

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 17th March, 2015**

The House met at 2.30 p.m.

*[The Speaker (Mr. Bernard Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members.**PAPERS**

MACHAKOS COUNTY FISCAL STRATEGY PAPER 2015/2016

Hon. Speaker: What is the matter Hon. Manyolo?**Hon. David Manyolo:** Thank you Mr. Speaker, Sir. May I draw to your attention that we have no quorum in the house Mr. Speaker, Sir?**Hon. Speaker:** Hon. Manyolo, you can only raise that matter after we are through with the order paper, when the order paper is on course it is ordinarily not disrupted.**Hon. Isaac Muinde:** Mr. Speaker, Sir, I beg to lay the following paper on the table of the Assembly today Tuesday, 17th March, 2015: Budget and Appropriation committee report on the consideration of the Machakos County Fiscal Strategy Paper for the 2015/2016 financial year.**Hon. Speaker:** The paper is laid. Let us proceed with the next item.**NOTICE OF MOTION**

WAIVER OF ACCRUED PENALTY AND INTEREST ON LAND RATES

Hon. Speaker: Yes Hon. Cecilia Sereka.**Hon. Cecilia Sereka:** Mr. Speaker, Sir, I wish to give notice of the following motion: that this Hon House discusses and approves the waiver of all outstanding interests and penalties on all ratable properties in the county. Thank you Mr. Speaker, Sir.**Hon. Speaker:** Thank you. Proceed

NOTICE OF MOTION**MACHAKOS COUNTY FISCAL STRATEGY PAPER 2015/2016**

Hon. Isaac Muinde: Mr. Speaker, Sir, I wish to give notice of the following motion: that this Assembly approves the Budget and Appropriation committee report on the consideration of the Machakos County Fiscal Strategy Paper for the 2015/2016 financial year, laid on the table of the assembly today, Tuesday 17th March, 2015.

Hon. Speaker: Thank you. Proceed. I think now it is appropriate to hear Hon. Manyolo.

Hon Manyolo: Thank you Mr. Speaker, Sir. I had risen to inform you we had no quorum and I had raised my hand very early before the communication but that time you were very busy you couldn't see my hand. So Mr. Speaker, Sir, I had proposed that we had no quorum in the house; I don't know whether now we have a quorum.

Hon. Speaker: So Hon. Manyolo, are you asking for information or you are raising a point of order, or have you dropped your point of order that the house proceeds?

Hon. Manyolo: Mr. Speaker, Sir, I have dropped my point of order, let the house proceed.

Hon. Speaker: Ok. Let us proceed.

MOTION**MACHAKOS COUNTY FISCAL STRATEGY PAPER 2015/2016**

Hon. Isaac Muinde: Mr. Speaker, Sir, aware that the county treasury is mandated to prepare the County Fiscal Strategy Paper under section 117 of the Public Finance Management Act 2012, and is further required to submit it to the County Assembly by February 28th each year; and aware that the County Treasury submitted the 2015/2016 fiscal strategy paper to this Assembly on 27th February, 2015, Mr. Speaker, Sir, pursuant to Standing Order 205(2), the County Fiscal Strategy Paper shall:-

- a) Have been aligned with the national objectives in the Budget Policy Statements and
- b) Have taken into account the views of the Commission on Revenue Allocation, the public, any interested persons or groups and any other forum that is established by legislation.

Mr. Speaker, Sir, I wish to move the motion that this Hon House discusses and approves the County Fiscal Strategy Paper for the year 2015/ 2016. Thank you Mr. Speaker, Sir, and I call upon Hon. Renson Muthiani to second the motion.

Hon. Renson Muthiani: Thank you Mr. Speaker, Sir, and the house at large. I am standing here to second the motion.

Hon. Speaker: Thank you, and has the report been circulated to the members present?

(Report circulated)

Hon Muinde: Mr. Speaker, I wish as I read the report of the Budget committee, that the members of the Assembly follow the report, together with the Fiscal Strategy Paper as forwarded to this House by the Hon. Minister.

Hon. Speaker: Proceed.

Hon Muinde: Mr. Speaker, Sir, on behalf of the Budget and appropriation committee and pursuant to Standing Order 186(1), it is my pleasant privilege to present to this Hon. House the report of the Budget and Appropriation Committee findings on the Fiscal Strategy Paper 2015/2016 financial year.

