

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 6th October, 2015**

The House met at 2.35 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed, Clerk.**STATEMENTS****PREPAREDNESS OF COUNTY FOR EL-NINO RAINS**

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, on Wednesday, 30th September 2015, Hon. Felix Ngui stood under Standing Order number 227 and requested the Hon House for a statement ... sorry Mr. Speaker, I do not know whether members have been issued with copies of this statement and if they have not been issued Mr. Speaker, I beg the leave of the House to issue the statement. Mr. Speaker, the statement was touching on two issues

Hon. Speaker: Proceed.

Majority Leader (Hon. Mwonga): Thank you. Mr. Speaker, Sir. On Wednesday 30th September 2015, Hon. Felix Ngui stood under Standing Order number 227 and requested the Hon. House to suspend its business for one week to discuss the state of El Nino preparedness and also projects implemented by the county government since 2013.

Mr. Speaker, Sir, the Clerk wrote to the department of health and emergency services requesting for a status report on what the department was doing to tap and harvest rain water as well as steps taken to guard roads from destruction by the heavy rains. Mr. Speaker, sir, the department has not responded on the issue and I do request for more time to be able to get the response.

STATUS OF IMPLEMENTATION OF DEVELOPMENT PROJECTS

Further Mr. Speaker, Sir, the office of the Clerk has written to all the departments requesting to be provided with the list of all the department projects and programs implemented in

the year 2013/2014, 2014/2015, 2015/2016 financial years. The work is bulky and the chief officers have been given up to the 30th October, 2015 to provide the reports. Mr. Speaker, Sir, I therefore request for two weeks to be able to provide a satisfactory statement in this Hon. House. Thank you Mr. Speaker, sir.

Hon. Speaker: Hon. Members, the direction that I will issue is that a satisfactory statement be provided to the House by the Majority Leader this Thursday. Let us proceed.

Majority Leader (Hon. Mwonga): Mr. Speaker, the statement was touching on two issues: the first one I can respond on Thursday but the second one of projects, allow me as per the statement to issue after two weeks. Thank you.

Hon. Speaker: Order Hon. Members. I have made a finding that a satisfactory statement be provided to the House on Thursday. Let us proceed.

MOTION

RESUMPTION OF DEBATE ON 2013/14 INCOMES AND EXPENDITURE REPORT

Hon. Nzeki: Thank You Mr. Speaker, This is a supplementary report on the 2013/2014 county income and expenditure report.

Hon. Speaker: Hon. Nzeki, you are out of order. You have report that is tabled in the House and what is on going is debate on that report and if I remember very well, as we concluded the House business last week, directions issued that you be provided by the office of the Clerk on the issues that were raised on the report, so basically what you should be doing is you proceed to tell us that you are aware of the issues that were raised last week and you proceed to respond to them.

Hon. Nzeki: Thank you Mr. Speaker. I just wanted to highlight some of the issues which were asked by this Hon. House to present to the house. I can just highlight some of the issues which were raised.

Mr. Speaker, Sir, the 2013/2014 income and expenditure report was reintroduced in this Hon. House on 22nd September 2015, debated and referred to the latter date for further debate. Debate on the report resumed on 30th September and this Hon. House raised several issues concerning the report. Among the issues raised were that the documents for the land bought at Kshs. 10 million be availed to the House even if the matter was under investigation elsewhere.

Mr. Speaker, Sir, I ask that the members be supplied with the documents of that land which was bought at Kshs. 10 million. The details needed included size of the land, title deed, a document showing ownership of the land by Machakos County, that is a sale agreement, duly signed by all interested parties and location of the land.

Hon. Speaker: At that point Hon. Nzeki, have you laid the document?

Hon. Nzeki: Yes, they can be supplied. I have the size of the land---

Hon. Speaker: May those documents be circulated.

