya pesa ngapi. Wale walisema kwamba, mimi nikikusanya ushuru, hii inajandika kwa leo na kwa kesho inajifuta.

Hiyo ni kumaanisha, katika ile hali ya kudijitika kuna watu werevu walidijitika zaidi. Inamaanisha kuna uvujaji wa pesa maana yule anakusanya ushuru hata hawezi akakuelezea wiki ama mwezi uliopita ,kama soko ya Wamunyu kwa mfano, hajui alikusanya pesa ngapi.

Ripoti hii ilipokuja mbele zetu, Bw Spika, mimi niliona ni kama mbingu imefunguka ,kumbe kuna wengine wanaisifu mvua ,na huku imewanyea.

Katika hii ripoti, kuna mahali wanakamati walisema hivi, wanapendekeza kwamba wale wahusika maanake wahusika ndio walileta hii ripoti, wale wahusika wakae kando ili mambo ya udadisi iendelee tuweze kujua ukweli wa mambo.

Hivi leo Bw Spika na pia mimi ninapendekeza ya kwamba wale ambao walihusika kutengeneza ripoti kama hii iwe ni nzuri iwe ni mbaya, iko kwenye bunge letu leo. Iwe ni safi au chafu, iko kwenye bunge letu leo, iwe inahusisha uvujaji wa pesa iwe haiusishi, iko kwa bunge letu leo.

Wale waliohusika na kuileta, kwa sababu tumeona kuna uvujaji, Bw Spika wakae kando, sisi tujue mambo yaliyoko ndani ya uvujaji wa pesa.

(Applause)

Wale ambao walihusika kuandika hii ambayo ni ya kamati ya fedha na wanaikana mbele ya bunge letu leo nauliza Bw Spika, wale warudishe zile pesa walikaa kule kwa vikao, wakikula pesa na wanakuja kukataa ripoti. Sioni haja pesa ikatumiwa, waheshimiwa kukaa, kuandika ripoti na mapendekezo, wanapofika mbele ya bunge wanaonyeshwa kuku. Kuna ulaji wa kuku. Sasa wakionyeshwa mguu wa kuku, wanarudi kupinga walichoandika. Hao ni waheshimiwa wa aina gani Bw Spika?

Wao walikaa chini wakaiandika, wakatuletea kupitia kwa mwenyekiti, wakifika hapa wanaipinga.

Pendekezo langu Bw Spika, waregeshe pesa walizopewa, kama sio hivo warudishe kuku walizokula.

(Applause)

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

Minority Leader (Hon. Kasoa): Mr. Speaker, can the member for Wamunyu define further and maybe confirm to the house what he means by eating of chicken, because we don't understand. Wakati anasema ulaji wa kuku.

Hon. Speaker: I think on that matter, the ruling of the chair is that a committee member has a right to change his mind at whatever time. But proceed Hon. Kyalo.

Hon. Kyuli: Asante sana. Bw. Spika, nashukuru.

Hon. Speaker: Hata akila kuku anaweza pinduka.

Hon. Kyuli: Hata akila kuku anaweza tapika.

(Laughter)

Hon. Kyuli: Basi Bw. Spika, nashukuru kwa kunisaidia. Hata wakila kuku kuna wakati wa kutapika. Bw. Spika, hii ripoti imeandikwa kutoka kule.

Hon. Speaker: Hon Kyalo, sikusema kutapika, nimesema, hata akila kuku anaweza pinduka.

Hon. Kyuli: Asante.

Hon. Speaker: Yes, let us take the point of order here.

Hon. Isaac Muinde: Mr. Speaker, that is imputing improper motive on members. He is alleging that members of this House are corrupt, that they can be bribed with chicken and Mr. Speaker, I would wish the Hon. member substantiates so that if there is a member of this house

who has gone out to take chicken so that he can change his position on a matter of great importance to this county, can be put to account Mr. Speaker. Thank you.

Hon Speaker: Point of order is sustained. You either substantiate if you have evidence or sincerely withdraw.

