

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 2nd June, 2016**

The House met at 2.32 p.m.

*[The Speaker (Hon. Mung'ata) in the Chair]***PRAYERS****PETITION****SYOKIMAU MASTER PLAN**

Hon. Speaker: Yes Hon. Members, pursuant to Standing Order 199 (2) (b) the following petitions have been presented to the assembly through the office of the Clerk:- a petition by Syokimau Resident Association to *inter-alia* adopt the Syokimau master plan and the prayer hearing prepared and agreed upon by the residents of Syokimau. That petition is committed to the committee on decentralized units and urban areas. Proceed.

STATEMENTS**BUSINESS OF THE HOUSE FROM 2ND TO 9TH JUNE, 2016**

Hon. Speaker: The Hon. Wilson Kasimu.

Hon. Kavuu: Thank you, Mr. Speaker. The statement on business of the House for today Thursday 2nd June, 2016 and a week starting from 7th up to 9th June, 2016. Mr. Speaker, Sir, I stand under Standing Order 41(2) (a) 'where during the statement hour, a member of the house business committee is mandated by the committee for the purpose, shall every Thursday or on the last sitting day, for not more than 10 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 reconsidered the business that was before the house today Thursday 2nd June, 2016 and pursuant to the position of the Standing Order 151 (5) (e) balloted business for today Thursday and next week as follows:-

1. Today, Thursday, afternoon 2nd June, 2016; Machakos County Supplementary Bill, No. 6 of 2016, second reading.

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2. Machakos County Supplementary Bill No. 6 of 2016, third reading.
3. Next week, Tuesday afternoon, 7th June, 2016; Report of Agriculture and cooperatives committee on petition by Machakos County poultry farmers.
4. Report of environment, energy, land and natural resources on petition by Kitangani residents of Masinga central ward.
5. Wednesday, morning 8th June, 2016; Report of *ad hoc* committee on conduct of county public service board secretary.
6. The same day in the afternoon; Report of labor, public service and ICT committee on petition by inspectorate.
7. Thursday, afternoon 9th June, 2016; Report of environment, energy, land and natural resources on petition by members of Wamunyu water project in Wamunyu ward.

Hon. Speaker: Thank you. Proceed.

BILL

Second Reading

MACHAKOS COUNTY SUPPLEMENTARY BILL, No. 6 OF 2016

Hon. Kasimu: Thank you, Mr. Speaker. Pursuant to Standing Orders 121 (1), I would like to move the motion that the Machakos County Supplementary Bill No. 6 of 2016 be now read a second time. Thank you, Mr. Speaker. I call upon Hon. Christine Mutune to second the motion.

Hon. (Ms.) Mutune: Thank you, Mr. Speaker and the House at large. I second what the chairman has said. Thank you.

(Laughter)

Hon. Speaker: Proceed.

Hon. Speaker: Yes the bill is read the second time. Proceed chairman with the report.

Hon. Kasimu: Thank you, Mr. Speaker. Report for the budget and appropriation committee on Machakos County Supplementary (2) budget estimates financial year 2015/2016. Mr. Speaker, Sir, on behalf of the Budget and Appropriation Committee and pursuant to the provision of Standing Order 186(1), it is my pleasant privilege to present to this Hon. House, the report of Budget and Appropriation Committee findings on the second County

Supplementary Budget estimates for the Financial year 2015/2016.

MANDATE OF THE COMMITTEE

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

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

COMMITTEE MEMBERSHIP

Mr. Speaker, the committee as constituted by this assembly comprises of the following members.

1.	Hon. Wilson Mukewa	Chairman
2.	Hon. (Ms.) Christine Mutune	V/ Chair person
3.	Hon. Peter Nzioki	Member
4.	Hon. (Ms.) Ruth Ndumi	“
5.	Hon. Charles Mutisya	“
6.	Hon. Sammy Nduva	“
7.	Hon. (Ms.) Jacqueline Munyao	“
8.	Hon. Renson Muthiani	“
9.	Hon. John Sila	“

Mr. Speaker, Sir, pursuant to the PFM Regulations No. 39:-

1. Each accounting officer shall within the guidelines of the supplementary budget circular and in conformity with budget guidelines issued by the county executive committee member, prepare revised budget estimates in the format to be issued by the cabinet secretary.
2. Prior to incurring any expenditure under paragraph (1), accounting officers shall seek the approval of the county treasury, and if approval is granted by the county executive committee member, it shall be communicated to the accounting officers through a notification which shall be copied to the Auditor General and the Controller of Budget.
3. The purpose for which approval is sought for the supplementary budget shall be:-
 - (a) Unforeseen and unavoidable circumstances where no budget provision was made.
 - (b) Unavoidable circumstances where there is an existing budgetary provision which is inadequate.

Mr. Speaker, Sir, regulation No. 39 (9) of the PFM Regulations, provides that, ‘in approving any estimates under section 135 and 154 of the Act, that County Assembly approval

shall not exceed 10 per cent of the approved budget estimates of a program of sub-vote unless it is for unforeseen and unavoidable need as defined in section 112 of the Act.’

Mr. Speaker, the second County Supplementary Budget estimates was received on 27th May, 2016, after which the Budget and appropriation committee met to analyze and discuss the document. The main purpose for the supplementary (II) budget estimates was to re-allocate the funds initially allocated for Ward Development Fund so as to allow utilization before the close of the year as well as increase the absorption rate. It is evident that the funds in Ward Development Fund may not be spent before the end of the close of the year if not re-allocated.

Mr. Speaker, Sir, the current Ward Development Fund regulations requires that the projects to be undertaken in the financial year be submitted to the county management committee in each year or such other month as may be determined by the CEC in order to ensure timely inclusion in the county budget before the end of the month of May and, Mr. Speaker, Sir, this was not done as the law requires.