Mandate of the Committee

Mr. Speaker, sir, the committee derives its mandate from standing order No. 186 (3) (a) that states that *“There shall be a select Committee to be known as the County Budget and Appropriations Committee which is mandated to, investigate, inquire into and report on all matters related to coordination, control and monitoring of the county budget.”*

The main objectives of the committee are therefore to ensure that public funds are well utilized and the public realizes value for money in all government expenditure. The bases of the Committee’s execution of its mandate is annual and on special reports.

Committee Membership

The committee as constituted by this Assembly comprises of the following members.

- | | |
|-------------------------|-----------------|
| 1. Hon. Isaac Muinde | Chairman |
| 2. Hon. Rachael Nduku | V/ Chair person |
| 3. Hon. Wilson Mukewa | Member |
| 4. Hon. Ruth Ndumi | “ |
| 5. Hon. Charles Mutisya | “ |

6. Hon. Sammy Nduva “
7. Hon. Christine Mutune “
8. Hon. Renson Muthiani “
9. Hon. John Sila “

County Fiscal Strategy Paper 2015/16

Mr. Speaker, the County Fiscal Strategy paper for the Financial Year 2015/16 was forwarded to the County Assembly on 27th February, 2015 in line with the Public Finance Management Act 2012 section 117 (1) that states that *“The county treasury shall prepare and submit to the county executive committee the County Fiscal Strategy Paper for approval and the county treasury shall submit the approved Fiscal Strategy Paper to the county assembly by the 28th February of each year”*.

In addition, Section 117(2) states that *“the county treasury shall align its county Fiscal Strategy Paper with the national objectives in the budget policy statement, and (5) in preparing the County Fiscal Strategy paper, the county treasury shall seek and take into account the views of the Commission on Revenue Allocation, the Public and any interested persons or groups and any other forum that is established by legislation.”*

Mr. Speaker, upon receiving of the Fiscal Strategy Paper, the Budget and Appropriation committee retreated to Mombasa from 5th to 8th March, 2015, to analyze, discuss and deliberate on the 2015/16 County Fiscal Strategy paper. Mr. Speaker, the Committee held a total of four (4) sittings during the period to examine and recommend on the document.

Committee Observations

Mr. Speaker, the Public Finance Management Act, section 117(3), states that *“in preparing the county fiscal strategy paper, the county treasury shall specify the broad strategic priorities and policy goals that will guide the county government in preparing its budget for the coming financial year”*.

Mr. Speaker, the committee after analyzing the 2015/16 Fiscal Strategy Paper page by page made the following observations therein: -

1. On page 4 part (IV) the committee was anxious on the public debt, and requested that the county treasury to provide the Debt Management Strategy Paper. Mr. Speaker that is a Paper that the Executive through the County Treasury should forward to this Assembly by 28th February, and to date that paper is not yet presented to the Assembly.

2. On page 6, the committee observed that the proposed policy for building the foundation for poverty reduction, improving livelihoods and wealth creation did not reflect the Machakos Social Welfare and Empowerment Board which should be significant for the poverty reduction policy.
3. On page 8 No. 12 part (i) and (ii) on strategic objectives, the proposed free housing and free transport were mega projects. The committee observed that the listed programs would not be given priority as they were unrealizable in the proposed financial year 2015/16.
4. On page 9 No. 15, the proposed transport and infrastructure development projects that would involve construction and tarmacking of 17 major county roads were unrealistic. In relation to this, members noted that only one major road was done in the FY 2013/14 and none was done during FY 2014/15. Therefore, members noted that the proposals underlined herein for 2015/16 and over the medium term would not be achieved.

Mr. Speaker, sir,

5. On page 12 No. 28, the County Executive had proposed to invest in accessible and affordable energy, in street lighting and *mulika mwizi*. From the previous records, members noted that the program had accumulated bills to unaffordable levels and the committee recommends installation of *mulika mwizi* to be done only at the market centers.

Mr. Speaker, Members noted that the power bills for lighting our streets especially Kithimani-Makutano Road, Machakos-Makutano Kyumbi Road are high and it may occasion this county government to unaffordable costs.