Hon Kyuli: Kabla sijafanya hivyo-----

Hon. Speaker: Lazima ufanye hivyo kabla.

Hon Kyuli: Lazima nifanye na nitafanya. Kabla sijafanya hivyo-----

Hon. Speaker: No. no. That is the first.....

Hon. Kyuli: Ndio nieleze Bw. Spika-----

Hon. Speaker: You are now out of order. The beginning point is to address that issue.

Hon. Kyuli: Hiyo ndio ninaelezea Bw. Spika. Nilianza na kusema, aisifuye mvua imemnyea. Bw. Spika, huo ulikuwa ni msemu. Na kama umewaguza wengine vibaya, ninautoa sasa.

Hon. Speaker: Hon. Kyalo Kyuli, lazima kwanza uombe msamaha kwa hayo maneno na uyaondoe. Let us take that point of order.

Hon. Renson Muthiani: Ripoti ambayo tunazungumzia ni ripoti ya mwaka 2013/14 na wakati huo mnenaji ambaye ametoka kuzungumza saa hii, ndiye alikuwa mwenyekiti wa ile kamati tekelezi. Anawezaje kutuhakikishia ya kwamba, kama kuna kuku zililiwa yeye hakula? Hakuwa mmoja wa wale walikua wakikula hizo kuku? Shukrani sana Bw. Spika.

(Applause)

Hon. Kyuli: Bw. Spika, nashukuru. Nitaomba msamaha na kuondoa, lakini ni sababu mimi sikula kuku ndio nikaondolewa kwa hiyo kamati. Nilikataa kula kuku ndio nikafurushwa kama mwenyekiti.

(Applause)

Kama walishiba, ni sawa. Nimeondoa na ninaomba msamaha.

Hon. Speaker: Haya endelea.

Hon. Kyuli: Asante Bw. Spika. Kama hii ripoti imeandikwa hapa kwamba kuna maghala yalijengwa, sisi kama waheshimiwa, hatujaona maghala yakijengwa mahali popote. Kama hii ripoti inaandikwa ya kwamba kuna mambo yalifanyika kwenye wizara ya vijana na pesa zikatumiwa, maanake hii ripoti inataja, na sisi kama waheshimiwa hatukuona.

Mheshimiwa Spika, kamati na mwenyekiti wakaandika ya kwamba mambo yaliyoandikwa hapa, mengi yao yamefichwa ama hayajatolewa bayana. Na hio ripoti ikiletwa hivyo wengine wakasema si sawa. Na hii ni ripoti ambayo imeandikiwa kamati ya bunge hii, bunge tukufu nataka niseme hivi-----

Hon. Speaker: Lazima umazilie sasa, umechukua muda mwingi sana.

Hon. Kyuli: Bw. Spika, nikimalizia ninasema hivi, ndipo kamati ya fedha ifanye kazi vizuri, ninaomba waliotajwa na kamati hiyo wakae kando, hiyo ni pendekezo moja, ndio bunge letu hili liendelee vizuri; ninaomba waliotajwa na kamati hio wakae kando, ndio bunge letu liendelee vizuri.

Kama kuleta ripoti kwa njia iliyo sawa basi inageuzwa ikawa si sawa, naomba hao walioleta ripoti hii kwa Clerk na Spika wetu, kama walileta ambazo si sawa, maanake sahihi zao ziko, naomba wakae kando ndio ripoti zingine ziwe zikiletwa kisawasawa.

Langu la mwisho, ningeliomba Bw. Spika, mambo ya fedha yakianza kuzungumziwa ni lazima yazue tumbo joto. Kwa hivyo Bw. Spika, ndio maana tukakaa siku mbili, leo ni kikao cha tatu tukizungumzia haya mambo ya kifedha. Kama hatutazungumzia haya mambo ya fedha kwa undani na kwa usawa, Bw. Spika ukiona ile ripoti ya mwenyekiti wa bajeti anayeshughulika na mambo ya bajeti ya kitaifa, akiandika vizuri kwenye hii ripoti aliyetuletea, ameandika vizuri sana.