Mr. Speaker, Sir, in view of the above, the only option were to re-allocate the funds to other departments were it could be absorbed before the end of the financial year and in this case, the re-allocation was approved by the Ward Development Fund committee and further committed to the budget and appropriation committee to do the re-allocation.

Mr. Speaker, Sir, the Ward Development Fund had a total of Ksh. 805 million and out of this, 5 per cent translating to Ksh. 40.25 million was set aside for administration of the fund leaving a balance of Ksh. 764.75 million. The balance has been re-allocated to departments where it is proposed to be utilized as follows:

- i. To the department of decentralized units, Ksh. 80 million was set aside for flood lights.
- ii. Department of education, Ksh. 161 million was set for bursaries and Ksh. 45 million for ECD classes.
- iii. Department of roads, transport and public works, Ksh. 150 million was set aside for access roads.
- iv. Department of health services, Ksh. 90 million was set for renovation of community hospitals.
- v. Department of trade, economic planning and industrialization, Ksh.180 million was set for market sheds.
- vi. Directorate of special programs Ksh.20 million and finally.
- vii. Department of water, irrigation and sanitation Ksh. 38.75 million.

Mr. Speaker, Sir, the totals for supplementary (I) budget estimates have been maintained as they were and this is because, only internal re-allocation of funds have been done as there were no more funds added to the original budget.

RECOMMENDATION

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Mr. Speaker, Sir, the committee recommends re-allocation as proposed in the Machakos supplementary (II) Budget as follows:-

- i. The amount set aside for department of decentralized units, for flood lights be reduced from Ksh. 80 million to Ksh. 50 million.
- ii. The amount set aside for the department of education for bursaries be maintained at Ksh. 161 million and also be moved from development expenditure to recurrent expenditure to allow issuance of cheques.
- iii. The funds set aside for ECD classes be maintained at Ksh. 45 million.
- iv. The amount set aside for the department of roads, transport and public works for the access roads be increased from Ksh. 150 million to Ksh. 208 million.
- v. The amount set aside for the health services department for renovation of community hospitals be increased from Ksh. 90 million to Ksh. 120 million.
- vi. The amount set aside for the department of trade, economic planning and industrialization for market sheds be reduced from Ksh. 180 million to Ksh. 60 million

Finally, Mr. Speaker, the committee members recommends further re-allocation to be done to the following department as follows:-

- i. Legal department Ksh. 50 million.
- ii. Public service department Ksh. 65 million.
- iii. Department of education other recurrent Ksh. 34 million.
- iv. Finance and revenue collection department Ksh. 12 million.

These re-allocations include the 5 per cent which had earlier been set aside for administration, the total relocations amount to Ksh. 805 million. Mr. Speaker, Sir, pursuant to section 135 (1) of the Public Finance Management Act, the committee recommends to this honorable assembly to approve the second supplementary budget estimates for Financial year 2015/2016 with amendments to facilitate the benefit to the county government on the Ward Development Fund.

ACKNOWLEDGEMENT

Mr. Speaker, Sir, the budget and appropriation committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Mr. Speaker, this supplementary budget report was discussed and approved by all the committee members as drawn below;

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1. Hon. Wilson Kasimu
2. Hon. (Ms.) Christine Mwendu
3. Hon. (Ms.) Jacqueline Munyao
4. Hon. (Ms.) Ruth Ndumi
5. Hon. Charles Mutisya
6. Hon. Sammy Nduva
7. Hon. Peter Nzioki
8. Hon. Renson Muthiani
9. Hon. John Sila

Mr. Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the budget and appropriation committee to table this report on the Second County Supplementary budget estimates for the financial year 2015/2016 to this Hon. House for consideration. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you very much the Hon. Chairman. The report is now before the House for deliberations and I invite contributions. Yes, Deputy Speaker.

Hon. Nganga: Thank you, Mr. Speaker, and the House at large. Mr. Speaker, I rise to seek some clarifications from the chairman about, now that the committee embarked to re-allocate the funds of the Ward Development Fund, which was aimed at entrenching equity in development across the whole county where possibly each and every ward would have benefited in an equal and reliable measure. How does these re-allocations entrench equity once they are implemented because in the manner they have been presented, they appear not to be made to enhance absorption as it has been said in the report but rather it appears they are made to pay outstanding debts of the various departmental committees to which these allocations have been made. Maybe the chairman needs to elaborate on that.

Mr. Speaker, the projects that the various elected Ward Development Fund committees at the ward level that had already highlighted and ready to submit to the county government for implementation, are they the ones that are going to be implemented by these departments or the departments are going to implement other new programs that they have created by themselves, Mr. Speaker?

My third question is; does it mean that lack of political goodwill amounts to inability to absorb these funds under the Ward Development Fund bearing in mind that the fact that the Ward Development Fund has not been implemented is not due to lack of statutory structures and, Mr. Speaker, bearing in mind there is a report before this House that was adopted by this

House, by the committee on Ward Development Fund out of their visit to Bungoma County where they found that even such an arrangement of Ward Development Fund had even been implemented without a pre-requisite law to guide on the implementation.

Mr. Speaker, I would beg to get some answers on those questions Mr. Speaker.

Hon. Speaker: Yes any other contribution?

Hon. Nzoka: Thank you, Mr. Speaker, Sir. I need also to have clarification on this departments we are appropriating this money like ECD classes. We had put money for those in 2013/2014. The same as the roads and there is nothing we can see on the ground. Now we were expecting, through the Ward Development Fund, as it is indicated here Ksh. 4 million for the bursaries, the rest to try to see how we can open some roads in that one. So where is the other money which we had set aside for roads and ECD classes? I stand to be guided? Thank you.

Hon. Speaker: Let me hear the chairman. I thought the chairman, before you came up with this report, you engaged all the committees? Maybe you can react on the issues which have been raised.

