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

The House met at 10:13 a.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****NOTICE OF MOTION**

Majority Leader (Hon. Mwonga): Mr. Speaker, I am standing on behalf of hon. Mbithe, She has requested to move her motion in the afternoon session, Mr. Speaker.

Hon. Speaker: Kindly lay basis for that request.

Majority Leader (Hon. Mwonga): Mr. Speaker, she is not in the house and she has called me. She has gone out of the assembly to attend an urgent matter, Mr. Speaker.

Hon. Speaker: Granted. Proceed.

MOTIONS**FINANCE AND REVENUE COLLECTION REPORT 2013/14**

Hon. Speaker: Ok. The continuation of the matter for yesterday proceeds and debate continues.

Hon. Leonard Katela: Mr. Speaker, Sir, it is my prayer that we throw this document through the window because it seems like it has lost meaning because even the Chairman is not here to defend the document and I think that is a sure way of saying he has realized his mistake of sneaking the document to the house. Thank you, Mr. Speaker.

Hon. Speaker: I am just thinking, what have you really said, hon. Chairman?

Hon. Katela: Mr. Speaker, Sir, I think you heard me well. I think yesterday we had a very heated debate over the document with some members arguing that it is like it found its way into the

house through the window and after much soul searching of most members of the house even the Chairman might have realized that the document is not valid. That is why he is even trying to appear late, technically, and I think according to his body language, it is almost like he is almost giving up and moving out of the house because he has realized that there is a problem and he has been cheated. That is really what I have said.

Hon. Speaker: The Chairman, kindly guide the house are you still in your motion? Perhaps refresh our memory.

Hon. Nzeki Munyaka: Thank you Mr. Speaker, Sir. According to the hon. member who has already spoken, I quite differ with him. I am not ready to disown my report.....

(Applause)

.....and my brother, you are on the floor, you can debate it and win or lose. So Mr. Speaker, Sir, the report I brought to the floor of the house is still on and I urge the members to carry on debating it. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think the Chairman has spoken. The matter continues. Let us hear contributions.

Hon. Stephen Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Mr. Speaker, I wish also to commend the assembly for finding it well to continue with the debate after much lobbying to throw the debate out through the window. Mr. Speaker, this assembly should remind itself of why it is in existence and what our work is. Mr. Speaker if you allow me, I would like also to check on Article 232 (1) of the constitution on the public service; values and principles of public service, because this house is not an NGO. This house is there for the public, to give service to the people.

Mr. Speaker Article 232 (1) includes (a) high standards of professional ethics, (b) efficient, effective and economic use of resources. That is why we are discussing the resources, that is the monetary resources that we have spent or that we have been accruing from the national government and the local resources and again, (c) responsive, prompt, effective, impartial and equitable provision of services.

Mr. Speaker, Sir, if you look at the report the Chairman presented in this hon. house, there is a lot to be desired because what we are defending is the truth. I want to take you to the annex report from the chart, County government of Machakos income and expenditure report 2013/14. If you go to the development expenditure, there are some votes that are duplicated and have been given different

amounts of money. For example, if you go to the department of lands, we have the vote 3110504 and also that vote is repeated. I don't know if you are there Mr. Speaker?

Hon. Speaker: You said page?

Hon. Muthuka: It is on page 50. If you look at Lands, we have this vote on infrastructure and other civil works whereby from the report in the month of October to December, it spent Ksh. 14,340,559. In the month of January to March, it also spent Ksh. 71,514,792 and also the month of April to June it spent Ksh. 78,538,319. If you go down after the purchase of tree seedlings, set up of nurseries we have also other infrastructure and civil works, whereby in the said October to December period there was another expenditure of Ksh. 3,791,300. Those are some of the entries that we should check.

Mr. Speaker, if you look under agriculture on page 49. There are a number of questions that we are left to ask without answers. We have the vote of purchase of motor cycles, that is vote 3110704 and you look at the expenditure actual April to June, the county spend Ksh. 2,500,000. Mr. Speaker, we don't know how many motor cycles were bought and we don't have any evidence towards that expenditure.

Also if you look at vote 3110706, purchase of tractors. Actual April to June, we spend Ksh. 34,449,880 and up to now we don't know how many tractors were bought and there is no evidence about how many tractors were bought. Mr. Speaker, those are some of pointers we can deduce from the report and then we can be able to merge with what the Chairman has presented to this hon. house and also the recommendation.

It is important that also we are guided by the constitution on matters of principles and framework of public finance. If you check on Article 201 of the constitution, 'the following principle shall guide all aspects of public finance in the republic. (a) There shall be openness and accountability including public participation in financial matters. (b) The public finance system shall promote an equitable society and in particular the burden of taxation shall be shared fairly, revenue raised nationally shall be shared equitably among national and county governments.'

If you follow up to (e) 'financial management shall be responsible and fiscal reporting shall be clear.' Mr. Speaker, that is where we are, because we are interrogating on the financial reporting and that is why I want to commend the committee on finance for a well done job because if it were not for that committee, we would not be discussing our finances in this hon. house.

Mr. Speaker, mid-last year, there was a letter that we wrote as some members of the county assembly and I believe that you got your copy because the letter had been copied to the Speaker, Machakos county assembly. The letter was addressed to the Controller of Budget on 16th July, 2014.

The issue was 2013/14 budget paradigm versus the release of release of 2014/15 budget. This was orchestrated by the fact that during the budget interrogation with CEC members and chief officers, it was clear that these officers could explain how they spend the 2013/14 budget. The subject that now we are discussing the financial year 2013/14 income and expenditure.

In the letter, immediately after the members of this team established these loopholes in the 2013/14 budget, a conspiracy was planned between the Executive and the Assembly leadership to have all the members who chaired this probe discharged from their respective committees and replaced with others with a soft stand for the government. Mr. Speaker that is what is we are hearing from this hon. house because the first member of the assembly hon. Katela from Muthetheni, has not even contributed to the report and he was the first person to request the house to throw the document out of the window.

Hon. Speaker: Concentrate on the matter of the report.

Hon. Muthuka: Mr. Speaker, this is something that should also annex the report because the same issues that have been highlighted by the report were the same issues that we highlighted in July 2014, because on the same letter, we had also highlighted on the Ksh. 160 million for the MSWEP, we had also highlighted the Ksh. 68 million that we budgeted for the ECDEs, Ksh. 6 million for the feeder roads. We had also questioned on the funding of the 40 health centers. We had also questioned on the money meant for purchase of government land that in the month of October last year, from the report the government spend Ksh. 10 million in purchase of land when the same year we had an investor conference and we were enticing investors by giving free land.

We were also asking, where is this land and where is the documentation of the land? Mr. Speaker, Sir, also from the report if you go to agriculture, you will find that the county has spent ksh. 10 million in construction of eight silos in our county but these silos are nowhere to be seen. So Mr. Speaker, I would recommend this, and in my recommendation Mr. Speaker, if you allow, I will go for the recommendation given by the committee on how this issue should be addressed.

I would also wish to quote Mahatma Gandhi that ‘the truth is by nature self-evident. As soon as you remove the cobwebs of ignorance that surrounds, it shines clear.’ That is where we are, trying now to remove the cobweb of ignorance because much of our funds have been misappropriated and there is no other report, even if we give the Executive another full year because this report was supposed to have landed in this assembly three months after the end of financial year. We should be having the quarterly reports and the consolidation of the four quarters, three months after the financial year.

Now it is six months after the financial year and still, from what I got from the member for Masinga, Hon. Mwonga, is that there was a communication that we give the Chief Officer, some more time because work was in progress. Now we are in the fourth quarter of the financial year 2014/15. For how long are we going to derail the works of this assembly and how are we going to give our people value for their money and their votes? I recommend that this report should be forwarded to Ethics and anti-corruption commission again the report should also be subjected to forensic audit and since the department of finance claims that the report is in progress, still 14 days is not an eternity.

As we do this, they will clear themselves after the 14 days with their report because what we expected from them, the letter that they gave should have accompanied now the report that is not erroneous so that this assembly cannot be taken for granted or for a ride. I recommend that the department be investigated and at the same time the officers implicated should step aside paving way for investigations and forensic audit and then I will also invoke the Governor himself. He should take now the whip and whip the officers who are not performing and are derailing the development of Machakos County. Thank you, Mr. Speaker

(Applause)

Hon. Speaker: Thank you honorable Muthuka but then you quoted Article 201 of the constitution. Let us read that together. 201 (e). It says ‘financial management shall be responsible and fiscal reporting shall be clear.’ Doubts have been raised over the clarity of the report that has been presented to the committee. What is your comment on that?

Hon. Muthuka: Mr. Speaker, Sir, thank you. This is a report that was compiled and from the committee itself has raised doubts that the report they were given it wasn’t clear because if this hon. house cannot be able to comprehend the report, what about the public out there? That is why we are requesting for forensic audit so that the report can be clear. I am extending an olive branch to the finance department to come out with that clear report, if at all they have a clear report, so that they can clear this kind of shoddy work that they presented to the hon. house.

A Hon. Member: Point of Order.

Hon. Speaker: Thank you. What order? Hon. Muthuka has made his contributions. You will have a chance to speak. Let us hear the Deputy Majority Leader. Everybody will contribute.

Hon. Willy Kasimu: Thank you Mr. Speaker, Sir. I would like the honorable house to approach this issue with a sober mood that we are supposed to have. Mr. Speaker, Sir, I do not know to this point, the origin of this report. I do not know the author. I don’t know the owners of the signatures in the reports but I want the hon. house to know one thing. That, this report does not

originate from the CEC finance. It does not originate from the CO finance and for a report to come into this house, I believe hon. members, it should come from the two offices.

(Loud consultations)

Hon. Speaker: Allow him to contribute. You are protected. Proceed.

Hon. Kasimu: We are discussing a report that we don't know the author, it doesn't come from the ministry, as far as I am concerned. It doesn't come from the CEC member and this report, according to me, is an illegal document. It should be treated with contempt it deserves and thrown off this house. I believe Mr. Speaker, Sir-----

(Applause)

Hon. Speaker: Let him conclude. You will have your moment.

Hon. Kasimu: It should be withdrawn and the source investigated and only when we have investigated the source, then we should take the matter to the CID so that we can know the author and his motive because I believe there is a motive behind this report. The hon. chairman, I believe in you as a chair but what if we are discussing an illegality here? What if what is before this house is not a true copy or is not originating from the CEC finance?

(Applause)

Hon. Chairman, I would like to tell you that we need to know if you are really sure that his report comes from the CEC finance or the C.O and if it doesn't come from those two offices, kindly bring the two officers here and let us know where this report came from.

