

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday 28<sup>th</sup> April, 2016**

The House met at 2.40 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR  
RESUMPTION OF PLENARY SITTINGS**

**Hon. Speaker:** Hon. Members, there is this communication dated today on the matter resumption of plenary sittings. Hon. Members, as you are all aware, the House adjourned for recess on 7<sup>th</sup> April, 2016 to resume its sittings on 26<sup>th</sup> April, 2016 as per the Assembly calendar which was passed early this year.

However, it was not possible for us to resume sittings on Tuesday due to a regional meeting between the Head of State and leaders from the Lower Eastern region which was held at State House, Nairobi on the same day, and which most of you attended.

Additionally, the Ministry of Devolution and Planning had organized for the launch of public participation guidelines and civic education manuals on Wednesday, 27<sup>th</sup> April, 2016 and as key stakeholders, Members of the County Assembly were invited to witness the launch of the documents that will support counties and the national government entities in conducting public participation and civic education programs.

Therefore, Hon. Members, in consultation with the House leadership, the sittings of the Assembly were adjourned to today, Thursday, 28<sup>th</sup> April, 2016 at 2.30 p.m. and I do welcome you all to the second part of the fourth session of the first County Assembly of Machakos.

**SPARRING OF THE OFFICE OF THE DEPUTY SPEAKER**

On the matter of sparing of the office the Deputy Speaker, Hon. Members, on 6<sup>th</sup> April, 2016, this Assembly discussed and approved a motion to re-align the Assembly Standing Orders by replacing the position of Deputy Speaker with that of the Chairperson of Committees.

Subsequently, on 11<sup>th</sup> April, 2016, the holder of the office which, until that day was known as the 'Office of the Deputy Speaker,' Hon. Nathaniel Nganga, went to court to challenge the events of that day in Machakos High Court Petition No. 6 of 2016. In this suit, the petitioner has sued the Speaker of the Assembly and the County Assembly of Machakos itself.

In an order issued on 11<sup>th</sup> April, 2016, the court ordered that pending the hearing and determination of the application herein, a conservatory order do issue to restrain the respondents from making any resolution and or decision to elect and or appoint any member of the Assembly or any person as a Deputy Speaker or as Chairperson of Committees.

That pending the hearing and determination of the petition herein, the respondent's decision dated 6<sup>th</sup> April, 2016 that nullified the position of Deputy Speaker, be stayed. The Assembly has already complied with this order and awaits further directions from the courts. Thank you, let us proceed, clerk.

### **PAPER LAID**

#### **REPORT ON PETITION BY CONTRACTORS AND SUPPLIERS**

**Hon. Speaker:** Hon. Chairman, Hon. Oliver Munyaka.

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 201, I beg to lay the following paper on the table of the assembly today 28th April, 2016, report of the finance and revenue collection committee on petition by county contractors and suppliers of Machakos County. Thank you, Mr. Speaker.

*(Hon. Nzeki laid the paper on the Table)*

**Hon. Speaker:** Thank you, the paper is laid and the report may be circulated. Let us proceed.

### **NOTICES OF MOTIONS**

#### **REPORT ON PETITION BY CONTRACTORS AND SUPPLIERS**

**Hon. Nzeki:** Pursuant to Standing Order 190 (5), I wish to give notice of the following motion; that this House discusses and approves the report the finance and revenue collection committee on petition by county contractors and suppliers of Machakos County. Thank you, Mr. Speaker.

## REMUNERATION OF MEMBERS FOR FULL FIVE-YEAR TERM

**Hon. Kamitu:** Mr. Speaker, I wish to give notice of the following motion; that this assembly unanimously resolves that the Hon. Members of this assembly are paid all their salaries and allowances for their full term of five years (60 months) as provided for by the constitution of Kenya 2010 Article 177(4), before or upon the end the term of this assembly. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Gideon Kavuu.

## STATEMENTS BUSINESS OF THE COMING WEEK

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. First and foremost, it is me who signed this statement and not Hon. Kavuu. That is an error, Mr. Speaker. I stand under Standing Order 41(2) (a), where during the statement hour, a member of the house business committee designated by the committee for that purpose shall, every Thursday or on the last seating day, for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the house in the following week.

Mr. Speaker, Sir, the house business committee met today and balloted business for this week as follows:

- Tuesday afternoon; report of committee on selection on nomination of members to budget and appropriation committee and PAC.
- Wednesday (morning); Report of PAC on audited report of 2013/2014 financial year.
- Wednesday (afternoon); report of health and emergency committee on status of health facilities in Ndalani ward; Report of finance and revenue collection committee on petition by Machakos county pastors forum.
- Thursday afternoon; report of budget and appropriation committee on report of the controller of budget on implementation of county budget for 2014/ 2015 financial year. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us hear the statement by the Hon. Edrick Ngunzi.

## REPLIES TO STATEMENTS STATUS OF NGOMOLA BOREHOLE

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**Hon. R. Mutuku:** Thank you Mr. Speaker, Sir. I would request to issue the statement on behalf of the chairman of Environment, Lands, Energy and Natural resources. Mr. Speaker, Sir, I am standing under Standing Order number 41(3) to issue a statement that was sought by Hon. Alex Kathinzi on 15th March, 2016 and Hon. Stephen Muthuka on 24th February, 2016. Mr. Speaker, Sir, on the matter of the statement that was sought by Hon. Alexander Kathinzi regarding the status of Ngomola borehole which was allocated Ksh. 2.2 million in the financial year 2013/2014 and which has been non-operational up to date. I want to state that this borehole was built by Machakos Integrated Programme in the late 1980s.

The borehole was rehabilitated in the financial year 2014/2015, by Ms. Yatta construction limited. The main problem is availability of power to the site. This, however, will be solved by providing a solar installation on site where the pump and the motor are installed.

Currently, no data is available to the said revival of the borehole. In the light of this, a ..... (*inaudible*) will be done and a test pumping exercise undertaken to determine the borehole width and depth. These details will then serve as a guide in ..... (*inaudible*) the pump so that the problem can be revived to good working condition.

