



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS
COUNTY ASSEMBLY SERVICE BOARD



County Hall
Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: info@machakosassembly.go.ke
Cellphone: 0714531404

Ref: CAS/1/VOL.1/258

Date: 3rd January, 2022

Mr. Shadrack Nzioki Mbithi

MACHAKOS

Dear *Shadrack,*

RE: LETTER OF OFFER FOR APPOINTMENT TO THE POSITION OF FISCAL ANALYST II ON PERMANENT AND PENSIONABLE TERMS

This is to convey to you the resolution of the County Assembly Service Board that you be and are hereby appointed to the position of Fiscal Analyst II, effective 1st February, 2022.

DUTIES AND RESPONSIBILITIES

You will serve as Fiscal Analyst II reporting to the Senior Fiscal Analyst.

Your duties and responsibilities are:

- i. Assisting in preparing budgetary information reports to MCAs and relevant House Committees
- ii. Planning Assist in workshops
- iii. Collecting and collating budgetary information from various sources for analysis
- iv. Maintaining relevant statistics on public revenue and expenditure figures
- v. Carrying out commissioned Budget research on specific area of interest
- vi. Such other relevant duties as may be assigned by the Assembly Clerk/HOD.

REMUNERATION

Your remuneration shall be as approved by the Salaries and Remuneration Commission (SRC) for salary scale 07, Kshs 49,000.00-65,120.00. You will therefore enter the service at the salary scale of Kshs 49,000.00 per month where you will be subjected to annual increments. Further, you will be entitled to a House allowance of Kshs. 16,500.00 and other allowances of Kshs 8,000.00. The total consolidated gross salary will therefore be Kshs. 73,500.00 payable at the end of each month.

TERMS OF SERVICE

Your appointment to this position is permanent and pensionable. However you will be put on probation for a period of 6 months as provided for in the applicable labor relations and employment laws. Confirmation to the appointment shall be after the expiry of the probation period based on your performance under the probation.

MEDICAL SCHEME

A medical insurance and work injury benefits will be provided for as per the existing staff health insurance as approved by the SRC.

ANNUAL LEAVE

You will be entitled to one month annual leave upon completion of a continuous one year of service and each subsequent similar period thereafter while you continue to serve. The Assembly Clerk reserves the right to determine when earned leave may be taken.

HOURS OF WORK

You will be on an eight hour working schedule spread out over five (5) day working week, which may be changed from time to time by the Assembly Clerk depending on work schedules and office requirements. However, it should be appreciated that due to the nature of the employment flexibility is called for.

CONFIDENTIALITY AND INTEGRITY

You will be required to observe the right of confidentiality and respect to the person due to the Assembly staff and Members. Further you will be required to hold matters of the Assembly in confidence save as duly authorized to you to communicate in line with the citizen's right to information. You will not therefore, without the directions of the Assembly Clerk disclose any confidential matters relating to the Assembly Service or the business of the Assembly to any unauthorized persons.

COMPLIANCE WITH CHAPTER 6 OF THE CONSTITUTION

As a public servant, you will be required to observe strict compliance with chapter 6 of the Constitution and the laws that implement the constitutional provisions.

TERMINATION

The contract of employment may be may be terminated by either party giving one (1) months' notice in writing without and in lieu thereof one month's salary, without assigning any reasons thereto. This however is without prejudice to the right of the Assembly's Service to terminate your services summarily for a lawful cause.

Your service will be guided by the Human Resource Manual and the applicable labor relations and employment laws. Please familiarize yourself with the same and review the above terms and conditions and indicate your acceptance of the offer or otherwise by signing the attached copy of this letter and returning it to the Secretary of the County Assembly Service Board not later than 31st January, 2022.

Yours sincerely,



MBIUKI F.G
SECRETARY/CEO

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REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS
COUNTY ASSEMBLY SERVICE BOARD



Annex 27

County Hall
Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: info@machakosassembly.go.ke
Cellphone: 0714531404

Ref: CAS/1/VOL.1/258

Date: 11th February, 2022

Mr. Shadrack Nzioki Mbithi
MACHAKOS

Dear *Shadrack,*

RE: LETTER OF OFFER FOR APPOINTMENT TO THE POSITION OF FISCAL ANALYST I ON CONTRACTUAL TERMS FOR THREE (3) YEARS

This is to convey to you the resolution of the County Assembly Service Board that you be and are hereby appointed to the position of Fiscal Analyst I, effective 1st February, 2022.

DUTIES AND RESPONSIBILITIES

You will serve as a Fiscal Analyst I, reporting to the Senior Fiscal Analyst.

Your duties and responsibilities are:

- i. Assisting in preparing budgetary information reports to MCAs and the relevant house committees
- ii. Assisting in development of the annual work plan
- iii. Collecting and collating budgetary information from various sources for analysis
- iv. Maintaining the relevant statistics on public revenue and expenditure figures
- v. Carrying out commissioned budget research on specific area of interest
- vi. Such other relevant duties as may be assigned by the Assembly Clerk/HOD

REMUNERATION

Your remuneration shall be as approved by the Salaries and Remuneration Commission (SRC) for salary scale 07 that is Kshs 49,000.00-65,120.00. You will therefore enter the service at the salary scale of Kshs 49,000.00 per month where you will be subjected to annual increments. Further, you will be entitled to a House allowance of Kshs. 16,500.00 and other allowances of Kshs 8,000.00. The total consolidated gross salary will therefore be Kshs. 73,500.00 payable at the end of each month.

TERMS OF SERVICE

Your appointment to this position is for three years effective 1st February, 2022 to 31st January 2025.

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MEDICAL SCHEME

A medical insurance and work injury benefits will be provided for as per the existing staff health insurance as approved by the SRC.

ANNUAL LEAVE

You will be entitled to one month annual leave upon completion of a continuous one year of service and each subsequent similar period thereafter while you continue to serve. The Assembly Clerk reserves the right to determine when earned leave may be taken.

HOURS OF WORK

You will be on an eight hour working schedule spread out over five (5) day working week, which may be changed from time to time by the Assembly Clerk depending on work schedules and office requirements. However, it should be appreciated that due to the nature of the employment flexibility is called for.

CONFIDENTIALITY AND INTEGRITY

You will be required to observe the right of confidentiality and respect to the person due to the Assembly staff and Members. Further you will be required to hold matters of the Assembly in confidence save as duly authorized to you to communicate in line with the citizen's right to information. You will not therefore, without the directions of the Assembly Clerk disclose any confidential matters relating to the Assembly Service or the business of the Assembly to any unauthorized persons.

COMPLIANCE WITH CHAPTER 6 OF THE CONSTITUTION

As a public servant, you will be required to observe strict compliance with chapter 6 of the Constitution and the laws that implement the constitutional provisions.

TERMINATION

The contract of employment may be may be terminated by either party giving one (1) months' notice in writing without and in lieu thereof one month's salary. without assigning any reasons thereto. This however is without prejudice to the right of the Assembly's Service to terminate your services summarily for a lawful cause.

Your service will be guided by the Human Resource Manual and the applicable labor relations and employment laws. Please familiarize yourself with the same and review the above terms and conditions and indicate your acceptance of the offer or otherwise by signing the attached copy of this letter and returning it to the Secretary of the County Assembly Service Board not later than 31st May, 2022.