(Applause)

We should throw this report out of this house Mr. Speaker, Sir.

Hon. Members: Point of Order.

Hon. Speaker: Let the Deputy Majority Leader conclude.

Hon. Kasimu: So hon. members, what if we are discussing a document that is illegal, a document that is not from the government. I would like us to be sober and approach this issue and wait for the reports that the government has said it will bring in this house and then discuss those reports. The audit report is also coming from the Auditor General. Kindly Mr. Speaker, Sir, we are discussing and we are talking about a document that we do not know the author because it is not the CEC finance or the C.O.

(Applause)

That is the bottom line. Thank you, Mr. Speaker.

Hon. Speaker: Let us take points of order, how many are they? Let us hear Hon. Festus at the back

Hon. Festus Ndeto: Mr. Speaker, I think that hon. member is out of order because, one, when the document was questioned yesterday by the Chair the Chairman of that committee elaborated very well, gave evidence of forwarding letters that accompanied that document, well signed and he presented to them to this hon. house. I believe all these things were done through the office of the Clerk. If there is any question of illegality arising on this document, it is the office of the Clerk-----

(Applause)

..... that should respond to that. Two, we still have so many documents with us going hand in hand with the current document. Like with me here, I have around two or three of them and one was a supplementary budget which is fully signed by His Excellency the Governor on 10th October, 2013 and when you peruse this document, it is almost going the same with the same votes given with this document.

Hon. Speaker: Hon. member, is that a point of order?

Hon. Ndeto: I was raising the issue the point of order that that hon. member was out of order when he says this document does not have clear originality. It is a document from the Executive through the office of the Clerk to this house. Two, I strongly believe through the other letter that the chair read yesterday of one Jacinta wanting to withdraw the same document, that is a clear indication she is the one who forwarded the same document because there is no way you can write a letter to withdraw a document which you don't own.

(Applause)

Hon. Speaker: Hon. Festus Ndeto that matter was resolved yesterday and the matter is on the house for debate. Contribute to the report. Proceed

Hon. Ndeto: Thank you for that. Towards the contribution of the same, Mr. Speaker, you find that this document provided to this house and the document in which the extracts of the committee took the report from, when you go to page 45 of that document, there is the vote transport which is 3161100, when you go to the supplementary budget presented to this house by His Excellency the Governor, the same vote which is very well-articulated there under page one, the vote head, in the document which is 31611001100, the other document from the Governor or signed by the governor

turns to be 316100000 which is transport, then the amount tallies which is Ksh. 1.189 million which is the money that was spent under the transport docket.

I still have another document which I have left somewhere by mistake that was provided through the committee of transport in which they had met with transport CEC member and the report they managed to get by then, I will bring the report later, shows by then the transport committee questioning the CEC member why the roads had not been done and the response was, from the report I have the response was, the earthmovers had come and work was to continue. With this report that we have, millions have been spent. Actual expenditure is Ksh. 377,890,720.

The other day, when Majority Leader was in one of the Kamba radio stations, a question was asked by one of the electorates; why the contractors who made the few roads have not been paid? The Majority Leader, responded that a scrutiny is being done to establish the work that was done and here we are told that Ksh. 377 million was paid by June last year and as members, we know the contractors who did the shoddy job have not been paid. I don't understand what this is. Money is paid and the reality is, contractors have not been paid. Somebody should come and explain who was paid this Ksh. 377 million. Was it paid to the CO of the ministry of roads together with the CEC or who else was paid?

Because we are sure 90 per cent of the contractors who made these roads they are claiming not to have been paid. So Mr. Speaker, I still recommend we adopt this report because it is a report from the finance department, well-presented into this house through the office of the Clerk, submitted to the committee of finance and brought to the house in a very official way. We adopt it with further recommendations for more scrutiny of these things. I believe truth will always stand for itself. The Majority Leader is always giving good example of quotes from the Bible; Isaiah 5.18-22 says 'woe to the one who changes truth for lies.'

(Applause)

I believe the word of God stands for itself and no single word will pass and even if we go left or right, the truth one day will come. The Anglo-Leasing scandal was done several years ago today it is back to haunt people.

(Applause)

It is my request to this house that we clean our hands so that when these things come later it will not come and haunt us as a house. Thank you, Mr. Speaker

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

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to start by thanking you for granting me this opportunity to address the Chair and the house. Mr. Speaker. I want to thank the immediate speaker for quoting the Bible and today I am not going to quote any verse, Mr. Speaker. He is well versed with the Bible, Mr. Speaker, looking at our past he was a pastor and I have never been. Mr. Speaker, my stand is that this document should not be before this house, Mr. Speaker.

(Applause)

I said the same thing yesterday. Mr. Speaker, looking at the forwarding letter which forwarded that report to this house, Mr. Speaker, this letter appears to be a forgery Mr. Speaker.

A Hon. Member: Point of order.

Hon. Speaker: Overruled.

Majority Leader (Hon. Mwonga): The reason why I am saying this, Mr. Speaker, looking at the letterhead comparing it with the letterhead of the letter which was written by the Chief Officer finance, Mr. Speaker, actually I am not a forensic auditor but, Mr. Speaker, they differ. The letter doesn't originate from the department of finance, Mr. Speaker. Yesterday the chairman of finance committee agreed that the document they received was not signed. Mr. Speaker, let us not take this hon. house for a ride.

POINT OF ORDER

Hon. Speaker: What is the point of order?

Hon. Dominic Maitha: Mr. Speaker, I wonder whether this ho. member is in order. You have already made a ruling regarding this letter, Mr. Speaker, and if at all we are discussing a report that bears no fruits in this house we better hold the office of the Clerk directly responsible for receiving this letter, Mr. Speaker. We should not be wasting our time to be drawn back to the errors of pre-colonial independence whereby we are being dictated on documents.

This is a document that was received in this house through the registry, forwarded to the office of the Clerk, scrutinized and forwarded to the committee for further action. We should not be taken hostage, Mr. Speaker. Thank you.

Majority Leader (Hon. Mwonga): Mr. Speaker, I agree with you that you ruled the report is properly before the house-----

Hon. Speaker: That is still my decision that the report is properly before the house.

Majority Leader (Hon. Mwonga): Yes it is properly before the house.

Hon. Speaker: Then make your contribution on the matter

Majority Leader (Hon. Mwonga): To say that Mr. Speaker, it is properly before the house it doesn't say it is a legal document, Mr. Speaker. I want these members to know that.

Hon. Speaker: Proceed

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to go back to the forwarding letter, Mr. Speaker. The way the forwarding letter is signed, we should be having the name and the position of the officer who forwarded the letter. Not just signing the letter and writing the name of the chief officer and saying I have signed it for the chief officer, Mr. Speaker. Was it sent by an angel who doesn't have a name, Mr. Speaker? The authenticity of the forwarding letter is questionable. Mr. Speaker, without fear or favor, I want to say that this document is doctored by enemies of the government, Mr. Speaker.

I don't want to repeat what I said yesterday but I want to remind this house, Mr. Speaker, even the committee of finance is agreeing, Mr. Speaker. On page 6 it addresses the Speaker. Allow me to read, Mr. Speaker. 'Mr. Speaker, Sir, it is regrettable that this hon. assembly had received such a misleading and fraud report' Mr. Speaker.

(Applause)

It is not me, Mr. Speaker, who is saying this. It is the committee, Mr. Speaker. This hon. house must granted the honor it deserves, Mr. Speaker. This hon. house should never be undermined. This hon. house should never again. What does that mean, Mr. Speaker? It has already been undermined, Mr. Speaker. Let me continue 'be presented with such misleading ...' so the committee is agreeing this document is misleading, Mr. Speaker.

(Applause)

Misleading information as if it had no integrity. Mr. Speaker, the committee is questioning about the integrity of this house. Does it mean we agree to discuss this document and they are questioning about the integrity of this house, Mr. Speaker. Secondly, it had no integrity to scrutinize, define and determine the contents and come up with such resolution, Mr. Speaker. Mr. Speaker, in a nutshell we should be asking ourselves, do we throw this document through the window or do we continue discussing this flawed document which the committee has agreed, Mr. Speaker?

(Applause)

I would ask your indulgence, Mr. Speaker, in looking on these two letters. The one written by the Chief Officer and this one written by an officer who has no name, Mr. Speaker. And Mr. Speaker, looking at the coat of arms up there, Mr. Speaker, actually they differ. Even Mr. Speaker, the letter head, the one forwarding this report to this house, it is as if the headline is stamped, Mr. Speaker. It is not a letterhead of this county government, Mr. Speaker, have a look at those letters Mr. Speaker and you will see the difference. Mr. Speaker, there are people who are out to make sure the good government of His Excellency the Governor is going to fall but, Mr. Speaker, they cannot use back door to do that.

That is why they have doctored a document. I want to exonerate the office of the Clerk from the blame, Mr. Speaker, even when the Clerk writes a letter to the Executive it is not necessarily that they are forwarded by the immediate officer from the Clerk, Mr. Speaker. Mr. Speaker, they can even be forwarded by the messenger. So what happened, somebody from nowhere, doctored this document, gave it to somebody who brought it to the assembly----

(Applause)

..... and it was received by the receptionist, Mr. Speaker. They don't ask you 'where you come from.' They don't ask you to identify yourself. We are deliberating on a document which has been doctored, Mr. Speaker.

Hon. Speaker: What we are doing honorable member is that we are discussing the content of this report.

(Applause)

My position is that the Majority Leader is entitled to attack the report on content because what he is raising is part of the report. So I will allow you to conclude your remarks. Proceed. You will have your moment.

Majority Leader (Hon. Mwonga): Then, Mr. Speaker, this house spent the whole of yesterday afternoon deliberating on the same document, Mr. Speaker. We should not waste a lot of time, this assembly has a lot of other matters to deliberate on, Mr. Speaker. So it is my humble question, Mr. Speaker, so that we can also give your office sometime to go through this letter and do your own scrutiny, Mr. Speaker. We should first throw this document through the window so that the cleaners and gardeners can take it and burn it, Mr. Speaker.

There are people outside there waiting that this house approves this document so that they can know how to hit His Excellency the Governor, Mr. Speaker. This is information which I have, Mr.

Speaker, and if I am asked to table I can table it in the afternoon, Mr. Speaker. Let us throw this document through the window and dispense it. Thank you, Mr. Speaker

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

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker for catching my eye. I wish to put to attention that yesterday after we finished our sitting, the chairman from this committee Hon. Nzeki received a call from Hon. Senator Johnstone Muthama.

(Applause)

Ten minutes later, he received another call from the Deputy Governor telling him to support this report and he should not withdraw this report. Mr. Speaker, we want to know the legality of this document. Mr. Speaker, I want the chairman for finance to stand and confirm whether this is true.