Zile fedha ambazo alikuwa anatarajia serikali kuu itupatie tufanye miradi nazo, na zile fedha ambazo zilikuwa, kama kaunti kukusanya ndipo iwezekane kwamba tutosheleze ile bajeti yetu ya bilioni nane, swali ni kwamba Bw. Spika, kama waheshimiwa ripoti kama hii, kwamba fedha zinachukuliwa, zinapelekwa kwa njia zingine, hazifiki mahali ambapo zinafaa kufika, tutafanyaje maendeleo kwa watu wetu waliotuchagua?

Na ripoti ikiletwa, wengine wanaipinga, wengine wanasema si sawa, wengine wanasema si ukweli, wengine wanasema haifai, Bw. Spika, ningeomba bunge letu hii, mambo ya kifedha ambayo yanahusu watu wetu, maanake fedha zikikusanywa, zinakusanywa kwa wanabiashara wetu na si kwa ubaya, wanakusanya ki-halali, ziletwe zifanye maendeleo.

Naomba hivi, wale ambao wanatia vizuizi kwa ukusanyaji wa fedha, naomba wachukuliwe hatua. Asante sana.

Hon. Speaker: Asante.

Hon. Festus Ndeto: Thank you, Mr. Speaker, for yet another opportunity. From the beginning of the debate today, the authenticity of this document has been seriously questioned and most of those who have questioned its authenticity are chairmen of various committees who seem to be unaware of the reality on the ground on the various departments in which they are in charge. Mr. Speaker, I may not know what will be the end result after the debate from this house,

but I want to state this, no matter what the outcome will be, the reality on the ground will not change.

We passed the 2013/2014 budget and I know what was allocated to each and every ward through the various departments which are ten in this county government and from the reports that we have been receiving from the same chairpersons who are opposed to this report we know 2013/2014 budget, 80 per cent was not implemented.

Today it is 4th March, 2015. This marks the second year from the day we were elected as members of the county assemblies. The voting was on 4th March and two years down the line, it marks two budgets going down the drain, nothing is on the ground in the 40 wards.

And Mr. Speaker, when I talk of authenticity of this document, authenticity of a document, it does not lose authenticity if something negative is in it. For example, the Bible is a holy book; in it we have cases of people who committed adultery that does not qualify the authenticity of the Bible. The fact that this document has errors does not disqualify it.

Hon. Speaker: Hon. Member, are you suggesting that the Bible has errors?

Hon. Ndeto: I mean this, let me qualify my statement. I don't state that the Bible has errors, but the Bible has some information of things which were not good, in it. And those do not qualify it not to be a holy book. That is what I meant.

Hon. Speaker: Proceed.

Hon. Ndeto: When you look at the documents, a number of them, which I believe you have, One is the letter that the Hon. Chair brought to this house in which the department of Finance wanted to withdraw this report; this letter states this '*we write to withdraw the income and the expenditure report 2013/2014, erroneously presented to the County Assembly.*' They do not deny they are the same people who presented it but erroneously presented it.

Part B of it, upon checking the report, that is the report we are debating, it appears that it was work in progress and should not have been submitted for discussion as a final copy. That qualifies the fact it was from them and they brought it.

(Members applaud)

Hon Ndeto: 'In the circumstances, we wish to withdraw the report and request...' they do not disown the document.

Mr. Speaker, also to those who are opposed to this document, and have repeatedly said that according to the report, there are no supportive documents. Around two or three letters I have with me from the clerk of this County Assembly and you will verify if they are from him, states this- '*invitation to committee meeting.*' This was a letter done on 27th November, 2014.

Pursuant to provision of section 39(2) of County Governments Act, and 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 Monday 1st December 2014 at 10 a.m. in the County Assembly board room, to clarify the details on the 2013/2014 income and expenditure report.

You are further requested to carry supportive documents including bank statement , cash flow statements, title for land purchase and any other relevant document to establish facts on the income and expenditure report'.