Hon. Nzeki: ...they are signed by the interested parties, the location of the land and those are the documents which are supposed to be given to the seller and the buyer. Second and in that land transaction, I would like to ask Members if you happen to get a parcel of land, let's say 160 or 190, another person is having a parcel of land containing another number of that parcel of land, that is we have about seven parcels of land with 996 and you might even get 226 instead of 996. We have seven parcels that is Kivaa 752, 560, 803, 803 and 755. Acreage is different, unit cost is different and total cost is different, so on the size of land parcels and the cost, I hope the members have been supplied.

Secondly, on the details of the outstanding imprest, imprest should be provided. Mr. Speaker, sir, I have the document showing the imprest of the county government, that is Machakos County Government, and I asked the members to be supplied with documents.

There are other documents which were demanded by the Hon. Members. They requested to be provided with the assets register for all assets in the county. We went ahead and we were given the asset register and I would like the clerks to supply the asset register, that is the documents containing the assets.

Four, further this Hon. House raised the issue of pending bills saying that the Debt Management Strategy Paper had been requested by the budget committee before and the department had failed to avail it. Members insisted that the report on debts should be availed to this Hon. House immediately. The debt register is with us and I ask the clerks to supply that register.

Mr. Speaker, Sir, in conclusion, the debate of this report was referred to 6th October, that is today, to enable the committee to gather documents on the contentious issues. Following that ruling, the committee engaged the department of Finance and Revenue Management and was able to obtain the following documents.

Resolutions and response

Mr. Speaker, Sir, the committee requested for the documents required to respond to the matters in question which were availed by the Chief Officer. The committee received a list of imprest recovery during the 2013/2014 that shows recovery of Kshs. 30,687,608 out of the imprest of Kshs. 72,503,551 reflected in the 2013/2014 income and expenditure report.

Mr. Speaker, Sir, the committee received a dossier on both recurrent and development creditors amounting to Kshs. 712,201,004. Mr. Speaker, sir, I have given out that paper and the members are going to discuss it. Mr. Speaker, sir, the committee further received a dossier of papers related to purchase of various parcels of land at Yiani, that is from Kivaa ward. It totaled

Kshs. 10,444,799.22. The report reflected that all the properties were under adjudication at the time of purchase and the same has been completed. The report also indicated that the title deeds are part of the many that were done at the titling center and are awaiting directive from the President on when they will be issued.

The land includes seven pieces of land with acreage of 127.22 acres with details of valuation and transfer of ownership to the County Government of Machakos. Mr. Speaker, sir, members of this Hon. House raised the issue of how grants and transfers amounting to Kshs. 160 million were spent. The committee observed that the department had spent funds available in the votes at times of challenges when other votes had no available funds. The committee found this unacceptable and recommends that the department restrains from such practices which in particular are authorized through a supplementary budget.

Mr. Speaker, Sir, the committee received the county assets register with all details on the property owned by the county in the year 2013/2014 financial year. Thank you Mr. Speaker, sir.

Hon. Speaker: Hon. Chair I did not hear you persuade the House to support your report.

Hon. Nzeki: Yeah, thank you. I am asking the members of this Hon. House that since the 2013/2014 financial year has been a thorn in the flesh of the committee of finance and even in this Hon. House, I am asking the members to check all what you needed. You needed register of assets, you needed creditors, the land which was purchased in 2013/2014 and the Kshs. 160 million which was spent during 2013/2014 financial year whereby I have stated that there was a time you happened to find the votes money and that money has just laid there without been used and another vote has spent that money.

That is why you find Kshs. 160 million was spent through that vote in another vote. So Hon. Members I am requesting you, please and please save the committee on finance so that we go to the next level of 2014/2015 financial year. It has given us sleepless nights and today I think it is the final day, we have brought to you all you have been asking for and it is up to you members to let us proceed, you adopt this report and call it a day. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you; let us hear the Majority Leader.

Majority Leader (Hon. Mwonga): Thank you. Mr. Speaker, first and foremost I want to tell the chair, the work of this Hon. House is not to save a particular committee from headaches or its wrongdoings or what Mr. Speaker, but the House has to play its three roles Mr. Speaker. When this issue came up before this House last week, members were not trying to throw away the report of finance committee. Mr. Speaker, what members wanted was documentary evidence and before us, the chair, who I want to congratulate Mr. Speaker, has tabled all the evidence that this Hon. House wanted.