Yours sincerely,



MUTISYA J.L

AG SECRETARY/CEO

VIII. FISCAL ANALYST I, JOB GROUP M/ CASB 6 (ONE POSITION)

a) Duties and Responsibilities

- i. Assessing the strengths and weaknesses of the County Government policy option relating to resource mobilization, allocation and utilization
- ii. Conducting budget research and summarize the finding in form of a report detailing programs procedures and recommendation
- iii. Responsible fiscal issues affecting the institution
- iv. Assisting in development of annual work plan and workshop plan
- v. Preparing and delivering budgetary information to Members and relevant House Committees
- vi. Formulating the Departmental Annual Work Plan
- vii. Carrying out commissioned Budget analysis and research on specific areas of interest deemed necessary.
- viii. Such other relevant duty as may be assigned by the Assembly Clerk/HOD.

b) Minimum Requirements for Appointment

For appointment to this grade, an officer must have:

- i. Served in the grade of Fiscal Analyst II or in a comparable position, for a minimum period of three (3) years;
- ii. Bachelors degree in any of the following disciplines; Economics, Statistics Mathematics or any other equivalent qualification from a recognized institution;
- iii. Proficiency in computer application skills; and
- iv. Demonstrated merit and ability as reflected in work performance.
- v. Compliance with the provisions of Chapter six of the Constitution

- **Term of Service:** Three (3) Years Contract
- **Remuneration:** To be compensated as per the applicable guidelines by the Salaries and Remuneration Commission.

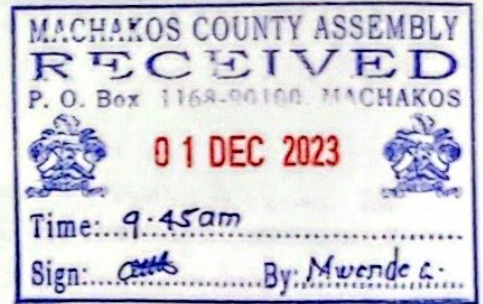


Our Ref: MK/151/22A
Your Ref:

Date: 30th November 2023

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The Select Committee of the Machakos County Assembly
In the matter of Joseph Mutisya Laban
The Machakos County Assembly
MACHAKOS



Dear Sir,

REF: NAIROBI ELRC PETITION NO. E004 OF 2023
JOSEPH MUTISYA LABAN -Vs- MACHAKOS COUNTY ASSEMBLY SERVICE
BOARD

The above refers and the order of the court made on the 27th November 2023

Our client has been served with a Notice to Appear before the Select Committee of the County Assembly despite the court having stayed the disciplinary proceedings against our client.

Kindly note that the said invitation and the ensuing proceedings are in contravention of the court order and we have instructions to institute contempt of court proceedings against you. We shall serve you in due course with the application. A copy of the order is attached.

Yours faithfully,

MKN & COMPANY
ADVOCATES
Ends

Secretariate
Table before the
Committee
01/12/2023

REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
PETITION NO . E004 OF 2023

JOSEPH MUTISYA LABAN..... PETITIONER/APPLICANT
-VERSUS-
THE MACHAKOS COUNTY ASSEMBLY SERVICE BOARD.....RESPONDENT

(In Court on 27th of November, 2023 before Hon. Justice B. Manani)

ORDER

THIS MATTER coming up on the 27th November 2023 Before Hon. Justice B. Manani for directions on the Notice of Motion dated 23rd November 2023 brought under certificate of urgency and **UPON** reading the Application in the absence of the Counsel for the Applicant and the Counsel for the Respondent;

IT IS HEREBY ORDERED:

1. **THAT** the application dated 23.11.2023 is certified urgent.
2. **THAT** pending the hearing and determination of the application inter-partes, a conservatory order is hereby issued staying the Respondent's decision made on the 14.11.2023 suspending indefinitely the petitioner from his position as the Clerk of the County Assembly of Machakos and instituting removal proceedings against him.
3. **THAT** the matter be placed before Justice Nduma Nderi on 7.12.2023 for further directions.

GIVEN under my hand and seal of this Honourable Court this 27th day of November 2023

ISSUED at Nairobi this.....28th.....day of.....November.....2023


DEPUTY REGISTRAR,

EMPLOYMENT & LABOUR RELATIONS COURT,
NAIROBI.

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 23rd May, 2023

Special Sitting

*(Convened via Kenya Gazette Notice No.6279
(Vol. CXXV-No .115) of 17th May, 2023)*

The House met at 10.54 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
CONVENING OF THE SPECIAL SITTING

Hon. Speaker: Good Morning Hon. Members. Welcome to today's sitting. I have the following communication to make on convening of the sitting. This special sitting is informed by the County Assembly of Machakos Standing Order 26(1) and (2) which states that:

- (1) Whenever during a Session, the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House –
 - (a) On request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
 - (b) On the signed request by Members, not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional.”

Hon. Members, this sitting has been convened vide Gazette Notice No. 6279 (Vol. CXXV-No.115) issued on 17th May, 2023. The Gazette Notice partly reads; notice is given to all members of the County Assembly of Machakos and the general public that pursuant to Standing Order 26 of the County Assembly of Machakos Standing Orders that, I have appointed Tuesday, 23rd May, 2023 as a day for Special Sitting of the County Assembly of Machakos.

The business to be transacted during this special sitting shall be:

- (a) Consideration of the Budget and Appropriations Committee report on the second supplementary Budget Estimates for the FY 2022/ 2023.
- (b) Consideration of the Machakos County Supplementary Appropriations (No. 2) Bill, 2023

[Hon. Chairperson (Hon. Stephen Mwanthi) took the Chair]

THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION
(NO.2) BILL, 2023 (MACHAKOS COUNTY BILLS NO.1)

Hon. Chairperson: Hon. Members, let us start the Committee of the Whole.

(Clause 2 agreed to)

(Clause 3 agreed to)

FIRST SCHEDULE
Recurrent Expenditure

(Schedules R0001, R0002 and R0003 agreed to)

Schedule R0004

Hon. Chairperson: I propose that Schedule R0004 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0004 be amended:-

In R0004 as relates to Finance and Economic Planning Recurrent Portfolio—

- i. By deleting the figure “25,521,905” relating to “recurrent expenses of Finance and Economic Planning portfolio and substituting therefor the figure “40,521,905” as relates to the increase/decrease in Ksh.;
- ii. By deleting the figure “552,936,479” relating to “recurrent expenses of Finance and Economic Planning portfolio and substituting therefor the figure “567,936,479” as relates to the Revised Budget 2 in Ksh.;
- iii. In “P01 Revenue Management” by deleting the figure “22,051,545” substituting therefor the figure “37,051,545” as relates to the increase/decrease in Ksh.;
- iv. In “P01 Revenue Management” by deleting the figure “268,835,562” and substituting therefor the figure “283,835,562” as relates to the Revised Budget 2 in Ksh.;

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Schedule R0004 as amended agreed to)

Schedule R0005

Hon. Chairperson: I propose that Schedule R0005 be part of the Bill.

AMK 22

SPECIAL ISSUE

Kenya Gazette Supplement No. 7 (Machakos County Acts No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

MACHAKOS COUNTY ACTS, 2023

NAIROBI, 17th July, 2023

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REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th July, 2023

Special Sitting

*(Convened via Kenya Gazette Notice No. 9076
(Vol. CXXV-No.157) of 7th July, 2022)*

The House met at 11.15 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR
CONVENING OF THE SPECIAL SITTING

Hon. Speaker: Good morning Hon. Members; welcome to today's sitting. I have the following communication to make. This special sitting is informed by the County Assembly of Machakos Standing Order 26(1) and (2) which state that:

- (1) Whenever during a Session, the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House –
 - (a) On request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
 - (b) On the signed request by Members not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional."