That is a letter written by our able Clerk Mr. Mbiuki, on the stated date requesting the finance department to attend a committee meeting. Therefore you cannot question the chair together with the committee why the document does not have attached documents since it is clear the Clerk wrote to these people to bring the documents but they did not.

Further, he writes another reminder on 7th November.

Re: Reminder to our earlier letter.

Reference:

Dated 4th November, 2014.

....which required you to appear before the Budget and Appropriation committee on 16th November 2014 with detailed report of 2013/2014 income and expenditure report. It is unfortunate that you did not turn up.

You are therefore requested to appear before the committee again on Thursday 13th November 2014.

Mr. Speaker, those are letters from our able Clerk, making follow up so that documents can be provided in support of what we have, and all this Mr. Speaker, are clear indications that the report before us was well brought and the necessary steps taken by the office of the Clerk but the people on the other side were not responding.

When I come to another very crucial document, which I have and I will hand it over to you Mr. Speaker to verify, it was received by this County Assembly on 24th October, 2014. It is the County Budget Review Outlook Paper, 2014. And this one is signed by one Elizabeth Nzyoka, Executive Committee Member, County Treasury.

Mr. Speaker, the document which the said CEC member is disputing is clearly here, very well stipulated with the same errors in it.

She forwarded this document to this County Assembly and when you look at it, the same mistakes which are in this report are the same mistakes which are found in this document which she herself forwarded to this assembly.

For example, there was the issue of rent, in which the first house rent was Kshs 3,382,000-----

Hon. Speaker: There is a point of order by Hon. Mueni.

Hon. Benedetta Mueni: Thank you Mr. Speaker, Sir. Mine is to ask the Hon. Members because this thing we are going round and round to bring it back to the committee so that.....

(Applause)

.....because everybody has heard what is in this paper it is only that you are pretending, so we give it back to the committee so that those people who are saying it is not their document they can come to the committee, they explain them better.

(Loud consultations)

Hon. Speaker: I think the point of order by hon Mueni is sustained. I will urge that the chair, you wrap up your document. The point of order has been sustained, because all that you are telling us has been stated in the morning. Hon. Kitheka stated a lot of that in the morning.

Hon chair Finance. Let us first hear the chair. The point that has been stated by Mueni, address it and tell us what your position is because what I gathered from Hon Ndeto is that, he began with a letter that said there is a report that you have not received and perhaps you can receive it. But let us hear you.

Hon. Nzeki: Thank you Mr. Speaker, Sir. According to the report which we wrote, we said the committee noticed so many errors of commission and omission, not to trust the report and is left with no alternative than to recommend for forensic audit; that is one report we gave out.

Another one Mr. Speaker, Sir, is that the report had no supporting documents attached such as bank statements, bank reconciliation statements, or cash flow statements. The last one is that the committee recommends that the executive committee member of finance and revenue collection responds to the queries raised herein.

Mr. Speaker, Sir, because the committee did its work, it brought to the floor of the house and most of the members of my committee signed, I expected the report to be discussed for almost two weeks but I understand it is said, the bigger the storm the quicker it dies.

I don't know why you are saying that it goes back to the committee. Mr. Speaker, Sir I request that because the document is a property of this Hon House, the house, the Hon Members decide for themselves. Thank you Mr. Speaker, Sir.

(Members applaud)

Hon Speaker: Ok. Very well, the proposal was brought by Hon Mueni. Point of clarification; we have not heard the Deputy Speaker, let us hear him today. He can offer directions.

Deputy Speaker (Hon. Nathanael Nganga): Thank you Mr. Speaker, and the house at large. I rise to contribute on the report that has been before us for several days now. Mr. Speaker, I rise to make individualized remarks as the member for Ikombe ward, with regard to the matter before us.

Mr. Speaker, much has been said in regard to the document that is before this house; there has been much debate about the procedure and the capacity of your office to authenticate the document coming here and whether the office of the Clerk received the right document and quite a number of heavy matters have been raised Mr. Speaker.

Mr. Speaker, the matter to do with finance like I said yesterday, is always a critical issue that any of the smallest unit in the family would always be willing to demand and find some explanation.