6. On page 13 No. 29, the proposals to rehabilitate degraded rivers and increase tree cover to ensure environmental sustainability across the county were misleading since there cannot be uniform needs for all wards and the Committee recommends that each ward be given priority according to its landscape.
7. On page 13, No. 33 (IV) (b) Mr. Speaker, the Committee observed that under the provision for efficient service delivery to the public, the voluntary early retirement package had been budgeted for in the FY 2014/15, and Kshs. 100 Million was set aside with the objective of cutting down the wage bill; this was never implemented to date.
8. On page 13, No. 36 the proposed objective to provide quality social services, by construction of youth and ECD centers, under the paragraph were previously budgeted for, but were never implemented. Members questioned how the present proposal will be achieved if the previous one was never implemented.

9. On page 17, Nos. 46 and 47, the factors affecting the county economy were misleading. The committee recommends for re-wording of the statement to mean a positive correlation between poor economy and low revenue inflow.

Mr. Speaker, on that note, when you look at the Fiscal Strategy Paper No. 46 which is on page 17, you will notice that the author of the Fiscal Strategy Paper has indicated that there is a negative correlation between low revenues and a non-performing economy. Mr. Speaker, I know that may be a little technical but the fact is that a low economy and low revenue have a positive relationship because they move in the same direction.

When the economy is not working, revenues collected will also be low so they are moving in the same direction which is a positive relation, but the author has written negative correlation. So we recommend for re-wording to correct the error.

Mr. Speaker,

10. On page 19, Table 2, the salaries and wages vote as budgeted was almost exhausted by the end of the second quarter of the year. The committee wondered how the County Executive was to finance the remaining period.

Mr. Speaker, for the benefit of our members, when you look at table 2 in the Fiscal Strategy Paper which members have, this is contained in page 19, so that members can debate from an informed position, you can see this House budgeted personal expenditure, that is salaries, at Kshs. 2.5 billion the entire year, but by the period ending 31st December, the actual expenditure on salaries and wages was Kshs. 2.05 billion meaning the second half of the year, this government only has Kshs. 500 million budgeted for salaries.

The reason is either we under-budgeted or our wage bill is high and Mr. Speaker, the PFM law stipulates that salaries and wages should not be more than 35 per cent of the entire revenues of a county.

Simple calculations, Mr. Speaker, indicate that we are over 50 per cent on salaries and wages so this county government has no choice but to cut on the wage bill whether it means people going home or salary cuts, whatever may be applicable.

11. On page 22, No. 64 the committee put to question the minister to explain how to tame the wage bill so as to free more funds for development. She has recommended that we have to free more funds so that we can push the money from recurrent to development and she is not clear on how to get there other than just being a broad statement.

Mr. Speaker, sir,

12. On page 24, No. 73, members observed that, the priority programs were not lined up in the order of importance and members proposed the need to revise the arrangement in order to create consistency in prioritizing budget allocation.
 - a) The committee recommends that Urban Development should have clear explanation especially in areas covering mining.
 - b) On security that was not a devolved function, the committee recommend for minimum allocation.
 - c) The 2015/16 fiscal strategy paper gives the water sector projects lesser priority compared to other sectors. This should be reviewed upwards.
 - d) Mr. Speaker, sir, agriculture is the basic source of livelihood for our people. Agricultural projects do not appear to benefit from increased funding as listed in page 24. The committee recommends for increased funding for agricultural projects.
 - e) On page 12, the county government should invest in wind and solar energy as opposed to hydro power. This is in a bid to tame our bills.

Mr. Speaker, Sir, the County Fiscal Strategy Paper 2015/16 will be viewed against the 2015/16 budget and should tie up, otherwise it will not be acceptable. A program that is least in the strategy paper should not be the well-financed at another point.

Mr. Speaker, Sir, construction of ward offices should be given priority, considering that the 2014/15 budget had allocated funds for construction of the offices. The 2014/15 budget was poorly implemented since the executive arm never followed the approved budget when they were implementing the year's project. The committee would on a later date invite the executive committee member of finance to shed light on the status of last year's budget.

Mr. Speaker Sir, the committee recommends that under the prioritized programs, the provision of quality early childhood education be merged with youth empowerment in order to avoid duplication since both programs were under one minister

Mr. Speaker, during the 2014/15 public participation on the budget making process, construction of public toilets was a major concern from market traders and therefore it should be among the prioritized programs in the proposed County Fiscal Strategy Paper. In addition, Mr. Speaker, the identified and stalled projects by former defunct councils should be given first priority when forming the criteria for allocating resources.