Hon. Kasimu: Thank you, Mr. Speaker. I would like, first of all to answer the questions of the Hon. Deputy Speaker that he seeks to know if the projects that derived from the Ward Development Fund committees are still the projects that we are going to amend while working. Mr. Speaker, it is true that the Hon. Members of this House will work hand in hand with the executive to see that the projects at ward level that had been proposed, if it is ECD or roads and bursaries, they are the same projects that the executive will implement through and working hand in hand with the Hon. Members, elected from those wards.

About equity and in the 40 wards, Mr. Speaker, we have set aside, if it is money for the roads, that money will be divided according to the number of our wards in Machakos County and ECD, decentralized units for the flood lights, we have considered the 40 wards. For example in page number 3, you will see point number 1, there is department of decentralized units, Ksh. 80 million that has been set aside for the flood lights, we considered the 40 wards that Ksh. 80 million will be shared among the 40 wards and department of education, you will find that Ksh. 161 million that will be divided among the 40 wards will get Ksh. 4 million each ward and there is a million set aside for administration.

The same goes for the department of roads and other departments. Mr. Speaker, we have considered the equity and I am sure we will work and we will implement, in the shortest time possible, because we have only one month to utilize this money. So, I would urge all the elected members of this Hon. House to present their projects as soon as possible to the relevant departments and see that they are implemented. Thank you, Mr. Speaker.

Hon. Peter Nzoka of Matungulu North he is seeking to...I have not understood his question but he really mentioned about the ECD classes and I think it is the same question I have answered that there is money for the ECD classes, Mr. Speaker, and we are going to allocate this money according to the wards. I understand there are members who have already finished the ECD classes and others who have not. So, Mr. Speaker, we will sit and see what member needs what in his ward and see what can be implemented. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let us hear hon. Christine.

Hon. (Ms.) Mutune: I understand that the committee of Ward Development Fund, sometimes back, went to the Controller of Budget and it is out of this meeting that the Controller of Budget advised that the fund be re-allocated to different departments so that the amount of money can be utilized before the close of this financial year. Mr. Speaker, Sir, we have no bad intention to the wards but we are saying that these funds should go directly to the wards so that those projects which were given by the Hon. Members who are elected can be completed. So, it is my pleasure so to say that we support this supplementary budget. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Hon. Ngunzi you can say something.

Hon. Ngunzi: Thank you, Mr. Speaker. My concern to the chairman of budget committee goes to the money appropriated to the community hospitals. Is it for renovation or for completion because we had just started doing the community hospitals? I do not think they are completed to a point where they can be renovated, Mr. Chairman or what community hospitals are being addressed, Mr. Speaker?

Hon. Speaker: There is a point of order. Can we hear that?

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. The Hon. Member is addressing the chairman of budget committee but I thought he should address the House and the chairman of budget committee can now answer the question, Mr. Speaker.

Hon. Speaker: I agree. I uphold that point of order. Let us hear Hon. Ndumi at the back.

Hon. (Ms.) Ndumi: Thank you Mr. Speaker, Sir. I am a member of budget committee and I stand to support this supplementary budget because, as you see the House, they have been crying because of the bursaries and they have not gotten it. So Mr. Speaker, Sir, I ask you with

all honour and the House to approve this supplementary budget for the sake of our children. As a woman, Mr. Speaker, Sir, the children who are dear there without bursaries are crying day and night and, you know, I am a nominated member and I have no funds to support them. So, I request the House to adopt the supplementary budget thank you Mr. Speaker, Sir.

Hon. Speaker: Okay. *Pande hii*. Let us hear the Hon. Muli.

Hon. Muli: Thank you, Mr. Speaker. When we were passing the issue of Ward Development Fund, we had hope that much will be done according to the equity in our wards, Mr. Speaker. For this supplementary budget, I thought what was to be interfered much or what was to be re-allocated was about the bursary issues, Mr. Speaker, because we need issues of the bursary like yesterday and, Mr. Speaker, according to my knowledge of mathematics or finance, I have gone to recommendations, on page 4, whereby after the recommendation of the committee, Mr. Speaker, I came to realize, according to the re-allocations, they have gone to Ksh. 644 million (??) whereby the other balance, which has been allocated to other departments of legal departments to make it Ksh. 805 million, Mr. Speaker.

I would like to know, Mr. Speaker, because when we were re-allocating the issues of Ward Development Fund, we were targeting Ksh. 805 million to be absorbed in our wards for development. Now I wonder, legal department; how will it be re-allocated in my ward? Public service department also, how are these amounts of Ward Development Fund will they benefit us, especially, let us say in my ward. I would like to get clarification from the chairman. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear Hon. Mueni.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. When we were passing the Ward Development Fund, I thought it was to renew the members who have been elected in this House but it seems it is not going to help them in anyway because the money has been dissolved in whatever they do not know. Now when the executive side comes in it and you know all those men or women in that side are also standing to ask for the MCAs whatever. So, I do not think this money, Mr. Speaker, whether it will help in this House. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let me hear Hon. Nduva.

Hon. Nduva: Thank you, Mr. Speaker. I am member of the budget committee as well as a member of the Ward Development Fund committee. Mr. Speaker, I want to put to attention of this Hon. House that the document before the House is a decision that was arrived after seeking so much advice, even from the Controller of Budget who represents the office of the Controller

in Machakos County as well as the office of the controller of budget in the National Government, Mr. Speaker.

(Applause)

Mr. Speaker, we tried to go further, even visiting the Busia County to see how their ward fund operates. Mr. Speaker, when we had a meeting with the Controller of Budget of the National Government, the committee of Ward Development Fund of this county assembly was informed and some areas were highlighted, that our law was not yet that our operation of the ward fund could be effective. Mr. Speaker, we cried to the office of the Controller of Budget because of the urgency of the bursary funds. Mr. Speaker, the committee was advised so as to affect these monies for the bursary that we should come up with a supplementary budget that we should re-allocate these monies from the ward fund to the department of education and that way, Mr. Speaker, members will be able to access cheques for the bursaries.

