

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 22nd September, 2015

The House met at 2.35 p.m.

[The Speaker (Mr. Mung'ata) in the Chair]

PRAYERS

Hon. Speaker: Good Hon. Members. Let us proceed, Clerk.

PAPER LAID

INCOME AND EXPENDITURE REPORT FOR 2013/14

Hon. Oliver Nzeki: Thank you Mr. Speaker, Sir. I beg to lay the following paper on the table of the assembly today the 22nd September, 2015. Report of finance and revenue collection committee on income and expenditure for 2013/14 financial year. Thank you Mr. Speaker, Sir,

Hon. Speaker: Thank you. The paper is laid. Proceed.

NOTICE OF MOTION

INCOME AND EXPENDITURE REPORT FOR 2013/14

Hon. Nzeki: Thank you Mr. Speaker, Sir. Pursuant to Standing Order 190 (5) I wish to give notice of the following motion. That this Hon. House discusses and approves the report of finance and revenue collection committee on income and expenditure for the fiscal year 2013/14. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you, proceed. Notice issued.

STATEMENTS

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Hon. Dominic Maitha: Thank you Mr. Speaker, Sir, and the Hon. Members present pursuant to Standing Order 40, Mr. Speaker, Sir, I wish to seek the following statements. Mr. Speaker, Sir, I wish to seek the following statements.

LIGHTING OF MUTHWANI WARD FLOODLIGHTS

Why the county government of Machakos has failed to light up *Mulika mwizis* (floodlights) at Muthwani ward and other wards after they were installed for more than six months and they have not been lit up to date, Mr. Speaker, Sir. Even in those areas where they were installed and were lit, Mr. Speaker, they have stopped to work up to date. I seek a statement on that.

ROAD PROJECTS BESIDE THE 2013/14 PROJECTS

Mr. Speaker, I am seeking a statement on why the county government of Machakos has not undertaken any road projects beside the 2013/14 projects which were suspended and are yet to be completed. Mr. Speaker, as you are aware 2013/14 we gave some projects which today they are not finished but the financial year 2014/15, there is no single road project which was undertaken in any ward as I am guided Mr. Speaker, and we had allocated finances for that. I seek a statement on the same.

USE OF WATER EQUIPMENT FOR ROAD CONSTRUCTION

Mr. Speaker, Sir, I want to know why the county bought equipment for specific purposes in various departments in particular the equipment meant for dam excavation that are now being used for road construction, Mr. Speaker. We passed a budget to buy bulldozers, Mr. Speaker, Sir, which the county did. The bulldozers were basically meant to do dams, excavate dams in our wards. To date the current water crisis for both human and livestock consumption, Mr. Speaker, is not even to be spoken about. Why is that equipment being used to undertake road projects instead of doing dams in our wards yet the department of roads was given money to buy its own equipment.

USE OF BURSARY FUNDS FOR ALLOWANCES AND IMPRESTS

Mr. Speaker, I want to seek a statement why funds which had been budgeted for county bursary funds were spend to pay staff in the department of education as allowances and cash imprests. With me Mr. Speaker, is a cheque extract of the Machakos county bursary fund which was used to pay imprest. If you do allow me, Mr. Speaker, to read, I will do so. There is cheque No. 0005 which paid Geoffrey Mulwa Kioko as imprest of Ksh. 25,000 in the bursary fund kitty.

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There is cheque No. 0081 which paid somebody Mutuku Kioko Ksh. 150,000 as imprest under the cheque for bursary funds. The same Geoffrey Mutua Kioko was also paid Ksh. 25,000 as imprest under the cheque of bursary funds. The same person Geoffrey was paid Ksh. 39,000 as imprest under the bursary fund cheque. There is another Geoffrey Kioko who was paid Ksh. 260,000 as imprest under the cheque for bursaries, Mr. Speaker. The same same guy was paid another Ksh. 25,000, Mr. Speaker, Sir.

Another Ksh. 200,000 was paid to somebody Geoffrey Mulwa as imprest and another cash imprest of Ksh. 33,000 was paid through the Machakos county bursary funds. As I stand here, Mr. Speaker, today my ward was meant to receive Ksh. 1 million. I was given Ksh. 486,000 among other wards which never received their bursaries to the fullest. I want to understand why. There is a document to support that.