Mr. Speaker, there were projects that had been identified by *mwananchi* and the councilors in the defunct councils and because of the change to the county governments, some of those programs were never implemented and *mwananchi* out there is still waiting for the county governments to complete those programs and especially where the sitting councilor then lost,

there is word that the sitting MCA is responsible for the stalled programs, so we need to save them also.

Mr. Speaker, sir, the committee recommends that construction of roads be indicated in kilometers and not in the number of roads to be done.

Mr. Speaker you can see in the Strategy Paper the minister says he will do 17 major roads; it is improper. Road networks can only be calculated in terms of the number of kilometres that you can tarmac within a term or period.

Acknowledgement

Mr. Speaker, Sir, the Budget and Appropriation committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the 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:-

Hon. Isaac Muinde
Hon. Rachael Nduku
Hon. Sammy Nduva
Hon. Charles Mutisya
Hon. Ruth Ndumi
Hon. Christine Mutune
Hon. Wilson Mukewa
Hon. John Sila
Hon. Renson Muthiani

Mr. Speaker, the members have signed a different copy; there is the official copy other than what you are reading.

POINT OF ORDER

Hon. Speaker: Yes there is a point of order.

Hon. Dominic Maitha: Thank you Mr. Speaker. I stood on a point of order because I want to read Standing Order 179. This report is signed by only four members Mr. Speaker and the chairman, budget purports there is a signed report paper which is not on the floor of this

house; that means even the total report that he is giving here, there is another report somewhere else which is not in the floor of this house.

Mr. Speaker, if you go to reports of committees in 179(5) of the standing order, a report having been adopted by a majority of members, a minority or descending report may be appended to the report by any member of the committees.

And then I refer you to Standing Order No. 186 on the county Budget and Appropriation Committee, part five it says: five members of the budget committee shall constitute a quorum. Is it in order for this hon member to present a report signed by four hon members and purport the report had a quorum? Is it in order Mr. Speaker, it contravenes the standing order. Thank you.

Hon. Speaker: Allow the Hon. Chairman to finish his report then you can raise those objections. Proceed.

Hon. Muinde: Thank you Mr. Speaker. As I conclude, Mr. Speaker, Sir, it is therefore my pleasant duty and privilege on behalf of the Budget and Appropriation committee to table the County Fiscal Strategy Paper, 2015/2016 report to this Hon House for consideration. Thank you, Mr. Speaker.

And Mr. Speaker as I sit for you to allow members to debate on this paper, Mr. Speaker, six members of the committee have signed the report and these members are here with us so those that did not sign, it is not because they are not agreeing with the contents of the report; they participated in every proceeding, only that by the time the report was complete, which is today, they are not in but those in today who are six, have signed the report. Thank you, Mr. Speaker.

Hon Speaker: Your point of order was taken. Hon chair budget, the copy I have is not signed. Can you perhaps supply me with a signed copy of it? Now let us hear the point of order of Hon Dominic.

Hon Maitha: Mr. Speaker, I think this member is totally out of order; he is taking this hon house for a ride. Mr. Speaker is it in order you have a copy which is not signed, the hon chair has a copy that is signed by six members, the hon members have copies signed by only four members Mr. Speaker. This is in total contravention of the standing orders passed and adopted by this house Mr. Speaker, Sir.

So the report which is before us is null and void, because we have three reports. How can we authenticate the full report if part of the report is contradictory in three parts? Is it in order?

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

Hon Rachael Nduku: Thank you Mr. Speaker for this opportunity. I am a member of that committee and I agree with the report; it is only that we were to sign two copies and the Clerk made a mistake of photocopying the other copy and left out this one.

Hon. Speaker: I think there is now an admission to the point of order.

Hon. Muthiani: I am wondering why Hon Maitha is changing his mind because when the budget chair was going through the report, Mr. Speaker, Maitha was supporting the report. And I want to confirm to you that I was in that meeting and we were six, so I don't know how it has happened the other two members did not sign the report. So I am totally agreeing with the report. So can you allow us Mr. Speaker to continue?

Hon. Geoffrey Munyao: Thank you Mr. Speaker, Sir. I think it has become a culture of this hon house to always bring documents which are not signed. And Mr. Speaker, even if this document is good as of yesterday it seems it is not in order, because it is not signed.