#### COMPREHENSIVE ORDER PROGRAM FOR NDALANI WARD

Mr. Speaker, on the matter of a statement that was sought by Hon. Muthuka on 24th February, 2016, requesting to be provided with a comprehensive order program for Ndalani ward, I want to inform the Hon. Member that there are six earth dams already constructed /de-silting in Yatta as follows;

In Ndalani, we have the following sub location; Kivingoni, Kakoko, Ndalani secondary school, Kwa-Nyambura. In Mavoloni sub-location, we have Matithini, Kanaani, Kithiani. We have four weirs which are complete as follows; in Mavoloni we have two in Kisiiki sub-location that is Kwa-Mutisya and Kwa-Maingi.

Again in Mavoloni we have Kwa-Ndolo, that is Kwa-Kavui. In Ndalani sub-location, we have Kwa Makau.

#### **Bore drilling**

One borehole has been drilled and equipped at Kisiiki market. However, due to issues beyond the control of the department, the borehole has not been in operation. The policy of converting the borehole equipment from electricity to solar is, however, underway. There are

plans to drill boreholes in all sub locations in Ndalani ward though the geometrical survey already undertaken has not yielded promising sites. To enhance water accessibility in Ndalani, the department has identified the extension of Mavia Atatu water project as a suitable alternative.

Dams that are envisaged for completion by the end of the financial year 2015 /2016 include dams in Kisiiki, Mamba and Kwa Ndolo sub location where site identification is currently underway. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you, those answers will be circulated to the members then they will be at liberty to raise issues, perhaps, next week. Have the answers first and then we can raise issues. We shall have a statement hour on Tuesday. Let us proceed with the next matter for Hon. Felix Ngui.

#### WITHDRAWAL OF GRADER FROM KIVAA TO MASINGA CENTRAL

**Hon. (Ms.) Kaluki:** Thank you Mr. Speaker, Sir, and the House at large. I stand for Hon. Ngui who is absent. Mr. Speaker, Sir, I rise to respond to a statement requested by Hon. Alexander Kathinzi on 15 March, 2016, enquiring why the grader assigned to Kivaa ward was withdrawn and taken to Masinga Central ward before completion of work.

Mr. Speaker, Sir, I want to state the following; the department was not aware that the grader was withdrawn from Kivaa ward and taken to Masinga Central ward before completion of work. During a consultative meeting held at the Governor's office on 30th September, 2015, it was resolved that equipment provided for each sub-county.

It was also resolved that the respective MCAs in each sub-county would agree and draw a work plan for the deployment of this equipment to the respective wards. To avoid cases of the above nature, the department recommends that the ward representatives identify the roads to be maintained and let the technical people in the department to do the implementation.

#### PARTIAL WORK FOR MUUSINI-KIWANZA ROAD

Mr. Speaker, Sir, I again want to respond to three statements by Hon. Muthuka on 24th February 2016. The first one was why Muusini-Kiwanza road in Ndalani was partially done and if there was plans to complete it. Mr. Speaker, the contract for routine maintenance works of Kisiiki-Muusini-Kiwanza-NYS road in Ndalani was awarded to Ms. Microbit systems (find letter dated 14<sup>th</sup> June, 2014) for a contract sum of Ksh. 2,605,911. Although the whole length of the

road is approximately 3.5 kilometers, the work awarded comprised of grading and graveling of a section of the road and installation of culverts.

The contractor has fully completed executing works as provided in the bill of quantities. Mr. Speaker, Sir, the department will undertake other works from the road if the same is identified as priority by the area residents.

#### RENOVATION OF DAMAGED ROADS IN NDALANI

The next statement the Hon. Member sought was the plans the department has undertaken to renovate the damaged market roads in Ndalani ward. Mr. Speaker, the department is aware that many roads in the county were damaged during the *El-Nino* rains which include roads in Ndalani ward. Mr. Speaker, designs have been done for the improvement of Ndalani-Kisiiki-Makutano-Muthesya roads when funds become available. The department would appreciate to receive other roads recommended for improvements for re-consideration.

#### COMPRENSIVE ROAD PROGRAM FOR NDALANI

The third statement sought was provision of a comprehensive road program for Ndalani ward. Mr. Speaker, in accordance with Constitution of Kenya and the PFM Act, it is required that residents of Ndalani ward prioritize the roads they would want to be improved. Mr. Speaker, it is only out of this that the department can come with a comprehensive road program for the ward. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Equally again, the answers will be circulated to the respective hon members for deliberations on Tuesday. Let us proceed.

### MOTIONS

#### REPORT ON PETITION BY CONTRACTORS AND SUPPLIERS

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, that aware that Article 177 (4) of the Constitution of Kenya 2010 provides that a county assembly is elected for a term of five years. Sorry, Mr. Speaker, Sir.

Mr. Speaker, Sir, that aware that Section 15 of the County Government Act, 2012 provides that a person has a right to petition the County Assembly to consider a matter within its authority including enacting, amending or repealing any of its legislation; aware that the Assembly received a petition from Machakos contractors and suppliers as per Standing Order no. 194 on 25<sup>th</sup> October, 2015; aware that the contractors and suppliers petitioned the Assembly to intervene so that they could be paid their dues for provision of goods and services that have been outstanding since 2013;

Noting that the petition was committed to the Finance and Revenue Collection committee; aware that committee met the petitioners and the Chief Officer Department of Finance and Revenue Management and aware that Chapter Four of the Constitution of Kenya 2010 provides that every person should have a fair and reasonable pay for any works or services rendered which should be prompt;

Mr. Speaker, Sir, I wish to move the motion this Hon. House discusses and approves the report of the Finance and Revenue Collection Committee on petition by Machakos County contractors and suppliers. I now call upon Hon. Raphael Mutuku to second the motion.

**Hon. R. Mutuku:** Thank you, Mr., Speaker, Sir. I stand to support the tabling of the report or the petition of the contractors and suppliers of Machakos County. Mr. Speaker, when we were going through the petition and the prayer that was said before the committee by the contractors, we noticed that most of our contractors and suppliers have suffered a lot after supplying our county government with goods and services and up to date they have not been paid. Others have not complied with the relevant procuring documents.

Mr. Speaker, on that note, I support that the report that was compiled by the committee of revenue collection be tabled and I urge members to support it so that we can assist the contractors and suppliers of this county. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. The motion is laid, proceed and take us through the report.