Hon. Members, this sitting has been convened vide Gazette Notice No. 9076 (Vol. CXXV-No.157) issued on 7th July, 2023. The Gazette Notice partly reads; NOTICE is given to all Members of the County Assembly of Machakos and the general public that pursuant to Standing Order 26 of the County Assembly of Machakos Standing Orders that I have appointed Wednesday, 12th July, 2023 as a day for Special Sitting of the County Assembly of Machakos.

The business to be transacted during this special sitting shall be:

- (a) Consideration of the Governor's reservations on Machakos County Appropriation Bill (No.2) 2023

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 20th June, 2023

The House met at 2.50 p.m.

[The Speaker (Hon. (Mrs.) Anne Kiusya) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
CASA GAMES

Hon. Speaker: Good afternoon, Hon. Members and welcome to this sitting. I have the following communication to make. Hon. Members, the County Assemblies Sports Association (CASA) has commenced preparations for the fourth edition of CASA games scheduled for August, 2023 in Nakuru County; the exact dates will be communicated later. The theme of the 2023 games is 'inculcate the integration and social interactions through sports and diverse cultures.'

County Assemblies are required to mobilize their teams to start practice sessions and related preparatory activities. It is in this regard that you are informed to avail yourself for practice session on Monday, Tuesday and Wednesday every week from 4.00 p.m. to 5.00 p.m. with effect from 26th June, 2023. Thank you, Hon. Members.

MOTION

APPROVAL OF REPORT ON THE BUDGET ESTIMATES FOR 2023/2024

Hon. Speaker: May I call upon Hon. Dominic Ndambuki, the Chairperson of the Budget and Appropriations Committee to come forward and move the motion.

(Applause)

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker, that aware that the FY 2023/24 budget is the first under the current County Government Administration and is expected to set the pace of economic performance for the next five financial years;

Further aware that the proposed budget estimates were submitted to the County Assembly on 28th April, 2023 in line with Article 224 of the Constitution as read with Section 129(2) of the PFM Act, 2012 and Standing Order 206(1) of the County Assembly Standing Orders;

Noting that pursuant to Standing Order 206(3), the budget estimates were committed to the Budget and Appropriations Committee as well as the Sectoral

Committees of the Assembly on 9th May, 2023 for review of the proposals for each sector/department;

Acknowledging that the Budget and Appropriations Committee examined and discussed the submissions of the Sectorial Committees, memorandum from Machakos Budget Champions as well as from the public participation and subsequently considered them in finalizing this report;

Informed that the County Executive Committee Member for Finance, Economic Planning and Revenue Management gave his submission of the Budget Estimates to the budget and Appropriations Committee pursuant to Standing order 206(5);

Hon. Speaker, I wish to move the Motion THAT this Assembly adopts the report of the Budget and Appropriations Committee on the Budget Estimates or the County Government and Assembly tabled in the Assembly on 20th June, 2023.

I wish to call upon Hon. Justus Mutuku to second.

Hon. Speaker: Hon. Justus Mutuku.

Hon. Justus Mutuku (Wamunyu, PTP) seconded.

Hon. Speaker: Thank you, Hon. Members.

(Question proposed)

I now wish to invite Members to debate this Motion but before I do so, I wish to call upon the Chair Budget Committee to come forward and give us highlights of the report from there we move forward. I suggest we go straight to the recommendations unless there is any objection on page 22.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I stand guided, Hon. Speaker, and with your permission, I request that you allow me to share with the House the Chairman's foreword, and then again I share the schedules as they appear then we go to observations and the recommendations.

Hon. Speaker: Yes, proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you. Hon. Speaker, the FY 2023/24 budget is the first under the current County Government Administration and is expected to set the pace of economic performance for the next five financial years. The budget is being processed at a time when the country is experiencing high levels of inflation, suppressed consumer demands, effects of climate change and the recent poor performance of the 2023 long rains. Also, the economic situation is currently volatile which in turn will significantly affect the County Government's ability to collect own source revenue, the amount of equitable share from the National Government, grants from development partners/donors and the overall budget implementation.

With the foregoing, the Budget Committee recognizes that available resources are scarce and hence the need to focus on the County Government's priority programmes. This budget

therefore focuses on maintaining a strong revenue effort, containing growth of total expenditures while ensuring a shift in the composition of expenditure from recurrent to capital.

This budget was consultatively prepared in line with Section 125 of the Public Finance Management Act, 2012 (PFM). It integrates the Government's plans, objectives and the available estimated resources provided in the Annual Development Plan (ADP) for 2023/24 generated by the various Sector Working Groups (SWGs) and the 2023 County Fiscal Strategy Paper (CFSP) ceilings as approved by this Hon. House earlier.

The concept or model of Programme Based Budgeting is used to translate this budget into programmes that provides stakeholders with a basis of tracking and interrogating budgetary allocations for the various County Government entities. The County has focused resources mainly on agriculture, affordable health-care and basic education, infrastructure, water, climate change and effective governance.

The Budget and Appropriations Committee is grateful to the Sectoral Committees and all Hon. Members who participated in the budget-making process for their hard work and dedication in making sure that the Assembly lives up to its budgetary role of oversight. The Committee is also grateful to the public for their submissions during public participation fora and written memoranda. Lastly, the Committee is grateful to the Office of the Speaker and the Office of the Clerk for the support granted to the Committee as it discharged its mandate in reviewing the FY 2023/24 budget estimates.

It is therefore my humble pleasure, on behalf of the Budget and Appropriations Committee to table this report and recommend it to the House for adoption. Hon. Speaker, with your permission, I will share with the House the schedules of budgetary allocations of the office of the Governor and the other departments.

SCHEDULES:

Schedule 1: Summary of recommended budgetary allocations for the Assembly, Office of the Governor and Departments

Code	Department	Proposed Recurrent Budget	Code	Proposed Development Budget	Total
R0001	Office of the Governor	580,874,154.00	D0001	19,578,170.00	600,452,324
R0002	Devolution	959,234,231.00	D0002	45,934,618.00	1,005,168,849.00
R0003	Trade, Industry, Tourism and Innovation	178,284,115.00	D0003	550,713,716.00	728,997,831.00
R0004	Finance, Economic Planning & Revenue Management	931,253,752.00	D0004	262,770,943.00	1,194,024,695.00
R0005	Agriculture, Food Security and Co-operative	379,572,812.00	D0005	848,107,908.00	1,227,680,720

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	Development				
R0006	Health	4,062,841,431 .00	D000 6	994,139,145 .00	5,056,980,576 .00
R0007	Roads, Transport and Public Works	247,436,258.0 0	D000 7	745,731,765.0 0	993,168,023.0 0
R0008	Education	546,786,371.0 0	D000 8	193,729,112.0 0	740,515,483 .00
R0009	Lands, Urban Development, Housing and Energy	225,766,270.0 0	D000 9	182,755,550.0 0	408,521,820 .00
R0010	Gender, Youth, Sports and Social Welfare	124,639,769.0 0	D001 0	192,655,003.0 0	317,294,772. 00
R0011	Water, Irrigation, Environment and Climate Change	134,088,120.0 0	D001 1	788,500,000.0 0	922,588,120. 00
R0012	County Public Service Board	38,013,709.00	D001 2	20,000,000.00	58,013,709. 00
R0013	County Assembly	1,141,331,660 .00	D001 3	292,000,000.0 0	1,433,331,660 .00
R0014	Office of the County Attorney	50,963,865.00	D001 4	9,300,000.00	60,263,865 .00
Total		9,601,086,517 .00 (65%)		5,145,915,930 .00 (35%)	14,747,002,44 7

Hon. Speaker, before we go to observation, it is important that we share with the House the sources of finance for the budget.

