

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Monday, 29th June, 2015**

The House met at 2.46 p.m.

*[The Speaker (Mr. Bernard Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed, Clerk.

Hon. Dominic Maitha: Mr. Speaker, I want to know whether it is in order for the Majority Leader to disturb the Speaker while the Hon. Chair is not in the floor of the House to present his motion. This is to hold this House at ransom. Does it mean any other Chair who has to bring a report, Mr. Speaker....protect me. Hon. Katela can you shut down I proceed. Mr. Speaker, is it order that the Majority Leader has to move around to whip his chairs to come present reports Mr. Speaker, sir?

Hon. Speaker: Thank you. Hon. Members, the Majority Leader is out of order.*(Applause)***Hon. Speaker:** And Hon. Dominic, is also out of order.*(Applause)***Hon. Speaker:** Let us proceed**PAPERS LAID****CAR LOAN AND MORTGAGE SCHEME REGULATIONS, 2015**

Hon. Peter Nzioki: Thank you Mr. Speaker. I beg to lay the following paper on the floor of the House today, 29th June 2015: the report on the Machakos County Executive Committee and Chief Officer's car loan and mortgage scheme regulations, 2015. Thank you Mr. Speaker.

Hon. Speaker: Hon. Peter Nzioki, you cannot lay this matter on the House today; this is a special sitting of this Assembly. I will advise you to now take the appropriate action.

Hon. Nzioki: Thank you Mr. Speaker...This issue is a matter of urgency and I seek leave from the House to present the matter now.

(Applause)

Hon. Speaker: The best the House can do to you is to allow you to present the matter tomorrow if you properly lay it before the House Business Committee .Therefore your request is denied.

(Applause)

Hon. Speaker: Proceed.

MOTION

SHORT TERM BORROWING BY COUNTY TREASURY 2015/16

Hon. Oliver Nzeki: Mr. Speaker, sir, aware that the County Treasury relies squarely on monies from the National Treasury, equitable share allocation and all revenue resources fund operations; aware that there have been delays in disbursement of funds from the National Treasury; aware that crucial services like ambulance services and payment of salaries need to be provided on time; further aware that the Public Finance Act, section 142 stipulates that a government entity can borrow funds from financial institutions that should not exceed 5% of the last audited accounts for cash management purposes only; aware that the funds borrowed should be re-paid within a year, Hon. Speaker Sir, I wish to move the motion that this Hon. House discusses and approves short term borrowing by the County Treasury not exceeding Kshs.350 million during 2015/2016 financial year. Thank you Mr. Speaker, Sir.I now call upon Benedette Mueni to second the motion.

Hon. Benedette Mueni: Thank you Mr. Speaker, Sir. I stand to support the borrowing of the money from the bank so that the county can be able to pay the salaries and also to continue with the other things of the county. Mostly, I ask the elected members to support the borrowing of the money because this money is not somebody's mother's money. Thank you Mr. Speaker, sir.

(Laughter)

Hon. Speaker: Okay.

POINT OF ORDER

Hon. Maitha: Mr. Speaker, I think it is the best interest of this Hon. House that members treat themselves with decorum. Is it in order for an Honorable Member to rise to support a motion and abuse Hon. Members? At any one single day Mr. Speaker, has this money been somebody's

mother or father? That is abuse of this House. She needs to withdraw and seek an apology from the members Mr. Speaker

Hon. Speaker: Thank you. Thank you. Hon. Mueni you need to be seated when a member is on an order. I am not sure whether you insulted members of the House, but tell us what was in your mind when you talked about all that.

Hon. Mueni: My mind was that you know sometimes elected members because they were given the ward development fund, they might come and refuse to give the money because sometimes when we come together some people think of dividing us. So in this time, this House has no opposition. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Okay. So in short Hon. Mueni you are telling this House that you meant well?

Hon. Mueni: Yes Mr. Speaker, Sir. We have to be members who know that we are not here to stay; we are soon going home. So we have to do things very fast. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: So the point of order by Hon. Dominic is refused.

Hon. Mueni: Thank you Mr. Speaker, Sir. In fact I was not abusing anybody but the person who thinks that I am abusing him or her can go to a lawyer and complain. I will be there to defend myself. Thank you Mr. Speaker, Sir.

(Laughter)

Hon. Speaker: I think by conduct the motion is before the House for debate. Let us get contributions. Yes Hon. Itumo, but before Itumo you proceed, we need to hear the report, isn't it? Let's hear the report and then we deal with it. But maybe Hon. Chairman as you proceed, you need to tell us whether your agenda in this motion is properly within the appropriation law. Is it a matter properly gazetted for handling today?

Hon. Nzeki: Thank you Mr. Speaker, Sir. The matter in front of the Hon. House is purely on matters of money and it is an appropriation bill because budgeting and finance, they are all the same.

Hon. Speaker: Proceed.

Hon. Nzeki: This is a report of the Finance and Revenue Collection committee on request for authority to access short term borrowing by the County Treasury.

Preamble

Mr. Speaker, Sir, on 23rd June, 2015 the County Treasury made a request through a letter to the Clerk to Assembly seeking authority of the County Assembly to be able to access a bank facility to fund salaries and other critical operations like health in the event the national government delays in releasing funds to the counties.