**Hon. Nzeki:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, the Finance and Revenue Collection Committee as established is required under Standing Order No. 190 (5)(a) to investigate, inquire into, and report on all matters relating to mandate, management, activities administration, operations and estimates of the assigned department, and 190 (5)(d) mandates the committee to study, assess and analyze the relative success of the department as measured by the results obtained as compared with the stated objectives.

Further, the Second Schedule gives the committee specific mandate to all matters relating to the management of county public finance and revenue collection.

### **BACKGROUND**

Mr. Speaker, Sir, on 25<sup>th</sup> October, 2015, a public petition from Machakos County contractors and suppliers to the Machakos County Government was received in the office of the Clerk pursuant to Standing Order No. 194 (1) (a). The petition was scrutinized for admissibility as per Standing Order No. 194 (3) and tabled in the House on 27<sup>th</sup> October, 2015. After tabling in the House the petition was committed to the Finance and Revenue Collection Committee pursuant to Standing Order No. 201 (1).

### **COMMITTEE MEMBERSHIP**

Mr. Speaker, Sir, the committee as constituted by this honorable Assembly comprising of the following members:-

- |                                 |                    |
|---------------------------------|--------------------|
| 1. Hon. Oliver Nzeki            | - Chairman         |
| 2. Hon. (Ms.) Bibiana Nduku     | - Vice Chairperson |
| 3. Hon. Peter Nzioki            | - Member           |
| 4. Hon. Raphael Mutuku          | “                  |
| 5. Hon. Phillip Ndolo           | “                  |
| 6. Hon. (Ms.) Benedette Musyoka | “                  |
| 7. Hon. (Ms.) Nina Mbithe       | “                  |
| 8. Hon. (Ms.) Veronica Mbithe   | “                  |
| 9. Hon. (Ms.) Amina Mutio       | “                  |
| 10. Hon. Nathaniel Nganga       | “                  |
| 11. Hon. (Ms.) Alice Nzioka     | “                  |
| 12. Hon. David Manyolo          | “                  |
| 13. Hon. Alphonse Wambua        | “                  |

### **PETITION**

Mr. Speaker, Sir, the Machakos County contractors and suppliers petition was done by seventy eight (78) petitioners who represented various companies that had supplied goods and services to the County Government of Machakos in 2013 and 2014 and had not been paid. The facts about the petition were as follows:-



1. That the petitioners, through their various companies, had been contracted by the County Government to supply goods and services and had supplied goods or offered services or had completed works but had not been paid.
2. That some contracts had been terminated without justifiable reasons even though the contractors had done substantial work and were yet to receive their just payment.
3. That some contractors had procured loans from financial institutions and failure to settle the contractors' bills of contract had exposed the contractors to recovery proceedings by financial institutions.
4. That failure to honor contractual obligations, the County Government prematurely and irregularly terminated either constructively or by its own doing the contractors' contracts leading to lay-offs of employees who have in turn threatened to go court.
5. That the County Government has awarded uncompleted projects to other contractors without following the laid down procedure of evaluation of work done before assigning the work to a new contractor.
6. That the suppliers and contractors have not been issued with vital documents after completion of works such as certificate of completion and evaluation certificate in total disregard of law and procurement procedures.
7. That some contractors and suppliers received invoice discounting payment through Chase Bank and Cooperative Bank in 2013 and 2014 and since then the County Government has not paid the bank leading to large accrued interest.
8. That, currently, bulk of contractors and suppliers are drawn from outside the County defeating the essence of devolution and law. Those contractors who have claimed their lawful dues have been blacklisted.
9. That the contractors have been inhumanely handled at the county government departments and offices.

Mr. Speaker, Sir, the petitioners' prayers were as follows:-

- a) Immediate payment of all suppliers and contractors with pending bills.

- b) Immediate evaluation of all partly complete projects where contractors were terminated and appropriate completion documents issued to suppliers and contractors.
- c) Strict adherence of laid down procurement rules embodied on a free, competitive and open procurement process.
- d) Provision of the necessary procurement documents for all projects done so far.
- e) Address the issue of interest accrued with various banks due to invoice discounting.

I stress on (e); Address the issue of interest accrued with various banks due to invoice discounting

Mr. Speaker, Sir, the non-payment of contractors/ suppliers by the county government has been in the media hence in the public domain. The Standard newspaper of 13<sup>th</sup> October, 2015 covered the issue of non-payment of contractors and reported that the contractors owed the county government Ksh. 2 billion. In a rejoinder, the executive had refuted the claim by stating that it owed contractors Ksh. 200 million. On receiving the petition, the committee took a step forward after the contractors' outcry on payments dating back from 2013 and 2014, to establish the reasons behind their claims.

#### ***MEETING WITH CONTRACTORS AND SUPPLIERS***

Mr. Speaker, Sir, the committee invited the contractors from 29<sup>th</sup> October, 2015 to discuss their grievances and to agree on the way forward. The committee heard that there has been loss of suppliers' documents by procuring officers, resulting to lengthy period of creating new files from available documentation thereby delaying payments due to contractors. The committee also heard that some of the contractors had not been issued with LPOs and LSOs.

Mr. Speaker, Sir, in addition, the committee was informed that the suppliers properties were being auctioned after borrowing loans from banks and moneylenders to sponsor their contracts and this has led to accumulation of interests on the borrowed finances and has caused a lot of stress, disappointments and embarrassments to the contractors. Contractors were requested to take 80 per cent loan as a way of payment from Chase Bank; the bank interest rates have accumulated to above 20 per cent of what the contractors were expecting to receive from the county government thus creating a poor credit system for the county.

The persons who took loans to supply goods and services to the county government were being advised by the county treasury to take another bank loan with a different bank to offset the

first one. The bank loans were accruing huge interests thereby taking away what the contractor was to earn as a profit.

Mr. Speaker, Sir, the Committee was informed that contractors were not paid according to the first in, first out that is (FIFO) who complete work first, but according to the ownership of the contracting companies and who knows who, I mean who knows was to be paid first. So, the committee learnt that some of the supplying companies may be owned by senior officers of the county government and were compromised to give kickbacks so that their payments could be fast - tracked.