I met him last evening and he gave me the report and told me Sen. Muthama called him. Mr. Speaker, this brings a lot of suspicions in this report so can we know-----

Hon. Speaker: Allow hon. Kasoa to conclude his contribution.

Minority Leader (Hon. Kasoa): Mr. Speaker, if you allow me I wish to request the hon. chairman for finance to express his vision because he received a call from Senator Muthama. What is Senators Muthama interest in this report? Thank you, Mr. Speaker

Hon. Speaker: Order, on that point whoever wants to contribute will have his moment. The chairman of finance has presented his report for debate and he cannot be called upon to answer any queries. If the chairman got any calls from any quarter that was a concerned citizen and he had a right.

(Applause)

So let us proceed with ordinary debate on the report. Let us hear the chairman of budget committee and then from there we will hear hon. Ndawa.

Hon. Isaac Muinde: Mr. Speaker, I want to confine myself to the report. Mr. Speaker, I want to turn to page 6, second paragraph from the last. Mr. Speaker, I read the paragraph ‘Mr. Speaker, Sir, the committee noticed so many errors of commission and omission to trust the report and is left with no alternative other than to recommend for forensic audit of the bank statements to match the revenue banked against the receipts recorded per month at collection points. The combination of this two transaction cycles would reveal the overall cash collected in 2013/14 fiscal year.’

Mr. Speaker, by third paragraph, the committee says there are already many errors of commission and omission meaning the report should be doubtful. Mr. Speaker, I will not quote again the last paragraph on that page because already the Majority Leader has already quoted it but I want to go to page 8, second paragraph and read what the committee has also said. And I read ‘Mr. Speaker, the standard set to determine consistency on expected revenue collection have either been corrupted or ignored to give forth an assumed expectation.’

Mr. Speaker, by reading these two paragraphs, it is very clear that this committee does not trust the report and feels that the report contained here is not conclusive enough to warrant a discussion by this hon. house. Page 8, Mr. Speaker, second paragraph from the top, I read ‘Mr. Speaker, Sir, the report had no supporting documents attached such as bank statements, bank reconciliation statements or cash flow statements to support it.

(Applause)

The committee demands that the documents be availed for scrutiny immediately.’ Meaning whatever is contained in this report cannot be conclusive. So much information is missing. For this house to get-----

(Applause)

Hon. Speaker: Overruled. Let us hear. You will have your moment.

Hon. Muinde: Mr. Speaker, the committee on finance should have demanded that the CEC finance appear, answer questions that are glaring or the C.O. and if they do not appear they have the quasi-judicial powers to demand appearance. Therefore, Mr. Speaker, I also want to say that this is a statement on income and expenditure. This is not an audit report with so many errors. Mr. Speaker, I would wish that this hon. house, going by the recommendations of this committee on finance, throw this document and demand a proper document be tabled before this house so that we can discuss.

I happened to call the CEC finance to get to know her position on this document. She said she never saw it. She never read it.

(Applause)

So it is only her who can present a report to this house. The fact that she has said she doesn’t own it and it is not even the C.O. who has signed it, Mr. Speaker, we are discussing an illegality. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Let us now hear hon. Ndawa

Hon. Magdalene Ndawa: Thank you Mr. Speaker and the house at large. First and foremost, I want to start by saying the county government of Machakos is a bowl or a plate of cherries and it is up to this hon. house to pick the rotten cherries and throw them away. Mr. Speaker, this document is of no difference with other documents which have been tabled here by other Chairmen. They are all corresponding to the same information which is tabled in this house.

(Applause)

Mr. Speaker, if this document is not worthy to be in this house, then that means the chairmen and the vice chairmen of this house committee, the CECs and their COs in their departments are not qualified enough.

(Applause)

Mr. Speaker, this document according to the Leader of Majority and the chairman of budget, their statement is very clear that the Chairman of finance is not competent enough because, one, if the CEC did not appear in the committee as they compiled this report then there is a problem. If the CEC and the Chief Officer were called and they did not appear in the committee, then they are hiding something.

(Applause)

If it is true, this document penetrated to this house without the information being known to the CEC, then this house does not know its work. Mr. Speaker, it is the high time, for two years we have been in this house, we have discussed documents, we the 40 MCAs who are elected by the people to represent them in this house, can certify that this document that it telling the truth.

(Applause)

It is clear that the letter which came from the department of finance it is not the problem here, Mr. Speaker. It is not the problem that the Clerk received that letter. The problem is that the Machakos County, the Executive has not done its work. It is clear the MCAs of Machakos County 60 or 70 percent are compromised and they are doing the work of the Executive.

(Applause)

I have no regrets to say that because the Majority Leader, stands and speaks for the government he has a ward to represent, he has people who elected him and he has to represent them equally and they deserve the right thing to be done. Mr. Speaker, it is the high time as an assembly we do the right thing. Let us play the role of oversight as it is supposed to be and leave the Executive to do the implementation and if they don't do the work, Mr. Speaker, we do not deserve to sit here and say the CEC is right.

We do not deserve to sit here and defend the Governor. The Governor is supposed to work with his CECs. The Governor is not supposed to be defended by anybody here. I am sorry to say that the Senator has been elected by the people of Machakos, he deserves respect, and he deserves to know what goes around in Machakos. He is the same person who goes to the senate, fights for the county to be added money and the work of the Senator.

(Loud consultations)

Mr. Speaker, protect me.

Hon. Speaker: Order! Proceed hon. Ndawa.

Hon. Ndawa: Mr. Speaker, I do not mind those who boo neither those who echo my words.

Hon. Speaker: That is done. You are protected proceed.

Hon. Ndawa: It is the right of the Senator to also oversight what is going on in Machakos. He is a citizen of Machakos.

(Applause)

He is an investor in Machakos and deserves to know what goes on in Machakos government. It is the high time hon. members you do your work and stop playing cheap politics of Ksh. 20,000.

(Applause)

Hon. Speaker: Thank you. Let us hear hon. Rachel.

Majority Leader (Hon. Mwonga): Point of order. Mr. Speaker-----

Hon. Speaker: I have not given permission yet. Hon. Rachel, proceed.

Hon. Rachel Nduku: Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, the report on revenue in Machakos County is already in this hon. house and it is the mandate of this hon. house to consider the report, whether to approve it or throw it away. Mr. Speaker, my fellow members have spoken about

this report but I want to raise a concern whether it is in order, Mr. Speaker, for this hon. house to discuss a finance and revenue report for 2013/14 which according to this report, page 9, is flawed, fabricated, misleading, corrupt, non-professional with distorted facts and prepared with ulterior motives.

(Applause)

Mr. Speaker, is it in order for this hon. house to spend many hours discussing a report which is corrupt, discussing a report which is prepared by somebody who has no professionalism to write this report. According to me, Mr. Speaker, I wish to request you give this hon. house direction whether you can allow us to seek advice from the department of finance because I remember Mr. Speaker, when Chief Officer for department of finance and the CEC appeared before this house when they were employed by Machakos county government, we are the people, the hon. members who interviewed them and we found them ready to do this work.

If they were corrupt, we could not have employed them. I don't know whether they are the people who have prepared this report because they are learned and they have experience. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you..... *(inaudible)* I have not heard you then from there we will go to the vice Chairman, legal affairs and then hon. Dominic.

Hon. Christine Mutune: Thank you Mr. Speaker, Sir, I want to start by saying that this hon. house is full of hon. members and not hunters. Hunters hunt to kill. We are not here to kill an officer and the chairman of the committee communicated that the chief officer said this document did not come from her. It is not a true copy of her document. I am wondering why we waste a lot of time discussing a no man's document. Mr. Speaker, Sir, I understand that the real report should come from the Auditor General and it is soon coming to this house. Why can't we give the finance department the benefit of doubt and we wait for that report so that we can debate. I find no business supporting this document. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you very much.

Hon. Justus Kimata: Thank you Mr. Speaker, for giving me this chance to contribute to this document. I think, if you want to get to the bottom of this report, you should order all sub-counties to submit monthly analysis reports. So that this house can verify from each sub county so that you can get the bottom of this report. Thank you.

(Applause)

Hon. Speaker: Thank you.

Hon. Maitha: Thank you Mr. Speaker and I will request you to give me ample time because I have voluminous papers here to guide us, Mr. Speaker.

Hon. Speaker: Proceed.

Hon. Maitha: It is a regrettable that Mr. Speaker, I never ventured in the line of your profession because I would have become one of the most prominent lawyers in this country. I don't regret because this institution plays a key role in terms of the quasi-judicial institutions in this country. I want to read the audit report from the Controller of Budget, the quarterly report that came in to this house in the financial year 2013/14, August 2014. So many copies are lying idle in the library, Mr. Speaker, Sir, and I would request these members to go through this documents. They have vital information.

I just want to read on a few issues that were outlined by the office of the Controller of Budget, that is page 106 and 107 of the analysis of Machakos County. One, it says clearly Machakos county failed to fully implement the IFMIS system (integrated financial information management system) and intermittent dues of manual systems which exposed the county to accounting errors.

Number two says this: Mr. Speaker, failure to constitute an audit committee as required by the public finance management act of 2012, which stipulates clearly that the county did not adhere to deadlines in the public finance management act of 2012 in preparation of the key policy documents guiding the budgetary process such as budget review and outlook paper debt management strategy, annual development paper-----

Hon. Speaker: There is a point of order there. I think it is a valuable point of order. He is the Chairman of budget, particularly in the deadlines. I think the Auditor General was wrong on our part.

POINT OF ORDER

Hon. Muinde: Mr. Speaker, I rise on a point of order to question the immediate member. Are we discussing an audit report and Mr. Speaker, the audit report by the Auditor General was questionable then. I lead the budget committee. We followed all the guidelines and Mr. Speaker, the document is a document under the finance committee. I do not know why budgetary issues are being brought here. We are discussing an income and expenditure account which should come from the CEC finance, Mr. Speaker, so I believe the immediate member is clearly is out of order and the

question here is; should we accept the report or why should we go ahead begin discussing it and qualifying it and it already under question?

Hon. Speaker: Ok, that objection is sustained. Just concentrate on the report.

Hon. Maitha: Mr. Speaker, I want members to listen carefully. I don't want members to assume things. The report says the problem that affected budget implementation. What we are talking about now, Mr. Speaker, the report before this house is about budget implementation. I am not talking about the processes and procedures of the budget-making.

Hon. Speaker: Proceed.

Hon. Maitha: I want to say, Mr. Speaker, the office of the Controller of Budget who releases to the counties has outlined, and that is the report of August. When we go to the report of the first quarter of 2014/15, Mr. Speaker, it is still clearly indicates that we failed to fully use the IFMIS financial management system which limits accurate generation of reports on budget implementation.