Mr. Speaker, Sir, the Executive Committee member's request of authority to access bank facility to pay salaries is anchored of the Public Finance Management Act (PFMA) section 142 (1) that *'the County Assembly may authorize short term borrowing by county government entities for cash management purposes only, (2) Any borrowing under subsection (1) may not exceed five percent of the most recent audited revenues of the entity and (3) A county government entity that has any such borrowing shall ensure that the money borrowed is repaid within a year from the date on which it was borrowed.'*

Mr. Speaker, Sir, the Kenya Constitution, 2010, Article 212 states that a County Government may borrow (a) if the national government guarantees the loan; and (b) with the approval of the county government's assembly. Whereas the PFM Act section 58 operationalizes Article 212 (a) of the constitution by outlining the procedures of guaranteeing loans and in particular sec. 58 (2) (b) talks of borrowing to be for capital projects; Article 212 (b) of the Constitution requires the County Assembly to approve its county government's borrowing whether it's the borrowing contemplated by section 58 of the PFM Act or section 142 of the PFM Act. This same approval is referred to in the County Government Act Section 8 (1) "The county assembly shall – (d) approve the borrowing by the county government in accordance with article 212 of the Constitution".

Mandate of the Committee

Mr. Speaker, Sir, Standing Order no. 190 (5) states the functions of a Sectoral Committee shall be:- "(a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department; (b) study the programme and policy objectives of departments and the effectiveness of the implementation; (c) study and review all county legislation referred to it; (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives; (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly; (f) to vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*)

and ; (g) make reports and recommendations to the assembly as often as possible, including recommendation of proposed legislation”.

Committee Membership

Mr. Speaker, Sir, the Finance and Revenue Collection Committee as currently constituted comprises of the following Honorable Members:-

- | | |
|----------------------------|--------------------|
| 1. Hon. NzekiMunyaka | - Chairperson |
| 2. Hon. Hon. BibiannaNduku | - Vice Chairperson |
| 3. Hon. Raphael Mutuku | - Member |
| 4. Hon. Nathaniel Nganga | ” |
| 5. Hon. Edrick Ngunzi | ” |
| 6. Hon. Alice Nzioka | ” |
| 7. Hon. David Manyolo | ” |
| 8. Hon. Philip Ndolo | ” |
| 9. Hon. Benedette Mueni | ” |
| 10. Hon. Peter Nzioki | ” |
| 11. Hon. Michael Mutuku | ” |
| 12. Hon. Margaret Ndalana | ” |
| 13. Hon. Felix Ngui | ” |

Request of Authority to Access Bank Facility

Mr. Speaker, Sir, as stated in the preface, the Executive Committee Member for Finance and Revenue Management wrote to the County Assembly on 23rd June, 2015 requesting for authority to access bank facility to pay salaries. She explained that the County Treasury relies purely on monies from the National Treasury equitable share allocation and own revenue sources to fund operations.

She added that delays in releasing funds by the National Treasury had been experienced in the past and when the funds are released there is a lengthy process of seeking authority to spend from the office of the Controller of Budget (COB) which further depends on the availability of an officer of the Controller of Budget. Against this background, the Executive committee member sought authority of the County Assembly to be able to access a bank facility in the event of the delays to fund salaries and other critical operations like health in order to ensure smooth operations in the County.

Mr. Speaker, Sir, this matter was tabled in the Committee for Finance and Revenue Collection on 25th June, 2015. Upon deliberations by the committee, members noted that the letter by the CEC was not very clear and sought further information from her on:-

1. What happened to the previous facility and when was it taken?
2. How much was being sought by the current facility?
3. Which bank provided the previous facility and which one was to provide the current one?

4. Was the previous facility repaid as per the PFM Act sec. 142?
5. For how long will the facility be in use?
6. What type of credit facility was to be accessed – overdraft or a loan?

Submissions by the Executive Committee Member – Finance

Mr. Speaker, Sir, the CEC Finance informed the committee that it was her intention to ensure prudence management of County Finances by ensuring that she sought approval from the County Assembly whenever she needed such a facility and that the previous facility approved by Assembly on 13th May, 2014 was meant for the 2014/2015 Financial Year. She explained that the facility was only used when there were delays in the disbursement of funds to counties by the National Treasury and was repaid immediately the funds were released.

Mr. Speaker, Sir, the CEC member explained to the committee that the facility was within 5% of the most recent audited revenues of the county government pursuant to PFM Act sec. 142 (b) and further that the facility would not exceed Kshs. 350 million. She explained that the facility was purely operational and would only be used in cases of hardships to pay salaries, fuel ambulances and any other emergency so that crucial services are not delayed.

Further, Mr. Speaker, Sir, the CEC Member informed the committee that the previous and the current facility were and would be provided by the Cooperative Bank of Kenya and that previous facilities were repaid immediately on receiving disbursements of equitable share allocation from the National Treasury and that she was within the provisions of the PFM Act sec. 142.

Mr. Speaker, Sir, the previous facility was well managed and in many cases the County Treasury borrowed up to Kshs. 250 million to pay salaries and repaid it immediately funds were released.