Together, Mr. Speaker, we had a meeting with the CEC finance and tried to ask how soon can we get these funds for the ward fund. Mr. Speaker, because of the time remaining in the financial year, it was clear that we may not be able to access these funds and because these monies were meant for the projects in the wards, Mr. Speaker, the committee agreed, I mean the committee of the Ward Development Fund agreed that Ksh. 4 million should be allocated to the bursary for each ward and since we could not access the other funds through the fund, Mr. Speaker, we agreed with the CEC this monies will be allocated to several departments whereby the Hon. Members for the wards will access these monies through the departments and Mr. Speaker, the CEC agreed that the easiest way in which these members or the projects can be done, members will be able to access these funds from the said departments.

Mr. Speaker, when this matter was brought to the committee of budget, Mr. Speaker, we looked at it and we tried to change some of the proposals that were done by the CEC since the committee of the Ward Development Fund did not give the CEC figures to be put in the departments. Mr. Speaker, the committee on budget tried to re-allocate these funds. We also tried to look how easier, for the time remaining, whether the said department can also be able to access the funds allocated to them and Mr. Speaker, that is why you see like in decentralized units, the allocation was Ksh. 80 million and was reduced to Ksh. 50 million.

Mr. Speaker, this was because the time between now and 30th June, such a department, another department may not be able to access these monies and Mr. Speaker, reacting to why monies have also been allocated to other areas, since we put these monies to one department or two departments, they will not exhaust these funds before 30th June. But mainly, Mr. Speaker, we looked at the areas like roads, the floodlights and the department of health.

The issue of the department of health is not the new community hospitals. We agreed each ward has some dispensaries and health centers which were not taken care of. These are the

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areas for members representing the wards. It is now the institutions that they will take their requests for renovations for those dispensaries and health centers which were not taken care of but not the community hospitals. So Mr. Speaker, the committee on a budget, Mr. Speaker, protect me---

Hon. Speaker: Allow him to finish. Just finish. He is a member of the committee let him enlighten us.

Hon. Nduva: Mr. Speaker, the committee on budget had no bad motive in re-allocating these monies as it was directed by department of finance but considering the time remaining and since we elected members and we need these monies absorbed even if it is three or five projects in a ward. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear you, yes.

Hon. Nganga: Mr. Speaker, I wish to inform the House that this being the month of June and Machakos County having only two remaining requisitions from the National Government in which every requisition will receive approximately Ksh. 500 million and possibly we collect a local revenue of around Ksh. 50 million or thereabouts, Mr. Speaker, we are anticipating to receive approximately Ksh. 1 billion before the close of the year. Mr. Speaker, bearing in mind that this County Government of Machakos spends Ksh. 350 million on wages, that tells you in the two months, we will spend 700 million in wages, Mr. Speaker. That tells you then the balance of the day will be approximately Ksh. 300 million.

Mr. Speaker, out of this is where monies shall be used to pay for operations and other things. Mr. Speaker, it is very good we tell the people of Machakos the truth, that this is only playing with the bookwork and we are expecting very little out of this. Mr. Speaker, in my ward where yesterday we were celebrating Madaraka day in Kikesa in Ikombe ward, Mr. Speaker, the community hospital which was supposed to be constructed there and had been allocated Ksh. 11 million is on the foundation stage, Mr. Speaker, and every other financial year we are budgeted money for that work.

Mr. Speaker, we do not need to cheat the people of Machakos that we are setting away this money to go and implement anything, Mr. Speaker. This money we are only balancing the books so that the books of the county government look well and then we will have closed the year and tell the people of Machakos that 'you guys, you cannot be able to get the Ward Development Fund.' So that with that language, at least we will be honest enough to the people of Machakos and then on that note then, we can agree we just adopt the paper and close the business of the day. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear Bw. Ndolo.

Hon. Ndolo: Thank you Mr. Speaker, Sir, the chairman Ward Development Fund committee. Mr. Speaker, as you have heard, the committee of ward development fund met the Controller of Budget and we advised that we had to do certain amendments to our Ward Development Fund and when we came we sat down and we agreed that this amendments cannot be done and we get this amount of money. That is why we came with the idea of allocating money to other departments so that this money can be accessed.

As you can see Mr. Speaker, Sir, we agreed that we are going to give each ward Ksh. 4 million to a total of Ksh. 160 million so that we can give cheques to our people and students who are now suffering.

(Applause)

As you understand Mr. Speaker, Sir, we elected members, we went to the ground and issued bursaries to our students almost last year December and now we are heading to June. Mr. Speaker, Sir, I would request this House to support this report so that we can get these cheques and members this is not an issue of changing of the books. Please protect me Mr. Speaker, Sir.

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

Hon. Muli: Thank you Mr. Speaker. I would like to inform the member of the budget committee who had already spoken before the Deputy Speaker just telling us they were advised. Does it mean the persons who advised them was to re-allocate the money to some departments which are not directly on how this money will be used? Secondly, Mr. Speaker, on issues of bursaries why cannot the members tell us that---

Hon. Nduva: Point of information.

Hon. Speaker: Sorry Hon. Muli. Let us take the point of information.

Hon. Muli: I am a point of information. Mr. Speaker, how can another member be on a point of information while I am on the floor---

Hon. Speaker: Order Hon. Muli.

Hon. Nduva: Mr. Speaker, he was on a point of information. I would like, Mr. Speaker, to inform him also.