(Applause)

Also lack of an audit committee, the repayment of debt.... I don't even have to go further Mr. Speaker. I want to say this Mr. Speaker. We can defend, object and try to put so many issues to the chairman that his committee is incompetent. I will tend to believe if that committee is not competent then the whole house of Machakos county assembly is not competent. I would like to exonerate myself from that. Why, Mr. Speaker? Documents that have been received in this assembly, ever since I became a member of this assembly, they are voluminous. There is none of them which has ever been rejected on aspect of being suspected in terms of their legality, Mr. Speaker.

The report before us, Mr. Speaker, when the chairman says that the report had misleading report, it is clear, Mr. Speaker, it had misleading reports because it contradicts what is actually on the ground and what is brought before him. When the chairman says that, for example hon. Muthuka has said that, the report says silos were constructed but the actual situation on the ground, Mr. Speaker, is contradictory to what is in the report.

(Applause)

Just last week, Mr. Speaker, the committee of transport, I being the person who seconded that report, was held to account for the report that we brought on the floor of this house. Reason being Mr. Speaker, the actual situation and position of events and activities on the ground, Mr. Speaker, was totally contradicting, partially contradicting what the hon. members have witnessed from where they come from. And we were tasked to go back and bring a comprehensive report. The chairman of the

finance and revenue collection committee, who brought this report here, Mr. Speaker, said clearly that they tirelessly wrote letters, requested for respective persons to appear before the committee and they failed to appear, Mr. Speaker.

This house has been pushing so many reports to appear before this assembly for discussion. Which tell us what? The same report has been pending all the way back from August, Mr. Speaker. It is supposed to have been tabled in this house. There was enough room for the Chief Officer to call the chairman. There was enough room and time for even the CEC herself to call the Chairman and interrogate that report. Mr. Speaker, if we are questioning the authenticity of the report of the finance committee, Mr. Speaker, I strongly believe all other resolutions that we have made in this house regarding committees should be taken null and void. Because Mr. Speaker we are questioning the authenticity of the documents.

The documents were received in this assembly. They went through the office of the clerk and actually, Mr. Speaker, there is no single document or information that lands on the floor of this hon. house without your consent, Mr. Speaker. It has to come to your office. You have to authenticate, Mr. Speaker. The same way it happens on motions, Mr. Speaker, it happens on statements, Mr. Speaker. I tend to believe that there is no single document that lands on the floor of this house, Mr. Speaker, without your consent.

So I tend to wonder like hon. Matheka, how did the report that is being purported, having to land to the floor of this house through some other unscrupulous transactions, get into this house. It questions the authenticity of all other documents. I happened yesterday to have attended one of the offices within as I was looking for a certain document, Mr. Speaker. I happened to go through three documents that have passed through this house, supplementary budget estimates, budget estimates and they were signed for and on behalf of the Chief Officer who is here, signed for and on behalf of the CEC herself and those have come into this house, they have been passed, adopted and they have started to be implemented, Mr. Speaker.

Why is it that at that time the authenticity of that signature, Mr. Speaker, was not questioned? I tend to wonder, Mr. Speaker, this report in itself, in as much as we may try to quash it, Mr. Speaker, I have a voluminous document here that I want to talk... I might not present all of them.

For example, in the report it indicates that, Mr. Speaker, the issue of the park and the stadium were not mentioned. I have a document here, Mr. Speaker, which I will bring and forward to your office, about contractors who were contracted to work on the Park. These contractors, Mr. Speaker, five contractors, were given a total sum of almost Ksh. 60,000 and they were contracted to supply same equipment to the Park, Mr. Speaker. I have binding contractual documents and, Mr. Speaker, with your protection, I beg to read one or two issues.

Hon. Speaker: Protected. Proceed

Hon. Maitha: A company, Mr. Speaker, was contracted to supply 20 tone tipper and 25 tonne tipper at a cost of Ksh. 4.7 million. And then another contractor, Mr. Speaker, was also contracted to supply the same, 20 tonne tipper and a 10 tonne single drum which is also given to another contractor (???). I will give you this document, Mr. Speaker.

Then that by itself, a contract was signed, payments documents were processed, Mr. Speaker, and according to the documents we got from the finance department, the payment is ongoing or already has been completed. That is five or six months back, Mr. Speaker. I managed to get these documents when I was the chairman Public accounts committee.

If I can be taken to any court of law, I can substantiate the authenticity of this document, Mr. Speaker. What I want to say, Mr. Speaker, is I don't doubt the report which was brought in the floor of this house by the chairman of finance. A lot of lobbying can be done to protect this document, Mr. Speaker, but I want to say this, Mr. Speaker, as I wind up-----

Hon. Speaker: But you can also hear me. The report appears to doubt itself. It is the same report that is saying it is erroneous, is it so?

Hon. Maitha: Mr. Speaker, the committee members went through this document and the information which is being provided in this document, Mr. Speaker that is why it proved to this committee beyond any reasonable doubt, the information contained in this report was malicious. What am I saying? Mr. Speaker, when you go to some of the columns, you are telling that you collected cess in the month of August Ksh. 300,000 and in the month of October, November and December you collected zero, Mr. Speaker.

Then here some the month of January you collect about Ksh. 7 million, Mr. Speaker. Is it substantiated, Mr. Speaker, Sir? It is not. That is why the chairman and his hon. committee members were convinced that this report had a lot to tell. Why I will not doubt this report Mr. Speaker, the chief officer was accorded enough time to come and defend herself.

How is she going now to come again to defend herself on a document that is the property of this house, Mr. Speaker? Before this document was brought on the floor of this house, Mr. Speaker, even the day before the Majority Leader, who represents the government and other leaders, were in the committee of house business approving this report, Mr. Speaker.

(Applause)

It would have been rejected at that point if he is truly loyal to the government that he represents, Mr. Speaker. So I want to say this Mr. Speaker, all avenues.....protect me Mr. Speaker.

Hon. Speaker: Order, now you are protected. Proceed.

Hon. Maitha: Thank you Mr. Speaker, for your protection. Mr. Majority Leader, I will beg you listen carefully so that when you start arguing you argue from a point of reference. Mr. Speaker, Sir, the Chief Officer and the CEC were given enough time to work on this report, Mr. Speaker

Hon. Speaker: But hon. Dominic, while you are there, you were once a chair of a committee.

Hon. Maitha: Yes Mr. Speaker, Sir.

Hon. Speaker: I would think the chairman has powers to compel the attendance of a witness, is that so?

Hon. Maitha: That is true, Mr. Speaker.

Hon. Speaker: Tell me what would have happened then?

Hon. Maitha: Mr. Speaker, Sir, the procedures are very clear. We are guided by the Standing Orders, Mr. Speaker. The chairman is a very senior person, Mr. Speaker, in this assembly. He is an equivalent of you in a committee. When he is seated in that position of a Chair, he is the Speaker of that committee, Mr. Speaker.

Hon. Speaker: True.

Hon. Maitha: You don't have to go around, Mr. Speaker, pushing the CECs to come and answer to queries, Mr. Speaker. There is the right channel. You communicate with the Clerk, the Clerk communicates with the committee clerks and information is sent to the relevant person so that that person can respond. That is exactly what my able chairman did, Mr. Speaker. Letters were written through the office of the Clerk, forwarded to the respective person to come and answer queries. What I want to say is this, Mr. Speaker, the issue of Goldenberg was way back in 1992, Mr. Speaker, today there are people who will still have to go to court, Mr. Speaker.

The issue of Anglo Leasing was way back almost 10 years ago but to date there are senior government officials who are going to court, Mr. Speaker, because of that problem. So I want to say this, Mr. Speaker; we can defend this document on the floor of this house at whatever magnitude we can but one thing I want to remind these hon. members, it might be a very big challenge in terms of integrity come the year 2017 for us to be cleared, Mr. Speaker, because we lack integrity because of

this report Mr. Speaker. It is a report that is already in the public domain. We might not have the necessary qualifications-----

(Loud consultations)

Hon. Speaker: Order! Conclude now.

Hon. Maitha: We might think and belittle one another in terms of the perusal of this document and as I finalize-----

Hon. Speaker: Hon. Dominic.

Hon. Speaker: When you say members of this house lack integrity, you offend the house.

Hon. Maitha: I have said this, Mr. Speaker, come 2017 for us to be cleared those who would wish to vie, we might not be cleared if some of this underlined issues might not be unearthed, Mr. Speaker.

Hon. Speaker: Ok, conclude on the matter.

Hon. Maitha: The message is already passed, they ignore or they accept it. This is a document which is already in the public domain. It does not matter whether the hon. senator, the hon. deputy governor has called or not called. Even the Governor himself yesterday, the hon. Minority Leader showed me calls that the Governor was convincing him to have the report not passed. That is evident, Mr. Speaker, it can be retrieved from Safaricom.

(Loud consultations and applause)

Hon. Speaker: Order, I ruled on the matter I said the hon. Senator, the hon. Deputy Governor have a right as a citizen to be informed on the matters.

Hon. Maitha: Thank you Mr. Speaker, for putting the information to these hon. members. So what I want to say is this; I will not contribute further to this report but the actual fact is that I tend to believe and I am convinced the information contained in this report came from none other than the office of the county treasury through the chief officer in conjunction with the CEC. However much you might doubt it, one day in time the Ethics and Anti-Corruption is doing its work. We have constitutional commissions doing their work, and they are going to give us the truth of this document.

I support this document in totality and recommend that those who are directly involved in this document, Mr. Speaker, the chief officer concerned should step down, we investigate the moment this

document is proven that it is not the right document, they can be reinstated to work and continue to prove their efficacy. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Let us clear with interest of this side. Let us hear hon. Felix and hon. Manyolo and we conclude with Hon. Mary Ndinda then we move to the other side.

Hon. Felix Ngui: Thank you Mr. Speaker, Sir. Mr. Speaker, we want to appreciate that the report we are discussing here today has already been properly laid on the floor of the house. However, Mr. Speaker, Sir, we note that through the report that the committee noted so many errors concerning the report. There were no supportive documents, so Mr. Speaker, Sir, we fear that this report might be lacking so much information that would be of help to this hon. house. We also fear that the county might have also lost a lot of money, may be through this corrupt officers and several recommendations have been done by the committee on finance which are very good.

For example, the committee has recommended that a forensic audit be done for the department of finance, that the county should adopt a cashless payment system to control our income within the county and it realizes that the department of decentralized units has been collecting money on behalf of finance. However, Mr. Speaker, the report again gives another chance for the CEC and the chief officer to face the committee and give more details about the collection of revenue within the county.