Hon. Speaker: Which page?

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): We are on page 10. Hon. Speaker, The revenue for FY 2023/24 as proposed by the County Treasury was Ksh. 14,014,965,887.00 comprising of:

- (1) Equitable Share: Ksh. 9,536,696,160.00;
- (2) Conditional Grants: Ksh. 371,390,265.00 comprising of:
 - (a) Universal Healthcare in Devolved System Programme under DANIDA: Ksh. 14,148,750.00
 - (b) Agriculture Sector Development Support Programme under SIDA: Ksh. 3,761,966.00.
 - (c) Emergency Locust Response Project under World Bank: Ksh. 105,095,561.00.
 - (d) Locally Led Climate Change Action Strategies at Ksh. 133,000,000.00.

- (e) National Agricultural Value Chain Development Project at Ksh. 155,383,988.00.
- (3) Hospital Revenue at Ksh. 1,008,000,000.00.
- (4) Own Source Revenue of Ksh. 2,998,879,462.00.

Hon. Speaker, the House received submissions from the Sectoral departments and public and CECM finance and the budget appropriations committee put that together in the report and Hon. speaker if you allow me I will read submissions from the CCM finance then I go to the general observations; that is page 20.

The Budget and Appropriations Committee invited the CECM Finance, Economic Planning and Revenue Management on 15th June, 2023 to shed light on issues raised from the budget estimates 2023/2024. The following clarifications were made:

- a) On the high target of OSR, the CECM informed the committee that a number of strategies have been put in place to ensure that the targets are achieved. These include revenue mapping, automation, civic education, and training, setting revenue targets and putting revenue collection officers on performance contract, operationalization of the new valuation roll and conducting Rapid Results Initiatives (RRI). He further informed the committee that they will invest in integration on revenue collection whereby there will be separation between receiver and collector.
- b) On major deviations from the approved CFSP ceilings, the CECM stated that it was majorly due to increased Own Source Revenue Targets.
- c) On the Finance Bill the CECM informed the meeting that, it was at drafting stage awaiting approval by the County Executive Committee (Cabinet).
- d) The CECM informed the committee that they are in the process of establishing the board to operationalize the emergency fund.
- e) Zero allocation in the budget reserves was as a result limited resources.
- f) Regarding Wikwatyo, Youth, Table banking and Machakos Enterprise funds, the CECM informed the Committee that the different departments have been tasked to develop legal framework to operationalize the funds.
- g) Concerning the decrease in development budget allocation to Level IV hospitals, the CECM stated that focus had shifted to Level IIs and IIIs hospitals to ensure access to primary health care.
- h) The CECM informed the committee they had made provision for payment of pending bills as well as legal fees as they await report from the pending bills taskforce.
- i) On the low budget for construction of rural roads, the CECM stated that the same can be enhanced by moving some amounts from the budget on major roads.
- j) Regarding construction of ECDE centers, the CECM advised that the allocation can be enhanced to accommodate at least one class per ward.
- k) Concerning the non-adherence to CARA, 2023 the CECM stated that the bill had not been published at the time of submitting the Budget Estimates. However, he advised the committee to take into consideration the provisions of the bill and adjust the budgetary allocations accordingly.

The committee made the following general observations.

1. The proposed Budget Estimates have a Recurrent Expenditure of Ksh. 9,518,497,324.00, this represents 68 per cent of the total budget (approved CFSP 2023 ceiling was Ksh. 8,714,088,165.00), while the Development Expenditure is at Ksh. 4,496,468,563.00 which represents 32 per cent of the total budget (approved CFSP ceiling was Ksh. 3,734,609,214.00). The County Resource Envelope for FY 2023/24 totals to Ksh. 14,014,965,887.00 while the amount recommended in the approved CFSP 2023 was Ksh. 12,448,697,379.00.
2. Due to the adjustments of the proposed expenditure framework, the recurrent expenditure has been revised to Ksh. 9,601,086,518.00 translating to 65 per cent and development expenditure to Ksh. 5,145,915,930.00 translating to 35 per cent. This allocation conforms to Section 107 of the PFM Act which has set development to be at least 30 per cent of the total revenue.
3. The County Treasury proposed Budget Estimates are not in line with the approved CFSP, 2023 ceilings resulting to deviations that were caused by upward revision of revenues.
4. In relation to the fiscal responsibility principles, the County Treasury proposes to allocate 32 per cent of the total revenue on Development expenditures while compensation to employees stands at 47 per cent. A revision of revenues as per the County Allocation of Revenue Bill, 2023 pushes compensation to employee to 45 per cent of the total revenue. This has violated the set limit of 35 per cent of total revenue.
5. Some items that are normally classified as of recurrent nature have been budgeted for under development like purchase of motor vehicles and motorbikes, feeding programme and established funds. The Committee is concerned as to whether these allocations will be absorbed at their current classification.
6. The Committee observed that the County Treasury has proposed to collect Ksh. 2,998,879,462.00 from own source revenue which is way above the projected Ksh. 1,690,079,199.00 for the current FY and Ksh. 2,080,992,215.00 as approved in the CFSP. The County Treasury should put in place strong revenue mobilization strategies to avert in future a scenario where revenue projections from own source streams are adjusted downwards as it has happened in previous fiscal years, as in most cases the downward adjustments of revenues affect only the development budgets. These revisions have also resulted in increased pending bills.
7. The Committee recommends that the implementation of the FY 2023/24 projects should commence immediately with the planning/procurement process beginning as early as July, 2023.
8. The Committee recommends that the Key Performance Indicators (KPIs) should be specific, measurable, attainable, realistic and time-bound (SMART) in the Programme Based Budget (PBB).

Hon. Speaker, the committee made the following recommendations:

1. The Budget and Appropriations Committee received and took into consideration the recommendations of Sectoral Committees arising from their engagement with the

respective CECMs/Chief Officers of various departments, those from the public as well as the views of the CECM Finance, Economic Planning and Revenue Management. Further, the committee had interaction section with the Accounting Officer of the County Assembly concerning the Assembly budget. The committee also received a memorandum from Machakos Budget Champions. The Committee recommends as follows:

2. Approval of the resource envelope to be as follows:

- i. Equitable Share: Ksh. 9,547,295,309.00;
 - ii. Conditional Grants: Ksh. 1,092,827,676.00 comprising of:
 - a) Leasing of medical equipment Ksh. 124,723,404.30
 - b) Aggregated Industrial Parks programme Ksh. 100,000,000.00
 - c) Fertilizer subsidy programme Ksh. 195,350,986.00
 - d) Court fines Ksh. 14,436,324.00
 - e) Mineral royalties Ksh 99,716.30
 - f) Kenya Climate Smart Agriculture Programme (World Bank) Ksh. 90,000,000.00
 - g) Universal Healthcare in Devolved System Programme by DANIDA: Ksh.14,148,750.00
 - h) Agriculture Sector Development Support Programme II by SIDA: Ksh. 3,761,966.00.
 - i) Emergency Locust Response Project by World Bank: Ksh. 105,095,561.15.
 - j) Aquaculture Business Development Programme (ABDP) -IFAD Ksh. 15,401,768.00
 - k) Financing Locally-Led Climate Change Action Programme (FLLoCA) Ksh. 133,000,000.00.
 - l) FLLoCA County Climate Institutional Support by World Bank Ksh. 11,000,000.00
 - m) Livestock Value Chain Support Project (POLAND) Ksh. 35,809,200.00
 - n) National Agricultural Value Chain Development Project: Ksh. 250,000,000.00.
 - iii. Hospital Revenues at Ksh. 1,008,000,000.00.
 - iv. Own Source Revenue at Ksh. 2,998,879,462.00.
 - v. Asset Disposal at Ksh. 100,000,000.00
- Total Revenue** **Ksh. 14,747,002,447.00**