For instance, a company by the name Kaniz Enterprises, this company seemed to be owned by one of our senior Officers in the Executive and we have seen him following because we have sent some people to go and check with the registrar of companies whether it is owned by one of our officers. So, Kaniz, I understand is owned by one of the senior officers in the County Government.

*(Applause)*

For instance, somebody somewhere is looking on that and we suspected to have some county staff as directors since it has continuously received its payments on the spot on delivery of services or goods. The recent supply of bitumen was paid immediately leaving old suppliers unpaid hence wondering the criteria used to make the payments. In addition, the committee was informed that interim certificates for work in progress were not being honored for payment unless the county officers were given kickbacks or were interested parties to the contract.

Mr. Speaker, Sir, the Committee further heard that there were laid down procedures for paying committed LPOs and LSOs. Normally, when an LPO was issued, funds voted are set aside to pay the contracted work, goods or services. This was not the case with our government, and this was the reason why there were pending bills dating back to 2013 financial year.

Mr. Speaker, Sir, the contractors informed the committee that since they petitioned the Assembly they have been sidelined in award of works and their competitors who even quoted higher prices have been given the work and paid on the spot. The contractors added that most of the persons being given contracts were relatives of senior officers in the county government or claim that they called on the Assembly to investigate.

They also pointed out the issue of verification and audit which was not in good faith. They cited the issue of earth roads done in 2014 and the *El-Nino* rains that destroyed them. The contractors further reported intimidation and threats from the County Government and some have had their documents hidden because of petition.

Mr. Speaker, Sir, the committee sought to know how the contractors came to know the existence of works from the County Government. The contractors informed the committee that they were prequalified and sometimes they were called urgently on phone to pursue to rescue some situations. These situations include the visits of the President of the Republic of Kenya and even the First Lady to the County to launch the projects, flooding of the stadium which was flooded with water during the CECAFA games, the time when the county did not have its own machinery, special order for inspectorate uniform from Dubai among other projects.

I understand some of the uniforms which are worn by the Inspectorate Department Personnel were ordered from Dubai by a special company in Machakos and has not been paid.

#### ***Meeting With Chief Officer Finance And Revenue Management Office***

Mr. Speaker, Sir, after hearing the contractors the Committee resolved to hear the Chief Officer Finance to establish the extend of the allegations made by the contractors. The Committee met with the Chief Officer, Finance on 2<sup>nd</sup> December, 2015 whereby she elaborated the reasons why there had been pending bills in the County Government of Machakos. The Chief Officer informed the committee that the problem of pending bills arose when the National government devolved health workers without giving funds to pay them. The other problem, she noted, was that under performance in collection of local revenue. These two problems have hindered the County government from fulfilling its contractual obligation.

Mr. Speaker, Sir, Members sought to know how much the County owed the contractors and suppliers and the Chief Officer informed members that the County had pending bills of approximately Ksh. 900 million. She gave a caveat that the amount may come down after all projects were audited to ascertain value for money before payment. She added that the process of auditing was going on and payments were being done immediately after a project was audited and the actual amount due ascertained. She also informed members that audit was based on the contract agreement and whether the contractor did the work as per the agreed specifications.

Mr. Speaker, Sir, the Chief Officer informed members that the Governor was keen on ensuring all pending bills were cleared as they were giving the county bad publicity. She also

informed members that, going forward, the Government was keen on giving contracts based on the funds availability.

Mr. Speaker, Sir, the Committee sought to know why some contractors did not have LPOs and LSOs. The Chief Officer responded that it was the duty of the suppliers and contractors to make follow up with the person who gave them work to do to ensure they had LPOs and LSOs otherwise it would be hard for her to pay work without proper documentation. According to the Chief Officer, she was not aware that there were contractors or suppliers without LPOs or LSOs.

She further added that contract awards were at departmental level and may be some contractors could have been told to undertake work orally by the roadside especially during some Governor's trips to launch projects. She requested the Assembly to investigate on such allegations since they were in contrast to laid down procurement rules.

### ***Committee Observations***

Mr. Speaker, Sir, no payment can be processed without an LPO or LSOs and the delay to issue the procurement document may be pre-planned to delay the payments. The county is in possession of properties and assets that in the very true sense belong to the other parties or have not been accounted for since they have never been voted into books of accounts, but were requisitioned and acquired un-procedurally. I understand that area it is talking about, now if it is a class which was built or constructed, the class still stands there and it has no LPO it has no LSO, so it is the work of the Assembly to investigate and check whether the contractor can be paid.

Further, Mr. Speaker, Sir, the committee observed that the failure to issue LPOs and LSOs may have led to overstating of County assets. The financial position of an institution or government is determined by the equation of assets and liabilities hence creditors would determine its indebtedness. The county government may have excessively invested on borrowed capital above what was budgeted and known to this Hon. House.

Mr. Speaker, Sir, the committee also observed that the county executive had messed up the lives of businessmen and undermined their potential. The county executive has stood up to fight the contractors other than to pay them and this was unacceptable. The fighting of contractors who were demanding their right gives a bad image of the County Government. Currently, most of local contractors are demanding spot cash payment for supplies and this was a

bad precedence. This was said by the Chief Officer of Finance and it has also reflected back here.

Further, Mr. Speaker, Sir, the committee established from the Chief Officer, Finance that the County Government owed the contractors and suppliers an amount approximately Ksh. 900 million. This amount which was reported by Chief Officer, Finance was for the contractors and suppliers who were in possession of LPOs and LSOs. The committee took exception with the Executive for reporting in the media that they only owed contractors and suppliers Kshs. 200 million and they knew very well the amount was more.

Indeed, if the contractors without LPOs and LSOs were considered, the debts of the county could rise further and possibly to the Ksh. 2 billion as claimed by the contractors and suppliers. On the issue of refuting the amount the contractors or the county government, the committee under-scored the importance of giving accurate information when addressing concerns of Machakos residents and warned that the executive should stop using propaganda but serve residents.

Moreover, Mr. Speaker, Sir, the committee observed that the Appropriation Act that is, Budget, was not adhered to as enacted and has been undertaking some projects and were not in the budget such as the construction of roads in the market centers, construction of the stadium and the Machakos People's Park. The committee also noted that most of the unpaid contractors are county residents while majority of suppliers who have been paid were from other counties.