So Mr. Speaker, I request the Hon Members, this document to be thrown out of the window and then this department of Finance, goes and sits down and prepares a clear report. Mr. Speaker, you clearly know we are talking about a special commodity here which is money, and we should be careful of whatever we are discussing. Thank you, Mr. Speaker, Sir.

Hon. Charles Mutisya: Thank you Mr. Speaker. Personally, I am a member of the committee of Budget and Appropriation and I signed the report that we discussed. So I don't know how it happened we get another report that we never signed. The report that was read by our chairman is the one that we signed, so I agree with the report so Mr. Speaker, we can continue. Thank you.

Hon. Speaker: Everybody will be heard on this. Let us hear hon Kavuu.

Hon. Gideon Kavuu: Thank you Mr. Speaker. I am surprised if the members of the budget committee stand in front of this house and start cheating the members. The member who has talked right now has not signed this report Mr. Speaker. So Mr. Speaker if these members of the budget...

Hon. Speaker: Sorry, which member is that who is cheating the house?

Hon. Kavuu: It is Hon. Charles Mutisya, he has not signed.

Hon. Speaker: He has signed, according to me.

Hon. Kavuu: But he has not signed the copy which I have; which copy are we now going to use now, Mr. Speaker, Sir?

Hon. Speaker: Sorry about that. Let us hear Hon. Christine.

Hon. Christine Mutune: Thank you Mr. Speaker. I am a member of this committee. First I want to say that we are all in agreement about the report and I want to know, Mr. Speaker, if you have a report signed by Hon. Charles Mutisya and we have another one which is not signed by Hon. Charles Mutisya, is there any difference between the two reports or it is the same report? Thank you, Mr. Speaker.

Hon. Nzoka Munywoki: Thank you Mr. Speaker, Sir. This thing is wrong. What I can say is this; it is funny if this committee has stayed in 67 Hotel for all those days siphoning the finances of the county and after siphoning everything, might be they were coming to register and go, after doing that the whole 13 members, I hope they are 13 or are they are nine?

Whatever number they are, they fail to sign, and now we have some two documents here one is signed by six, the one I have, is signed by four; we cannot be taken for a ride. It is just yesterday when we had a confusing document, people saying Clerk did this, Clerk did that, and now there is Clerk brought one, brought two, signed this; this is nonsense Mr. Speaker, Sir.

What I would like to say is this, these people have spent our money; can we throw this document and then they go and come with a proper document. We need documents to be well laid in the house. Thank you, Mr. Speaker, Sir.

Hon. Joseph Muli: Thank you Mr. Speaker. I think this is an alarm of indicating that we are very serious in this floor of the house. We are scrutinizing each and every element to make sure every stone is being turned but not doing things deliberately.

Mr. Speaker, beyond any reasonable doubts, this quorum was not enough. The report is very well laid, the chairman was deliberating what they have already observed; I was very overwhelmed but now, it appears some of the members here are very reluctant, whereby we are not tolerating this Mr. Speaker.

Under that review, the document should not be thrown through the window, but through a request to that committee Mr. Speaker, it is only chairman to pull socks and if possible the chairman should be handed mandate of punishing or doing according to the law; these members who are not ready to sign and support such important document, this is very shameful. The very document has been laid to this house and yet the members are not ready to sign to prove that they provided it. Thank you, Mr. Speaker.

Hon. Francis Matheka: Thank you Mr. Speaker, Sir and the house at large. Mr. Speaker, I am wondering whether it is in order for this house to discuss one report in three parts. Mr. Speaker, is it in order? We would like to know from the chair.

Hon. Speaker: Sorry elaborate what do you mean by three parts?

Hon. Matheka: The report has four members signing in one part, six members in one part and maybe some other members in one part.

Hon. Speaker: That is the point we are dealing with.

Hon. Matheka: Yes, is it in order for this house to discuss?

Hon. Speaker: Ok.

Hon Matheka: I am also wondering whether it is in order for this house on 17th March 2015 to discuss a report which was brought to this house on 27th March 2015. Mr. Speaker, Sir, that is in page three the first paragraph: the County Fiscal Strategy Paper 2015/2016. It reads, 'Mr. Speaker, the County Fiscal Strategy Paper for financial year 2015/2016 was forwarded to the County Assembly on 27th March 2015.' Is it in order Mr. Speaker, Sir? Thank you.