Mr. Speaker, I say this while also affirming that as an individual member of the assembly, I am also a member of this committee and I happened to approve that this report comes to this house Mr. Speaker.

Mr. Speaker, in agreement with the chairperson, quite a number of all the necessary procedures by county assembly committees as mandated by the law and the national statutes of this country were followed, Mr. Speaker. The only thing we did not do is to invoke the issuance of summons and arrest warrants Mr. Speaker, because of the cordial relations this house has had with the other arm of the county government. It was expected by the committee that the person in question would be able to respond within time to clear the air before the matter had to find its way to the house, Mr. Speaker. So from my personal standing, I cannot rise here to object a report that I previously rose to stand with Mr. Speaker.

I agree with the chair and quite a number of our committee members that there are fundamental issues that need to be addressed because to be in this house, we are here in a position of service and we were called to serve the people that elected us here and the people that nominated us to this house for those of us that were.

Mr. Speaker, we agree in totality because there are two reports here, there is the report from the finance department, that report in itself is erroneous. But Mr. Speaker, there is also the committee report which is not erroneous Mr. Speaker. The committee report has outlined in page six, second paragraph to the last Mr. Speaker, the committee noticed many errors which were not by default but by design.

Commission and omission is by design and this was done not by default; somebody did it Mr. Speaker. Someone in the office of finance in this county did this; sent an erroneous report to this assembly Mr. Speaker.

On page five Mr. Speaker, the final paragraph, the committee observed there was a suspicious intentional practice to ignore, so Mr. Speaker, on that in itself, we underlined ignorance from the person concerned in preparing the document that was sent to this house Mr. Speaker.

Mr. Speaker, it is not by design that county assemblies were to be referred to as honorable houses of legislators Mr. Speaker, because out of tradition, all assemblies are honorable institutions that are established with the utmost will of the people of any jurisdiction that those people are elected within Mr. Speaker.

On page six, the last paragraph, the committee raises a matter of honor and integrity Mr. Speaker. This is a hon house that must be guaranteed all the honor that it deserves from any quarter of National or County government institution that we have Mr. Speaker. So sending a flawed report, because the report that was sent to this house is flawed and misleading, is an act of dishonor on the position of this house Mr. Speaker.

Mr. Speaker, going forward we witness that the committee did its best measure possible and referring to the letters that have been read here by chair and some hon members, when the Clerk was writing to the chief officer concerned, he was writing, requesting her to appear. Even when she unfortunately failed to appear, he still requested her to appear Mr. Speaker.

Mr. Speaker, this report did not just happen to be here. Mr. Speaker, there are missing details from the report that was sent to the committee and as a person in the recommendations that have been put here, Mr. Speaker, I know given more time, the committee would be in a position to warrant more significant actions Mr. Speaker.

Mr. Speaker, I find when we say like in page 7 the third paragraph from the bottom, the recommendation given there, it states Mr. Speaker, *'rent collected in July, August and September 2013 was Kshs 3M and such*, and it dropped. The collection of rent is expected to be a constant amount throughout the period with minimum variation, the only reason for this disparity is that somebody must have pocketed this money or the sources must have been demolished Mr. Speaker.

The committee recommends disciplinary, recovery and legal actions against the responsible accounting officers Mr. Speaker.

I think we should be very specific on this matter Mr. Speaker. There is the person who is responsible for ensuring that all those tenants that are living in the houses that have been put

up by the county government which were inherited from the former councils Mr. Speaker, pay their money on time and their rent does not have a disparity Mr. Speaker.

I think given more time as a committee, we can recommend a very specific recommendation that, that very specific person be acted upon, because he is responsible for the loss that must have been incurred on that revenue that did not end up in the county coffers Mr. Speaker.