Mr. Speaker, when this issue was deferred to today Tuesday, as the Leader of Majority I had to consult some Chief Officers Mr. Speaker, and on the issue of the land which was bought at Kshs. 10 million plus Mr. Speaker, it is seven parcels of land totaling that amount and it was bought in Kivaa ward and today the Hon. Member for Kivaa Ward is in the House, Mr. Speaker.

Mr. Speaker, when I sat with the chief officer, lands and urban development, she told me that they had to buy this land because they wanted to move the vet farm Mr. Speaker, which you know is almost in the midst of the new upcoming city Mr. Speaker.

Therefore Members, let us not question as to why the ministry went ahead to purchase these pieces of land. The seven pieces of land are adjoining so it will be one piece of land. She told me that they are in the process and Members if you have listened to what the chair said carefully, we are now waiting for the issuance of title deeds for these particular parcels.

Mr. Speaker, mine is very short; I just want to appeal to the Hon. Members, now that we have all the documents with us, let us approve this report and do other businesses of the House because I don't think there is any member who was against the report, it's only that there were no documents. I urge the chair next time before he brings his report to this Hon. House, the report and any other report should be accompanied by documentary evidence. Thank you, Mr. Speaker. I stand to support.

Hon. Speaker: Thank you very much. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. I would like to start by congratulating the chair finance even though I had requested him to call him to second him but he was fearing that I would down my tools on that but this time round I am trying to say that he tried to provide some substantial documents even though Mr. Speaker, the issue which has been raised by the Majority Leader is having some doubts in it because the people who sold this land to the county have been camping in my home and they are demanding to be paid.

One was paid Kshs. 1.2 million; he is a *Muhindi* called Nino and Mr. Speaker, he has filled a case to refund this money to the county government of Machakos because since 2013/2014, he has never been paid the total amount. There is another guy called Mwangela Mutiso who has not received any single cent, Musyoka Waema has not received anything, so I think it is with humility even when I am supporting this particular report Mr. Speaker, to request your guidance in this that maybe you take this particular part of this report back to the relevant committee maybe we join the finance and lands to go down there and try to investigate whether really these people were paid and the documentary evidence because I think it is important....

Hon. Speaker: Order, Hon Kathinzi. I think that matter you can raise as a statement and directions will be issued. But you can proceed. You are through?

Hon. Kathinzi: Okay. Mr. Speaker, thank you for that particular guidance. The other case is because there is always a reason as to why somebody would rise and say 'I support,' I am supporting because now the chair has put us in the light. We can see the people who received some imprests and those imprests have never been recovered. I think there is a big job ahead of this House now to make a follow up and maybe try to see how to make sure these monies are recovered to the county government because these are assets which belong to this particular county.

The other thing is that some of them have, when you go to the Machakos County staff July 2014 payroll which you can go to page three although the pages are not numbered, some of them

have huge amounts of money like for instance, I have seen somebody like Alwanga; Alwanga has paid almost Kshs. 3.1 million which shows that he tried to put some effort because the amount owed is almost Kshs. 4.8 million. Others have never attempted to pay. Just next to that person I think is Vincent Musili owing Kshs 4.8 million. A Hon. Member like me would wonder....

Hon. Speaker: There is a point of order by the chair.

POINT OF ORDER

Hon. Nzeki: Thank you Mr. Speaker. It is just a point of correction. This report was compiled in 2013/2014. There is also the 2014/2015 report which is supposed to come to this Hon. House. I am urging Hon. Kathinzi that the report of 2013/2014 is when they paid that amount you are seeing there. We will also go to 2014/2015 and see whether the money has been recovered in that light. Thank you Mr. Speaker, sir.

Hon. Speaker: Okay thank you. I appreciate that. Have you concluded?