- 3. The Committee noted that the County Additional Allocation of Revenue Bill had stipulated conditions to be met for the County to be able to access the conditional and unconditional grants. The Executive should ensure that they meet the said conditions within a reasonable time so as to be able to access these conditional grants.
- 4. The Budget and Appropriations Committee noted that there were provisional allocations to pending bills. It, therefore, recommends that these provisions await completion of verification by the pending bills committee and their report thereof.
- 5. It is worth noting that the Budget and Appropriations Committee has enhanced budgets for the Machakos Level V Hospital, Level IV hospitals, construction of public toilets, rural roads, ECDE centers, bodaboda sheds, market sheds and livestock yards as well as

allocation for FLLoCA to meet the 3 per cent of the total development budget threshold which is a condition from the donor.

6. The recurrent expenditure to be set at Ksh 9,601,086,517.00 and development to be set at Ksh. 5,145,915,930.00. The resultant effect is allocation of 35 per cent to development and 65 per cent to recurrent expenditure as required by the PFMA, 2012 and be distributed among departments as per Schedule 1.

The Budget and Appropriations Committee observes and recommends the expenditure framework as follows:

OFFICE OF THE GOVERNOR

Under the Office of the Governor, the County Treasury had proposed total budget estimates of Ksh. 611,722,819.00 which constituted Ksh. 592,144,649.00 and Ksh. 19,578,170.00 for Recurrent and Development expenditures respectively.

The committee noted that the County Executive's recurrent ceiling was revised downwards in the County Allocation of Revenue Bill, 2023. It is worth noting that according to the Commission on Revenue Allocation (CRA), the County Executive consists of the Office of the Governor, Deputy Governor, County Executive Committee (Cabinet), County Secretary, Chief Officers, Chief of staff, Advisors, Audit Committee, County Budget and Economic Forum, Sub County/Ward/village administrators, Public Service Board and the County Attorney. However, the budget of the County Attorney has been reflected as an independent department. The committee recommends that the budget should be aligned to the County Allocation of Revenue Bill ceiling.

The Committee recommends Ksh. 580,874,154.00 for Recurrent Expenditure and Ksh. 19,578,170.00 for Development Expenditure respectively resulting to a total of Ksh. 600,452,324.00 for the Office of the Governor.

DEPARTMENT OF DEVOLUTION

Under this department, the County Treasury proposed total budget estimates of Ksh. 1,025,103,833.00, which constitutes of Ksh. 979,169,215.00 for Recurrent expenditure and Ksh. 45,934,618.00 for Development expenditure.

The Committee recommends Ksh. 959,234,231.00 for Recurrent Expenditure and Ksh. 45,934,618.00 for Development Expenditure; a total of Ksh. 1,005,168,849.00.

DEPARTMENT OF TRADE, INDUSTRY, TOURISM AND INNOVATION

In this department, the County Treasury had proposed total Budget Estimates of Ksh. 587,062,847.00 which constituted Ksh. 178,284,115.00 and Ksh. 408,778,732.00 for Recurrent and Development expenditures respectively.

The Committee recommends Ksh. 178,284,115.00 for Recurrent Expenditure and Ksh. 550,713,716.00 for Development Expenditure; a total of Ksh. 728,997,831.00

DEPARTMENT OF FINANCE, ECONOMIC PLANNING AND REVENUE MANAGEMENT

In the Department of Finance, Economic Planning and Revenue Management, the County Treasury had proposed a total budget of Ksh. 1,443,694,133.00 which constituted Ksh. 968,717,711.00 and Ksh. 474,976,422.00 for Recurrent and Development expenditures respectively.

The Committee recommends an allocation Ksh. 931,253,752.00 for Recurrent Expenditure and Ksh. 262,770,943.00 for Development Expenditure; a total of Ksh. 1,194,024,695.00.

OFFICE OF THE COUNTY ATTORNEY

The County Treasury had proposed a total Budget of Ksh. 92,864,716.00 which constituted Ksh. 83,564,716.00 and Ksh. 9.3M for Recurrent and Development expenditures respectively in the office of County Attorney.

The Committee recommends an allocation of Ksh. 50,963,865.00 and Ksh. 9,300,000.00 for Recurrent and Development Expenditures respectively; a total of Ksh. 60,263,865.00.

DEPARTMENT OF AGRICULTURE, FOOD SECURITY AND COOPERATIVE DEVELOPMENT

In this department, the County Treasury had proposed a total budget of Ksh. 739,032,259.00 which constituted Ksh. 345,918,809.00 and Ksh. 393,113,450.00 for Recurrent and Development expenditures respectively.

Hon. Speaker, the Committee recommends Ksh. 379,572,812.00 for Recurrent Expenditure and a Development Budget of Ksh. 848,107,908.00; a total of Ksh. 1,227,680,720.

DEPARTMENT OF WATER, IRRIGATION, ENVIRONMENT AND CLIMATE CHANGE

Under this department, the County Treasury had proposed a total budget estimate of Ksh. 841,588,120.00 which constituted Ksh. 123,088,120.00 and Ksh. 718,500,000.00 for Recurrent and Development expenditures respectively.

After consideration, the Committee recommends a Recurrent Expenditure of Ksh. 134,088,120.00 and that of Development Ksh 788,500,000.00 a total of Ksh. 922,588,120.00

DEPARTMENT OF HEALTH

Under Health, the County Treasury had proposed a total budget of Ksh. 4,932,257,172.00 which constituted Ksh. 4,062,841,431.00 and Ksh. 869,415,741.00 for Recurrent and Development Expenditures respectively.

The Committee hereby recommends an allocation of Ksh. 4,062,841,431.00 for Recurrent Expenditure and Ksh. 994,139,145.00 for Development Expenditure; a total of Ksh. 5,056,980,576.00

DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS

The County Treasury had proposed a total Budget of Ksh. 959,168,023.00 which constituted Ksh. 247,436,258.00 and Ksh. 711,731,765.00 for Recurrent and Development expenditures respectively.

The Committee recommends Ksh. 247,436,258.00 and Ksh. 745,731,765.00 for Recurrent and Development Expenditure respectively; a total of Ksh. 993,168,023.00.

DEPARTMENT OF EDUCATION

In this department, the County Treasury had proposed a total budget of Ksh. 719,515,483.00 which constituted Ksh. 546,786,371.00 for Recurrent and Ksh. 172,729,112.00 for Development.

The Committee therefore recommends an allocation of Ksh. 546,786,371.00 for Recurrent Expenditure and Ksh. 193,729,112.00 for Development Expenditure; a total of Ksh. 740,515,483.00.

