
REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 9th May, 2017

The House met at 10.42 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members.

COMMUNICATIONS FROM THE CHAIR
LAST PART OF THE FIFTH SESSION

Hon. Speaker: Hon. Members, I welcome you all to the last part of the fifth session of the First County Assembly of Machakos. It will be a very busy session for all of us and I urge that we undertake our mandate with renewed vigor, even as we complete our term.

Our Assembly must play its rightful role in the implementation of the Constitution of Kenya, 2010. Our Standing Orders support the Constitution in outlining the roles, functions and powers of the legislature in terms of the legislative process, oversight of the Government and representation of the people.

Hon. Members, the electioneering period is here with us and most Members would wish to be away for campaigns. Nevertheless, as we approach the general elections, we have two important duties to do; one is to make sure that each one of us will have an opportunity to campaign and go to the electorate to seek for re-election. The other key function is your legislative duties as Members of the First Assembly. Therefore, I expect that you will balance between the legislative functions and doing your campaigns.

I am sure this is the time when the whips and leadership must account for the extra allowances they are paid to whip members and ensure that we don't encounter quorum hitches. So I urge the leadership from both sides to ensure that they take the lead to enable us complete the business of the First Assembly in good time.

Of great importance before the House adjourns *sine die* is how to deal with the Bills that ought to be passed by the end of the Session. Key among them is the Budget and Appropriation Bill and the Tax Waivers Bill which ought to be finalized in the earliest.

The *sine die* recess period is set to begin on or around 15th June, 2017 which will be about 54 days to the general elections. Should the House be required to consider any particular

business that is of utmost importance to the County, the Speaker can be requested to recall the House on any sitting day between 16th June and 7th August, 2017 for a special sitting.

However, we should not rely on special sittings to complete the business before this House but must endeavor to do so between now and 15th June, 2017.

Hon. Members, as we continue to discharge our functions, we are under special focus and I have no doubt that we will rise to the challenge as we undertake our duties this last session of this First Assembly of Machakos.

I wish to thank you all for the diligence you have shown in undertaking your mandate since 2013 and do wish you well as we near the end of term of the First Assembly of Machakos.

ANTI-FGM CAMPAIGN

Hon. Members, the county assembly last week hosted visitors from *Mojatu* Foundation, a UK-based organization that successfully spearheaded the fight against female genital mutilation in their country. The team that led FGM Ambassador Sherriff of Nottingham, Councilor Jacky Morris, expressed interest in partnering with the county assembly in the fight against the vice.

Councilor Morris informed representatives from the county assembly that she moved a motion at the council house in Nottingham after survivors and anti-FGM steering committee of Nottingham petitioned the council to declare zero tolerance to FGM, a motion which unanimously supported.

Consequently, the team is looking forward to support the County Assembly of Machakos to achieve the same and i therefore urge you hon members to consider legislating on the same in the earliest. I also call upon all the members of the county assembly to be goodwill ambassadors in the fight against the vice and urge you to engage in creation of awareness to educate our people on the effects of FGM. Thank you. Let us proceed.

(Applause)

PAPER LAID

FINANCIAL STATEMENTS OF MAVOKO WATER COMPANY UPTO 30 JUNE, 2015

Hon. Kanui: Thank you, Mr. Speaker, Sir. I beg to lay the following paper on the floor of the House today, 9th May, 2017; report of the Auditor General on the financial statements of Mavoko Water Company for the year ended 30th June, 2015 by the County Public Accounts and Investments committee. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The paper is laid. Proceed.

NOTICE OF MOTION

FINANCIAL STATEMENTS OF MAVOKO WATER COMPANY UPTO 30 JUNE, 2015

Hon. Kanui: Again, thank you, Mr. Speaker, Sir. I wish to give notice of motion that the following; report of the Auditor General on the financial statements of Mavoko Water Company

for the year ended 30th June, 2015 by the County Public Accounts and Investments committee as laid before. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Notice is issued. Proceed.

STATEMENT

BUSINESS FOR THE HOUSE FROM 9TH TO 11TH MAY, 2017

Hon. Kavuu: Thank you, 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 Tuesday or on the last sitting 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 on 3rd May, 2017 and pursuant to the provisions of the Standing Order 151, balloted business for the week starting today, 9th to 11 May, 2017 as follows;

Today, Tuesday, 9th May, 2017

Morning;

Report of the County Public Accounts and Investments committee on Auditor General's report for Mavoko Water and Sewerage Company for the year ended 30th June, 2016.

Afternoon;

Report of environment, energy, lands and natural resources committee on status report on the performance of the department of solid waste and sanitation for 2015/2016 financial year.

Tomorrow, Wednesday, 10th May, 2017

Morning;

Report of culture and tourism committee on Wamunyu Co-operative Society complaints.