Mr. Speaker, Sir, the Executive Committee Member informed members that the National Treasury had a tendency of releasing funds to counties on 30th June when the financial year was ending and therefore making it impossible to spend the money for the financial year since they would close the IFMIS almost immediately after the release.

Mr. Speaker, Sir, the County Treasury was keen in ensuring that Machakos County paid salaries on time and remained the County number one in health sector by ensuring crucial services like the ambulance services and provision of drugs are not affected in case of delay in disbursing funds and hence the need to request for the facility. The County Treasury promised to utilize the facility with a lot of discipline since it was an overdraft.

Committee Observations

Mr. Speaker, Sir, members of the committee were satisfied by the responses of the Executive Committee Member – Finance on the issues they had raised. They were in particular

impressed by the way the previous facility was managed having been used only in times of dire need like in the month of May, 2015 when the National Treasury delayed in disbursing funds. They noted that the CEC Member would have continued to use the previous authority since it did not specify the period in which it was to be used but opted to seek a fresh authority portraying openness and accountability.

In addition, Mr. Speaker, Sir, the committee wants services to the people of Machakos County to remain high and this would not be achieved if when people need the ambulances are informed that they have no fuel or when patients visit health facilities are sent purchase drugs and other consumables from a chemist. Further, Honorable members and other county staff would want to receive their salaries at the end of the month and not to wait up to the 15th day of the following month.

Recommendations

Mr. Speaker, Sir, the committee recommends to this Honourable House to approve Authority to Access Bank Facility of amount not exceeding Kshs. 350 million by the Executive Committee Member – Finance and Revenue Management to pay salaries and fund other critical operations like health in order to ensure smooth operations of the county government.

Acknowledgement

Mr. Speaker, Sir, the Finance and Revenue Collection 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 Honorable Members of the Committee who sacrificed their time to participate in the meetings of the Committee and in preparation of this report

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Finance and Revenue collection Committee, to table this report and recommend it to this House for adoption. Thank You Mr. Speaker, Sir. I call upon Hon. Benedette Mueni to come and second the motion.

Hon. Mueni: Thank you Mr. Speaker, Sir. I stand to second the motion by asking the members not to waste a lot of time on this report but to ask the question straight to the members so that we can get the money from the bank. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Alright, let me hear Hon. Itumo.

Hon. Joseph Itumo: Mr. Speaker, Sir, this is one of the report that I cannot support so I am not supporting the report with facts. Mr. Speaker, as you are aware, we have already passed the budget of the next financial year, that is 2015/2016 financial year, and it seems that we are not patient enough to wait for the remittance of our monies from the National Treasury. Mr. Speaker,

I believe that we are collecting, even if in little amounts, the local revenue which can cater for emergencies, Mr. Speaker. Mr. Speaker, protect me I continue.

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

Hon. Cornelius Kitheka: Mr. Speaker, the Hon. Member speaking seems as if he doesn't go to the media to know what is happening.

(Applause)

Hon. Kitheka: Every Governor in this country is complaining about delays of funds and he is saying that the county government is not patient. Mr. Speaker, I think you should protect this house from such sentiments which are coming from members. Can this Hon. Member substantiate when he is saying that he is not aware of what is happening. If he is not aware of what is happening, he should not comment in this house.

So Mr. Speaker, I wish to pen off with a saying which says, 'if you choose to throw stones to every dog that barks at you, you will never reach your destination.' These kinds of dogs which are barking, we are not going to stop to see why they are barking at us. They will bark, we will kick them and we will tell them to go and come with the person who has sent them to bark at us. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think Hon. Itumo you are now informed that there are delays in release of funds. Do you appreciate that fact?

Hon. Itumo: Yes I do Mr. Speaker and I was still on that before you confronted me Mr. Speaker. So Mr. Speaker, protect me as I continue, let me continue.

Hon. Speaker: Now wind up, now that you know.

(Loud consultations)

Hon. Speaker: Order, order. Let Hon. Itumo have his moment.

Hon. Itumo: Thank you Mr. Speaker for seeing it right for me to continue. Mr. Speaker, even if there are delays in remittance of these funds, I saw it wise because I believe, once we borrow this money, it is still going to be surcharged by the banks from where we borrow the money. Mr. Speaker, we can continue dealing with emergency cases using the local revenue that we collect locally, Mr. Speaker

Hon. Speaker: Okay. I now take it that he has concluded. Let us hear further contributions. Yes Hon. Dominic.

Hon. Maitha: Thank you Mr. Speaker. This House is guided by rules and regulations and Standing Orders of this House. Mr. Speaker, I think a gazette notice was put, was placed on board to guide this session today. It reads in part: the Constitution of Kenya and the County Government Act number 17 of 2012, the Machakos County Assembly Standing Orders special sitting of the county assembly. Pursuant to Standing Orders numbers 26 (1) and (4) of the Machakos County Assembly Standing Order is notified for the information of members of the County Assembly of Machakos and the general public that there shall be a special sitting of the County Assembly to be held on 29th June, 2015 at the Assembly chamber at county hall along Mwatuwa Ngoma at 10 a.m.