### ***Recommendations***

Mr. Speaker, Sir, Article 10 of the Constitution of Kenya sets out the national values and principles of governance that bind all state officers, state organs, public officers and all persons whenever they apply the constitution. The national principles of governance include rule of law, equity, inclusiveness, equality, non-discrimination, transparency, accountability, democracy and participation of people. Article 227 (1) of Constitution of Kenya obligates all government agencies including county governments to ensure that procurement was in accordance with a system that is fair, equitable, transparent, competitive and cost effective.

Mr. Speaker, Sir, the committee noted that failure to pay the contractors and suppliers was against the above laws and as such makes the following recommendations as per the prayer of the petitioners:-

On prayer number 1, the County Government should pay all suppliers and contractors who have proper documentation and their pending bills without further delay. The County Government should budget funds for clearing of pending bills in the 2016/2017 financial year.

On prayer number 2, the County Government should carry out evaluation of partly done projects that were handed over to other contractors, issue them with appropriate documentations and pay them for the work done.

On prayer number 3, the County Government should adhere to the laws of Kenya and ensure that at least 30 percent of the contracts and supplies should be awarded to the youth and people with disability and the remaining 70 percent of the fee to be given to the locals in adherence to the spirit of Devolution.

On prayer number 4, the committee observed that there were several projects that have been completed but the contractors do not have LPOs and LSOs. To ascertain the actual worth of the projects and the true contractors and suppliers who undertook the work for payment, the committee calls for a forensic audit of the projects undertaken without the county government issuing proper documentation such as LPOs, LSOs or contract agreements and also on the current issuance of tenders.

On recommendation number 5, concerning accrued interests with various banks arising from invoicing discounting due delay to delay in payments; the committee recommends that the issue should be solved as per the agreements with the financial institutions and the guarantors.

### ***Conclusion***

Mr. Speaker, Sir, the committee wishes to retaliate that Procurement Act should be followed to the letter by the County Government and roadside declarations whereby individuals are called upon to undertake works without following procedures should stop. In addition, as the Chief Officer mentioned the County Government should make effort to clear all debts and commence projects when money was available.

Mr. Speaker, Sir, the committee was grateful to the office of the Speaker, 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 Finance and Revenue Collection committee who sacrificed their time to participate in the activities of the Committee and preparation of this report.

Mr. Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the Committee of Finance and Revenue Collection to table this report of the Machakos County

Contractors Petition in this Honorable House for consideration and adoption. Thank you, Mr. Speaker, Sir.

As I would like to talk about the contractors, we met all the contractors and Mr. Speaker, Sir, I understand some of the contractors are still in hospital, they have been hospitalized---

*(Applause)*

I understand there are others who are dead now, as I talk here. And when the contractors goes to the office of the Finance department, they are chased away. They are meaning that there is no cordial relationship between the contractors and the office of the finance department.

For example, I remember there was a contractor who is owed by this County around Kshs. 56 million and that work was done in 2013, that is when we were constructing that road from Machakos-Makutano Road entering to People's Park. That contractor has never been paid and they contracted this machinery, up to now it means that there is a scheme to kill our contractors.

He has not been paid and mind you Kshs. 56 million it is not Kshs. 1,000. It is a lot of money and the man is still around but you cannot even know he is owed by the County Government because he is not saying, he is not even, he cannot tell you how much he is owed the County Government because he has been frustrated until Mr. Speaker, Sir, he cannot even know the amount he is owed by the Government.

So, Mr. Speaker, Sir, there are others, there is also another company which deals with air ticketing, a lady came here, she was almost nude. She had no clothes. She came to the committee, she is owed by the County Government that is Executive a lot of money and immediately she came to look for her money, the contract was discontinued. We have all the documents. The contract was discontinued and she was told to go where she wants. We understand that contract was given to somebody who is in the high office.

So, Mr. Speaker, Sir, I would like the assembly to take on this matter. There is a lot to be done. We need your assistance and the assistance of the assembly as a whole. The document is in front of the House, it is with you, it is with the members and it is for them to discuss about it and I am afraid most of them members who are talking a lot about the contractors who have not been paid, have logged out. I don't know why or whether they have been sweet-talked or eaten chicken but they are supposed to be here to discuss about the fate of the contractors because most of the contractors come from areas of our jurisdiction. Thank you, Mr. Speaker, Sir.



*(Applause)*

**Hon. Speaker:** Thank you very much. I think the motion is properly laid by that able Chairperson. Let us hear contributions. Yes the Chairperson, let us hear the Chairperson, legal committee.

**Hon. Itumo:** Mr. Speaker, through your permission, I would like to take this chance to send my message of condolences to the family of late Lucy Kibaki.

*(Laughter)*

She just left us early this week, Mr. Speaker. She was a woman of integrity and we remember her during her reign, Mr. Speaker. Let me come back to the issue of today. Mr. Speaker, I stand to support this particular report and I applaud those who came up with this particular report, it is a well-compiled report but is a very sad report, Mr. Speaker. This the time that we need this Hon. House to be serious about issues. Mr. Speaker, these suppliers and contractors who are mentioned in this report are our sons and daughters and we cannot allow our sons and daughters be grounded in terms of finances.

*(Applause)*

Mr. Speaker, you realize that these people they did some work and most of them they did an excellent work, Mr. Speaker and up to now there debt are not cleared, Mr. Speaker. Mr. Speaker, we cannot allow this to continue any more. Mr. Speaker, I believe that there you are an expert in law Mr. Speaker and once our people are mistreated, Mr. Speaker, and we do not react, Mr. Speaker, I think we are out of order and we have left our way. Mr. Speaker, these petitioners saw it the only way out is through this Hon. House and we are here to protect our people.

My message to this House is that we should actually support this report and after this House actually and then print this report, then action should be taken Mr. Speaker, so that our sons and daughters may be paid so that they perform their duties perfectly. Mr. Speaker, we have to be serious this time. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Yes the Hon. Deputy Speaker.