Hon. Speaker: Take me through that again. I want to read that.

Hon. Matheka: Sorry Mr. Speaker, it is page two.

Hon. Speaker: Let us hear the exciting points that are being raised. Hon. Chairman, kindly give us a moment.

Hon. Mary Ndinda: Thank you Mr. Speaker, Sir. I think one of the points which I wanted to capture has been mentioned by Hon. Matheka, and the way I have seen, although some have seen the document is good, these are some things that are indicating that this document is not taken seriously and also the signatories according to us, because I think they gave us what was the best.

It is signed by three people; I can surely say this is a total joke and we are not taking seriously what we are supposed to do in the Assembly so the committee should take this document seriously and when they have a workshop, they should go sit down and scrutinize everything in details.

I think if it was done even if it was an error, it is one person who did the error but the others did not go through it. So with me, I don't support the document the way it is; something

should be done on it. After all, these are not school boys and girls; these are Hon Members who should be given a good clear document and you are also not a school boy Mr. Speaker, Sir. You should be considered as a senior person. Thank you.

Hon. Speaker: Let us hear the chairman Finance, then Hon. Raphael and finally Ngui.

Hon. Oliver Nzeki: Thank you Mr. Speaker, Sir. I congratulate the chair, he did a good job. It is only that his members are joking, they are not serious. So Mr. Speaker, I request the reshuffle of the budget committee. Thank you.

Hon. Speaker: That was the point of order, alright.

Hon. Raphael Mutuku: Thank you Mr. Speaker, Sir. If I may just take you back some weeks ago, we had a report that was very hot on the floor of the house, because of lack of authenticity of the content of the report. We were only dealing with signatures and Mr. Speaker, I don't think we should continue discussing a report that is signed by four members; this is a minority report.

Mr. Speaker, we cannot discuss a report that is being purported that other members are in consensus and they have not appended their signatures. So Mr. Speaker, my observation is, this report should be thrown away and let the committee go and sit down, make a good report and for the members of the committee to be serious. Once they made the report, why did they not sign it, if they really retreated to Mombasa? Why should we have a report that is not signed?

Mr. Speaker, this report is good but we cannot discuss a report that does not have authenticity. Thank you Mr. Speaker, Sir.

Hon. Maitha: Mr. Speaker, Sir, thank you for catching my eye. My point of information- actually I wish to congratulate my Hon Member *Mheshimiwa* Raphael. This house was held in jeopardy last week but two Mr. Speaker. A report was tabled on the floor of this house Mr. Speaker having landed to this Assembly about some five or six months ago, only later on for the Majority Leader, who is not present here, to disown the report and its contents. Here again we are discussing a report that is in total contravention of the Constitution and the Standing Orders Mr. Speaker.

This report should be thrown out of the house; the request to actually make changes in that committee should be recommended by this house Mr. Speaker and actually if this report before this house was taken somewhere, members were taken out to go and discuss and write the report, those members Mr. Speaker should even be surcharged because we can only trust on the signatures that are before the floor of this house. We don't want Hon. Members to assume the work of this Assembly Mr. Speaker so this report should be thrown out in totality and we discuss other members. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Dominic, maybe you can read for this house Standing Order No. 179 subsection 2.

Hon. Maitha: Standing Order 179, subsection 2: Reports of Select Committees. The report of a select committee having been adopted by a majority of the members shall be signed by the chairperson on behalf of the committee. That contravenes the report Mr. Speaker, sir; it is only four against nine.

Hon. Speaker: Just read it again please. I want to take that you understand that simple English in that.

Hon. Maitha: Mr. Speaker is coming there. It says this Mr. Speaker: the report of a select committee having been adopted by a majority of the members shall be signed by the chairperson on behalf of the committee. Well, the members here have signed; it is only three members who have signed. I want to read Mr. Speaker, I am not contradicting myself. The reports on the issue of County Budget and Appropriation committee, 185 (5), five members of the budget committee shall constitute a quorum.