The business to be transacted during this special sitting shall be the Machakos County Appropriation Bill, 2015. Mr. Speaker, Sir, unless I don't understand what county appropriation means, is borrowing part of county appropriation? I need to be guided, because the motion which has been tabled on the floor of this House Mr. Speaker is about borrowing. How does it come in, in terms of County Appropriation Bill, 2015, Mr. Speaker? We sat here some few months ago and passed a supplementary budget. Mr. Speaker, whoever brought that supplementary budget was supposed to have factored salaries Mr. Speaker. The budget is less than 72 hours old since we passed it, Mr. Speaker.

Are we going to borrow for the sake of borrowing for only 15, 20 days? What is the cost implication and it is in total contravention of this gazette notice because this is Appropriation Bill, 2015; is borrowing part of appropriation? I need to be guided on that Mr. Speaker.

Hon. Speaker: Thank you. Perhaps when the debate began, you may not have been keen but I put the Chair on that question to guide the House on whether it is within the purpose of the day. But for your sake, let's hear the chairman again. What is your position?

Hon. Nzeki: Thank you Mr. Speaker. I remember you asked me such a question and I said borrowing and it is finances. Finances and budgeting are all the same. And again if I have not heard well, it is 2015. We don't have financial year 2015; we have 2015/2016 so there is an error in your gazette notice. It is 2015/2016. It is those who printed who missed that 2015/2016 Appropriation Bill, which finances are also in Appropriation Bill. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you.

Hon. Maitha: Mr. Speaker Sir with your permission---

Hon. Speaker: You have not been permitted to talk Hon. Member. Let us hear Hon. Kalunde here. It is good; it is good to juggle our minds on this.

Hon. Kalunde: Mr. Speaker, Sir I stand to support the borrowing and I will request members to remember that when we lacked finances, we had a very very ugly scenario at our hospital whereby some members of this Assembly were there supporting people who were demonstrating when people had gone on strike.

(Loud consultations)

Hon. Speaker: Hon. Kalunde, I think I get it. Hon. Kalunde, the matter before hand is whether borrowing is part of appropriation. That is the only point that is before us.

Hon. Kalunde: Yes, and I am supporting the borrowing. Mr. Speaker...

Hon. Speaker: Hon. Kalunde, I don't know whether you get the point. Maybe you have a seat I guide the House. This is a matter that was raised to me by some of you and we have been looking at the law and for the purposes of the day, I will refer you to the Public Finance Management Act where an attempt is made to define, in the definition section, Appropriation Act. Appropriation Act means an Act of Parliament or a County Assembly that provides for the provision of money to pay for the supply of services. That definition construed well, would include what we are doing today.

(Applause)

Hon. Speaker: It is out of that basis I allowed the motion to find its way to the Order Paper. So the matter at hand is in furtherance of the purpose of the Appropriation Act. Look at the definition section of the PFM Act. Let's proceed on debate. Yes.

Hon. Stephen Muthuka: Thank you Mr. Speaker, sir, and the rest of the House. Mr. Speaker, mine is a request because we should not do things because they are normally done and maybe because you are getting something out of it. As you remember Mr. Speaker, last year we were here doing the same thing; passing a Bill to borrow and indeed, in the year 2014/2015 we borrowed heavily. As I speak here Mr. Speaker, already the Budget Implementation Review Report is out for the first three quarters up to 15th March and out of the report, already we have gone through the report and we have realized that we should not repeat the same mistakes because this is not the first time that we don't have money for the year.

We have even gone up to the 14th day of the month before we received our salaries. Mr. Speaker, Sir, this is not an exception to Machakos county; as we know, even those counties with a lot of money stacked at the CBK are still complaining about the salaries. I want to bring to the

attention of the house that Machakos County has exhausted its recurrent expenditure and I want that to be quoted.

Already we have exhausted our recurrent expenditure and there is no way we can be able to get the salaries for this month and next month. Actually this month, not even next month because our year starts a day after tomorrow. So maybe we may discuss about where to borrow the money hoping we will pay with our next financial year because already we don't have money for salaries for the remainder of this month. Mr. Speaker, also I would also like to bring to the attention of the house that.... Let me wind up.

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

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, I am wondering whether it is in order for a Hon. Member Mr. Speaker, to purport that the Government of Machakos has exhausted its share from the national Government or from the revenue. Mr. Speaker, from where is it as the representative of the Executive in this House Mr. Speaker, what I know is that these monies are in the Central Bank and by this morning, the Finance CEC was trying to get authority but Mr. Speaker up to now, she has not been granted that authority. And Mr. Speaker, when Hon. Kitheka for Machakos town was contributing, he wondered loudly, whether some members are privy to what is happening, Mr. Speaker.

It is not only in the Machakos Government where we are having these problems, Mr. Speaker. I happened to watch the 1 o'clock news Mr. Speaker, and Governors were complaining about the same. Mr. Speaker, I would like the Hon. Member for Muthwani to withdraw that the Government of Machakos has exhausted, Mr. Speaker

(Loud consultations)

Hon. Maitha: He is out of order, Mr. Speaker.

Majority Leader (Hon. Mwonga): The member for Ndalani, Mr. Speaker. You know I know they are close colleagues; I do apologize to the Member for Muthwani, Mr. Speaker, but you know they are close friends and buddies, Mr. Speaker. Mr. Speaker, can the Hon. Member for Ndalani withdraw? Thank you, Mr. Speaker.