Hon. Speaker: Order Hon. Dominic. When you seek and make a statement, you don't tender evidence otherwise you will be taken to have answers to your own questions.

Hon. Maitha: Mr. Speaker, as you have always guided this house, you said it is good to come before this house with evidence so that.... I have given that if they dispute that---

Hon. Speaker: Just proceed with the statement.

Hon. Maitha: I have more documents to support the same. Thank you Mr. Speaker, Sir.

EMPLOYMENT LETTERS TO CASUALS

Mr. Speaker, I am seeking a statement to know why the county public service board after engaging contractual staff, has failed to issue employment letters to casuals even after they have served for two years contravening the County Government Act which stipulates clearly about the function of county public service board. Three, two years down the line, they are still moving around and about. Why, I am seeking a statement on the same.

OPERATIONALIZING DISPENSARIES CONSTRUCTED BY CDF

Mr. Speaker, Sir, I am seeking to know why the department of health has failed to make operational the existing dispensaries which were constructed through CDF and other national government agencies before county governments were formed. Mr. Speaker, almost every ward has a dispensary which is constructed fully, why hasn't the department of health done something about it for the last two years Mr. Speaker, Sir.

USE OF PRIVATE REGISTRATION NUMBERS BY OF COUNTY VEHICLES

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Mr. Speaker, Sir, I am speaking seeking a statement number seven on the following; why the county government vehicles have private registration numbers despite the resolution of the county assembly to have them registered, Mr. Speaker. There are so many county vehicles that are moving around with private registration numbers and prone to misuse. Why has that happened despite a resolution of this house?

FENCING OF MARUBA DAM

Mr. Speaker, Sir, I am seeking a statement to know why the county government department of water. County government department of water and irrigation has not secured Maruba dam which is already drying up from livestock farmers who are grazing near. Mr. Speaker, if you go to Maruba, near the dam there is contamination of the water reserve which is normally consumed by the public. Mr. Speaker, if you go to maruba dam right now you will find a lot of livestock being feeding and inside the drying part of the dam. Most MCAs, Hon. Members who are in this assembly they reside within Machakos, every morning whenever they open their taps, that water smells livestock waste. Why hasn't the county government fenced that dam to secure our people from other illnesses, Mr. Speaker, Sir?

PUBLIC OFFICERS ENGAGING IN POLITICS

I am seeking a statement on why county public officers are engaging in politics yet the public officer's ethics Act prohibits them from doing so especially some officers in the department of health. I don't want to mention by name, Mr. Speaker, but if you go to one political site, Machakos county politics, there is one officer from the department of health, employed as a public officer, who is actively engaging in politics contravening the public officer's ethics Act. I need a statement of that.

CONSTRUCTION OF ROAD IN PEOPLE'S PARK

Another statement Mr. Speaker, Sir, I am seeking a statement to know why the county government is constructing roads in the empty People's Park area which is not in use instead of tarmacking dilapidated roads in the wards, Mr. Speaker. If you go to the Park, Mr. Speaker, right now, where we intended to construct the city, which I don't know it is when, there is heavy construction of roads that taking place. El Nino is just about to come and our roads are in a dilapidated state as stipulated yesterday, in one ward, Ndithini and Muthesya wards under the Machakos county social website. Why are we doing that instead of going to do those roads in Ndithini and other wards where we have those problems, Mr. Speaker?

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COMPLETION OF PROJECTS UNDER THREE DEPARTMENTS IN 2013/14

Last and least statement, I am seeking a statement number eleven why the departments of education, trade and water have not accomplished the projects initiated in the financial year 2013/14 despite having being budgeted for and funds for the projects released by the national government through the equitable share on development projects, Mr. Speaker. As we speak here, Mr. Speaker, today under those departments projects were initiated, markets, ECD centers, boreholes, dams were given out but nothing has been done. Very little. I am seeking a statement to know. These projects were meant for 2013/14 , 2014/15 the financial year for those two financial years are gone nothing seems to be going on. I seek a statement for those projects. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you hon. Dominic. Question number one is referred to the chairperson of decentralized units committee, question number two to chairperson transport and roads committee, question number three the chairperson of environment committee, question number four to education committee, question number five to labor and ICT committee, question number six the chairperson health committee, number seven the chairperson of transport committee, number eight the chairperson environment committee again, number nine the chairperson of labor and ICT committee, number 10 to the chair transport and roads and issue No. 11 is referred to the chairpersons environment committee, the chairperson, planning committee and the chairperson education committee.