(Laughter)

Mr. Speaker, when we say we were advised by the Controller of Budget to make re-allocation of these funds, Hon. Members, it is because there are amendments which are to be made on the Ward Development Fund that within the period between now and 30th June, we cannot do this amendments which means the funds which were set aside for the Ward Development Fund will stay there, untouched, until the next financial year. So having been advised does not mean we were to be told which monies to be put where. You know the Controller of Budget does not belong to Machakos. She had to give us a legal advice that we should re-allocate these monies so that we can be able to access them.

Mr. Speaker, again these members went to the wards and gave bursaries of which I am sure majority of them have reached the department of education. How are we going to access these funds if we do not pass this amendment?

Hon. Member: Point of order.

Hon. Nduva: Mr. Speaker, I want to urge the Hon. House, rather than going round and round, each member here has presented his bursaries and to access these bursaries, Mr. Speaker, we have only to support this document. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear the chairman. Did the chairman budget committee engage the members of all committees on this Bill? Otherwise, we would not been seeing this kind of responses.

Hon. Kasimu: Mr. Speaker, Sir, this House is a House of debate it is good that members will speak out what is in their hearts. We understand it is healthy in every democratic nation. Mr. Speaker, Sir, I am shocked to realize that most of these members are not even aware about the process that this document has gone or this Ksh. 805 million has gone for it to be in the hands of the budget committee because it was with the Ward Development Fund committee and it has been there for quite along time before it even reached my committee.

Mr. Speaker, Sir, if there was any recommendation that any member felt was supposed to be considered in our report, Mr. Speaker, Sir, the Ward Development Fund committee met and I understand that a lot of members participated in that committee that day and Mr. Speaker, Sir, that is why I am saying I am shocked to see Hon. Ndithini standing on a point of.....anyway Mr. Speaker, Sir, we have done our best. I am asking Hon. Members to kindly pass this motion and we move and get our bursaries because we are waiting and our children are waiting for the bursaries.

Hon. Speaker: Hon. Chairman they need to be clear in their minds on supplementary budget. How do they pass when they are not clear in their minds? Maybe you need to engage the further.

Hon. Kasimu: Mr. Speaker, Sir, we are answering the questions as they are coming so Mr. Speaker, Sir, I do not know which member has a question that has not been answered---

Hon. Speaker: Wait for them. Alright, let me take that point of order from Hon. Ngunzi.

Hon. Ngunzi: Mr. Speaker, the Hon. Deputy Speaker, has brought very serious allegations against how this money could be spent. I thought the chairman of budget committee should.....the Deputy Speaker is telling how we are passing a document just to balance books and I thought the chairman of budget committee should get serious and tell us 'if we are balancing books, then we do so. If we are serious with what we are doing, then we proceed but these allegations by the Deputy Speaker should be addressed so that we proceed.

Hon. Speaker: I agree on that point of order. Chairman. Let us first hear, that was your own point that was being responded to so wait. Are we only balancing books?

(Laughter)

Hon. Kasimu: Mr. Speaker, no we are not. As a matter of fact, cheques are waiting that we pass this motion and those cheques by next week will be ready for bursaries allocation.

(Loud consultations)

Mr. Speaker, it is not about balancing of books. We are serious---

Hon. Speaker: Wait. Conclude. You are saying you are serious on?

Hon. Kasimu: This is a very serious allocation that we have done and it is not balancing of books, Mr. Speaker.

(Loud consultations)

Hon. Speaker: The orders are many. Let us hear contributions. You can also contribute and criticize in between. I think we have heard for too long Hon. Nganga.

(Laughter)

Let us hear Hon. Ndeto at the back.

Hon. Ndeto: Thank you, Mr. Speaker, I think today is a very dark day and sad day for the Machakos people. It is also a sad day and dark day for the those elected Members of Machakos County Assembly simply because this day, today, marks the death of the Ward Development Funds.

(Applause)

I remember very well, when we passed the regulations governing the Ward Development Fund, there was an issue that was coming up and we dealt with it. That was mid-last year, we proceeded to 67 Airport to discuss on the same during the month of December and I categorically stated that there was no goodwill over the Ward Development Fund. Today Members, you bear me witness that what I told you in December has come to pass today. As we pass this, because I support that we pass it, I am still convinced nothing will come out of this.

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

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. One, I would like to let Hon. Ndeto know that this is not a prophecy House. We agree, yes, that he said that but I am surprised that he believes that nothing will come out of this. Hon. Members, let us pass this supplementary budget, our kids are waiting. Mr. Speaker, I know you can read the mood of the House and the fact of the matter is time is up. Members we need bursaries. If you have unfinished projects, forward your project to the relevant department. Protect me, Mr. Speaker---

Hon. Speaker: Proceed.

Hon. (Ms.) Ndawa: We have allocated money to each department. If you have a project in the department of roads, Hon. Member, an elected Member, please channel your project there and let us pass this supplementary budget and we move on.

(Applause)

Hon. Speaker: Let us proceed. Let us hear Hon. Ndeto.

Hon. Ndeto: Mr. Speaker, the immediate contributor stood on a point of order and personally, I have not heard any point of order from her. As I proceed, I want to state that we will pass, I will support in order to justify whatever she says my prophecy or what.

(Laughter)

Because I know and history has told me for the last three years, nothing will be implemented in this report and more so supporting what Hon. Nathaniel Nganga said. We only have three weeks for this financial year to end and we should not be taking like we are living in the moon. We know what has been going on in Machakos County Government and I am convinced, I have a conviction that this we will pass but nothing.

Today is a dark, sad day for Machakos County, the Ward Development Fund is over even for the committee that we went down to the ground, nominated or elected, this is the end of all these things. As you pass it because I will support is, so that the Hon. Member will not get out and say 'you denied our people the bursary fund.' We will pass it and we will wait. I believe nothing will come out of it. Thank you.