(Applause)

So Mr. Speaker, Sir, I am for the opinion that this house goes with one of the recommendation that has been made by the house to give the chief officer and the CEC finance to face the committee and give more details so that this hon. house can be in a position to take the right action against these officers. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you very much. Now we can hear hon. Manyolo.

Hon. Manyolo: Thank you Mr. Speaker, Sir. Much has been said and we have contributed within the issue of the document and may I say, now we are just repeating of what we have been discussing and repetition is not good, Mr. Speaker, Sir. So I stand, Mr. Speaker, Sir, for your guidance. Can you please give us the guidance on which way we are going to take because as long as we still debate upon the document, we will just repeat ourselves and the length will go ahead.

So Mr. Speaker, Sir, can you give us directions on what to do, can you put the question Mr. Speaker so that we may finish. Thank you.

Hon. Speaker: I think I am able to manage that request. Let us proceed, Hon. Mary Ndinda.

Hon. Mary Ndinda: Thank you Mr. Speaker, Sir. I first want to start with a saying which says; embrace yourself and you will be embraced. Yesterday night, I went through this report and after going through it I discovered this report was contradicting itself so it had not embraced itself and don't see if the report itself had not embraced itself, how this hon. members, full of wisdom, knowledge and integrity can embrace such a rubbish thing.

(Applause)

I was the first person to come into the assembly this morning and I went see the CEC finance and we were talking, she told me to her this is an empty shell because she has a comprehensive and intensive report which she wants to give out and she has discovered that somebody somewhere is trying to manipulate the county assembly of Machakos, is trying to destroy the reputation of Machakos county and there is no way she can say that saw it because she never even signed it.

Thirdly, she said that the signature which is there is not hers and she told me, 'Mary, somebody is trying to manipulate everybody in the assembly.' Mr. Speaker, Sir, in fact, I don't see why we are going round an empty shell when the chick is out. I am proposing that we throw away this document as soon as possible so that we can go ahead and look for the right document. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think the chick is not yet out for the Speaker. Let us hear hon. Kasoa, Kitheka, Muthesya, Muli and Mathheka. Let us first hear that team, and if you fear you are repeating you would rather no t because-----

Hon. Nzoka Munywoki: Thank you Mr. Speaker, Sir. We have been discussing documents from the committees and we had that one of transport. Here we have this one of finance. I am surprised. I do commend the chairman of finance committee because this is what he came up with after enquiries. It the duty of this house to endorse this document so as to move on and see the end of it. The committee did this and this and they have cleared here, he has read a lot of letters to the ministry. He has done all what it takes and they have information about what they were asked.

Again, members, if you check down the line, we are in the second year having this as the first report and the CEC is asking for further 14 days to do this. If she has not done for all the last 24 months, what can she do with just 14 days?

(Applause)

Let us not be fooled by someone. Whoever is telling you to do this and this, remember, don't reap from where you have not sowed. So it is the duty of this house to stand tall and firm and know that we were sent here by the public. I was surprised, someone saying, senator says.....let me tell this house, every citizen of Machakos has a right to call and know information of what is going on in the county.

So what we can say is it is our duty now to pass this document and then we move on otherwise if we start dilly dallying here and there, this is not the person who appended he signature, they clean themselves on the way. Whether they will be caught they will clean themselves and bring what they know is good.

It is the duty of this house not to be misused. Let us not be cheap. We know what transpired by the last night.

(Loud consultations)

Take it and put it in your pocket and go away and stand for the truth. We should not be so cheap. Thank you, Mr. Speaker, Sir. I am annoyed.

(Applause)

Hon. Speaker: Hon. Nzoka, kindly, tell us more about last night. What happened last night?

Hon. Nzoka: The concerned know better than me. Thank you.

Hon. Speaker: Let us proceed.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I wish to remind the hon. member for Muthwani Dominic Maitha that the Governor is free to call me as the leader of minority anytime and not even the Governor only. Yesterday, I received even telephone calls from State House because I am the Leader of government.....*(laughs)*

(Applause)

I am the Leader of Minority affiliated to the Jubilee government. Mr. Speaker, if you happened to read number 8, paragraph number two and Mr. Speaker, if you allow me, I can read with you. 'Mr. Speaker, the report had no supporting documents attached such as bank statements, bank reconciliation statements or cash flow statements to support it. The committee demands that the documents be availed for scrutiny immediately,' that only Mr. Speaker gives room for this report to

be taken back to the committee on finance. So Mr. Speaker, I kindly request these hon. members, instead of wasting a lot of time, let us take this report back to the committee on finance. Thank you, Mr. Speaker

Hon. Speaker: Thank you. We said hon. Muli and you heard the numbers I think...

Hon. Joseph Muli: Thank you Mr. Speaker. Mr. Speaker, I would not like to echo much of how hon. members have spoken because much has been depicted within the document which was tabled in the house, Mr. Speaker. Mr. Speaker, this document has made us to raise dormant qualifications which we have (???) and Mr. Speaker yesterday night, I went through this document bit by bit because it has caused suspicions in this house.

Mr. Speaker, because much has been said, I wanted only to have my suggestion that Mr. Speaker, this document should be reversed to the committee so that the real document can be tabled in this house because, Mr. Speaker, we are just going round and round on a document which has irregularities, Mr. Speaker. Mr. Speaker, through your advice and integrity, Mr. Speaker, I request and I support, if possible, this document to be referred back to be digested exhaustively. Thank you, Mr. Speaker

Hon. Speaker: We are basically on this side. You will be reached we are on Muthesya, Ikoloma and then you.

Hon. Peter Nzioki: Thank you Mr. Speaker and the members present. Mr. Speaker, I start by saying this; previously I have worked in an accounting office for 15 years and I know what auditors require. Mr. Speaker, when I saw this document, I am a member of finance committee the first day, I approached the chairman of finance and I asked him whether he has gone through the document because the document looked untrue to me and it looked fictitious.

(Applause)

Mr. Speaker, I went through with the chairman and I showed him some of the things that auditors require. Auditors will not go by the words of unknown income. Auditors will not go by infrastructure expenditures amounting to about Ksh. 378 million which are not explained. Auditors will not go by expenditures without supporting documents. Auditors will not go by explanations without bank statements or bank reconciliations, Mr. Speaker. Auditors will not understand constant figures today, this month you sell Ksh. 200 next month you sell Ksh. 200, the following month you sell Ksh. 200. Mr. Speaker, those are erroneous figures.

Mr. Speaker, I found this document to be untrue, I found this document to be suspect and Mr. Speaker, for this after a wide consideration, Mr. Speaker, my suggestion is we throw this document

out because if we take this document back to the committee, we are going to debate the same document later. Mr. Speaker, this document looks forged.

If you go through this document, Mr. Speaker, carefully you will notice there are so many errors, omissions and commissions that were identified. Mr. Speaker, my opinion is; we through this document we give the CEC 14 days, which is not forever, they are just about the corner then she brings us the true figure so that we can bring to this house. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Kitheka you are next after Ikoloma that is how the count was.

Hon. Joseph Itumo: Mr. Speaker, my name is not Ikoloma but I.....

(Laughter)

I am hon. member for Kangundo Central ward and my name is Joseph Kilonzo Itumo. Just as a matter of correction.

Hon. Speaker: I have noted that with apologies. Sincere apologies to you and the people of Kangundo.

(Laughter)

Hon. Itumo: Thank you Mr. Speaker. Yes Mr. Speaker, when you see me you see the people of Kangundo and Mr. Speaker I go straight to page 1 of 6. But before I go there, Mr. Speaker, this house is the one that vetted the Chief Officers and found them competent, Mr. Speaker. Mr. Speaker, I want to bring to your attention that those officers have been trained, examined and qualified and Mr. Speaker, let me go now to 1 of 6 where it is written and specified, Ksh. 109,840, 583 which reflects 9.346 per cent.

Hon. Speaker: Which page? We want to be with you.

Hon. Itumo: I said 1 of 6-----

Hon. Speaker: Ok. Good.

Hon. Joseph Itumo:where it is written unspecified, Ksh. 109,840,583, that reflects 9.346 per cent. Are you there, Mr. Speaker?

Hon. Speaker: Yes, proceed.

Hon. Itumo: Let me proceed. Mr. Speaker, it is unheard of for any expert in theft to just write down a figure and say unspecified. That one will not be trained, examined and qualified. When I saw this document, I went through it, Mr. Speaker, and I saw a lot of suspicion, Mr. Speaker. Mr. Speaker, this document, wherever it was prepared, was done with strings attached, with a lot of witch hunting, Mr. Speaker. This hon. house should not continue discussing a document that targets a certain target. Mr. Speaker, let these Chief Officers come before this committee and shed more light on this document, Mr. Speaker.

You have to know that this is county number one and everybody in the country agrees it is, Mr. Speaker. I do not mean county number one in corruption but county number one in development, Mr. Speaker.

(Applause)

Mr. Speaker, we say bad starting make good ending and I believe that if these officers are called, they are going to shed more light because I believe they have disowned this report, Mr. Speaker. Why doesn't this house give these Chief Officers more time to come and shed more light, Mr. Speaker? Thank you, Mr. Speaker, and I honour this house very much, Mr. Speaker

Hon. Speaker: Thank you, hon. Kitheka, it is your turn now and from there we will go to Hon. Mutuku, Matheka, Kathinzi and then lastly you in that side.

Hon. Kitheka: Thank you, Mr. Speaker and respect to the entire house at large. Mr. Speaker, I wish to concentrate on few issues. First and foremost, Article 185 of the constitution, Article 227 of the constitution. Mr. Speaker, to start with on page 10 of the report, on the last paragraph, it states clearly; 'the committee is grateful to the office of the Speaker and that of the Clerk for the support, I underline the word support, accorded during the committee sittings. I wish to express my appreciation to the hon. members of finance and revenue collection committee who sacrificed their time to participate in the activities of the committee and in preparation of this report.

Mr. Speaker, Sir, this report was approved by the committee members as drawn below. Mr. Speaker, each and every member appended their signature without coercion or being(*inaudible*) up to append their signatures and it is true copy in black and white except for hon. Felix Ngui who did not sign.' Mr. Speaker, further, I wish to echo the sentiments of one Ernest Young who said 'when a blind man tells you I see, know there is a problem beyond the capabilities of the naked eye.'

(Applause)

I know very true of the sentiments. I know very well the naked eyes might not notice exactly what is happening. Mr. Speaker, I wish to cascade the document which has been annexed with the

report with few decorations in it, I wish to go to the business permit. Mr. Speaker, in the class of cookery and where you can go and cook some documents, you should cook some documents with a lot of caution not to leave trace marks of corruption.