The directions are that those responses be available in the next seven days. Thank you and that is the practice that the house will adopt if a chairperson is in particular difficulties, then you come for pleas on extension. Thank you. Let us proceed.

MAVOLONI WATER PROJECT

Hon. Ngunzi: Thank you Mr. Speaker. I want to respond to a statement sought by Hon. Stephen Muthuka on the position of Mavoloni water project valued at Ksh. 2.7 million. Mr. Speaker, Sir, I stand under Standing Order 41 (2) (c) to intervene to a statement sought by hon Stephen Muthuka on 16th July, 2015. Mr. Speaker, Sir, the said project was awarded to Power Soft International Limited---

Hon. Speaker: Order Hon. Ngunzi, I think these responses were given, were indeed given. Today we said that we shall give members time to interrogate them and see that they are sufficient so I will ask that with honor, you can rest.

Hon. Ngunzi: Thank you. Okay.

Hon. Speaker: Clerk. Yes Ho. Muthuka

Hon. Stephen Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Since, I am the member who had requested for the statement. The statement was read but I would like to express my dissatisfaction---

Hon. Speaker. Sorry, I will give you that moment. Let us proceed. Finish with the Order Paper.

MOTION

INCOME AND EXPENDITURE REPORT FOR 2013/14

Hon. Nzeki: Thank you Mr. Speaker, Sir. In front of you is 2013/2014 income and expenditure report. Mr. Speaker, Sir, the 2013/2014 income and expenditure report was tabled in this Hon. House on 26th February, 2015, debated and eventually referred back to the committee, sorry, Mr. Speaker. Mr. Speaker, Sir, that aware that the income and expenditure report for 2013/2014 was tabled in this Hon. House, debated referred back to the committee citing the authenticity of the report. Aware that the committee sought for an authenticated report with a success and received two different reports resembling the previous report.

Aware that the committee broadly met and discussed the reports with a view of resolving the questionable issues. Mr. Speaker, Sir, aware that the committee received the income and expenditure report for the 2013/2014 and that the finance and revenue committee met various times to analyze and scrutinize the report; aware that the report would guide the subsequent yearly reports, the committee re-introduces to this Hon. Assembly, the 2014-2014 income and expenditure report for discussion and adoption. Thank you Mr. Speaker, Sir. I therefore call upon Hon. Alice to second.

Hon. Alice Nzioka: Asante Bw. Spika. Nimesimama kuunga mkono kwamba matumizi ya pesa mwaka 2013/2014 ripoti ambayo mwenyekiti ameleta, naomba bunge wajadili na waipitishie kama vile ambavyo imesomwa. Asante, Bw. Spika.

Hon. Speaker: Thank you. Proceed.

INTRODUCTION

Mr. Speaker, Sir, Income and Expenditure report 2013/2014 was tabled in this Honorable House on 26th February, 2015, debated and eventually referred back to the committee after serious issues were raised on the credibility of the report with directions that authentic report be

produced. The committee wrote to the department of Finance and Revenue Management requesting for another report.

Mr. Speaker, Sir, the task of obtaining an authentic report has taken longer time than this Hon. House had directed but, as shall be explained, it was necessary. Since then two reports have been submitted to the committee. The reports were dated 13th March, 2015 and 13th May, 2015. The latter report was partly acceptable to the committee even though it lacked some important information. The former report was rejected by the committee as it did not meet standards of a report as shall be explained.

MANDATE OF THE COMMITTEE

Mr. Speaker, Sir, Standing Order 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 Hon. Members;

- | | |
|-----------------------------|--------------------|
| 1. Hon. Nzeki Munyaka | - Chairperson |
| 2. Hon. Hon. Bibianna Nduku | - 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 | “ |

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13. Hon. Felix Ngui

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REPORTS

INCOME AND EXPENDITURE REPORT 2013/2014 (DATED 13TH MARCH, 2015)

Mr. Speaker, the Committee on Finance and Revenue Collection received this report and on analysis made the following observations which were the basis for asking for another report.