(Applause)

Hon. Speaker: Let us hear Hon. Kathinzi

Hon. Kathinzi: Thank you, Mr. Speaker. Mr. Speaker, on several occasions in this Assembly, I stated that the writings are on the wall and the writings are becoming bolder and bolder day after day. That in this Assembly, it is not possible, it might not be possible and it will not be possible for us to pass and something gets implemented on the other side. Mr. Speaker, two months remaining, the County Government is owed by the National Treasury around Ksh. 560 million, putting together that is Ksh. 1.1 billion. Mr. Speaker, the salaries amounting to Ksh. 350 million per month putting together amounting to Ksh. 700 million. The Assembly receives around Ksh. 56 million times two that is Kshs. 112 million. Putting like terms together, you get an expenditure of around Ksh. 812 less from Ksh. 1.1 billion; you get a balance of Kshs. 280 million.

So, even when we say it is not possible to pass this report, either we pass it or not, there is no money in the account. There is nothing because my balance shows that we have only Ksh. 47 million to bargain about, only Ksh. 47 million if we successfully pay the bursaries. So, I just support because it has to pass.

(Applause)

It must pass. Mr. Speaker, it is not fair and I would like my people of Kivaa to know that, the committee led by my Deputy Majority Leader, who is also the Chairperson of budget committee, he has just brought the first report while he is the Chairperson of budget committee which is terrifying their welfare in this Country.

It is not fair for him to bring such a report even when I am supporting because even when I say it is not possible for me to pass it, it has to pass because we have been here for three years now, Mr. Speaker. So, this report has been crafted just as the Chairman of the Committees has just said, just to balance the arithmetic. I am a mathematician at of my age but I can tell you Hon. Members, with a lot of honesty that we are going to pass this report but the writings are on the wall. We have only around two months to go but, Mr. Speaker, our people will say this was an Assembly which did not perform its functions as expected---

Hon. Speaker: Would you want to be informed? You are informing the House or the Member on the floor? Let us proceed with contributions. Let us hear Hon Rachel.

Hon. (Ms.) Nduku: Thank you, Mr. Speaker. I want to remind this Hon. House that we are representing our people down there and whatever we are discussing here and whatever we are reading up here in this report, I want to assure this House that our community people are waiting to hear what we have done with Ward Development Fund because some of us we had communicated to our people that every ward will be allocated Ksh. 20 million to do the priority projects which were not done in the departments.

I want to appreciate the immediate Chairman for budget committee for all the writings which are here in this report but I want to remind him that, majority of us are talking of bursaries but people are forgetting that despite we are getting the bursaries as the urgent need of our wards Mr. Speaker, I want to remind this House that some of our wards are in dire need that of things to do with garbage collection because even the child who gets the bursary and is not in the school, it does not make any sense.

I wanted to remind the Chairman of budget committee who has compiled this report that, we have a new department of Environment. I would wish to ask Chairman of the budget committee to listen to me because he is making another meeting over there. I want to ask Chairman, Budget committee for the new department of Environment which is under Eng. Maliti. I wonder when Maliti comes to my ward, he is under pressure because he does not have finances to carry out the work which he has been given to carry out. Now in this departments which we have diverted our monies for Ward Development Fund, I have not seen anything for that CEC to carry out his work and again, I would like to know from that committee because we know that the bursaries we get for every ward is Ksh. 2 million which is meant to be allocated to our children, I would also like to know because the report that we are discussing here, tomorrow I will be holding *barazas* in my ward because I have to explain to my people that the Ksh. 20

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million we were talking about has been diverted to various departments and these are the monies which are in the departments.

Now, I would like to ask Chairman, if he could help us know if I tell my people that the bursaries is Ksh. 2 million, I want also to tell them from the department of decentralized unit, Mlolongo and Syokimau, how much are they going to get so that I can wash my hands because they knew that we will have Ward Development Fund of Ksh. 20 million. I want to talk to them to know that executive is handling the Ksh. 20 million which we knew we will carry out the projects which are stalled in our wards.

Another thing I would like to ask Chairman, budget committee is about the health facilities. We know in forty wards, our health centres have stalled projects and here I have seen renovations. I do not know whether all wards will have health facilities which will be renovated, so it is upon my request that, each elected Member would go to his people and explain to them that the Governor is carrying out all the projects we were to carry out with our Ward Development Fund so that we can wash our hands from our people because they were waiting to see small things we were to complete in our wards.

So, Mr. Speaker, I would like to take this opportunity to appreciate and congratulate the Committee for coming up with the report even though, I personally, I am not sure whether the monies which were allocated to various departments will trickle down to our marginalized groups down there. We will wait and see because we do not understand some of the things which are being spoken here. We will wait and see but our people will be ready and aware that the monies we allocated are with the executive. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let me hear Hon. Matheka.

Hon. Matheka: Thank you, Mr. Speaker, Sir. I stand fully to support the report only on the bursary issue.

(Applause)

Mr. Speaker, Sir, I am saying so because on the project, the Hon. Member and Chairman of Budget committee said we can go down and bring the projects. I tend to be in the same school with the Deputy Speaker and the Hon. Member for Kivaa. Mr. Speaker, Sir, telling the Hon. Members to go and come with projects amounts to shouting and whistling in the dark, because nothing will happen. Why am I saying so, Mr. Speaker, Sir? I have a reason and the Ward Development Fund Committee should have come out clearly on that when the CEC Finance was in the boardroom with them, she was very clear on the issues of money.

She said she can only, in this financial year, afford the bursaries and nothing else and they tried to press her to do the projects and she was very categorical on that. She said any

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project done on this financial year will be pushed to the next financial year. So, Mr. Speaker, Sir, coming here to talk of projects to be paid in this financial year, I am sorry. We are just shouting and whistling in the dark, nothing can happen but for the bursaries, I support the project. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Let me hear Hon. Nzioki.