**Hon. Nganga:** Thank you Mr. Speaker for the opportunity. Mr. Speaker, as I stand here, my heart is bleeding. Mr. Speaker, my mind is troubled Mr. Speaker. Mr. Speaker I would want to refer this House to the constitution of Kenya 2010 Chapter 6, Article 73 and with your permission I will read excerpts Mr. Speaker on the same. Mr. Speaker, in article 74, it says ‘before assuming a state office, acting in a state of office or performing any functions of a state office, a person shall take and subscribe to the oath or affirmation of office in the manner and form prescribed by the Third Schedule or under an act of parliament.

Mr. Speaker, I will go back to 73. Mr. Speaker, you realize when we were elected into office, on the first day of our Assembly here, we all as Members of this County took an oath of office. Mr. Speaker, when you go to 73 (1), gives the manner in which authority of a public officer shall be exercised, Mr. Speaker. It will demonstrate respect for the people; it will be consistent with the purposes and the objectives of the constitution. It will be in a manner that brings honor to the Nation and dignity of the office. It will be in a manner that promotes public confidence in the integrity of the office Mr. Speaker.

In 4 (b), the power that vests in the state officer, will be a responsibility to serve the people rather than power to rule over them. Mr. Speaker, 2, it gives the guiding principles of leadership and integrity, Mr. Speaker, and I will go to 2 (c) where selflessness in service based solely on public interest that shall be demonstrated by honesty in the execution of public duties and in the declaration of any personal interest that may conflict with public duties.

Mr. Speaker, having said that, whatever the Chairman has been able to take us through, I being a member of that committee, Mr. Speaker, these are the issues that we came across. It is very disappointing that as a county we have been able .....(inaudible) of our people. Mr. Speaker, it calls the members of this House to see the action in respect of the oath of office that we took when we were elected into office or rather nominated.

If, in this day and age, the things that have been outlined here by the Chairman are happening, Mr. Speaker, if we don’t act, I believe some other force from elsewhere, may be from God himself striking either of us or those who have been implicated or some other less known agencies coming into play because, Mr. Speaker, the things that have been outlined here by the chairman are happening to our people Mr. Speaker, are a total disgrace, Mr. Speaker,

Mr. Speaker, I take this opportunity to say; next year, August, the curtain is coming to fall to the officers of the current regime. Some of us will be back here. Some of us will be back to office in different capacities or not but, Mr. Speaker, out of the many actions of some of our officers and some of us, long after we will have left office, the long arm of the law will catch up with most of us

*(Applause)*

I am definitely sure that most of the cases relating to poor contractual engagements, poor decisions that are being made against our people, will catch up with most of us, Mr. Speaker, and I know most of the cases that highlight the faults of some of the players of this government, have not yet landed into the law enforcing agents, Mr. Speaker, and with time they will be there, Mr. Speaker.

If, Mr. Speaker, a county Government officer will be working in the county government without declaring conflict of interest being the first to be paid when others that have done their contracts three years ago have not yet being paid, Mr. Speaker, that in itself contravenes the principals and the principals of public procurement are set out in the Public Procurement Act of 2005, Mr. Speaker. Mr. Speaker, going to the report that has been laid here, I will just call for the House to proceed, support and enact.

However, Mr. Speaker, my biggest dismay is that we never stand up to getting these things done. We have passed as many recommendations as we can for most reports but, Mr. Speaker, it all ends up in a dust bin. It only remains for God to intervene in the future of our county. I rest my case.

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

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. I want to start by congratulating the member for Ikombe ward for assuming his seat as the Deputy Speaker of this House although it is a position which is not in the Standing Orders. Mr. Speaker---

**Hon. Nganga:** Point of order.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I need your protection.

**Hon. Speaker:** Let us hear the point of order.

**Hon. Nganga:** Mr. Speaker, is it proper for the member for Masinga Central to purport that I am assuming my position when it is legal that I am not a *de facto* deputy speaker or chair of chairs. I am the legal holder of that position and in your earlier communication, that was made explicit, Mr. Speaker, as one of the components of whatever made us land in court, is it proper for him to continue addressing matters that the Chair has already ruled and given directions about and is it right that, in itself, to be entertained. I think he should withdraw and apologize for that matter.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I have just congratulated the member---

**Hon. Speaker:** Order Hon. Majority Leader. You may have to withdraw. This is a matter that I had earlier communicated and I order that you withdraw.

**Majority Leader (Hon. Mwonga):** I withdraw Mr. Speaker.

*(Applause)*

**Hon. Speaker:** And apologize. You only withdrew you have not apologized.

*(Laughter)*

**Majority Leader (Hon. Mwonga):** I do withdraw and apologize, Mr. Speaker, to my good friend. Thank you, Mr. Speaker.

**Hon. Speaker:** Now you can proceed.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I want to agree with this report 100 percent, Mr. Speaker, and I want to urge this Hon. House; let us not spend a lot of time in this document. However, Mr. Speaker, there are some issues I want to raise with the chairperson. Mr. Speaker, we have a list of 27 suppliers and contractors but to we don't know the number of those who have LPOs or LSOs, Mr. Speaker. That is something he should have told this Hon. House. Mr. Speaker, he should have also told us whether, Mr. Speaker, his committee had time to visit the sites where this works was done, Mr. Speaker. He has not done that.

Even going to the petition, Mr. Speaker, we have names of the directors, the company name and their contacts and their signature and, Mr. Speaker, where these works were done, it should not be their petition. I thought the chairperson could tell the House the two issues I have raised so that as we approve and urge these members to approve this report, we can insert those weapons in this report. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes let us take the point.

**Hon. Nganga:** Mr. Speaker, on page 9 No. 4 up there, that matter that the Majority Leader is raising has already being responded on where the committee report says that the committee observed that there were several projects that have been completed by the contractors do not have LPOs and LSOs and this is very clear, Mr. Speaker. Earlier also, in the report Mr.

Speaker, there is a section where, in page 7 actually, Mr. Speaker, under committee observations, the second paragraph, Mr. Speaker, 'the committee observed that the failure to issue LPOs and LSOs may have led to overstating of the county assets and the financial decision.'

I think it is very clear. It appears the member was not following when the chairperson was taking us through the report, Mr. Speaker. I think it is also very important for members to go through the report when they are tabled and explained, Mr. Speaker, so these issues raised, Mr. Speaker, do not stand ground. They are already explicit and very express, Mr. Speaker. I stand to support the chair in that regard.