1. The document was not forwarded according to the Public Finance Management Act 2012 section 166(2) (b) which states that the accounting officer to prepare quarterly reports for county government entity in a form determined by the accounting standards board and section 166(4)(a) that the county treasury shall consolidate the quarterly reports and submit them to the county assembly (b) deliver copies to the controller of budget, national treasury, and commission on revenue allocation, and (c) publish and publicize them.
2. The report presented quantified summaries of an expected report without notes and details to the accounts. The report did not show the sources of income and the details on the expenditure. This had put limits to analyzing the report. Further, there were no documents accompanying the report as requested by this Hon. House.
3. The pages of the document were signed by a deputy accountant general, by the name **Michael Musyoki** who is not the accounting officer.
4. There was no table of contents or numbering of the pages of the report. The standard form of reporting was not used including the basis of a report as per the budget (expected income and proposed expenditure).
5. The report was not extracted from the IFMIS system as stated in the PFM Act section 12(1)(e) and as prescribed by the National Treasury.
6. Revenue was not reflected as per the source, per Sub-County and item. The report was supposed to show the potentiality per area, source and item for the purpose of management of county public finance and revenue collection according to standing order No.190 (*the second schedule*) that defines the mandate of the committee for Finance and revenue collection. The source of revenue should be identified with details and not just a

summary of figures without notes and details that cannot be elaborated and analyzed. Classification of cash receipts should be properly reflected as disclosed.

7. The report should compare actual amounts received and spent with set targets to monitor performance. Percentage variance in performance should be revealed in the report. There was no monthly breakdown attached to the report. The quarterly performance should have been revealed in the report.
8. Summarized totals for the other receipts given on revenue collection tied with the previous report which was tabled in this Hon. House and Exchequer releases were reflected in the report. Payments were not shown as budgeted versus actuals as was normally done with reporting. The reporting format was not according to accounting standards. There were no notes attached to expenditure summaries in the report. Cash payments should be properly reflected as disclosed.
9. Operations and maintenance expenditure were put together which should not be the case. Comparative figures as budgeted and as per departmental votes were not reflected. Further, recurrent expenditure and development expenditure were given without a breakdown to the summaries and classification of items like subsistence allowance under personnel was operations expenditure.
10. The document should be customized as per county proceeds for example; in the item given as other grants” Refugee assistance” is not applicable for the county report.

Mr. Speaker, Sir, as noted above, the report forwarded to the committee on 13th March, 2015 had very limited information and did not meet the prescribed standards of reporting to be analyzed to give a report for monitoring and decision-making. As such the committee invited the Chief Officer County Treasury, Ms. Jacinta Mwikali to shed more light on the report. The Chief Officer appeared before the committee on 9th April, 2015 and it was resolved that she submits another report as per the prescribed accounting standards, PFM Act 166 (2) (b) and 166 (4) (a) and supporting documents such as bank statements be attached.

Mr. Speaker, Sir, the process of obtaining another report was very slow and it took over a month before a substantial document was forwarded to the committee. It is this document which the committee would like to table before this Hon. House for discussion. Mr. Speaker, this is the report which is now before this House. Mr. Speaker, I now I continue to the next report which was submitted after meeting the Chief Officer of finance.

Mr. Speaker, Sir, as the committee embarked to analyze the report it noted that section 166 (4) (a) was not fully adhered to since the report, once prepared, should be submitted to the Assembly and copies delivered to Controller of Budget, National Treasury and Commission on Revenue Allocation. The committee observed that an original copy of the document should have been submitted to the Assembly and not a faint copy as was the case. The committee requested for the original copy of the report to be availed to the committee and the department complied. The following were the observations made by the committee;

1. The report stated that fiduciary oversight was provided by the Audit and Finance committee. Members noted that this committee was not in existence as reported by the report from the Office of the Controller of Budget (County Governments Budget Implementation Review Report, Half Year FY 2014/2015, February 2015 (page 135).
2. On the foreword by the Executive Committee Member, Treasury, the CEC stated that Early Childhood Development Education infrastructure were done in the 2013/2014 Financial Year yet Hon. Members can attest that these projects were ongoing in the financial year of 2014/2015. Further, members had questions on capacity building and reviving of SACCOs because such activities were not planned for in that year.
3. The following sums of money were not agreeable to the committee; Ksh. 160,462,598 from other receipts not classified elsewhere (pp. 26), other personnel payments (pp. 27) amounting to Ksh. 32,426,138, other operating expenses on (pp. 27) totaling to Ksh. 188,557,057 and untitled amount of Ksh. 32,841,755.