Hon. Kathinzi: Thank you once again Mr. Speaker and I thank the chair once again for correcting and putting us in the right position that this is the report for the financial year 2013/2014. I believe this is the spirit of uncleared and unsurrendered imprests and that means there is more to come. I believe it is in the best interest of this House Mr. Speaker that now the time is elapsing.

I was counting the number of monthly salaries which I am supposed to get now and I found it is almost 14 before the President declares the assemblies closed and so I think it is with a lot of interest that we now as an assembly agree unanimously, even though there are some errors, for us to move along and pass this particular document and then if there are some remedies for us to do, it becomes a lesson for us all; we agree that this was the first year of devolution, we had some several challenges, and then we move forward to address the financial year 2014/2015. I rest my case Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Let us hear Hon. Kalunde then Mueni after that.

Hon. Kalunde: Mr. Speaker, sir, I stand to support the chairman of finance for his good report. Mr. Speaker, sir, where money is concerned, it is always better to bring in evidence on how that money was spent. I stood to just clear one point whereby Hon. Kathinzi was referring to some of the members from his ward having not being paid for their parcels of land, but the fact of the matter is that when a person is selling land, there must be a sale agreement.

I am sure the people who go to Hon. Kathinzi's home should prove that they have not been paid by showing him the sale agreement to see whether they actually received the money they had agreed with the buyer or not but I believe according to this report, whatever was agreed upon for those parcels of land was paid and I support the report fully and I thank the committee for the good work of collecting all the evidence that we requested to be provided to this House. Thank you Mr. Speaker.

Hon. Speaker: Thank you. Point of order. Let us hear this point of order.

POINT OF ORDER

Hon. Nganga: Mr. Speaker, I would want to request that through your guidance, the previous speaker is a member of the public investments committee and it is the one that is concerned on the investments that this county may make so maybe from that position as the chair of that committee, he can clear the doubts that the Hon. Member for Kivaa has because I know he should be well versed with the status whether the money has been paid or not. Thank you. Mr. Speaker.

Hon. Speaker: Hon. Members, on the point of non payment of the land parcels, I think I made a ruling and advised Hon. Kathinzi to raise a separate statement on the matter. I think that settles that score. Let us hear....another point of order?

POINT OF ORDER

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, I have just heard the submissions of the chair that we should dispense this matter and move forward, but I want to bring to his attention that two wrongs don't make a right and if we overlook something today, it may haunt us for the rest of our years and even for the following years.

So Mr. Speaker with your direction, would you see it wise that you may give the Hon. House some time we scrutinize this information because looking at some information here, this document has landed today, 6th of October so even the committee itself did not find time to interrogate this piece of work.

Therefore Mr. Speaker, you can advice the House that we be given time to scrutinize this and if there are some issues, maybe you may give a direction on how we can handle them in the proper way because we are not doing things because they are supposed to be done; we must be guided and we must be doing our things according to the law and within the prescribed format. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Muthuka, I think the proper thing for you to do is to initiate an adjournment motion.

Hon. Muthuka: Thank you Mr. Speaker, for your guidance. Mr. Speaker, I may not request for an adjournment since I do not think this is the only business that we had balloted but if this was the only business---

Hon. Speaker: Adjournment of the matter at hand.

Hon. Muthuka: Thank you Mr. Speaker. I wish to request or to move a motion of adjournment of the matter at hand maybe to a later date that you may give direction and I wish to call Hon. Kitheka to second. Thank you.

Hon. Speaker: Yes Hon. Kitheka.

Hon. Kitheka: Thank you Mr. Speaker. There comes a time when you have to swallow your pride and come up clean. Mr. Speaker, to support on what Hon. Muthuka has said, I had very few and very straight forward issues which would facilitate the issue of giving us time to go and study the document. Mr. Speaker, I wish to support what has been said by that Hon. Member without making my submission in totality. Thank you, Mr. Speaker.

Hon. Speaker: Now the matter at hand is the motion for adjournment. Let us hear this.