On the second one Mr. Speaker, where cess collected had variation, when the committee visited the cess collection sites Mr. Speaker, the chair yesterday elaborated that the amount of cess collected increased from Kshs 500,000 to around Kshs 700,000 Mr. Speaker, and with that significant increase Mr. Speaker, it appears the recommendation should not be amorphous Mr. Speaker; it should be specific that those people in that revenue collection site must be acted against because much of the revenue that does not reflect in the county coffers must be finding some way either to their pockets or the pockets of their friends Mr. Speaker.

Mr. Speaker, while I move forward to the issue of the request by the chief officer to have an opportunity to withdraw this report that was sent here Mr. Speaker, the law is very clear that the accounting officer in every county government is the chief officer of every department Mr. Speaker. And therefore the officer who signed on behalf of the chief officer must have had express authority to sign that document and send it to us here Mr. Speaker.

And I find it very intimidating for a county assembly committee to invite an officer who has sent a question on a document here and fails to come and then in the last minute when the document is under heated debate in the assembly, makes concerted efforts to see to it that that document is withdrawn Mr. Speaker.

Mr. Speaker, I wish that we also make the recommendation that, that chief officer must also get out of office Mr. Speaker, because all this mess if the document is questionable, that officer must have come in time and explained this document to this house Mr. Speaker.

So, in the request that the matter be referred back to the committee, I want to urge if that be so, then the members of the committee find it important to recommend that that chief officer must then be removed or fired with immediate effect because she failed to do due diligence Mr. Speaker.

So as a personal observation, while the matter is being referred back to the committee, I would urge that while we sit, we can make more serious recommendations as the house will find.

If Mr. Speaker, we have to debate for the approval of the report, then it should be approved with the amendments and inserting the names of the very specific persons that are responsible for that mess.

So as the house will decide Mr. Speaker, personal observations that the persons responsible, starting with the chief officer and the members in charge of revenue collection at the various sites where the committee visited, should be held accountable Mr. Speaker.

For the case of the people of Machakos, the persons serving in any office must serve with a heart, mind, body and soul of the people of this great county Mr. Speaker, while at the same time agreeing very much that the report that we base to make our report was flawed and the only reason we went ahead and presented it here is because some people are ignorant. Then Mr. Speaker, I find the house if it needs us to make sharper recommendations Mr. Speaker, we will not hesitate to make that move.

So as you offer guidance Mr. Speaker, I think the house now can debate whether as proposed by hon Mueni, the matter can be referred back to our committee, then we will come up with more serious and significant recommendations that can be acted upon. And if we have to go forward with the approval and the adoption of the report, then we must make some amendments Mr. Speaker, and insert the very specific names of the people that have been highlighted by the report in those areas that I have mentioned so that they may take responsibility for the errors, omissions and commissions that have been done in preparation of this report. Thank you Mr. Speaker, Sir.

Hon. Speaker: Before you inform us, let us hear Hon. Mueni, I think all that time has been spent by the Deputy Speaker supporting your proposal.

Hon. Mueni: Thank you Mr. Speaker, Sir. I support the report, but ask the house very seriously that this document should not get lost like the others; the ten days are going to start from tomorrow, tell the person who was asking for more time, we are starting from tomorrow, so that we can get the report. Thank you Mr. Speaker, Sir.

Hon. Speaker: Ok. The matter before me is referral of the report. Proceed.

Hon. Magdalene Ndawa: Thank you Mr. Speaker. I am Hon Ndawa, Matungulu West ward. Mr. Speaker I want to echo the words of Hon Nganga and say, actually we have discussed this report intensively. The best I would ask this hon house to do is first and foremost, the chief officer of finance steps aside as the Hon House does its own investigation and that the report is not taken back to the committee because majority of the committee members apart from the chairman of that committee have disowned almost everything and this hon house comes up with an ad-hoc committee including the Hon. Member who is the chairperson of that committee and the Deputy Speaker, who has contributed intensively in this report and request for documents which will support this report, Mr. Speaker.

As I said in the morning, so many reports have passed this house; this house passed a motion to stop the purchase of water tanks, the executive did not honor that. This house passed a

motion to stop the purchase of the seedlings, i.e. the trees which were supposed to be planted in schools and all the public places, the executive did not honor that. It is the high time; this report should be a lesson to the executive.