4. On page 10, it was observed that there was an outstanding imprest of Ksh. 72,503,551 which should have been accounted for at the time of preparing this report. Note 24D stated that 'see annex' and there was nothing annexed to the report.
5. The committee noted that the notes on other current transfers and grants totaling to Ksh. 24,535,000 and other capital grants and transfers amounting to Ksh. 33,489,036 were not sufficient and there was a need to have an annex on the grants and transfers (pp. 29).
6. On the Acquisition of Assets, members noted that the report did not have accompanying asset register which made it impracticable for the committee to ascertain the details.
7. The report did not show pending bills.

Mr. Speaker, Sir, the report presented had complied with most of the requirements of the PFM Act provisions except that it did not show how much debts the County had since it had omitted pending bills. The committee observed that the annexures referred in the report were not attached.

OBSERVATIONS

Mr. Speaker, Sir, the committee had hard time in ensuring that an acceptable report was tabled in this Hon. House. One thing which has become very clear to the committee was that the department did not have proper records of all revenue collected per day, per month, per vote and per sub-county in the first year of devolution 2013/14. This lack of keeping records was the reason why the earlier report showed amounts which seemed to be fabricated and flawed. This was also evident in that the department has failed to provide breakdown of other receipts, bank statements as well as cash flow statements despite the committee requesting for them.

Mr. Speaker, Sir, the committee observed that the department was not serious with its work. This was witnessed when the department claimed that the previous report tabled did not originate them only to submit a document without pages and looked more of a forgery than being real. Secondly, the committee spent a lot of time trying to explain to the department on the correct format as per PFM Act section 166.

Further, Mr. Speaker, Sir, the committee was concerned why such a sensitive department dealing with finances did not keep proper and updated records. Questions emerged as to whether the department failed to meet revenue targets for the 2013/2014 financial year. In addition, the committee noted that there were loose internal controls and this fact could have led to imprests outstanding for a long period of time (page 32) and omissions in labeling other expenses of Ksh. 32,841,755 (page 27)

Mr. Speaker, Sir, on other receipts Ksh. 1,175,227,171 (note 12) pp. 26, members were not satisfied with the lumping of most of the revenue under receipts from administrative fees and charges totaling to Ksh. 949, 652,841 without providing for an annex to explain the sources of such revenue. If the department had provided such an annex the committee could make informed decisions pertaining to expansion of revenue base and finance bill for the county.

Mr. Speaker, Sir, the figures presented in this latter report were not different from the one presented earlier and some of the questions raised earlier have not been answered. Such questions include; acquisition of Land of Ksh. 10 million, unspecified income of Ksh. 109.8 million in the previous report, quoted as other receipts not classified elsewhere amounting to Ksh. 160,462,598 in the last report.

Mr. Speaker, Sir, the Committee observed that the last report was submitted as per the law and has also been submitted to the Auditor for auditing. Further, most of questions raised here are subject to investigations by other organs of the Government and as such the committee does not want to prejudice such investigations. The committee noted that the recommended format for keeping records as per the law was not adhered to from the beginning hence the department had a challenge while compiling the report that led to many errors.

RECOMMENDATIONS

Mr. Speaker, Sir, the committee did not find any difference between the report which was referred back and the other reports which were submitted later. The last report was not better

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than the earlier one other than being in the prescribed format, it lacked information on pending bills, annexures were missing, did not have supporting documents and some items were not labeled.

Mr. Speaker, Sir, the committee makes the following recommendations:-

1. That the Chief Officer should provide this Hon. House with regular reports as required by the Constitution of Kenya 2010 Article 183 (3) and respond to questions relating to her responsibilities as per the County Governments Act sec. 39 (2) (b) and to prepare reports as per Public Finance Management Act section 166.
2. The funds spent on purchase of land costing Ksh. 10 million and the outstanding imprest of Ksh. 72,503,551 is now under the scrutiny of the Auditor General and the committee restrained itself from making any recommendations taking into account that the matter had taken a different direction.
3. That the department should keep proper records on all financial matters on the county entities and the submit them to the relevant organizations as provided by the law.
4. That the issue of pending bills should be taken seriously by the department and that an updated County Debt Management Strategy report on pending bills and the level of indebtedness in the county should be submitted to the county assembly within 230 days from this date.