Afternoon;

Report of agriculture and cooperative development committee on the status report on the performance of agriculture department for 2015/2016 financial year.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you. The statement is done in approval.

MOTION

FINANCIAL STATEMENTS OF MAVOKO WATER COMPANY UPTO 30 JUNE, 2015

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

Aware that part of the mandate of the County Public Accounts and Investments Committee is as per Standing Order 185(2) are;

The examination of the accounts showing the appropriation of sum voted by the county assembly to meet the public expenditure and of such other accounts laid before the county assembly as the committee may think fit and;

The examination of the reports, accounts and workings of the county public investments.

Mr. Speaker, Sir, aware that it is the responsibility of all audited departments to submit financial statements to the auditor general in accordance with the provision of Section 4 of the Public Audit Act, 203;

Aware that accountability is a very key in realizing the value of public money, I wish to move the motion that this hon house discusses and approves the report of the Auditor General by the County Public Accounts and Investments Committee on the financial statements of Mavoko Water Company for the year ended 30th June, 2015.

Thank you, Mr. Speaker, Sir. I wish to call Hon. Ndalana to second the motion.

Hon. Ndalana: Mr. Speaker, Sir. I second the motion and urge the members to support the report. This will enable the committee to table others which are ready to be tabled. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. The motion is laid. Let us proceed with the report.

Hon. Kanui: Mr. Speaker, Sir, let me first lay the report of the County Public Accounts and Investments Committee on the status of Mavoko Water Sewerage Company for the period ended June, 2015. Mr. Speaker, Sir, on behalf of Members of the Machakos County Assembly Public Accounts and Investments Committee, I beg to move the adoption of the report of the Auditor-General on the financial statements of Mavoko Water and Sewerage Company Limited for the year ended 30 June, 2015.

The County Public Accounts and Investments Committee is a select Committee established under the Standing Order No. 185 and is responsible for the examination of the working of public accounts and investments. The Committee was constituted by the Assembly on April 30th, 2013 pursuant to Standing Order 185.

(Hon. Speaker left the Chair)

(Hon. Temporary Deputy Speaker (Ms. Nziva) took the Chair)

Pursuant to Standing order No. 185(1) and 185(2), there shall be a select committee to be designated as the County Public Accounts and Investment Committee which shall be responsible for the following.

- a) The examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.

- b) The examination of the reports, accounts and workings of the County public investments.
- c) The examination, in the context of the autonomy and efficiency of the County public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices. Provided that the Committee shall not examine any of the following, namely;
 - (i) Matters of major County or National Government policy as distinct from business or commercial functions of the public investments;
 - (ii) Matters of day-to-day administration; and
 - (iii) Matters for the consideration of which machinery is established by any special statute under which a particular county public investment is established.

Mr Speaker, Sir, this report was deliberated and approved by the undersigned Committee members. The members are listed down there

The committee acknowledges the assistance of the following members of staff in collecting the evidence, analyzing reports and organizing the final report. They are also listed down there.

The committee also acknowledges the technical assistance of the staff from Kenya National Audit Office (KENAO) during the report interrogations. Down there is the Kenya National Audit Office including the people who represented it who are listed down there

The Committee commenced its sittings in the month of March, 2017 and held several sittings in which the relevant Accounting Officer appeared before the Committee to explain and respond to queries which had been raised by Auditor General in the audit report.

The committee also had an opportunity to site visit some of the projects mentioned in the report that had raised great concern during the interrogation. For instance the committee visited some sites where the new digital meters had been installed.

Mr. Speaker, Sir, allow me to thank the Members of the Committee for their efforts, commitment and exemplary performance in ensuring the successful production of this report. Mr. Speaker, Sir, the committee has documented their observations and given their recommendations through consensus after thorough deliberations. The committee hopes that their recommendations and those given by Auditor General will be implemented fully

Stated here below is a summary of the Committee's observations and recommendations on some of the main queries raised in the report of the Auditor General;

1. The information and explanations given by the management were satisfactory.
2. Proper books of account had been kept by the company.
3. The company statements of financial position and statements of comprehensive income were in agreement with the books of account.

However, the committee observed that, the management delayed to respond to audit queries during the time of audit. The committee, therefore, recommends that the management should always respond promptly to the management letter to avoid queries that could otherwise be avoided.

Mr. Speaker, Sir, on the implementation of the recommendations suggested in the report of the committee, Standing Order 181, states that, within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 183 (3) of the Constitution.

In this case Mr. Speaker, Sir, the management of Mavoko Water and Sewerage Company is responsible for implementing the recommendations made in this report.

The Committee would like to appreciate the Speaker and the Clerk of the Machakos County Assembly for facilitating the operations of the Committee. The Committee also wishes to appreciate the officers who were invited to give evidence.