As I wind up Mr. Speaker, I want to say, in the Bible, during the time of Jesus, he had 12 disciples; hon members I know the bible also. One of the disciples denied Jesus, one of the disciples doubted him, and one of the disciples betrayed him.

If our lord couldn't have perfection, how are you as Assembly hon members, going to do it to the county government of Machakos? This is the time; let this not be a joke. There is a common saying Mr. Speaker, normally used by all male politicians and they normally say '*kwova kula*' in Kikamba. I hope this time round it won't work. It is the time for this house to make a decision and let it be followed.

Hon. Speaker: Hon Members, we all agree that this report has exhaustively been debated and there is nothing new left in it that we can proceed to debate.

The Speaker has observed that this is a vital debate for the county and will not aid the entire county if the substance of the report is put to vote. The committee must be supplied with the relevant material to come up with an exhaustive report.

To that extent I agree sincerely with the words of Hon Mueni that there is a need that a good report be presented before this house. Nevertheless I will put the matter to the vote that those in support that this report be referred back to the committee for further deliberations and a report be filed with the assembly in the next 14 days, in oneness say 'ayes.

(Question put and agreed to)

(Applause)

On the matter that was raised that particular persons who presented and prepared the report do step aside, Hon. members you know the procedure, this house will be sitting every other day on schedule, the appropriate motions may be brought for debate. Thank you and let us proceed.

MOTION

ESTABLISHMENT OF MACHAKOS COUNTY CULTURAL DAY

Hon. Veronica Mbithe: Thank you Mr. Speaker and the house at large. Mr. Speaker, Sir, aware that in the month of November last year, UNESCO celebrated its 50 years in Kenya with the theme being, '*together for peace and sustainable development*'; aware that promotion of peace, community integration and cohesion are good virtues that continually need to be campaigned for in our county, aware that sustainable tourism

Hon. Speaker: Order, order Hon. members. Proceed.

Hon. Mbithe: Aware that sustainable tourism development stimulates employment creation, further aware that rolling out programmes that will tap and develop talents in creative arts to create jobs and mentor artists in one goal for the ministry of Gender, Youth, Sports, Culture and Tourism, Mr. Speaker considering that communities display their cultural preservation through food, drinks, dressing, music and dance, poetry, artifacts, architecture, herbal medicine, oral traditions and history; aware that this can only be displayed via a cultural day, noting other counties like Trans-Nzoia celebrated their cultural festival from 27th to 29th November 2014, Mr. Speaker, I wish to move the motion that this Hon. house discusses and approves the establishment of Machakos County Cultural day. Thank you Mr. Speaker, Sir.

Hon. Speaker: There is a point of order here.

Hon. Geoffrey Munyao: Thank you Mr. Speaker, Sir. If we can look at the Hon. House, I think we have got no quorum, so I am proposing for an adjournment and I am requesting Hon Mary Ndinda to second the adjournment. Thank you, Mr. Speaker.

Hon. Speaker: I think the point of order is that there is no quorum; the procedure is we get advice from the clerk. Let the Clerk advice.

(Clerk advises the Speaker on quorum)

Hon. Speaker: Ok. Now the bell will be rung procedurally for the next moment. Sergeant at Arms, kindly ring the bell.

(Bell ringing)

Hon. Speaker: Ok. Order, order, Hon. Members. Attention has been drawn to the Speaker on quorum under Standing Order number 32, subsection 1 which states, '*if at any time after the chair is taken when the Assembly is in committee or a member objects that there is not a quorum present, the Speaker or the chairperson shall order a count of the Assembly or the committee as the case may be.*' In this case the count was given that quorum was lacking.

Sub section 2- '*If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause a division bell to be rung as on a division and if no quorum is present at the expiration of eight minutes, the Speaker in his chair shall adjourn the assembly until the next sitting without question put,*' and I so do.

ADJOURNMENT

Hon. Speaker: The house adjourns.

The House rose at 4:53 pm.