(Applause)

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 Hon. Members of the Committee

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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 re-introduce the 2013/2014 Income and Expenditure Report in this Hon. House for consideration and adoption. Mr. Speaker, Sir, the report was discussed and approved by the following members of the committee. That is the 13 members. Thank You, Mr. Speaker Sir.

(Applause)

Hon. Speaker: Thank you very much the report has been amply represented to the house. Hon. Members, I find a very voluminous document here is my advice that members be given time to go through it and that we shall have the report, the matter will be referred back to the House Business Committee for balloting on when it can be heard the earliest. I will urge the matter be disposed of by next week. Back to the statement hour that was reserved last week and I will urge Hon. Muthuka to begin.

STATEMENTS

(Resumption of debate)

Hon. Muthuka: Thank you Mr. Speaker, Sir. I wish to express my dissatisfaction of the statement that I had sought about Mavoloni water project which was valued at Ksh. 2.7 million in the financial year 2013/2014. Particularly, Mr. Speaker, I am taking offence to the last statement from the last paragraph from the statement that was signed by the chairman environment land energy and natural resources Hon. Edrick Ngunzi that if I quote, Mr. Speaker, Sir, 'I therefore want to inform the concerned Hon. Member that the project were collapsed due to delayed payment of the pending bill.' Again Mr. Speaker, if you go to the previous paragraph, 'that the contractor later embarked on Mavoloni water project and due to delayed payments for the first project, the work was left pending.'

The contractor's commitment is that if Mananja water project is paid, then he will take at most two weeks to complete the Mavoloni water project. Now Mr. Speaker, I am talking about a project which was supposed to be done in the financial year 2013/2014 and today this is the third month of the third year that is financial year 2015/2016 and yet there are conditions which are pegged on my project, the projects from Ndalani as if they must be done, if other projects have been paid, as it is very well stipulated in this statement. I would like to know, for heaven's sake,

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when will these pending bills be paid and particularly I want to know the dates because my electorates want to know exact date? If it will be pushed to 2018, I would be at peace with my people. So Mr. Speaker, I would like to know, to get a very specific date on when this project will be completed. Thank you.

Hon. Speaker: Thank you Hon. Muthuka but maybe for guidance, you sought a statement and the statement has been answered and the statement is not satisfactory. You need now to quickly take it up from there and file the appropriate motion because now you are asking for another statement on top of another statement that has already been responded. I think the best thing is you take the opportunity, file up a motion and we debate it and make resolutions. What is your take?

Hon. Muthuka: Thank you Mr. Speaker. I think that is a wise guidance but following what we have been experiencing in this house---

Hon. Speaker: Not following that because we are making steps to solve that problem.

Hon. Muthuka: So, maybe, are you telling me that now we are starting anew---

Hon. Speaker: Indeed, we have had a very powerful meeting this morning.

Hon. Muthuka: Thank you Mr. Speaker. I will do so. Thank you.

Hon. Speaker: Any other, yes.

Hon. Maitha: Mr. Speaker, there is a statement that was sought by Hon. Kavuu regarding the issue of allocation of funds to various committees and according to the response that the chairperson, who is the Deputy Speaker Hon. Nathaniel Nganga, the way he responded Mr. Speaker, I would like to read in part. Mr. Speaker, Sir, the committee, the budget apportionment was done considering the committees mandate and membership. An emergency fund kitty was set aside to cater for committees which would exhaust their allocation before the end of the financial year. Committees which were placed in the no funding categories are also to be funded by the emergency fund kitty. Mr. Speaker, Sir, committees which feel they were under funded can appeal to the liaison committee through the respective chairperson, Mr. Speaker.

That statement by itself is undermining the committees. Why should we appeal? Are we making personal pleas here Mr. Speaker, Sir? Every member here in this Hon. House is equivalent and equal and needs to be treated the same like any other member apart from leadership. Even the position of leadership there is what you are entitled but when one committee allocates itself Ksh. 10 million and another committee, like the House Business Committee was allocated zero and the other day, Mr. Speaker, while in Mombasa undertaking a training of the

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House Business Committee, the convener, the trainer of the committee, said the most powerful committee in the assembly, not here Machakos county assembly, is the House Business Committee.