Hon. Speaker: Hon. Dominic, kindly control, restrain yourself. Conclude Hon.

Hon. Muthuka: Thank you Mr. Speaker. I think this is a House of debate and I owe nobody an apology because I have just alluded that we exhausted our recurrent; I know we have development---

Hon. Speaker: Proceed and conclude.

Hon. Muthuka:...because I need it to go the records. Then Mr. Speaker, let me wind up with the report from the controller of budget that Mr. Speaker if you look at this report, there are challenges that have tried to help us understand the kind of challenges that we have been getting through and also they have given recommendations and....

Hon. Speaker: Let me take the point of information.

POINT OF INFORMATION

Hon. Kitheka: Mr. Speaker, I wonder why this Hon. Member, who is a very close friend to me, is referring to a document which has never landed in this House. This is a foreign document which is in this House so I think he should restrain from bringing such documents in the House before they are brought in the right order.

(Applause)

Hon. Speaker: Thank you. I think that point of order is sustained; the document is not the property of the House and...

Hon. Muthuka: Thank you, the document is not the property of the House but I can give it out

Hon. Speaker: Order, order. The Speaker, is yet to relay the document to the House. Proceed.

Hon. Muthuka: Thank you. I desist from using the document but I think the facts are in black and white. Thank you.

Hon. Speaker: Hon. Veronica.

Hon. Veronica Mbithe: Thank you Mr. Speaker, Sir, and the House at large. I stand here to support that this House adopts the report because borrowing is in order as even the Hon. members are aware that when they get broken and they have urgent issues to address, knowing that at the end of the month they will get money, they always go for overdrafts in the bank and

knowing that the Central Government sometimes delays in effecting the remittance of the funds, I believe it is in order and it is constitutional for this House to adopt this report.

I would urge the Hon. Members, the ones who are not conversant with the happenings or the goings of the Government entities to acquaint themselves because they are already Hon. Members, that it is order for government to borrow and it is in order because the Government money can never be delayed in paying so long as it has been remitted from the Central Government and you know very well Mr. Speaker, Sir, that when the House has no money, many members are always going to the banks to borrow the same. So I believe Mr. Speaker, even the Hon. Members from Kangundo Central is always saying that when he puts his hand in the pocket he touches some things other than money....

(Laughter)

Thank you Mr. Speaker, Sir. I believe that he is among the people who really need money most and this money is coming on behalf of this House. Mr. Speaker, Sir...

(Laughter)

Mr. Speaker, Sir, I believe that we all need money and for the effective management of this county Mr. Speaker Sir...

Hon. Itumo: Point of order, Mr. Speaker.

Hon. Mbithe: I ask for your protection. Mr. Speaker, Sir, for the effective management of the county...

Hon. Speaker: I think I would have allowed it if it was a point of information if you wanted to inform this House about the things.

Hon. Mbithe: Thank you Mr. Speaker, Sir.

(Laughter)

Hon. Speaker: Just proceed...conclude.

Hon. Mbithe: Yes, so Mr. Speaker, Sir, I believe this money when it is borrowed, it is for the betterment of every member of this House and the entire county and being county number one Mr. Speaker, Sir, I believe that we have to maintain our number one by making sure that everyone gets their salaries at the right time. Thank you Mr. Speaker, Sir.

Hon. Speaker: Hon. Itumo, perhaps you would want to put the House to knowledge. I can give you a minute, just tell us the things.

Hon. Itumo: Yes Mr. Speaker, Sir. The Hon. Member who has just sat down misquoted me. I said when I put my hand and have no money, I always touch the keys of my car, Mr. Speaker.

(Laughter)

She misquoted me Mr. Speaker, and for your information Mr. Speaker, I have changed my mind as far as this motion is concerned, Mr. Speaker.

(Laughter)

So I stand to support Mr. Speaker. Thank you Mr. Speaker

(Laughter)

Hon. Speaker: Let's hear Hon. Alice. Information? Yes, let us take the information.

POINT OF INFORMATION

Hon. Maitha: Mr. Speaker, I said I will always operate within and not outside the law. First, by whatever the Hon. Member Nzeki said, if this is what was published and we are discussing what was not published, we are undertaking an illegality, Mr. Speaker. Let that remain in records.

Hon. Speaker: Hon. Dominic Maitha, that matter has been ruled by the Speaker.

Hon. Maitha: Mr. Speaker, well you have said that. I want to read the....

Hon. Speaker: Order, order Hon. Maitha. You will be out of order.

Hon. Maitha: Thank you. Point passed.

Hon. Speaker: Let's proceed. Hon. Alice.

Hon. Alice Nzioka: Bw. Spika, asante kwa kunipa hii nafasi. Kuna msemo wa Kiswahili usemao 'hasira za mkizi, furaha ya mvuvi'. Wakati mjadala unaletwa kwenye hili bunge na tunapinga, kuna wengine hiyo ndio furaha yao.

(Applause)

Wakati tunasema kwamba tunafanya kupinga kama ni mswaada, wengine wanasema ‘pengene ndio tuone la kufanya.’ Sasa huu ni mwanzo mpya na mwaka mpya.

(Applause)

Mambo ya upinzani sasa tutaangalia zaidi kindani ndani. Mimi nimesimama kuunga mkono kwamba, waziri wa fedha tumpe kibali kuazima pesa.