DEPARTMENT OF LANDS, URBAN DEVELOPMENT, HOUSING AND ENERGY

Under Lands, Urban Development, Housing and Energy, the County Treasury had proposed a total budget of Ksh. 408,521,820.00 which constituted Ksh. 240,766,270.00 for Recurrent and Ksh. 167,755,550.00 for Development.

The Committee recommends Ksh. 225,766,270.00- for Recurrent Expenditure and Ksh. 182,755,550.00 for Development Expenditure; a total of Ksh. 408,521,820.00.

DEPARTMENT OF GENDER, YOUTH, SPORTS AND SOCIAL WELFARE

In this department, the County Treasury had proposed total budget estimates of Ksh. 317,294,772.00 comprising of Ksh. 124,639,769.00 for recurrent and Ksh. 192,655,003.00 for development expenditure.

The Committee further recommends that the Recurrent Expenditure be set at Ksh. 124,639,769.00 and Ksh. 192,655,003.00 for Development Expenditure; a total of Ksh 317,294,772.00.

COUNTY PUBLIC SERVICE BOARD

Under the County Public Service Board, the County Treasury had proposed a total budget of Ksh. 58,013,709.00 comprising Ksh. 38,013,709.00 and Ksh. 20M for recurrent and development spending respectively.

The Committee recommends that the Recurrent Expenditure be set at Ksh. 38,013,709.00 and Ksh. 20,000,000.00 for Development Expenditure; a total of Ksh. 58,013,709.00 as per the County Treasury's proposal.

COUNTY ASSEMBLY

In the County Assembly, the County Treasury had proposed a total budget estimate of Ksh. 1,279,126,181.00 comprising Ksh. 987,126,181.00 for Recurrent expenditure and Ksh. 292,000,000.00 for Development expenditure.

The committee noted that the Assembly recurrent ceiling was revised upwards in the County Allocation of Revenue Bill, 2023 from Ksh 865,126,181.00 to Ksh 1,021,331,660.00.

The Committee, in line with the CARB, 2023, recommends Ksh. 1,141,331,660.00 for Recurrent Expenditure (this amount included funds allocated for other recurrent transfers like Mortgage and Car loans) and Ksh. 292,000,000.00 for Development Expenditure which includes Ksh. 148,000,000.00 for Ward offices construction giving a total budget of Ksh. 1,433,331,660.00.

(Applause)

As I conclude, Hon. Speaker,

1. The Budget Estimates received from the County Treasury on 28th April, 2022, were not aligned to the County Fiscal Strategy Paper ceilings for FY 2023/2024.
2. The Committee did not make amendments on salaries and wages to meet the 35 per cent requirement of the PFM Act, 2012 but retained them as forwarded by the County Treasury but recommends that measures be put in place to reduce the ratio from the proposed 45 per cent to the required threshold. This will also release more funds for development programmes.
3. The Committee therefore recommends that this Hon. House resolves to:
 - a) Approve the report and recommendations of the Budget and Appropriations Committee on the Budget Estimates for the FY 2023/24.
 - b) Approve that this report forms the basis for the preparation of the Appropriation Act of FY 2023/24.
 - c) Approve that this report forms the basis for the FY 2023/24 final itemized/detailed budget estimates and the Programme Based Budget.
 - d) Approve the County Fiscal Strategy Paper, 2023 deviations as recommended by the Committee.

Therefore, on behalf of the Budget and Appropriations Committee and as required under Article 224 of the Constitution of Kenya, 2010 read with Section 131(2) of the PFM Act, 2012, it is my pleasure to present to this Hon. House the Committee report on the FY 2023/24 Budget Estimates for consideration and approval.

(Applause)

Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Member. May I now open the floor to debate this matter? Hon. Don.

(Laughter)

Hon. Paul Wambua (Kibauni, PTP): Asante sana Mheshimiwa Spika kwa nafasi hii ya kuchangia maoni yangu kuhusu bajeti iliyosomwa. Kwanza nashukuru Kamati ya Bajeti kwa kazi nzuri waliofanya wakiongonzwa na Mheshimiwa Dominic na mwenzake Mheshimiwa Kasanga na mwenzangu kutoka PTP

(Applause)

Nasimama kuunga mkono bajeti iliyosomwa ikifahamika kwamba sekta ambazo zina uzito kwenye maisha ya watu wetu kama masomo, afya, barabara, kilimo na maji zimepewa uzito kifedha. Mheshimiwa Spika, sisi kama Bunge tumefanya kazi yetu; sasa ni kazi ya Mheshimiwa Gavana na Mawaziri wake kufanyia watu wa Machakos Kaunti kazi kama walivyoahidi. Sisi tutaaangalia kwamba hizi fedha zimetumika ipasavyo lakini cha msingi kuwe na usawa katika kutumia fedha za kaunti ya Machakos; kila kata ndogo ipate haki yake kwa sababu kila Kata ina wananchi kama kata zingine. Kwa hivyo Mheshimiwa Spika, naombe niunge mkono ripoti hii. Asante.

(Applause)

Hon. Speaker: Mheshimiwa Mwonga then Mheshimiwa Ndeti in that order.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Madam Speaker. Back in 1994 when the first African president of South Africa Nelson Mandela was released from prison, each and every country wanted him to visit their country. Early in 1995 February, he traveled to US and in an interview he was asked; will you mind if South Africans elect another white man to rule the Country? This is what Nelson Mandela said; it does not matter the color of the cat, whether it is black or white as long as it can catch the mice. Madam Speaker, it is Mwonga standing here to support this budget

(Applause)

I interacted with these Hon. Members during lunch hour and I want to tell you, the mood of these Members is that we should not waste a lot of time debating on this matter. Madam Speaker, I am proposing that you put the question and we move to the next order.

(Applause)

Hon. Speaker: Hon. Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. First, I want to congratulate the committee of budget, I think they have done a well balanced budget and I also want to echo what my colleague Mheshimiwa Mwonga has said that we do not need to labor so much discussing this budget. But there is one thing Madam Speaker, I cannot forget to mention; that this year, Ksh 131 million have been pegged in for gender mainstreaming. That, of course, you have heard is going to take care of gender-based violence, capacity empowerment of our women, our youth and we cannot forget as the Women Caucus to say thank you to budget committee. Thank you, Madam Speaker.

Hon. Speaker: You forgot to say the marginalized.

Hon. Helen Ndeti (Nominated, WDM-K): Yes, and the marginalized.

Hon. Francis Ngunga (Mua, MCCC): Point of information here, Madam Speaker.

Hon. Speaker: Point of information.

Hon. Paul Wambua (Kibauni, PTP): Mheshimiwa Spika, ningependa kumkosoa mwenzangu Mheshimiwa Helen kwa kusema kwamba ni vizuri pesa ya *gender* imewekwa kwenye bajeti lakini *gender* si kuwa mwanamke; *gender* ni mwanamke na mwanamme. Kwa hivyo hata sisi, saa zingine tunadhulumiwa na wake zetu; mkiona mambo kama hayo, yashughulikiwe kwa kutumia hio pesa kwenye hio bajeti. Asante.

(Applause)

Hon. Speaker: Thank you very much.

Helen Ndeti (Nominated, WDM-K): Thank you. I am well informed and I know that *gender* does not just mean women; there are youth, the marginalized, you know, it is *gender* mainstreaming. Thank you.

Hon. Speaker: Thank you. Hon. Digital. Sorry for calling you that way.