Mr. Speaker, am I out of order Mr. Speaker? It is not me who wrote this. That committee should adhere to the Standing Order of this Assembly, Mr. Speaker. It says clearly, five members shall constitute a quorum and the proceedings of that committee can only go on if the quorum is there Mr. Speaker. So there was no quorum in that committee Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: Thank you Hon. Dominic. I want us to be genuine on this particular point. According to Standing Order no. 179, sub-section 2, who is supposed to sign a report on behalf of the committee?

Hon. Maitha: The Chair.

Hon. Speaker: Thank you.

Hon. Manyolo: Thank you Mr. Speaker Sir. At last you have caught my eye. Mr. Speaker, sir, not also tackling the issue of the signatures, Mr. Speaker paragraph one has stated clearly that they had received this document on 27th of March, and today is 17th of March. Are we just assuming that we are just living or counter-living because how comes we or on 17th and the report is on 27th Mr. Speaker, sir? It seems that the chairman assumed that members do not read between the lines.

Mr. Speaker, Sir, it is not prudent that the members can just assume we are not going through the document; in fact we read between the lines and it is also not fair for an Hon. Member to stand, Hon. Rachael, and say that Clerk is the one who did mistakes and Clerk just

receives documents which are prepared by the committee and signs. How comes Clerk had no time to go through the documents and the Hon. Member states clearly that the mistakes were made by the Clerk. Is Clerk part of the committee?

Mr. Speaker, Sir, can the Hon. Member stand and apologize for mentioning Clerk being the one who has interfered with the paper? How comes the Clerk can also pluck the signed document and insert another document which is not signed Mr. Speaker, Sir? Is it in order, Mr. Speaker, and also we have no faith with this committee of budget.

If it can give us a report which is not fully furnished, which is not fully signed, it seems that they are just assuming the House as if these Hon. Members are not Hon. Members. We regard that honor as Hon. Members and also the chair should apologize to the members Mr. Speaker, Sir. Protect me Mr. Speaker, Sir.

Hon. Speaker: Let us take that point of order by Renson; it must be a very serious point of order.

Hon. Muthiani: Mr. Speaker, Sir, I want to read page two of the document, the last paragraph which is saying this: the County Treasury shall prepare and submit to the County Executive committee the County Fiscal Strategy Paper for approval and the county treasury shall submit the approved Fiscal Strategy Paper to the County Assembly by the 28th February of each year. So I want to prove and convince Hon. Manyolo that the document was received in the Assembly on 27th February but not 27th of March, so that was a typing error Mr. Speaker, Sir. Thank you Sir.

Hon. Speaker: That point of order is sustained.

Minority Leader (Hon. Thomas Kasoa): Thank you Mr. Speaker for catching my eye. If you look at the cover page of this report, there is a stamp for Machakos County Assembly which shows this report was received in the Assembly on 27th of February, 2015. So Mr. Speaker, I understand this was just a typing error.

Hon. Speaker: Let us hear the chairman. You have heard serious issues raised on your report.

Hon. Muinde: Mr. Speaker, I want to say the only issue that has been raised by the members is appending of signatures by members and the signature of the chairman is enough, according to the Standing Orders, to table a report of the committee. Mr. Speaker, Sir, no member has raised a question on the content, the substance of the report.

Mr. Speaker, I would wish that this House can debate on serious matters: the contents, the beef of the matter addressed therein. We sat as a serious team; we interrogated this document

page by page, line by line and our recommendations are a well thought-out argument by the committee Mr. Speaker. I would wish that members do not just look at the report but also look at the Fiscal Strategy Paper itself and begin to debate based on that.

Mr. Speaker, this is a report to the house. When a Hon. Member rises and begins to quote the Standing Order on the quorum of a committee on budget, Mr. Speaker, we are not in a sitting of the committee. While interrogating this document, the whole committee was involved, it was only by the time of signing that three members out of the nine were absent but it is clear from the Standing Orders that the signature of the chair is sufficient to table the report and I want to say again that the six members who are present today and who signed the document are in this house Mr. Speaker.

I would wish that we do not concentrate on the sideshows and that we interrogate the Fiscal Strategy Paper and pass the contents of the strategy paper. We cannot, Mr. Speaker, say that we throw a document just because other members have not signed, just to reconvene another time after just signing.

Mr. Speaker, to put matters right, one Hon. Member said we sat in 67 Hotel. I don't think the member read our report or was present when I was reading the report; there is nowhere where my budget committee went to the 67 Hotel.