(Applause)

Mimi kama mwanakamati wa kamati ya fedha, tulikaa kwenye kamati, tukapewa mwongozo, sisi kama wana kamati wa kamati ya fedha tukaenda kwa waziri, tukamuuliza maswali ambayo tumeyaona Bw. Spika kwenye hii karatasi ambayo tumetoa leo; tukataka kujua, tulimpa kibali mwaka uliopita, mwaka 2014/15. Akatueleza alichukua pesa tena chache kuliko zile ambazo tulipitisha. Tukamuuliza akatueleza kwamba amelipa.

Sababu tukamuuliza ya kuazima pesa akatwambia sababu serikali kuu wakati mwingine inachelewesha kuleta pesa na sisi tuna haja ya wafanyikazi kulipwa mishahara na pia sisi kama waheshimiwa wa bunge hili tukaona mpango wake na akatuelezea kindani ndani tukajua. Bw. Spika, nasema hapa hivi, ikifika tarehe nane kwamba sisi waheshimiwa hatuna mshahara, kelele zitakuwa chini juu kila mtu anaongea juu ya pesa na waziri alisema kwamba wakati pesa zikifika kwenye akaunti ya benki ya ushirika, hao wenye benki wanachukua pesa ambazo wameazima. Kwa hivyo sisi kama kaunti, hatuna deni kwenye benki la ushirika.

Bw. Spika nasema kwamba, tushikane mikono pamoja, mawazo pamoja tushikane na niko na shida sijui nitaelezewa; nafikiria tukiendelea nitaelezewa. Wakati tulikuwa tukiongea juu akupitisha pesa za waheshimiwa ambao wamechaguliwa, walishikana pamoja wakiwa waheshimiwa wa wodi 40 sababu wao waliona kwamba hizo pesa zitawafaidi. Na sisi kama wateule tunasema, na niliongea kwenye hili bunge nikasema kwamba wakati sisi mswaada ukija, mimi nawaomba sisi kama waheshimi wawateule wa bunge hili, tuliombana tukasema tusaidiwe. Sasa huu mswaada pia tunataka pia watusaidie kuunga mkono....

(Applause)

.....sababu tulisema, mambo ya kufarakana tushikane pamoja ili tusonge mbele. Bwana Spika, naunga huo mswaada mkono; mimi nasema mambo ya upinzani, mimi siko tena

(Applause)

Nataka kusema kwamba kama ni jambo ambalo limeletwa kwa hili bunge na ni jambo ambalo linatufaidi sisi kama bunge la Machakos na kama kaunti ya Machakos, tushikane pamoja, tufanye pamoja, tuunge mkono na tusonge mbele. Asante sana Bw. Spika.

(Applause)

Hon. Speaker: Thank you. Let's hear quickly Hon. Kilonzo.

Hon. Timothy Kilonzo: Mr. Speaker, Sir, I think I am one of those who will be the happiest members of this Assembly today. Mr. Speaker, Sir, I stand here to support that we borrow money to pay the workers, Mr. Speaker as most of us have said and Mr. Speaker as I can see the House and the mood of the House is that we have agreed, only a few those even if we talk of goodies will say no, Mr. Speaker, let us put this to where it should be, let us borrow money, let us pay the workers, let us pay the Assembly and let us work together as they have said.

We don't have objection of cooperating the Whole House in speaking in one voice. We don't care there might be one or two; those do not mean that this House will not move forward. We shall also try to co-operate with them in other ways. Otherwise Mr. Speaker, I support that we borrow money and pay the workers, Mr. Speaker. Thank you Sir.

Hon. Speaker: Okay. Let's hear Hon. Kathinzi and we finish with Hon. Kamotho.

Hon. Alex Kathinzi: Thank you Mr. Speaker. As I support this particular document Mr. Speaker that this county operates like an individual, like yesterday I borrowed Kshs. 11,000 from somebody and I said I will pay next month when I get the salary. So that means if I fail to get the salary, I will be in crisis.

(Applause)

I might be declared bankrupt because I am not able to pay that particular debt. Last month I borrowed 30 bags of cement which I paid yesterday when I got some payment somewhere. So borrowing is a norm; borrowing is normal for each and every one of us. Last time when we were trying to pass another report like this Mr. Speaker, I also said I would like to give like Kshs. 2,000 to somebody who does not owe anyone anything in this country, us as members and they lacked. Everybody said I owe somebody some money; even others owe more than Kshs. 500,000 as we are still seated here.

So I stand here to say Mr. Speaker, that our employees in this county, including ourselves Mr. Speaker, need to get our right after giving and delivering services which we are employed for so I support and say, let us give the authority to the CEC, Finance, to do the needful because

we vetted and employed her on those grounds to do that work for us so that our county can proceed and then the division of this House Mr. Speaker, we said enough is enough...

(Applause)

We need to stay together as brothers; let us share the ideas, let the appropriate information be passed to each and every member so that we can move forward. We have only two years to go; what will we say we have done? Fighting? It is not possible. Let's unite for a purpose and say we want our county to be the best county in this country. Thank you Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Let's hear...I am sorry about it. I was reminded you are not Hon. Kamotho; you are Hon. Kasimu. My apologies.