If you see this document it had been pushed to this house without the knowledge that the house will notice what is happening in this document and mark you, I wish to bring to the attention of a few who might not be knowing the entire process of a system, that one Mr. Awilo who happened to be one of my lecturer, in his thesis he said, ‘a true system like the IFMIS system, a system is a true competent idiot horse which will take you where you intend to go. To be very close to that, this idiot horse called the IFMIS-----

Hon. Speaker: Hon. Kitheka

Hon. Kitheka: Yes.

Hon. Speaker: We also want to benefit from that wisdom.

Hon. Kitheka: Yes.

Hon. Speaker: So maybe you can repeat that again.

Hon. Kitheka: I wish to expound on the same. Mr. Awilo, in his thesis on system management, said that of a system, of which a system contains input, processing and an output and to crown it, all a feed back. Mr. Speaker, he said a system is a true, (yes it is true what you are doing it is true), competent (it will work for you perfectly), idiot (it will do all stupid things you are going to feed it) -----

(Applause)

.....and a horse (it will take you as you want, it will take you where you want)

(Applause)

So the entire saying is, the system is a true competent horse which will take you where you intend to go. It will not question on where you intend to go, what you want to do. It will just take you there.

(Laughter and applause)

Mr. Speaker, this horse has taken the generator of this document to where he wanted. He wanted to cook some figures. He has cooked some figures but they are not well-cooked now. Let me show you a few. One, in the business permit, they collected in the month of July Ksh. 4.937,000. In

August, they collected Ksh. 4.937,000. If you can go through the document and see how it has been generated, you will find that they cooked without the knowledge that the hon. members will come to notice.

One, they are just adding a figure before the first figure just to make it four where the other one was..... (*inaudible*) and the other entire figures will remain the same.

(Applause)

Mr. Speaker, where on earth will you go to collect revenue on people whom you had not committed yourself had not committed to go and collect? Tomorrow you collect Ksh. 425,000, the following day you collect Ksh. 425,000 and the following day Ksh. 425,000. That does not make sense at all, Mr. Speaker. This cooking, the horse has taken the where they wanted. Mr. Speaker, there is the house rent. Mr. Speaker in the former regime, where I happened to be a councilor, there was some kind of cooking which was made by some of the officers but when it came to the assembly it emerged that they didn't know that some figures are so constant to the extent that you cannot change them.

House rent is paid today, next month the same, the other month the same unless there is a problem. Here you find people collecting, and by the way Mr. Speaker, this is a check off system where you will not tell people that the money was not collected. So you find them collecting Ksh. 3.38 million, another one Ksh. 3 million then it drops to Ksh. 341,000 in the month of October. Mr. Speaker, even if this blind man is telling us we see, he can see, yes, we can see but it is beyond our scope now. We have seen what is happening.

Mr. Speaker, now I want to go back to the constitution. Article 227 of the constitution stipulates clearly about the public procurement in all entities of the government. All entities of the government should abide by 227 which says 'when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost effective.'

All these other things we are dealing with we are questioning about the cost effective of the things we are questioning. Mr. Speaker, not jumping away from the articles, if you read about the same article, it will expound clearly on how public officers should behave in matters concerning procurement. Mr. Speaker, I wish now to travel back, in a reverse gear to Article 185 of the constitution. It stipulates clearly our role as hon. members of this house. One, it is legislation, we make laws which are favorable to the people we are representing. Secondly, it is representation. That is why you are seeing the majority leader is here representing the people of Masinga and also representing the house in terms of majority. Thirdly, there is the issue of oversight.

Now that is where the ball touches the field. Mr. Speaker, I think this house, as one of the members has said, we are lacking some kind of tutorials on integrity. Mr. Speaker, I don't see why we are brought in this assembly to protect the people outside but instead we are coming now to pin them when we come into this house. One lecturer when we were in Kigali and the Majority Leader can bear me witness, that lecturer told us that 'when a man is eating he observes the table manners and he doesn't speak.' Now that we are eating, in quotes, a few, you mean, you cannot hear the people crying outside there?

(Applause)

Is it that we are going to eat until we are full and we go out 2017 and chase away with our big tummies? Mr. Speaker, I think we are going beyond the expectations of these people in terms of compromise. I was about to shed my tears when hon. Kasoa stood up and said that he is working with the government and we know very well he is the Minority Leader leading the minority in this house. How can you be compromised to an extent that you cannot speak for your people? Mr. Speaker, that hon. member, I wish-----

Hon. Speaker: On a point of order. I think you began well. I don't know why you are attacking the first..... or that is where the ball touches the field?

(Laughter)

POINT OF ORDER

Minority Leader (Hon. Kasoa): Thank you, Mr. Speaker. Maybe the member for Machakos Central never listened to my speech. I said the Governor is free to call me any time. I never said I am working for his government. So I am sorry member for Machakos Central. Thank you, Mr. Speaker

Hon. Speaker. Objection is sustained that member is settled. Conclude.

Hon. Kitheka: Mr. Speaker, my issue was not to frustrate the member but just to give him a chronicle view of what he should be doing in this house.

(Applause)

Mr. Speaker, to wind it up, I wish to congratulate the chairman of finance committee for bringing such a document to this house. Mr. Speaker, you might not be aware of the kind of hon. member I am trying to congratulate. Mr. Speaker, the hon. member has been the finance chairman of the defunct council of Machakos for 10 years. This man knows exactly what is happening. This is not somebody who has been cooked from the bush. He knows exactly where the ball is touching the ground and now it has touched. Thank you, Mr. Speaker

(Applause)

Hon. Speaker: Thank you. Let us finish with this bench. Hon. Mutuku and then the Whip.

Hon. Mutua Mutuku: Thank you, Mr. Speaker, Sir, and the entire house. I would like to make my contribution in line to the debate which is in this hon. house. Mr. Speaker, Sir, it happens I was a member of that committee and when we were going through the document, truly speaking, we realized it had a lot of omissions and commission. It was not consistent and actually it was lacking credibility.

(Applause)

In common practices and procedures, if it happens you picked the wrong thing and there is a right thing which you were supposed to pick, it is always in order to pick it the right way. It has been said the department of finance and attested that the document given out was not their document. It was a document which was prepared without their consent. It was a document which was signed on behalf of the Chief Officer. Mr. Speaker, I think it is in order. I would like also to reiterate and say it is not the first time. Even the court of law will hear witnesses are withdrawn. You also hear evidence is also withdrawn if not given in good faith.

As a member of this committee, which I really support the chairman and I was the chairman when we were gathering the information in line with revenue collection and expenditure, I would like to assure the house, if the true document which will be forwarded to the committee of finance will come, I would like to assure the house we will work on it accordingly. Mr. Speaker, Sir, in line with oversight role and representation, I think this hon. house cannot be here to actually see the public money being spend. But we cannot keep on rotating and saying that we concentrate with a suspect document if there is a clean document which can be given to this hon. house.

Mr. Speaker, let me conclude and say, there is a saying which says ‘to slide is not to fall.’ If the Executive had slid a bit, I think we can give them a second chance for them to forward the right document and because an active hon. chairman, we as committee members will help him to really come up with a report accordingly. Thank you Mr. Speaker, Sir.

Hon. Speaker: From there, we will hear honourables Matheka, Alice, Kathinzi and Kyalo

Hon. Alex Kamitu: Thank you Mr. Speaker, Sir. I stand here to put a lot of questions in regard to this report that was brought into this hon. house by the committee for finance. Mr. Speaker, Sir, let me give out just a simple explanation regarding to my experience as a former police officer.

(Applause)

Mr. Speaker, Sir, I have gone through this document and it is full of inaccuracies. It is not factual because the report is speaking that the committee recommends that the report had no supporting documents. So what does it entail? In any legal court, any documentary evidence must be accurate. We are talking about figures in this report and the report itself by the committee has come out truly talking of itself that in page 6, paragraph three it says ‘Mr. Speaker, the report had no supporting documents attached such as bank statements, bank reconciliation statements or cash flow statements to support it.’

So what are talking about a report? Any report which has no supporting documents out rightly is not factual and in any simple common knowledge of a report and worthy report which should be brought into this house, should have been attached with all supporting document which should be factual, not fictitious, like what is appearing here. Mr. Speaker, Sir, any evidence which is not admissible because it is not factual cannot be admitted in any legal court. An assembly is as equal to a high court

(Applause)

So when we stand here to debate a report which is not factual and as I said which the committee itself has agreed and you heard hon. Mutuku who is a member of that committee, agreeing that this report is not credible. So what are we saying? My humble request is that because we have the accounting officers, that is the CEC finance, we have the accounting officer who is the Chief Officer and as we are talking, they are available in the office. I would kindly request this house that we should wait for the actual report which should be brought to this house to give out the actual picture of what Machakos county stands for other than coming here just to listen.

It is not bad to listen, it is not bad to debate and actually I congratulate my members whoever member has contributed it is a good healthy discussion. But the case in question is, is the report true? Because for Machakos county government to be seen that it is actually doing what it is supposed to be done, reports brought into this house should be factual.

We have never taken a long time to gather reports that have been brought into this house because we have been getting reports that are factual. Those that have not been factual we have been debating and proving out that they are not factual and we have been correcting them. So why can't we correct this report so that we may give Machakos county, the electorate, the actual factual report of this county. That is my contribution Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. I am sure the chairman has heard that. He has not arisen perhaps to withdraw. It is his motion. Proceed.

Hon. Francis Matheka: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, for the information of the House, Hon. Kilonzo Itumo represents Kangundo Central but Kangundo comprises various wards. Back to the report, I want to give a chronology of events of what happened so as for this report to come up. Hon. members, you remember we made a budget in this house 2013/14, that was towards the month of June, 2013. Hon. members, the elected members, you remember we came to this house in March-April and we sat in this house, very new members and we made a budget.

A budget which had so many things, good things for our people. A budget which included Ksh. 160 million for MSWEP, Ksh. 600 million for feeder roads, Ksh. 68 million for youth centers, ECDEs and around Ksh. 80 million for bursary. Those were some of the things we made a budget for among other things which I didn't mention. Mr. Speaker, Sir, I remember very well we deliberated on that budget, we went to Mombasa County, Sun and Sand hotel if my mind serves me well. All the members were there and the CEC's were there and we made a budget together. Even the Governor was there.

There was tension but courtesy of Majority Leader, hon. Timothy Kilonzo, the tension came down and we agreed and we sat as a group to pass the budget. Mr. Speaker, Sir, after passing the budget, we passed the budget and we came back to this house and nothing was happening out there. Nothing was implemented out there and come 2014 members started agitating. Agitating for what, Mr. Speaker, Sir? Where is 160 million for MSWEP? No answer was forthcoming. How far are the feeder roads done? One or two, so far have been done. How many ECDEs were done with this budget? None was done. It is only in 2015, we are seeing a few coming up. How much bursary was disbursed? May be half of it, we are agitating for the other half to be disbursed.