We retreated to Mombasa to interrogate the document. The report was not written in Mombasa; that was the first time we were interrogating and picking the points. The report was prepared here in our Assembly and it was actually today. When you look at the report, it is dated 17th March; it is today that we finalized the report and signed and the three members are not in.

On the issue of the report on page two, indicating that we received the document on 27th March, Mr. Speaker, that error is only contained in the report. The real Fiscal Strategy Paper itself has indicated it was received in the desk of the Assembly on 27th February and the PFM law is also very clear that the deadline for submission of such paper is 28th February.

Mr. Speaker, I believe our members are using a lot of energy debating on the sideshows rather than getting into the midst of the matters and discussing the content of our report. Thank you Mr. Speaker, and I wish to thank my committee; they did a thorough job. A winning team is never changed; those calls for changing the budget committee defeat its moves. My committee is sound and has members who are able and we support each other. Thank you, Mr. Speaker.

Hon. Speaker: We need to have more of your moment. Can you perhaps highlight to the house what is the purpose of the County Fiscal Strategy paper?

Hon Muinde: Mr. Speaker, the Fiscal Strategy Paper is a paper that gives in a broad perspective the priorities of a government when it comes to funding for a financial year. In particular the Machakos County Fiscal Strategy Paper 2015/2016 is a precursor to the coming budget. It is actually a curtain raiser to the budget that we shall have in this house in June. It simply gives the thinking of the government when it comes to the funding.

It is a way of opening the windows to prepare members of the Assembly and the public to get to know the mindset of the government when it comes to allocation of funds in the following year. It gives in a broad perspective what to expect, where our money, both from the National government and that we will receive from the local sources, how programmes will be funded in matters of priority.

So in this case Mr. Speaker, for those who have taken time to read the Fiscal Strategy Paper, you find that water, health and infrastructure are given priority in terms of percentage of funding; they will get more funds in the year 2015/2016.

So briefly, it is just giving wind of what to expect because immediately after this Mr. Speaker, we will expect the County Executive, in particular the treasury, to begin moving round the wards in public participation forums to get the views of the citizens in terms of how much they would expect to be funded in this area or that, and since the Fiscal Strategy Paper gives also the ceiling of the budget in the coming year, the budget itself would be pegged on the figures as attached on the Fiscal Strategy Paper. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Hon. Members, my take is that a County Fiscal Strategy Paper is ordinarily served in the house so that it can discuss the content - one of the processes of public participation. This is not a document by its very nature that this house can dismiss; it is a procedural document that is supplied within the budgetary cycle. But then there is a point that was raised by Hon. Raphael? Going through your report I have not seen anywhere it is saying the report was reached by a majority of members; maybe that is perhaps where the matter is.

Hon. Muinde: Mr Speaker, while interrogating the Fiscal Strategy Paper, attendance of the committee was 100 per cent and this report was signed by six members out of the nine simply because the other three were not present in the morning session when we were signing it. I want to assure you and the house at large that none of my members were of a dissenting voice on this report; it is a report by the members of the Budget committee.

It is not even a majority; all the members, only that by the time of mass production of the report through photocopying, three members were absent. So Mr. Speaker, this is a genuine report from the members of the budget committee to the Hon. House.

Hon. Speaker: Hon. Members, I tend to agree with the objections raised that there is nothing to show that this was a majority report and I direct that a supplementary report be filed verifying that point whether it is a majority vote and we shall proceed with the matter tomorrow morning. Next.

MOTION

WAIVER OF ACCRUED PENALTY AND INTEREST ON LAND RATES

Hon. Sereka: Mr. Speaker, I wish to defer my motion for further consultation. Thank you, Mr. Speaker.

Hon. Speaker: Maybe you can tell us more what you really mean. The matter is balloted for and we are all ready to interrogate.

Hon. Sereka: Mr. Speaker, sir, I wish to defer for further consultation with the minister. As you know Mr. Speaker, it could have been wise for me to consult the minister for Finance so that I may know for how long the waiver will take place. So Mr. Speaker, I wish and I want to apologize to my Hon. Members and promise to bring the motion as quickly as possible. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think she has attempted to explain. We grant her the permission.

ADJOURNMENT

Hon. Speaker: With no other matter then the House adjourns.

The House rose at 3.45 p.m.