Hon. Wilson Kasimu: Thank you Mr. Speaker. My name is Hon. Willy Mukewa Kasimu, alias Kamotho; I have no problem with that name because there is a reason why they call me that. Mr. Speaker, Sir, I want to support the motion and I also want to thank Hon. Members who have stood together and said enough is enough that we are going to work together as Hon. Members, whether elected or nominated.

Mr. Speaker, Sir, I want to bring to the attention of this House that there are members here, outside or inside the House now as we talk, who have been blackmailing the Executive. Every time there is a motion that is supporting development, they blackmail the Executive and Mr. Speaker Sir, it has been against our spirit of unity because united we stand, divided we fall. Mr. Speaker, Sir, I want especially to encourage the nominated members to feel part and parcel of this House.

(Applause)

I want to encourage those who think they have been in the opposition that we don't look at them as them as the opposition; we have been looking at them positively. But we are against members who are blackmailing the Executive at the expense of other members. From today Mr. Speaker, Sir, we want to work together as members and if there is anything that will come up in this House, we will sit soberly, discuss it as brothers and sisters and pass it, whether we agree to disagree or we disagree to agree, it will be a sober move that does not hurt anyone but blackmail must be condemned with the strongest words possible. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Finally, let us agree to hear Hon. Matheka. We have heard a lot of you; let's hear one, two then Ndumi, three, four and lastly you conclude.

Hon. Francis Matheka: Thank you Mr. Speaker, sir and the House at large. Mr. Speaker Sir, I won't dwell very much on the opposition but I have to comment on it because I know I am branded as one of the hard cores in the opposition. Mr. Speaker, Sir, working together is not a big deal but it depends on what we are working together towards. I cannot work together, as Hon. Kamotho has said, towards blackmail; that one is out of me and I say it before this House. If it means working together, we work for the good of Machakos people not for our own stomachs.

Mr. Speaker, Sir, you have seen it here in this House today; somebody was taking that route so that we can go against this motion for blackmail. Mr. Speaker, Sir, that spirit has to come to an end in this Assembly if we want to work for whoever sent us here in this House and that is Wayua. Mr. Speaker, Sir, I would like to point out some few issues; I would like to say I am not opposed to the motion, I don't want anybody to say I am opposed but what I am saying is this, as in page 1, there is section 58(2a). The PFM Act talks of 'borrowing should be for capital projects.'

Mr. Speaker, Sir, it should be noted that we are not borrowing for any capital project but for a recurrent expenditure so the chairman should note the section he is quoting, otherwise he might contradict himself on the process of moving a motion or laying a paper. Mr. Speaker, Sir, it should also be noted that he has put it clear in black and white that we will not hear of ambulances lacking fuel neither tractors, bull dozers and the graders. It will be a big surprise and a wonder if my people call for an ambulance and there is no fuel, yet this Hon. House has approved an overdraft. I won't call it a loan, Mr. Speaker Sir; I will call it an overdraft because I understand it will be cleared immediately monies come from the Central Government.

So Mr. Speaker, Sir, the finance committee and the relevant committees should see to it that nobody will die for lacking an ambulance to take him or her to hospital for lack of fuel. When I go to the Ministry of Public Works, I should not be told there is no fuel to fuel a grader to do my roads. I understand some counties have their graders on ground but some are grounded; that one should be a thing of the past because we are borrowing to finance both development and recurrent according to me, Mr. Speaker, Sir.

So Mr. Speaker, Sir, I am not opposed to the overdraft facility so long as it will be used in the right order and the people of Machakos will not lack services because of lack of money. Thank you Mr. Speaker, Sir.

Hon. Speaker: There is a section you quoted of the law saying that it is improperly inserted and I find it to be section 142, which is the section that relates to short term borrowing. Where was that? You said section what?

Hon. Matheka: I am saying it is in page one.

Hon. Speaker: Page 1, section?

Hon. Matheka: Yes. He has quoted guaranteeing of loans and in particular, that is line number 4; the one which starts with the ‘...of the Constitution by outlining the procedures of guaranteeing loans’ and in particular section 58(2b)??? talks of borrowing to be for capital projects.

Hon. Speaker: Okay.

Hon. Matheka: Mine was just to point out that, that section talks of borrowing for capital projects and I was reminding the chairman we are not borrowing for any capital projects but for a recurrent expenditure. He should not mix issues otherwise he might contradict himself on the floor of the House. Thank you.

Hon. Speaker: Thank you. Let us hear Hon. Kamitu.

Hon. Alex Kamitu: Thank you very much. Mr. Speaker, Sir, I stand here to support this motion. Mr. Speaker, I stand only to remind our Hon. Members that if they went through the report or the request the chair of Finance made, it is just a very important but a very simple message that the County Government of Machakos was requesting to borrow this money so that as a county, the service delivery of Machakos County in regards to salaries are not delayed and again also to service other critical operations like health.

Mr. Speaker, Sir, through experience, you have seen that when members or the workers’ salaries are delayed, there are these protests in the hospitals because they are serving very critical areas so it is in this line, it is on this strength Mr. Speaker, Sir, that I stand here to request Hon. Members not even to waste time but to come out strongly so that we support this motion so that there will be no delay of salaries. Salary stands as welfare of the workers. Again as I repeat myself, there are those areas that incase members or workers will not be paid, critical operation areas like in the health department will not be undertaken.