Hon. Nzioki: Mr. Speaker, according to the reports we are getting from Ward Development Fund committee, is that our regulations when they went to see the Controller of Budget, it meant that, they were told that, she was not convinced that we could get these funds and that our ward funds can be approved. So, Mr. Speaker, it means that Ward Development Fund, in this allocation of Ksh. 805 million is not there. That tells that if our regulations will be approved, we are going to have these funds next year. So, Mr. Speaker, the kind of advice the committee got from the Controller of Budget is that, we re-allocate these monies because we have already put the money into our budget. The money has to be spent. So, if the money has to be spent, it has to be re-allocated to other departments.

(Laughter)

Mr. Speaker, because out of the money we had proposed of Ksh. 805 million, bursaries was one of the proposals, the money we had allocated, the only thing that we can do now is to, in the first priority, give that money to the bursary department and that is why Ksh. 161 million was allocated to bursaries. The other monies Mr. Speaker, because of procurement procedures, it is not possible for other projects to be done in this financial year. Some of the procedures are so long that they cannot be done at this time. So, some money has to be re-allocated and spent in pending bills, renovations and other projects which were ongoing.

Mr. Speaker, Members have to understand that, we cannot start new projects with this re-allocated money. We can only spend on ongoing projects because the period, the time is short and we cannot find this money. So, Mr. Speaker, I request the Members that when we are talking of the Ward Development Fund, the money we budgeted for Ksh. 805 million, is not possible this time. Next time it will be possible when our regulations will pass. So, Mr. Speaker, I request the Members to approve and pass this document the way it is, Mr. Speaker and as we approach, as one Member said, how are we going to tell our people whether there is money or not, Mr. Speaker? It is very simple. Go tell your electorate, there is no money for Ward Development Fund.

(Laughter)

Hon. Speaker: Let us hear Hon. Kamitu here.

Hon. Kamitu: Thank you very much Mr. Speaker, Sir. I support our Chairman, budget and his committee and again enlighten some of the issues in regards to the Ward Development Fund. Mr. Speaker, Sir, up to now we are very much aware that the Ward Development Fund Committee went to see the national Controller of Budget and they were given very clear instructions and guidelines that even the benchmarking that they went to Bungoma for that matter, it is very clear that even in the National Parliament, we are very much aware that even the CDF is going to be dissolved and again in that sense I am talking in the strength that us also in the County, our Ward Development Fund was not passed.

So what happened? The guidance is that we are supposed to come out very clearly in a sense that the instructions and the guidelines that were given by the national Controller of Budget is that, whatever money that we had that is Ksh. 805 million was supposed to be used as per their request on the bursary. Then the remaining money, it is very clear Mr. Speaker, Sir, that Members of the Ward Development Fund Committee are supposed to stand and tell the House that the remaining money, as the Hon. Peter Nzioki has said, was supposed to be re-allocated to departments within our County for ease of use, pending bills and as I normally tell this House, through experience, Mr. Speaker, Sir, I was once an OCPD---

(Laughter)

As an AIE holder, the remaining days is now in the financial act, it is just a question of the re-allocation that are going to be given to the departments within the departments and it trickles down to our wards. That money as per page 2, the re-allocation in regard to those departments, is just a question of committing the remaining projects to particular contractors. Immediately it is committed on the pending bills, that project will be continued even after the financial year. So, that is exactly what we should be going for so that at least we should not be seen to be desperate in our action of devolvement in the ward.

So, my humble request to this Hon. House, procedures are there and we were given some guidelines in regards to procedures by the national Controller of Budget. So, who are we not to follow those procedures? So, my humble request to Hon. Members, anything that is going to benefit our electorates, our community and in this regard, now the bursaries that our kids are waiting. It is the talk on the ground. It is the talk of the County; where are the bursaries?

Now that it is not even a leeway, we should told immediately we pass, we approve this supplementary budget, the cheques will be out to benefit our kids. Then sincerely if you have got the heart of our people, this is the time you are supposed to pass this supplementary budget so

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that when it goes through it trickles down to our people so that our kids are going benefit from the Ksh. 2 million or Ksh. 4 million in regards to bursary. I do not want to repeat myself, any other remaining money, is a question of being committed by the various departments that have been given this money. So as a question of follow up I think that work plan is going to work. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. I will give you one minute and then we hear Hon. Kyalo Kyuli at the back.

Hon. Nganga: Thank you, Mr. Speaker for the opportunity. Previously, I was raising points of concern and, Mr. Speaker, on this point I want to make my contribution over this report. Mr. Speaker I would say that Members are only concerned about bursaries and they do not realize that these bursaries thing is only being used as bait for you to pass the supplementary budget. You realize that the only funds that are required, if you look at page 4, under recommendations on the second paragraph, the money that this budget---

Hon. Speaker: Deputy Speaker, are you in order because you were raising a point of order?

Hon. Nganga: Okay, Mr. Speaker---

Hon. Speaker: Or you are giving a contribution? I think priority goes to Hon. Kyalo Kyuli. It will be unfair to hear you thrice. Let us hear Hon. Kyalo Kyuli.

(Applause)

Hon. Kyuli: Thank you, Mr. Speaker for giving me this opportunity to contribute and I will start by saying when you meet.....there is a saying that ‘when you meet those that have wolves, you just turn and lead the pack because behind are those that are clawed and they eat meat and you are meat yourself.’ So, Mr. Speaker, however much we are going to contribute on this, I want to support it that it passes. That is number one.

(Applause)

Again as I support it, in quotes Mr. Speaker ‘rest in peace Ward Development Fund’ because this marks the end of Ward Development Fund in this financial year and with very many

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uncertainties they are coming here. So, therefore while we are on the document, Mr. Speaker, the intention with which we as an Assembly had allocated Ksh. 805 million to the Ward Development Fund, the intention was that that money trickles down easily through or with ease of movements of Chairpersons from this Assembly.