**Hon. Speaker:** Thank you. I think the Majority Leader is now adequately informed. Let us hear the minority leader.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker. First, I stand to applaud the chairperson and the finance committee for coming with this report. Mr. Speaker, let me say, this report is overdue. Mr. Speaker, if you go to this report, you will see some of the contractors and suppliers completed their work in 2013 and two years down the line, they have not been paid.

Mr. Speaker, a month ago, I went to see the CEC finance and she told me, she is waiting for the supplementary budget so that these contractors and suppliers should be paid. Mr. Speaker, this House has approved the supplementary budget. This is the high time the contractors should be paid. Mr. Speaker, we have heard from the report some of the contractors have gone to court to receive loans and they are not paid (??) Mr. Speaker, we want as soon as possible, before the end of this financial year, to see all the contractors and suppliers paid. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much. Let us hear Hon. Kamitu.

**Hon. Kamitu:** Thank you very much Mr. Speaker, Sir. Looking at the report, I would on a very sincere note, one thing applaud the chairperson and his committee and when you go in all this pages and especially on page 8, in regard to recommendations, observations, this report is self-explanatory. So it is on this regard Mr. Speaker, Sir, if we have that open picture of the report and have the open picture on the ground, that is the wards, some of the projects are half-done. So the report that has been given by the committee and its chairperson is exactly what is happening and what is in the ground.

Again, Mr. Speaker, Sir, you are very much aware about the powers and the privileges in regard to what the law says in regard to the county assembly. It has powers equivalent to those of the High Court. So, Mr. Speaker, on that regard and on that note, I would urge this House whereby the law of the land has to be exercised. So, I am saying and requesting Mr. Speaker, Sir, why has it taken all that long that these contractors are supposed to have been paid so that the

projects, as I said on the ground, we are supposed to be talking about either the second or the third phase in regard to development.

But now, Sir, as I said we have been given the report, a reliable report and a report that has given the truth on the ground. So my humble request Mr. Speaker, Sir, is to say the contractors and suppliers should be immediately paid so that we can be talking of other development projects. We cannot be talking about supplements since 2013, 2014. We have been doing the same exercise. We cannot make this as a chorus. Now is the time that the House should stand up and really act on what should be done.

So it is on that strength, Mr. Speaker, Sir, I say the suppliers and contractors should be honored and be given their dues and their rights. I support and request this House and members we should not even make some further statements, we should adopt this report and move to the next point of action. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us hear Hon. Peninah first.

**Hon. (Ms.) Kaluki:** Thank you Mr. Speaker, for the opportunity. I stand to congratulate the chairperson and the whole committee for coming with such a good report. This depicts the naked truth of what is going on to our contractors in Machakos County. I wonder, these people, when they come and apply for these contracts, they just want to better their lives. If the county government killing the very livelihood of these contractors by denying them their payments after they have completed their jobs and I wonder how are we as Machakos County, how can we say that we are promoting growth and especially the economic growth of our contractors.

I cry for my fellow county mates because they depend on these contractors to put food on the table for their children and even have an extra shilling to help the needy in society. Now when we deny them their dues, surely what are we promoting? Isn't the county government getting their priorities upside down? I am wondering loudly, if this trend continues, I do not know what becomes of Machakos County a few years to come.

We are here, as Hon. Members to put things in the right perspective. Today you may be seated here as, Hon Members, tomorrow you may not be here as Hon. Members but out there contracting and if the same fate befalls me, who shall stand in my defense? I want the county government to take the necessary steps and pay the contractors their dues. Many have died, many have suffered a lot and God is watching. I would like to quote one Martin.....(*inaudible*), the holocaust survivor. He just watched and looked as things went wrong thinking that things were far from him and said, lastly, when they caught up with him.

'First they came for the socialists, and I did not speak because I was not a socialist. Then they came for the trade unionists, I did not speak because I was not a trade unionist. Then they

came for the Jews, and I did not speak because I was not a Jew. Finally, they came for me, and there was no one to speak for me.'

Before that happens, Hon. Members, we are here to protect the interests of our people and we are here to ensure that justice is done to them. So, I ask the relevant department and the authorities, to take their job seriously because someone is sleeping somewhere or they have just chosen to do what they do deliberately. So I hope the contractors are paid and I stand in support of the report. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Yes, we can hear Hon. Kalunde and then we hear---

**Hon. Kalunde:** Mr. Speaker, Sir. I stand to support the report and we all know that most of our contractors, when they are awarded the tender, the first thing they would do is to rush to the banks to go and borrow to do the job, thinking that after completion they will be paid straight away. Now that some have stayed over two years without being paid and what they borrowed is accruing a lot interest, surely it is a very sad story. So we should, as quickly as possible pass this report and whoever is supposed to pay should pay as quickly as possible so that they allow these people to pay what they have borrowed from the banks and also be able to apply for other contracts. Thank you Mr. Speaker, I stand to support.

**Hon. Speaker:** Thank you.

**Hon. Muli:** Thank you, Mr. Speaker. First I concur with the report which has already been tabled in this House by the able chairman of the committee for finance. Mr. Speaker, the truth of the matter is that, these issue the one which is tarnishing the image of this county, Mr. Speaker, for sure. It has also been used as a political tool in this county. Mr. Speaker, what has been presented here, in this document, is what is on the ground and I would like also to inform the chairman, I believe all the contractors have not tabled all their issues here.

There are some of the contractors whom we know very much of and have already decided to withdraw and even to keep out of the issues of complaining what they have not been paid, Mr. Speaker. Mr. Speaker, I believe and also it is my suggestion that if this House can decide and declare that; let the first contracts be paid before any other new projects are being imposed so that, at least this issue of our contractors on our ground complaining, can end. I support the document, Mr. Speaker, and I concur with the report which has been brought on the floor of the House. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Ngui.