It is superior to any other committee. Then we are told the Hon. Speaker, who is the chairman of the House Business Committee, to go and appeal to the Deputy Speaker and apportion him money, Mr. Speaker.

(Laughter)

It is not workable. Mr. Speaker, can we be given a report in the floor of this house. Be told how much money has been allocated to each and every committee. Right now, Mr. Speaker, we are going to constitute other committees in the next two to three weeks. Is the emergency funds kit enough to cater for the same, Mr. Speaker, Sir? We need to be guided on that. Let every committee be given equal amounts because every committee has got functions stipulated clearly in the Standing Orders and there is no committee that has got more powers or functions than any other committee, Mr. Speaker. Why would the liaison committee allocate itself more monies yet in the respective committees, they still gave themselves some money?

The chairpersons will be enjoying double benefits unlike other members, Mr. Speaker. That is a matter that needs to be checked and a report forwarded in the floor of this house, Mr. Speaker, Sir, to be discussed. More so, Mr. Speaker, regarding the same statement, I want to refer to the statement about the issue of health, about contractual staff, Mr. Speaker. The statement on health as it was responded, I think it brings more questions than answers, Mr. Speaker, because I am responding to..... Protect me, Mr. Speaker---

Hon. Speaker: I agree. I uphold that point of order. We need to deal with one question first. Let us deal with the matter that you raised on the matter for the chairperson of chairpersons. The directions that I would issue are that the chairperson is not available to today because he is attending an official function under the office of the Speaker and this message should be communicated to the chairperson to make responses on Thursday when he will be here. I will not allow the Majority Leader to deal with the matter because he is immensely interested in that question. Let us proceed with the next issue.

Hon. Maitha: Thank you Mr. Speaker, for that guidance. The other statement that was sought by Hon. Sammy Nduva about the status of payment of salaries to contracted staff, I think Mr. Speaker, this statement seeks to undermine the resolutions of this assembly. Mr. Speaker we were put on a heavy task by the chairperson of health committee to approve a budget to pay services to the general hospitals almost Ksh. 190 million some few weeks a day towards the end of the financial year 2014-2015, Mr. Speaker. We gave out monies to pay these things. The

statement is saying they did not pay the casuals because they increased from 77 to 103. From the blues or from the thicketts or from where, Mr. Speaker?

Then that means what every Chief Officer in his or her department is waking up and employing staff without following the due procedure of the law. Mr. Speaker, I think the Chief Officer should be put to answer as to why the staff increased from 77 to 103 and table relevant documents before this house to prove that he followed due process of the law to engage those casuals. That is why, Mr. Speaker, right now we have a serious staff impasse in our county. We employ people, we don't pay them, and we don't give them letters denying them personal benefits that they are entitled to, Mr. Speaker.

So as an example, this Chief Officer should be held accountable to state the circumstances under which he increased staff from 77 to 103 without following the due procedure of the law because whenever they table their budget in this house, they table budgets based on what they intend to do. How did he go ahead to claim money for 103 yet he had budgeted for 77? How did he go ahead to employ an extra more than 20 people, staff, without consulting the county public service board in consultation also with the finance department? Maybe, these are some of the Chief Officers that are leading the county to heavy debts and he needs to explain of the same. Thank you Mr. Speaker, Sir.

Hon. Speaker: The Chairperson of health committee.

Hon. Cecilia Sereka: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, I want to be given some days so that even the Chief Officer can explain and write to this Hon. House because you know the Chief Officer has not been in the office for the last two or three weeks. He is not feeling well. He is on a sick leave, Mr. Speaker, but I think from next week, Monday, he will be around. So, Mr. Speaker, I urge this Hon. House, just give me one week then I let this Hon. House know what really happened in the ministry. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. I think we could grant that other seven days. On the same matter? I think the final authority in the house on the matter has spoken. So we take the request that has been made by the chairperson that in the next seven days. Any other? The matter of statements and responses? Yes.

Hon. Muthuka: Thank you Mr. Speaker. In the spirit that now you are inculcating in this house, I plead by Thursday we should get all other statements that we sought in this House right even from there are statements that I re-introduced in this house but up to date they have never landed in this house. I have seen the chairman of transport committee just coming and going out

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and I think we must get our work very serious because if they don't chase for the statements from the Executive, we may just leave here without answers. By the end of the day we will have no business for the house.