Mr. Speaker, I am wondering and it is a pity for this house. Mystery happens and they happen only in Machakos County. A mystery happened in the county government of Machakos headquarters, where the department of finance is located. Somebody wrote a letter and it was signed for the Chief Officer, county treasury. Then another mystery happened, the letter walked all the way from the county government headquarters to the county assembly. The letter was in the Clerk's office and it was received and the Clerk wrote very well. The letter and the report be directed to the relevant committee and it was done. The committee received the report, they sat down and they went to s67 Hotel in Nairobi for more than three or four times, and they sat and they deliberated on the report and they came up with a very good report and they signed the report all of them, save for hon. Felix Ngui, all the others have signed.

Then another mystery comes in this house, this same house we are calling the county assembly of Machakos. The same people who signed the report are disowning the report

(Applause)

.....and we wonder another mystery is happening. Mr. Speaker, Sir, I want to agree with some contents of the report and I want to agree with the members of that committee, totally in agreement with them. The report is flawed, I agree with them, totally. Yes, it is flawed to the extent rent is falling from Ksh. 3.3 million to Ksh. 171,000. Mr. Speaker, that is a flaw and we can see the flaws we have in this government of ours. Mr. Speaker, Sir, the report has errors of commission and omission, yes they are there. There are errors of omission and commission. They commissioned something we didn't know. Money to the tune of Ksh. 114 million was spent on MSWEP. We don't know where the money went, and we want to know where the money went. That is a good error of commission. They commissioned that and we want to see the supporting documents where the money went because not a single cent came to my ward.

Mr. Speaker, Sir, there are so many errors, we agree. The report, as one of the member has said, is contradictory and going round and round on itself. Yes, it is when cess collection, to some months, is zero that is a contradiction on itself. Mr. Speaker, Sir, we understand there is no cess money which can come to zero unless building business stopped in Machakos County and the major money generator is cess money. How come it was zero? No single lorry went to the quarries, Mr. Speaker, Sir. A big contradiction.

Mr. Speaker, Sir, I can see we have an assembly and can see we have a government but Mr. Speaker, Sir, I keep repeating it on this house. There comes a time when the people of Machakos County are bigger than all of us who are in this house.

(Applause)

This is the time the Machakos county people have to be bigger than all of us. Hon. members, there is one thing we have to agree on. Miseries will never end and they will never cease in this government of ours. We have to agree on one thing. The horse is dead and I repeat the horse is damn dead. Hon. members, we need one very simple thing, we sit down as an assembly and we agree this thing is dead. How can we revive it? How can we move forward as an assembly instead of fighting for nothing and our people are suffering?

(Applause)

Mr. Speaker, Sir, I have no problem with the report only that I need supporting documents to know who was paid Ksh. 114 million. How come cess money came to zero at a given time? How come some things are not happening and they seem to be happening? We need to be told. My final thing is that in all emerging democracies all over the world and in Kenya and in Machakos county

assembly, democracy is tyranny of numbers and we can see numbers have been build here. Let the majority have their way and the minority have their say. You have heard and we have said it.

(Applause)

Thank you Mr. Speaker, Sir. This report will remain the public domain whether it is withdrawn, whether it is thrown outside the window. It is there in the public domain. They will read it and they will make conclusions for themselves. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. Let us hear hon. Alice

Hon. Alice: Bw. Spika-----

Hon. Speaker: Asante kwa Kiswahili. Endelea.

Hon. Alice: Nashukuru Bw. Spika, kwa kunipa hii nafasi. Naanza kwa kusema mwenyekiti wa kamati ya fedha ni mwenyekiti ambaye kama ingepaswa apewe zawadi hapa kwenye hili bunge la Machakos angekuwa wa kwanza kupewa hiyo zawadi. Mimi kama mwanachama wa kamati ya fedha, namuunga mkono mwenyekiti wa kamati yangu na ripoti ambayo tulileta pamoj. Mimi ni mwanakamati na hiyo ripoti ambayo imeletwa, kuna kidole. Nimesema kwamba hio ripoti mimi ni mmoja wa hiyo ripoti.

Bw. Spika, mwaka uliopita mwezi wa kumi, hiyo ripoti wakati tulipata kama kamati, mwenyekiti wa kamati yangu, aliwaza wazo nzuri sana. Kabla hatujafanya chochote, Bw. Spika, utakua shahidi wangu kwamba tulikuja kwa ofisi yako. Kama kamati ya fedha, tuliuliza na tukukuuliza ushauri kama mshauri wa bunge la Machakos. Tukaenda tukaiangalia hiyo ripoti tukiwa pamoja na wewe, tukanywa chai kwa ofisi yako, tukaongea mengi sana juu yah hii ripoti.

(Applause)

Nashindwa sana kama hii ripoti ingekua sio halali kabla ata haijafika hapa ungeisimamisha na kujua ripoti ilitoka wapi. Tuliongea na mwisho ukasema, nendeni kama kamati mwangalie na msome hiyo ripoti kikamilivu na mje nayo vile mmeiona kama kuna mambo ya kuangaliwa, kama kuna makosa kama kamati msemi. Sisi kama kamati tulikaa chini tukatoka na ripoti, hata wacha leo, hiyo ripoti tungeileta mwaka uliopita. Sababu ya kukataa kuileta bunge, tulikua ni wakati wa kwenda likizo. Mwenyekiti wetu alienda safari Ethiopia, naibu wa mwenyekiti wa kamati yetu hon. Bibiana Nduku alileta ripoti kwenye hili bunge na kusema kwamba tungoje mpaka mwenye kiti aje.

Tukangoja na tukaenda likizo. Tumekuja sasa na ripoti ambayo tungeleta mwaka uliopita. Hizo hatua zote ambazo tumepitia kutoka kwako, kama mshauri wa bunge, tukafika na tukatoa ripoti nashangaa kusikia baadhi ya waheshimiwa katika hili bunge kusema kwamba hii ripoti sio halali

ilhali Spika wetu, namshukuru na najua ni mmoja wa wale watu Kenya yetu wanajua sheria, na angetusimamisha mwanzo kusema tusilete hii ripoti kwenye bunge. Nasema hii ripoti tuliileta sababu tulipata ushauri. Tulikaa pamoja kama kamati tukafanya kazi mingi, tukaenda kwa mahoteli tukitumia pesa za kodi ambazo mwananchi wa Machakos ametoa ili -----

(Applause)

Hon. Speaker: Mheshimiwa Alice, kwanza soma ripoti yako. Imeandikwa tarehe gani? Chairman ame-sign tarehe gani? Tusomee tu tusikie. hata hauna?

Hon. Alice: Iko mahali-----

Hon. Speaker: Nikusaidie na yangu?

Hon. Alice: Niko na nyingine. Bw. Spika, nasoma ripoti ambayo ilitoka kwa wizara ya fedha. Ripoti ambayo tuliletewa ya matumizi ya fedha mwaka 2013/14.

Hon. Speaker: Naomba usome tarehe ya ripoti. Chairman, alitengeneza ripoti lini?

Hon. Alice: Hii imeweka tarehe 26 Febrauri, 2015.

Hon. Speaker: Haya, endelea basi.

Hon. Alice: Mimi naongea juu ya ripoti iliyoletwa kutoka kwa wizara ya fedha kuhusu bajeti ya mwaka 2013/14 wakati tuliipokea-----

Hon. Speaker: Sawa endelea.

Hon. Alice: Kwa hivo Bw. Spika, mimi nimesimama kusema kwamba mimi naunga mkono hii ripoti na kuna msemu huwa nasema kila wakati ukiona jambo ambalo linaletwa, waswahili husema, ‘panapovuka moshi pana moto.’ Hii ripoti inaonyesha ukweli kwamba tumekua tukisema juu ya mambo mengi ambayo yamekua yakitendeka kwenye serikali ya Machakos ambayo si ya ukweli.

Ripoti yetu imeleta na kuonyesha kazi ambayo sio nzuri inaendelea katika kaunti yetu. Mimi nasema, waswahili usema ‘mwenye nguvu mpishe.’ Mimi nikimpisha nitasema hivi. Hii ripoti tuende tuiangalie tukishindwa tumesema Mwenyezi Mungu anaona jambo ambalo tumefanya ni la ukweli. Kwa hivo nasema naunga hii ripoti mkono mia kwa mia. Asante.

(Applause)

Hon. Speaker: Asante.

Hon. Kathinzi: Thank you Mr. Speaker for this time. Mr. Speaker, I would like to start by saying that this era of County Governors is like two wild animals in the wilderness whereby when a Zebra wakes up in the morning it has to realize and agree that it has to run faster than the fastest lion in the wilderness. For the lion to survive, it has to realize and agree that it has to run faster than the slowest gazelle in the same region. I can see the chairman of implementation committee in this house welcomed me and invited me in his committee the day before yesterday whereby he had invited the CEC finance.

We had very good time with her but now this is another paper. This is from the office of the Controller of Budget, page 104. I think every member has this particular piece of paper. When you go to page 104 in that particular paper, you realize that there are some sentiments which have been put there by the office of Controller of Budget, Mr. Speaker.

Hon. Speaker: Sorry, which paper is that? We don't appear to have that,

Hon. Kathinzi: We were given yesterday. It is a small paper, Mr. Speaker, only two pages. It is there. From the office of the Controller of Budget, page 104.

Hon. Speaker: Just a minute let me find out whether the matter...

Hon. Kathinzi: Mr. Speaker, if you allow, I can read for you. I read for the members, Mr. Speaker, and it says 'Machakos county, the county had approved budget for the financial year 2013/14 of Ksh. 8 billion comprising of Ksh. 3.8 billion which is 48 per cent as recurrent expenditure and Ksh. 4.2 billion that is 52 per cent for development expenditure. This budget was to be financed by Ksh. 5.5 billion from the national government and Ksh. 2.5 billion that is 31.2 per cent from the local revenue resources and Ksh. 77 million implicating 0.95 per cent as the balance dropped forward from the year 2012/13.'

Indeed it is like I would like to emphasize on this. In the financial year 2013/14, there was a carry forward of Ksh. 77 million from the defunct municipal councils to the county government, Mr. Speaker. The chairman of implementation committee was questioning the CEC on this and asked 'did you find any single cent in the revenue account for this particular account and she said none,' she got zero, there was none. Members, were there Mr. Speaker. We can get this in black and white and I said if Jesus is not coming today soon he will be here. Mr. Speaker, I would also like to say when you go to page 5 on building plan. Page 5 of that document, you can see the document highlighting the issues of a building plan. That is the second paragraph, Mr. Speaker,

Hon. Speaker: That is which document? The report.