**Hon. Ngui:** Thank you, Mr. Speaker, Sir. In the support of the report which has just been tabled, I wish to say that the spirit of our constitution, on devolution, was to empower our people and bring development near to Mwananchi but Mr. Speaker, it is very much regrettable that the Government Machakos instead of empowering our people, our contractors, is in the other way killing them, financially. Mr. Speaker, going through the report that has just been tabled, you realize that the petition which was brought to this assembly puts out clearly that the county has got a big debt and I wish to differ with the amount which is stated here for Ksh. 900 million because Mr. Speaker, the other day when we were going through the County Fiscal Strategy Paper and we had the privilege to meet the CECs and the chief officers and you bear me witness and the other members that the department of roads and transport alone is owed close to Ksh. 600 million.

So considering that we have like 10 departments in this county, the figure of Ksh. 900 million might be misleading. So I urge the chairman on finance that maybe they need to get proper information on the amount that is owed to contractors by the county government of Machakos. Mr. Speaker, the Public Finance Management Act is very clear that when any Government institution is committing or is signing contracts with contractors, there should be budgets, there should be vote heads for the same and it is actually a criminal offence for any officer to commit any works or any contract without having monies in the budget.

So Mr. Speaker, I would want maybe to include in the recommendation of the committee, that the officers of this county who gave out or signed contracts with the contractors when they knew very well there was no budget for that, the necessary action should be taken against them because it is actually a criminal offence. Mr. Speaker, you remember last year, a report was tabled in this House by the same chairman on finance, concerning the annual report of this county and we had two different reports showing the actual debts owed by the county and another one which the chief officer withdrew later.

So, Mr. Speaker, I think it is the high time this assembly strikes the officers who are not following the law because it is very wrong for any officer to give false information, either to the public or to this Hon. House. So, the same officer giving false information on the amount of debt that is owed by this county, the necessary action should be taken maybe immediately by this Hon. House. So Mr. Speaker, in the support of this report, I would urge this House to pass this report and with the recommendation that this should be executed immediately because some of the works which were done in 2013/2014, others 2014/2015 is now 2016/2017.

We have only one financial year to go. So we fear that most of our contractors might not be paid by the end of this term, the end of our five years in office. So, Mr. Speaker, let us urge these members to support the report. Let us pass it and let us stand with our people to empower them but not to kill them. Thank you Mr. Speaker, Sir.



**Hon. Speaker:** Let us hear the mover then, the mover of the motion. Hon. Ngui on the matter you have raised on officers giving false information is a matter that is substantive. You have liberty to file your motion.

**Hon. Nzeki:** Thank you, Mr. Speaker. First of all, I congratulate the members who have supported the report and more so I congratulate Hon. Kamitu for highlighting that we have had some supplementary budgets all year round, almost every financial year we have had supplementary budget to pay the debts and it has not been honored. We have Hon. Ngui from Katangi who has said the amount is supposed to be a bit higher than what we have recorded here. I would like to inform him that we did only 2013/2014 financial year not 2015/2016, 2016/2017. So, the figure might be that much because it is only one financial year and that is 2013/2014.

My Hon. friend Peninah has talked of contractors having a hard time. Most of them have had strokes and Mr. Speaker, Sir, I agree with the member because almost every member who has talked about this report has supported it, especially one our Majority Leader. I do not agree with him because we went through and we have said that forensic audit should be done. It includes a lot of things because we have some papers from Chief Officer, finance that was giving out and discounting invoices for contractors to be paid at Chase bank and Cooperative bank.

So, those are some of the forensic audits which will be done. Why the chief officer gave out some invoices for contractors to be paid at Chase bank and we know the fate of Chase bank whereby most of the contractors were not given even some money. So, Mr. Speaker, Sir, I thank the members who have supported and the whole House, I know if they were all in, they would have supported the report. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Then proceed to put the question.

*(Question put and agreed to)*

With the results that the report should be forwarded for implementation by the chairperson of implementation committee then you will file a report in this House in this session let us proceed. Let us proceed.

#### REMUNERATION OF MEMBERS FOR FULL FIVE-YEAR TERM

**Hon. Kamitu:** Thank you, Mr. Speaker, Sir, that aware that Article 177 (4) of Constitution of Kenya 2010 provides that a county assembly is elected for a term of five years, Mr. Speaker, Sir, aware that the independent electoral and boundaries commission that is IEBC

has already declared that the next general elections will be held on Tuesday, 8th August, 2017 thereby reducing the term of office of the Hon. Members of the assembly by eight months.

Further, Mr. Speaker, Sir, aware that members have car loans and house mortgage schemes that took more than a year before they were operationalized, thus reducing the repayment period. Concerned that this directions might affect Hon. Members of this House negatively and the ability to clear car loans and house mortgage in terms for clearance to vie for the elective position in August 2017 general elections.

Informed that the County Governments Act 2014 section 12 (7) (e) (i) mandates the county assembly service board to perform other functions that are necessary for the wellbeing of the members and staff of the county assembly. Aware that the county assembly service board may invoke its mandate under section 12 subsection 12 (7) (e) (i) of the said county government act and ensure that Hon. Members of this House clear their car loans and house mortgage in time for them to be cleared to vie 8th August, 2017 general election, Mr. Speaker, Sir, I wish to move the motion that this assembly unanimously resolves that the Hon. Members of this assembly are paid all their salaries and allowances for their full term of five years, that is six months, (??) as provided for by the Constitution of Kenya 2010 Article 177 (4) before or upon the end of this assembly.

Thank you, Mr. Speaker, Sir. I now call upon Hon. Gideon Kavuu to second this motion. Thank you Mr. Speaker, Sir.

**Hon. Kavuu:** Thank you, Mr. Speaker, Sir. According to the Constitution of Kenya, you know that our term for members of county assembly is five years, as you know that we were elected 4th March, 2013 and our term should end on 2018 that is March. So Mr. Speaker, Sir, I would request this Hon. House to discuss this motion and approve it so that the members should be paid their full term, that is five years. So, Mr. Speaker, Sir, I stand to second this motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes the motion is on the floor. I wish to issue guidelines of the motion that this motion be referred to the committee on budget and appropriation and that committee will file a report that will be deliberated. A report that will guide us on the law and budgets and I will urge the committee to file that report in the next seven days. Next, Clerk.

## ADJOURNMENT

**Hon. Speaker:** In the absence of further additional business then the house adjourns. Good evening.

The House rose at 4.13 p.m.