Hon. Speaker: Thank you. You can also help the office of the Speaker and send reminders on the issues and I will follow up. Any other? Yes.

Hon. David Manyolo: Thank you Mr. Speaker, Sir, and the house at large on the same. Mr. Speaker, Sir. We had sought so many statements like I had requested to know the number of contractors who had been paid and who have not been paid and the Chief Officer called me and the matter ceased. I have never gotten any report. I thought if the communication comes from the assembly. The other one was about the issue of the casuals because we have casuals who have not been paid and we don't know the number of casuals within the county. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Equally send reminders to my office and I will take it up with the relevant chairpersons. Clerk, any other matter? In the absence of any other matter then the house.... ...where is the chairman, member for county assembly for Ndithini?

Majority leader (Hon. Mwonga): The member for Ndithini, chairman of agriculture committee has left because tomorrow the Deputy President is visiting his ward.

Hon. Speaker: Because that particular member, through me, requested that the house is invited to the function that is in his hometown. I don't know is there anybody here who can push his agenda. Yes, let us hear Hon. Maitha.

Hon. Maitha: Thank you Mr. Speaker. It is like you read my mind. When the Hon. Member received that very important call last week, I was seated next to him and he was in a very jovial mood and requested members to accompany him. Mr. Speaker, the Deputy President is not a junior officer in this country. He is a very senior officer and in the absence of our Governor, who is out of this country, the assembly is tasked to represent other county functions in such a matter. It is going to be the worst in experience, Mr. Speaker, for the Deputy President to come and meet the leaders of Machakos county and miss to find the Hon. Members of the county assembly who will be represented in the ward by the respective elected member of the ward Hon. Joseph Muli seated alone, Mr. Speaker. When he is called to introduce his fellow colleagues, whom is he going to introduce.

It is also a good exposure, Mr. Speaker, there was something that was roaming about and around yesterday in the county assembly that the roads there are in a despicable state. It is good we go and see and understand what other members are going through. When we come here we

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can pass proper legislation and take good legislative action towards the same. It is in the best interest, Mr. Speaker, with your guidance members are facilitated and properly facilitated.

(Applause)

Because I am guided that, Mr. Speaker, unless you drive there with a 4X4 vehicle, you cannot reach the place, Mr. Speaker. So Ksh. 2,000 or Ksh. 3,000 cannot even care for the tear and wear and even fuel for the Hon. Members to be there.

(Applause)

I would wish at least three quarters---

Hon. Speaker: Order, order.

Hon. Maitha:of this Hon. Assembly attend the function with your intervention. Thank you Mr. Speaker, sir. I seek Hon. Ndinda to second me.

Hon. Mary Ndinda: Thank you Mr. Speaker, Sir, and at least am confirming what the Hon. Members has spoken that we should all accompany our MCA in Ndithini because at least I think it is a great opportunity when we have a Deputy President visiting and it is a great honor to Machakos county as all. So at least it is a great opportunity where you allow us and at least we all go and accompany the MCA and we invite also our Deputy President in that area. Thank you Mr. Speaker, and I think what he has spoken about the roads, we were there yesterday with the Majority Leader during the public participation and some other workers, staff members, and they witnessed what we experience and it will be a good experience where you all come and you will know where we go when we talk of Mavavai. You will know where we go and that place is very tough. Thank you.

(Applause)

Hon. Speaker: I think the hon. members, without.....Yes we can hear the Majority Leader.

Majority leader (Hon. Mwonga): Mr. Speaker, as much as members would like to accompany their colleague tomorrow in his ward, Mr. Speaker, I want to advice these members that those who want to go to Ndithini should leave today after plenary so that they can be there tomorrow, Mr. Speaker.

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(Applause)

Even Mr. Speaker coming back will depend on what time the function will end, Mr. Speaker. Maybe your members will be there for three days and you know the consequences of that and the implications of that, Mr. Speaker. I don't want to say it because, Mr. Speaker, the sitting is not in camera. So Mr. Speaker, I think these members have to go and it beats me whether we will have to adjourn the house because I can see the mood of these members is they attend, all of them. Thank you, Mr. Speaker.

(Applause)

ADJOURNMENT

Hon. Speaker: Alright Hon. Members, I think, unless there is dissenting opinion, the house will adjourn until Thursday, afternoon. Thank you very much.

The House rose at 3.40 p.m.