Now that there would be just music of Chairpersons, now that it is dead, Mr. Speaker, in the report on page number 4, there is a re-allocation of Ksh. 50 million to the legal department. An explanation I will seek from the Chairperson, through you, on how legal department will spend Ksh. 50 million in Wamunyu Ward, Mr. Speaker, because they were expecting Ksh. 20 million to go direct to the projects of their choice.

Mr. Speaker, Public Service Department, there is also a re-allocation of Ksh. 65 million and now Mr. Speaker, I would also ask the same question on how Ksh. 65 million will trickle down to the people of Wamunyu through projects because the intention was that Ward Development Fund now that this day is a very dark day that, as you heard Hon. Ndeto say, marks the end of Ward Development Fund. So, therefore Mr. Speaker, as I started by saying that we lead the pack of those that have wolves because the end are those that are chasing these wolves are the clawed, and those that are cloud eat meat and we are carrying meat.

Therefore, Mr. Speaker, I rest my case by saying, let us pass this but it is all in vain, Mr. Speaker, by the calculations that we all know. The little money that we will may be able to get on bursary, may be less than Ksh. 4 million out of the calculations and out of the common knowledge that this County, the money that we are receiving from the Central Government. Therefore, I rest my case.

Hon. Speaker: Thank you. Let us hear Hon. Muinde at the back.

Hon. Muinde: Thank you, Mr. Speaker. I support this report, I am sure---

(Applause)

That many would have expected me to be against it but as I contribute, Mr. Speaker, I want to say that the truth be said, that one, we are expecting two disbursements to the end of this Financial Year from the Government as Hon. Nganga has said and another estimated close to Ksh. 100 million from local collection. This is the cash flow against a budget whereby we had set a budget of Ksh. 805 million for the Ward Development Fund. Mr. Speaker, the truth here is what can get from this re-allocation, is the bursary and we all need the bursary. We may not get everything that was thought to be put under the Ward Development Fund but at least by this re-allocation we will be able to get the bursary. Even if not the whole Ksh. 160 million, but at least the bursary will be gotten.

What will happen or what is happening here, it is a fact that this year's budget was much higher than the actual that will be realized as at the end of this year, June. Therefore, this other re-allocations are just meant to balance off the accounts and that is the truth. As at the end of the year, that is June, automatically the budget will lapse, all that will not have been done, will not be done but we only plead with the executive after we pass this, that at least the bursaries be given to us.

So I urge Members to realize that the Ward Development Fund was born sometimes in June last financial year, but immediately the Ward Fund was born, it got sick and sometimes around September to December, the Ward Development Fund died. The only thing that is surviving is the spirit of the Ward Development Fund and that is the truth. Even if we do not pass this supplementary budget, the truth is there is no money for the Ward Development Fund.

The Hon. Peter Nzioki was asked the same question yesterday in his ward while celebrating Madaraka day, although he avoided the question but I thank him that he has given me the answer that I will be able to tell my people. I also urge him when he goes back to get the courage and tell his people that there is no money---

(Laughter)

So, Hon. Members, the truth is there is no money because the budget was much higher than the actual but out of the remaining, out of the re-allocation, we can get at least a bursary and urge the executive to ensure at least we go with the 'nusu mkate' the half bread instead of losing everything. Therefore, Mr. Speaker, I support the report.

(Applause)

Hon. Speaker: Hon. Members, I think in my consideration, the debate is enough and I will call upon Hon. Raphael to Chair the Whole House Committee. Thank you.

(Question put and agreed to)

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman (Hon. R. Mutuku) took the Chair]

MACHAKOS COUNTY SUPPLEMENTARY BILL (II), No. 6 OF 2016

Clauses R6, R7, R11, R12, R13, D12, D11, D12 and D13 agreed to

Clauses with amendments

Hon. Kasimu: I move that the amended clauses be part of the bill.

(Question that Clauses R1, R3, R4, R5, R9, R10, D4, D6, D7, D9, D10 and D11 be amended as proposed put and agreed to)

Clause 2

Hon. Kasimu: I move that clause 2 be amended and be part of the bill.

(Question that clause 2 be amended as proposed put and agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Kasimu: Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Machakos County Supplementary Bill (II), No. 6 of 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT AND THIRD READING

MACHAKOS COUNTY SUPPLEMENTARY BILL (II), No. 6 OF 2016

Hon. R. Mutuku: Mr. Speaker, Sir, I beg to report that the Committee of the Whole House do report to the House its consideration of the Machakos County supplementary No. 2 Bill, No.6 of 2016 and its approval thereof with amendments. Thank you, Mr. Speaker, Sir.

Hon. Kasimu: Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

Hon. (Ms.) Mutune seconded.

(Question proposed)

(Question put and agreed to)

Hon. Kasimu: Thank you, Mr. Speaker. Pursuant to Standing Order 131 (1), I beg to move the motion that the Machakos County Supplementary (II) Bill No.6 of 2016 be now read for the Third Time. Thank you, Mr. Speaker.

Hon. Nduva Seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Hon. Speaker: Yes, the Bill is now read for the third time.

Hon. Kasimu: Thank you, Mr. Speaker. I would like to take this opportunity to thank the Hon. House for the support that they have shown to our motion and the report that was brought today and in supporting the report, in supporting the people of County of Machakos. I will let it be registered that I appreciate the support and the goodwill among the Members. God bless you and thank you, Mr. Speaker.

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(Applause)

Hon. Speaker: Then the Bill becomes law as read.

ADJOURNMENT

Hon. Speaker: Then the House will adjourn until next week. Thank you.

The House rose at 4.09 p.m.