Hon. Mathew Ndunda (Kangundo North, IND): Thank you, Madam Speaker. I support this budget especially in the department of health. I am happy because initially, there were some Level IV hospitals which were not included in the funds allocated and I am happy to see hospitals like Kimiti, Masinga, Kalama and Mutituni they had zero allocation. When this (...*inaudible*) through the able Chair Hon. Dominic, they have ensured this has been given a great concern.

Equally there are other areas which were looked into in the revised budget and I support this budget totally; since we are very much aware that health comes first in the human service. Thank you.

Hon. Speaker: Thank you very much, Hon. Member

(Loud consultations)

(Question put and agreed to)

BILL

(Second Reading)

**THE MACHAKOS COUNTY APPROPRIATION BILL 2023, KENYA
GAZETTE SUPPLEMENT NO.3 MACHAKOS COUNTY BILLS NO.2**

Hon. Speaker: May I invite Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee to come forward and proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 121(1), I wish to move the motion that the Machakos County Appropriation Bill, 2023 (Machakos County Bills No.2) be now read a second

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time. Thank you, Hon. Speaker; and this Bill gives appropriation for proposals from the Budget Estimates which will give the Assembly room to make any amendments. Thank you, Hon. Speaker. I wish to call upon Hon. Nicholas Nzioka to second.

Hon. Speaker: Thank you, Hon. Member. Hon. Nicholas Nzioka.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

I invite Members to debate the Bill. Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Madam Speaker. I would like to thank the committee for a good job. This is an excellent job which has been done within a very short time. Madam Speaker, I sit in two committees; one of them is health and the other is water and these two committees have actually received the highest amounts of money. Madam Speaker, as we approve the budget, we want to hold the CECMs and Chief Officers in those departments accountable to the monies we are giving them.

To this Madam Speaker, I am urging Members, the only way we can oversight properly is through our committees. Let us continue being thorough in our committee work so that we can ensure that these monies which we are allocating to these departments has been utilized properly. Members, normally the first and second year of your election are the most critical years and if we do not get the perception out there for ourselves and H.E the Governor, the work is being done, the third, fourth year is just a rehearsal for 2027.

What am I saying? I am saying that I was part and parcel or one of the key members who pushed for ceilings of water to go up based on our public participation and also ceilings for health and now this House and the Budget Committee has given them the highest amount of money together let us ensure this money is used up well.

Madam Speaker you are the Chair of Rules and Procedure committee and it is the high time you start bringing CECMs to this Assembly to start answering questions from the entire House and that motion needs to come as quickly as possible so that we can start holding CECMs accountable to the monies we have given them. So, Madam Speaker, I support and let us actually ensure that all the money allocated to every department is used in the most prudent way.

Members, when any project is being done in your ward, take charge because either project is done in a shoddy way wananchi know you. Take charge of the projects in your Ward. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Loud consultations)

I put the question? Before I do so may I call upon the mover to reply?

Hon. Dominic Ndambuki (Kathiani, WDM-K): Thank you, Hon. Speaker. I thank the whole House for the support they have given us up to this level. I would request that we stay still as we process the Bill.

Hon. Speaker: Thank you very much, Hon.^l Chair of Budget Committee.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today)

Thank you. Next order.

(Then)

COMMITTEE OF THE WHOLE HOUSE
(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Stephen Mwanthi) took the Chair]

**THE MACHAKOS COUNTY APPROPRIATION BILL 2023, KENYA
GAZETTE SUPPLEMENT NO.3 MACHAKOS COUNTY BILLS NO.2**

Hon. Chairperson: Thank you, Hon. Members. Let us have order so that we may proceed with the Committee of the Whole House so that we may approve the amendments that are required in appropriations. Clerk, you may proceed.

Hon. Mbili Ndawa (Matuu, MCCC): Point of information.

Hon. Chairperson: Yes.

Hon. Mbili Ndawa (Matuu, MCCC): It is always a normal practice when we are in the Committee of the Whole House to have a small booklet that is yellow in colour and we do not have it in our custody.

Hon. Chairperson: Clerk, if you any more copies maybe they can be provided to the Hon. Members.

Hon. Mbili Ndawa (Matuu, MCCC): Yes I am interested to have one.

Hon. Chairperson: They will be provided to Hon. Members as we go on. Thank you, Minority Leader. You can have this as we proceed.

(Hon. Chairperson handed to the published Bill to Hon. Ndawa)

Hon. Mbilli Ndawa (Matuu, MCCP): Thank you, Sir.

(Clause 2 agreed to)

(Clause 3 agreed to)

FIRST SCHEDULE

Recurrent Expenditure

Vote R0001

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0001 be amended by:-

- i) By deleting the figure '592,144,649' as relates to the recurrent expenditure in the Office of The Governor Portfolio and substituting therefor the figure "580,874,154";
- j) In "P01 Office of the Governor - Headquarters, Co-ordination and supervisory service" by deleting the figure "317,607,213" and substituting therefor the figure "309,336,718";
- k) In "P07 Office of the Deputy Governor" by deleting the figure "77,457,386" and substituting therefor the figure "74,457,381"

(Question of the amendment proposed)

Hon. Chairperson: Any Member to contribute to that?

(Question, that the words to be left out be left out, put and agreed to)

(Vote R0001 as amended agreed to)

Vote R0002

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0002 be amended by:-

In R0002 as relates to the Office of the County Attorney Portfolio -

- (i) By deleting the figure "83,564,716" relating to recurrent expenditure of the Office of the County Attorney portfolio and substituting therefor the figure "50,963,865"
- (ii) In "P01 Legal services", by deleting the figure "83,564,716" and substituting therefor the figure "50,963,865";

(Question of the amendment proposed)

(Question, that the words to be left out be left out,

put and agreed to)

(Vote R0002 as amended agreed to)

(Vote R0003 agreed to)

Vote R0004

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0004 be amended by:-

In R0004 as relates to Finance, Economic planning and Revenue Management Portfolio -

- (i) By deleting the figure "968,717,711" relating to "the recurrent expenditure for Finance, Economic planning and Revenue Management portfolio" and substituting therefor the figure "931,253,752"
- (ii) In "P01 Revenue Management" by deleting the figure "396,451,553" and substituting therefor the figure "410,987,593"
- (iii) In "P04 Accounting services" by deleting the figure "42,760,407" and substituting therefor the figure "32,760,407"
- (iv) In "P06 Human Resource Management and Support Services" by deleting the figure "297,973,125" and substituting therefor the figure "247,973,125"
- (v) In "P07 Economic Planning and Statistical Services" by deleting the figure "39,804,070" and substituting therefor the figure "47,804,070"

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Vote R0004 as amended agreed to)

Vote R0005

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0005 be amended by:-

In R0005 as relates to Devolution portfolio

- (i) By deleting the figure "979,169,215" relating to "the recurrent expenditure for Devolution portfolio" and substituting therefor the figure "972,234,231"
- (ii) In "P01 Administration and Coordination Services – Public Service" by deleting the figure "281,357,385" substituting therefor the figure "291,357,385"
- (iii) In "P03 Training, Research and Development" – by deleting the figure "57,841,500" substituting therefor the figure "47,841,500"
- (iv) In "P04 County Administration and Decentralized Units" by deleting the figure "379,609,131" and substituting therefor the figure "372,609,131"

- (v) In "P08 Inspectorate Services and Management" by deleting the figure "225,222,199" substituting therefor the figure "212, 287, 215"

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Vote R0005 as amended agreed to)

Vote R0006

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0006 be amended by:-

R0006 as relates to Agriculture, Food Security and Co-operative Development portfolio —