Further, the Committee is indebted to the secretariat of Machakos County Assembly and the Kenya National Audit Office (KENAO) for the services rendered. The commitment and dedication of all the parties mentioned above made the programme of the Committee smooth and production of this report successful.

Mr. Speaker, Sir, on behalf of the Committee, I now wish to table the report and urge the House to adopt it and the recommendations therein. I also wish members to deliberate this report and conclude it today because we have other several reports which are supposed to be laid before this House before it adjourns *sine die*.

Thank you, Mr. Speaker, Sir. I welcome all the members to debate it and approve it because as I have said before, auditing is a post post-mortem exercise. It only gives the corrections where in future, how to go about things. Rather is not a measure of stopping something that has already been there.

It is just like examining a body and saying 'this person would not have died if that particular measure had been made. Thank you, Madam Speaker, and the House at large.

Hon. Temporary Deputy Speaker: Thank you, Chairman, County Public Accounts and Investments Committee. The report is well laid. I think I can get Members, maybe from opposition and those who are supporting the report. Can you give your deliberations and contributions? I think we are in agreement that the report is well laid. Yes, Hon. Kamitu

Hon. Kamitu: Madam Speaker, as per the report laid down by the Chairman and you heard also what the Chairman said in his last remarks, this is just a process and the report laid and then there is something else, I would say and support that, the report is well laid. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Nzoka

Hon. Nzoka: Thank you, Madam Speaker. It seems as if the Chairman is not clear, what were the queries from the Auditor General? How were they listed so as to say how it has been responded because what they are saying here is something shallow that the evidence, as you can see there is a part where they are saying in the observations and recommendations; the information and the explanation given by the management were satisfactory? What is that?

Again, 'proper books of accounting were done this.....what were the queries of the Auditor General? Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Do we have another maybe supporter or a member who is opposing the report? I think the Chairman can respond on the query.

Hon. Kanui: Thank you, Madam Speaker. I think Hon. Nzoka has not read the entire report. There is page 1 which is attached, the basis of qualified opinion, the questions are there, the other report is also bulky and I think I will issue you with this report so that you can get you more. You are ageing and I think you have a problem. Look at it and you will be satisfied. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Nzoka, can you consult there is the paper before responding.

Hon. Nzoka: Yes, in fact I have not seen this one. What I wanted to know is; what were the queries from the Auditor General so as to answer as you have said because you are just adding---

Hon. Temporary Deputy Speaker: Can you address the Chair. You are not addressing the chairperson.

Hon. Nzoka: I am saying, can he address the queries of the Auditor General because he should have read the queries of the Auditor General and then we come up with recommendations.

Hon. Temporary Deputy Speaker: Hon. Chairman.

Hon. Kamitu: Point of information.

Hon. Temporary Deputy Speaker: What is the point of information?

Hon. Kamitu: Madam Speaker, the point of information is in regard to Hon. Nzoka. This is a report of Mavoko Water Sewerage Company Limited and this is the report that the County Public Accounts and Investments Committee found. So, they we are giving a report that the committee went and found. So, I think Hon. Nzoka is not enlightened, he has been given a copy that he should go and read so that he may get the report as per what has been brought in the floor of the House.

So, it is in this regard that, as he has been told, he has not even gone through this and there are questions that are very clear. So, the point of information is Hon. Nzoka should have read the information so that when he is asking questions of the Auditor General, we are making report of a committee that went down to Mavoko Water Company Limited for the financial statements of the year ending June, 2015. So, in regard to that maybe he is the one not getting the information right. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Hon. Nzoka, you have been given a paper by the Chairman of PAC. I think you can go consult then---

Hon. Nzoka: Madam Chair, I have a point of concern. When the committee went there, there is what took place there. It is clear and the procedure is, you read as you have gone through the queries and then the recommendations. That is the procedure. Your interrogation was poor.

Hon. Temporary Deputy Speaker: Chairman, PAIC?

Hon. Kanui: Thank you, Madam Speaker. I think I have given Hon. Nzoka the response and what I am saying is that the Auditor General report is very bulky. We normally get the summary and then answer the queries. I have given him the report and he said he had not seen it. So, if he had not seen it, he should go and read and then he will get how we went about the report. I do not know what he is trying to---

Hon. Katela: Point of order.

Hon. Temporary Deputy Speaker: I need to give a direction of this. Since Hon. Nzoka had not consulted the paper very well, can I go ahead and put the question? Yes, what is the point of order?

Hon. Katela: Thank you, Madam Speaker. It is like you have read my mind because the report is not meant for Hon. Nzoka but for this House. If he is not understanding we cannot continue wasting time with him. Let him go and read the paper and then he can bring another motion asking such questions. So, it is the high time you put the question and then we get to other business.

Hon. Temporary Deputy Speaker: Okay, let me put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: With no other business, the House stands adjourned until afternoon.

The House rose at 11.11 a.m.