So if members are serious about the welfare of the Machakos County personnel, they should stand strongly, come out strongly and support this motion so that by tomorrow or the next two days, people will be paid their salaries and the service delivery of Machakos County continues. So I stand strongly to support this motion that members should come out strongly. Otherwise thank you very much Mr. Speaker and I sit down to support and say, may God bless those Honourables who have got the heart of their people at heart. Thank you.

Hon. Speaker: Maybe Hon.Kitheka, on the promise that it will be half a minute.

Hon. Kitheka: Mr. Speaker, I stand to support this motion 100 per cent.

(Applause)

Mr. Speaker, I have a very clear reason why I am supporting this motion. This morning I was accosted by workers from the county Government; they told me ‘this is the month which you delay our salaries up to the 40th day of the month.’ I dint know whether a month can have 40 days but they assured me that after 30 days if we take ten days, it will be 40 days. SoMr. Speaker, I am kindly requesting these Hon. Members to put their differences aside and work for the betterment of the people of Machakos.

(Applause)

The people of Machakos have suffered because of petty divisions in this House which are not warranted for in whatever case. SoMr. Speaker, as I stand,I know very well we are within the law to borrow. If you clearly read Sections 142,141 and thereafter, you will find that we are within the law and whoever feels that we are not within the law, he can seek court interpretation for him to get clearly what is happening. SoMr. Speaker to be off the mic, I say I support the motion 100 per cent.

Hon. Speaker: Thank you. Let’sconclude. It looks like enough has now been said....The mood of the house. I will urge Hon. Ndumi to guide me on the mood of the House.

Hon. Ruth Ndumi: Mr. Speaker Sir, I stand here to support the motion because Machakos County, number one in Kenya, has employed so many women and they are here working with children and Mr. Speaker, Sir, if at the end of the month there is no money, the women and children will suffer. Mr. Speaker, Sir, I want to tell you this: in this House you can see now there is no opposition and you know Mr. Speaker, Sir, we don’t get water because of the opposition.Mr. Speaker, Sir, I ask you now to tell your staff to supply the House with water. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Serjeant-at-Arms, may there be water.

(Applause)

Hon. Nathanael Nganga: Thank you Mr. Speaker and the House at large. All said and done Mr. Speaker,I think the mood of the House is that we proceed into adoption of the motion

and I beg to request that having read the mood of the House, we put the question and have the matter concluded because there is another further matters that we would want to further deliberate on. Otherwise, I support the motion. Thank you.

Hon. Speaker: Thank you. Let us hear finally from the....

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I want to second the proposal by the Deputy Speaker who is also member for Ikombe Ward, and Mr. Speaker, in a minute I want to thank the members who have supported this motion from the Chair, Finance and Revenue Collection Mr. Speaker and particularly the members and the nominated members who have seen that they are being used by the elected members. Mr. Speaker, it is true what my deputy has said.

There are some members in this House who are taking advantage of motions which are coming from Executive side. Mr. Speaker, I want to say it here; if they don't change, in two weeks or three weeks' time will table a list in this house Mr. Speaker, of the members who are blackmailing the Executive. Mr. Speaker, this morning I was called by the Governor and I was asked what is happening in the Assembly? Some members are calling the Chief of Staff and even some members went to his office this morning Mr. Speaker, saying 'if you don't give us money, this motion is not going to sail through.'

Mr. Speaker, I think we should be Hon. Members and I am assuring this Hon. House that in less than two weeks or three weeks, if this one is repeated Mr. Speaker, I better lose my seat as the Majority Leader but name some members in this House. Thank you Mr. Speaker; I do support.

Hon. Speaker: Thank you. Let us hear the mover of the motion... Your thanks were delivered by the Majority Leader but you can say them again.

Hon. Nzeki: Okay. Thank you Mr. Speaker, Sir. I thank all the members who have supported the motion; I don't think whether there is anybody who has opposed except that he has come to our side. Again members I wanted to inform you that we are not borrowing for only one month; we are giving the CEC authority to continue borrowing for the whole of 2015/2016 financial year.

In case she sees that there are some crisis coming or on the way coming and the money has not been released, she can go to the bank and get some money and the other time we gave her an authority to be borrowing Kshs. 400 million and she never even reached that ceiling. She was only getting Kshs. 250 and immediately it was being paid. So, members, thank you very much for what you have done.

Again you have heard through the media, the Chairman of the Council of Governors has for the whole of this week, been talking of a crisis which is looming ahead at the start of next financial year so next financial year members because we have passed this in Machakos County, there will be no problem; you will be getting your pay before 9th and if possible, on 5th money will be in your banks believe me, the Minister for Finance is very keen on that. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you Mr. Speaker, sir. Then I will proceed to propose the question that those in support of the adoption of the Chairman of Finance's report, which report is intended to operationalize Machakos County Appropriation Bill, 2015, in oneness say 'ayes.'

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Any other motion? In the absence of any further business, Hon. Members let's meet tomorrow for normal business. Thank you.

The House rose at 3.57 p.m.