Hon. Muinde: Mr. Speaker, I stand to oppose the adjournment of this motion. Mr. Speaker, this is a report for 2013/2014 and it has been coming to this House every now and then and we are soon expecting to have the 2014/2015 report and we still have other matters, Mr. Speaker.

Last week on Tuesday Mr. Speaker, we debated this motion at length and what was in contention was the assets register, the land and the imprests and now that the chair and his committee have done a good job by bringing these documents here Mr. Speaker, it is my view that we should be able to discuss and debate this motion and dispense with it. As I oppose the adjournment Mr. Speaker, I support this report. Thank you.

Hon. Speaker: Thank you. Yes?

Hon. Nganga: Thank you Mr. Speaker. I also stand to oppose the deferment motion. Mr. Speaker, the matter that the chair was required to shed light about, I believe he has candidly done so and if there are issues therein, the respective members can take up the matters with the respective committees. The issues to do with land, the issues to do with transport, the issues to do with whatever matter they may feel need to be addressed, these matters can now be relegated to the various committees that we have.

Mr. Speaker, it is also imperative that members understand that the chair was only tabling a report of income and expenditure and the issues that may be outlined there can be handled by the committee of PAIC (Public Accounts and Investments committee) and those other committees because they have been given those responsibilities.

So Mr. Speaker, as I stand, I oppose that we defer the discussion so that also Mr. Speaker, if we wind up with the report, then we can have other matters of the year that ended June this year, Mr. Speaker, because we have not also been able to look into those issues. So the matters that members feel are of concern can be dealt with at the various committee levels because this is not the only opportunity where this issue can be dispensed of. I stand to oppose the deferment.

(Applause)

Hon. Speaker: Thank you. I think it is important Hon. Members to note that the response by the Deputy Speaker offers a good direction on the matter that once a report is debated, passed or dismissed, it is supposed to be used by you members to generate motions, petitions and any queries of whatever kind, like I had directed Hon. Kathinzi. Once a matter has been concluded, it doesn't mean that we are barred from dealing with it, but anyway, I want to hear those opposing and then I hear those supporting.

Hon. Manyolo: I am opposing the adjournment. Mr. Speaker, sir, it isn't wise for a member to stand and say that the committee members did not go through the papers or the report. It could be not wise for the chair to present something which the committee has not gone through. As a member of finance committee, we went through all the documents and that is why we have brought them to the House. I am here to support the document and Mr. Speaker, sir, members go through whatever they had requested because we have submitted the evidence they needed. Thank you Mr. Speaker, sir.

Hon. Speaker: Thank you. Yes Hon. Mbithe.

Hon. (Ms.) N. Mbithe: Bwana Spika, sisemi wala kutoa sauti, wala tu ni kuunga mkono hiyo. Sababu ya kuunga mkono Bwana Spika, mimi ni mgeni kwa hiyo kamati, nimeingia juzi, lakini vile niliona jana na kusoma leo hii, Bwana Spika nikaona hiyo ni vizuri, kwa hivyo Bwana Spika, yangu ni kusimama na kuunga mkono. Asante

(Applause)

Hon. Speaker: Thank you. Hon Mueni.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, sir. I stand to support the report and tell the members that we pass this report.....

Hon. Speaker: You stand to support the report or the adjournment?

Hon. (Ms.) Mueni: No, not adjournment.

(Laughter)

Hon. Speaker: Okay, proceed.

Hon. (Ms.) Mueni: I want to ask the members, this is not the only report which is coming to this House. We have given the other committees work to go and do. They were asking us for the documents and we have given them the documents; you go and read them and you take them to the committees you think can do better.

(Applause)

Mr. Speaker, sir, there is no need of everyday coming to this House talking about this report. I told you the other time, you take these people who have eaten the money where you think you can take them, but when people have already eaten money the answer is to pay so you take them to the court, they pay the money, others return whatever they have eaten and we go on with the business.

(Applause)

We are tired. We want to go to 2014/2015 finance so that we can give you a better report. Thank you Mr. Speaker, sir.