Hon. Kathinzi: The report, Mr. Speaker, yes.

Hon. Speaker: Alright.

Hon. Kathinzi: Page 5, second paragraph from the top. It reads ‘revenue collected from building plans approval dropped to Ksh. 1.6 million in May and shot up to Ksh. 20,888,952 in June 2014.’ This was the most unrealistic and big revelation of actual collections. So Mr. Speaker when you check on this, I can also draw you back to sentiments which were put across Mheshimiwa from Muthwani. He said the contractors and the builders of real estate in Muthwani ward are being frustrated by officers from the county. This is in record Mr. Speaker that we have corrupt officers who are trying to take money through the back door which is not allowed. Maybe something had happened in the month of June 2014 whereby Machakos county government had tightened a bit about collection of this particular revenue, Mr. Speaker.

It is not realistic to realize that shot up of more than Ksh. 18 million in two consecutive months. Let me remind this particular house that each and every one of us has a bank statement. There is no way, even if we refer this document back to the committee or we throw out through the window or we burn it, Mr. Speaker, I can tell you the same document will come back into this house. Reason being the extracts of this figures are derived from bank statements from the CEC’s Office. There is no way you can cook this document any further and as you can see if the document is cooked, and you can see from the single business permit, a replica of the same.

From August to September they just dropped four, they replaced four with one. It became Ksh. 1.9 million. When you go the next level of sand gravel, item No. 4, Mr. Speaker, in the month of July, they collected Ksh. 1,438,700. When you go to the next month, that is August, they have just dropped the figure number four they replaced with two and they said this house will not realize this, Mr. Speaker.

(Applause)

There is no way on earth you can collect these two different figures just by a difference of Ksh. 100,000 or 300,000 on net. I do agree with this particular document because since long time ago, before we were all hon. members, we had municipal councils and by good luck, those who are here and were councilors before, can testify to this because I shared with one of them and he told me he went round trying to check where the revenue is being looted. This looting might be done very junior officers, Mr. Speaker, and not the guys we intend to protect in this particular county, Mr. Speaker.

They remove the carbon paper, tell you ‘for this hardware we are going to charge Ksh. 15,000’ and they write on the top Ksh. 15,000 and they go with the carbon paper plus the other booklet and they write ‘this business is entitled to be paying Ksh. 3,500, Mr. Speaker. So this is how

maybe we might be losing a lot of revenue while seated in this particular chamber and protecting the high level officers forgetting that we have very junior officers who are down there collecting this money. What are the regulations which have been put in place from collection points to the bank? These are the issues Mr. Speaker.

I can attest to this particular assembly, Mr. Speaker. Three to four weeks ago, there was an accident in Kaewa market of a Miraa Probox vehicle. The following day, I was very furious and when there personally to collect the money we passed in this assembly on 19th September, 2013 indicating that we need to collect Ksh. 10,000 per Probox vehicle per day. I was trying to assist these officers to make sure that they collect this revenue. I went there personally and within one hour and I told the Probox vehicle driver, kindly pay Ksh. 1,000 within one hour I raised Ksh. 19,000.

To my surprise, these are the issues we are raising. These officers have not been able to collect revenue as per the documents we are passing in this assembly to make sure that we raise enough and sufficient revenue for our people. So therefore, Mr. Speaker, what I am saying is this. This document is valid, it is properly laid in this assembly and we must support this document so that we can now know the next cause of action.

If it is somebody to be chased out of office, let him or her go away because it will bring a lot of issues. Mr. Speaker, even if this was my house, I would have sacked somebody the day before yesterday to make sure I bring sanity and proper code of conduct in this particular county, Mr. Speaker. So therefore, my position is that as an hon. member from Kivaa, in this particular county, in this particular assembly, I say we must support and I support this document totally because there are no more changes we are going to get from elsewhere. Thank you, Mr. Speaker.

Hon. Speaker: Let us take the point of order

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, by my watch it is 12. 40 p.m. Mr. Speaker and nobody had risen before to move a motion that we extend the hours of the house, Mr. Speaker. So, Mr. Speaker, it is my humble request that we adjourn. Thank you.

Hon. Speaker: I don't know whether the Majority Leader has not advised us what the hour of the day is. Let us hear the other point of order there.

Deputy Speaker (Hon. Nganga): Thank you, Mr. Speaker. I want to concur with the Majority Leader that as we stand now, it is 10 minutes after 12.30 p.m. I am very consistent with figures because that is where I was trained on and Mr. Speaker, as you realize with the leave of the house, is when we can extend the sitting hours bearing in mind that the matter before us, Mr. Speaker,

is a heavy matter that members also need to discuss while properly endowed with power of the hour house, Mr. Speaker.

I want to concur with the Majority Leader that since we have not raised the matter before time then, with the leave of the house, through you giving guidance for members to support the question, that we adjourn and convene back at 2.30 p.m. to continue with the debate. I think it is a healthy debate, Mr. Speaker. So it will be proper for every member to ventilate their issues, Mr. Speaker. So I want to second that proposal of adjournment, Mr. Speaker. Thank you, Mr. Speaker,

Hon. Speaker: Let me hear a contribution or two on the matter for adjournment.

Hon. Sammy Nduva: Mr. Speaker, I stand to second the adjournment having a feeling that the matter-----

Hon. Speaker: You need to support the adjournment. It is already seconded.

Hon. Nduva: Yes, Mr. Speaker, I support the adjournment. Thank you, Mr. Speaker,

Hon. Speaker: Any member of a contrary view? Yes hon. Nzoka.

Hon. Nzoka Munywoki: Mr. Speaker, Sir, what I request the house is, although it was realized after time, we extend the sitting.

Hon. Speaker: Yes, I think I seem to agree with hon. Nzoka.

Deputy Speaker (Hon. Nganga): Mr. Speaker, I want to refer you to Standing Order No. 27 page thirty one of-----

Hon. Speaker: Standing Order number?

Deputy Speaker (Hon. Nganga): Page 31. Sub item number two or even one that ‘unless the Speaker, for the convenience of the house otherwise directs, the house shall meet at 9.00 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday and Thursday but to more than one sitting may be directed during the day. Number two, ‘unless for the convenience of the house Mr. Speaker or the chairperson as a case maybe directs earlier or later interruption of business at 6.30 p.m. or (if it is an allotted day) at 7 p.m. on the occasion of an afternoon sitting and at 12.30 p.m. on the occasion of a morning sitting, the Speaker or the chairperson of the committee shall interrupt the business then under consideration and if the house is in committee the chairperson shall leave the chair and report progress and ask leave to sit again.

Number three, notwithstanding paragraphs 1 and 2, the house may resolve (a) to extend its sitting time, (b) to meet at any other time on a sitting day or (c) to meet on another day in order to transact the business.’ Number four, a motion under paragraph 3(a) shall be moved at least 30 minutes before the time appointed for adjournment. Number five, if the at the time appointed for the interruption of business and division is in progress or a question is being put from the chair division--

So, Mr. Speaker, without taking much ado under item three, Mr. Speaker, I think we are well guided that now that the adjournment did not happen within time, then business stands interrupted by the Chair as per number two so that we can reconvene later in the afternoon, Mr. Speaker. Thank you.

Hon. Speaker: Yes.

Hon. Maitha: Mr. Speaker, it is good that the hon. Deputy Speaker rose and read the same that he wants us to rely on what the Standing Orders are saying. I also want us to rely on Standing Order No. 27(1) which reads this Mr. Speaker; ‘unless the Speaker for the convenience of the house otherwise directs, the house shall meet at 9.00 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday and Thursday but more than one sitting maybe directed during the same day.

I moved an amendment, Mr. Speaker, Sir, last year to amend the Standing Order and it was unanimously passed. I brought a motion on the floor of the house that we say that, Mr. Speaker, we are going to start from 10 a.m. Here the same Standing Order is talking about 9 a.m. How can we also trust on the same that the Deputy Speaker has spoken if it talking about 9 a.m. and we passed a motion to start saying that we are going to meet at 10 a.m?

Hon. Speaker: Point of order.

POINT OF ORDER

Deputy Speaker (Hon. Nganga): Mr. Speaker, I want to guide the hon. member to read the Standing Orders very clearly. You cannot amend the Standing Orders through a motion on the floor of the house. Hon. Dominic, check on Standing Order number.....let me check so that you may be properly guided next time. Mr. Speaker, Standing Order No. 133 gives directions on amendment of Standing Orders. The sitting of this house is not like a *Chama* meeting in the local areas-----

Hon. Speaker: You need to be kind hon. Deputy Speaker.

Deputy Speaker (Hon. Nganga): Thank you, Mr. Speaker. Then I withdraw that but despite the same, Mr. Speaker, the member needs to know that the Standing Order is self-regulatory and it provides for the manner in which any amendment on the Standing Order can be moved. There is the

way any member who would want to amend the Standing Orders can be able to move the amendment motion just like a few weeks ago, we have been able to do in this house ,Mr. Speaker. I am trying to search for that amendment section-----

Hon. Speaker: Let me help you.

Deputy Speaker (Hon. Nganga): Actually, Mr. Speaker, I am there. Page 133, Standing Order No. 233. Proposals for amendment by the Procedure and Rules committee and the amendment can be done through an initiative of a member or by the committee. So for a member to be able to amend the Standing Orders, there must be a petition written submitted to the committee and then the matter is directed as so. But for the convenience the house, the Speaker ruled that sittings can begin at 10 a.m. but the Standing Orders stand. So hon. Dominic, be guided that Standing Orders cannot be guided by a motion.

However, Mr. Speaker, then, I come to that matter where I was proposing, because the Standing Order 27(2) is clear. If the motion of adjournment had not been moved, then the chairperson or the Speaker will interrupt the business of the house until a later date (as allotted), with the leave of the house, Mr. Speaker. So I hope with your guidance then the house can be properly directed. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the point is taken. Both the members are correct on that procedure. The Standing Order has not been formally amended but a motion was passed and resolved and that we adhere to the convenience of the house. I think either the Deputy Speaker or hon. Dominic can now take active steps towards..... *(Inaudible)*.

ADJOURNMENT

Speaker: In the meantime, I agree it is in the afternoon and the proper request was made by hon. Nzoka that time be extended. So we will treat the time consumed as the first sitting of the afternoon and I will allow that we will reconvene at 2.30 p.m. and conclude on debate. Then the house adjourns.

The House rose at 12.49 p.m.