(Applause)

Hon. Speaker: Let us hear Hon. Vice chair there.

Hon. (Ms.) B. Nduku: Thank you Mr. Speaker, sir, I stand here to oppose this because the other day on Tuesday, Hon. Members here needed only the documents and they are here and everything is clear, so I ask you Mr. Speaker to put a question and finish this. Thank you. Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon members I agree with the advice I have been given and I proceed...

(Laughter)

I proceed to put the question that those in support of the motion for adjournment of debate on this matter, in oneness say 'ayes.'

(The question was put and negatived)

Then the debate proceeds. Let us proceed with the debate. Let us hear the chair, budget.

Hon. Muinde: Mr. Speaker, I think that previous vote shows the kind of mood in the House so as I support this report Mr. Speaker, on Tuesday last week I was one among the vocal members who actually were hard on the chair to present documents for us to approve. Mr. Speaker, I want to appreciate that this is a report for the first year we came here, the 2013/2014 and Mr. Speaker, we must all be able to accept that every county must have teething problems.

Mr. Speaker, we passed this Constitution in 2010 that ushered in these devolved units but Mr. Speaker, since 2010, the government of the day did not prepare for the counties to be grounded so what happened is that there was a lot of debate on when the next election would be and that we went to elections in 2013 without adequate preparation and Mr. Speaker, when the counties began, there was a lot of guess work; there was a lot of teething problems, there were no people experienced in running counties because we were actually learning the job as we were doing it and perhaps most of the mistakes would have been done.

But Mr. Speaker, we cannot throw away the baby with the bath water. Mr. Speaker, it is on the strength of this that I state that first, on the issue of unsundered imprests, these were officers who had been given money for purposes of running this county and in their ignorance, did not know that they are supposed to surrender. Since then, they have been surrendering and those that could not do so have been paying through their pay slips. Mr. Speaker, we have seen an effort has been done by the Executive and a report has been tabled and that is why we are saying on the issue of imprests, that is well sorted.

Mr. Speaker, on the issue of the assets register, we have been given copies; we now see what has been purchased, what is there and that these are assets of the county where money that were spent in the first year's budget were put in. Mr. Speaker, that among others, I want to say that any other item that is not cleared should be cleared in the year 2014/2015 income and expenditure report.

With those few remarks Mr. Speaker, I stand to support this report and urge the House to support so that we are done with this report and that those who could have other issues can be able to sort them elsewhere in various committees. So Mr. Speaker, so that the House can vote as one when all members are here, I would urge that you also go ahead and put the question. Thank you. Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Finally, I will proceed and put the question, but I will allow Hon. Amina to say something.

Hon. (Ms.) Amina: Shukran msemaji wa bunge Maalum Bwana Spika. Yangu ni machache. Ni mgeni kwenye hiyo kamati; nimekaa siku mbili na nimeona kazi ya hiyo kamati. Unajua nyumba huwezi ukajua kama hujalingia ndani. Wana kazi ngumu na wamejaribu sana, kwa hivyo ni pendekezo langu la kuunga mkono tupitishie hii ripoti...

(Applause)

...na tuweze kujitayarisha kwa ripoti ambayo inakuja ya mwaka 2014/2015. Hapo nafikiri tutakuwa tayari kwa majibu kwa sababu hata ukuiangalia wakati hii kamati ilianzishwa, mwaka ulikuwa umeisha. Shukran msemaji wa bunge maalum, Bwana Spika.

(Applause)

Hon. Speaker: Thank you. Hon. Members I proceed to put the question that those in support of the report presented by the chair, Finance and Revenue Collection committee, Hon. Oliver Nzeki, dated 22nd September 2015 and other subsequent supplementary reports, in oneness say ‘ayes.’

(The question put and agreed to)

(Applause)

The report is now adopted by the House.

ADJOURNMENT

Hon. Speaker: In the absence of any further business, the House adjourns until tomorrow.

The House rose at 3.22 p.m.