- (i) By deleting the figure "345,918,809" relating to the recurrent expenditure for Agriculture, Food Security and Co-operative Development portfolio and substituting therefor the figure "379,572,812";
- (ii) In "P01 General Administration and Support Services" by deleting the figure "308,816,160" and substituting therefor the figure "342,470,164"

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Vote R0006 as amended agreed to)

(Votes R0007 and R0008 agreed to)

Vote R0009

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0009 be amended by:-

R0009 as relates to Education, Skills Training and Social Welfare portfolio -

- (i) In "P01 Headquarters Administrative Services" by deleting the figure "538,929,693" and substituting therefor the figure "536,929,693";
- (ii) In "P02 Basic Education" By deleting the figure "7,856,678" and substituting therefor the figure "9,856,678";

(Question of the amendment proposed)

(Question, that the words to be left out be left out,

put and agreed to)

(Vote R0009 as amended agreed to)

Vote R0010

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0010 be amended by:-

R0010 as relates to Energy, Lands, Housing and Urban Development portfolio —

- i. By deleting the figure “240,766,270” relating to the recurrent expenditure for Energy, Lands, Housing and Urban Development portfolio and substituting therefor the figure “225,766,270”;
- ii. In “P01 Lands and Physical Planning” by deleting the figure “62,346,321” and substituting therefor the figure “47,346,321”
- iii. In “P03 Housing and Urban Development” by deleting the figure “96,393,736” and substituting therefor the figure “98,643,736”
- iv. In “P04 Machakos Municipality” by deleting the figure “17,750,000” and substituting therefor the figure “17,000,000”
- v. In “P05 Mavoko Municipality” by deleting the figure “19,750,000” and substituting therefor the figure “19,000,000”
- vi. In “P06 Kangundo-Tala Municipality” by deleting the figure “16,450,000” and substituting therefor the figure “15,700,000”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote R0010 as amended agreed to)

(Vote R0011 agreed to)

Vote R0012

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0012 be amended by:-

R0012 as relates to Water, Irrigation, Environment and Climate Change portfolio —

- i. By deleting the figure “123,088,120” relating to the recurrent expenditure for Water, Irrigation, Environment and Climate Change portfolio and substituting therefor the figure “134,088,120”;
- ii. In “P06 Climate Change” by deleting the figure “10,917,699” and substituting therefor the figure “21,917,699”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote R0012 as amended agreed to)

(Vote R0013 agreed to)

Vote R0014

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote R0014 be amended by:-

R0014 as relates to County Assembly portfolio —

- (i) By deleting the figure “987,126,181” relating to the recurrent expenditure for The County Assembly portfolio and substituting therefor the figure “1,141,331,660”;
- (ii) In “P01 HR, Administration and Coordination Services” by deleting the figure “303,797,880” and substituting therefor the figure “303,783,359”
- (iii) In “P02 Financial Management Services” by deleting the figure “38,400,000” and substituting therefor the figure “39,000,000”
- (iv) In “P03 Legal, Library and Research Services” by deleting the figure “10,250,000” and substituting therefor the figure “9,350,000”
- (v) In “P04 County Assembly Service Board Services” by deleting the figure “29,752,000” and substituting therefor the figure “34,752,000”
- (vi) In “P05 Legislative Services” by deleting the figure “286,898,177” and substituting therefor the figure “288,398,177”
- (vii) In “P06 Procedure and Committee Services” by deleting the figure “128,500,000” and substituting therefor the figure “146,000,000”
- (viii) In “P07 Audit Committee Services” by deleting the figure “3,900,000” and substituting therefor the figure “3,700,000”
- (ix) In “P09 Other Current Transfers” by deleting the figure “102,000,000” and substituting therefor the figure “232,720,000”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote R0014 as amended agreed to)

Totals for Recurrent

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Totals for Recurrent be amended by:-

Class – Subtotal

- (i) By deleting the figure “9,518,497,324” relating to the recurrent expenditure for The Class- Sub total portfolio and substituting therefor the figure “9,601,086,517”;

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Totals for Recurrent as amended agreed to)

SECOND SCHEDULE

Development Expenditure

(Votes D0001 and D0002 agreed to)

Vote D0003

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0003 be amended by:-

In D0003 as relates to the Trade, Industrialization, Tourism and Innovation Portfolio

- (i) By deleting the figure “408,778,732” as relates to development expenditure of Trade, Industrialization, Tourism and Innovation portfolio and substituting therefor the figure “550,713,716”;
- (ii) In “P01 Trade – Administration and Support Services” by deleting the figure “62,814,730” and substituting therefor the figure “103,814,730”;
- (iii) In “P02 Industrial Development” by deleting the figure “290,150,000” and substituting therefor the figure “391,084,984”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote D0003 as amended agreed to)

Vote D0004

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0004 be amended by:-

In D0004 as relates to Finance, Economic Planning and Revenue Management portfolio —

- (i) By deleting the figure “474,976,422” as relates to development expenditure of Finance, Economic Planning and Revenue Management portfolio and substituting therefor the figure “262,770,943”;
- (ii) In “P01 Revenue Management” by deleting the figure “122,750,745” and substituting therefor the figure “80,750,745”;
- (iii) In “P05 Accounting Services ” by deleting the figure “180,000,000” and substituting therefor the figure “9,794,521”;
- (iv) In “P06 Economic Planning and Statistical Services” by deleting the figure “3,000,000” and substituting therefor the figure “15,000,000”;
- (v) In “P07 ICT Services and Infrastructure” by deleting the figure “59,794,177” and substituting therefor the figure “47,794,177”;

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote D0004 as amended agreed to)

(Votes D0005 agreed to)

Vote D0006

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0006 be amended by:-

In D0006 as relates to Agriculture, Food Security and Co- operative Development Expenditure Portfolio—

- (i) By deleting the figure “393,113,450” as relates to development expenditure of Agriculture, Food Security and Co-operative Development portfolio and substituting therefor the “848,107,908”
- (ii) In “P01 General Administration and Support Services” by deleting the figure “176,174,095” and substituting therefor the figure “568,687,090”
- (iii) In “P03 Livestock Resources Management and Development” by deleting the figure “27,043,403” and substituting therefor the figure “74,123,098”
- (iv) In “P04 Fisheries Development” by deleting the figure “1,928,140” and substituting therefor the figure “17,329,908”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and words to be inserted in place thereof
be inserted agreed to)*

(Vote D0006 as amended agreed to)

Vote D0007

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0007 be amended by:-

In D0007 as relates to Health Services Development Expenditure Portfolio—

- i) By deleting the figure “869,415,741” as relates to development expenditure of Health Services Development portfolio and substituting therefor the “994,139,145”
- ii) In “P01 General Administration” by deleting the figure “565,142,616” and substituting therefor the figure “538,872,154”
- iii) In “P02 Level 5” by deleting the figure “62,000,000” and substituting therefor the figure “142,000,000”
- iv) In “P03 Kangundo Level 4” by deleting the figure “7,000,000” and substituting therefor the figure “15,000,000”
- v) In “P05 Kathiani Level 4” by deleting the figure “11,000,000” and substituting therefor the figure “12,993,866”
- vi) In “P06 Mwala Level 4” by deleting the figure “13,000,000” and substituting therefor the figure “23,000,000”
- vii) In “P07 Kimiti Level 4” by adding the figure “10,000,000”
- viii) In “P08 Masinga Level 4” by adding the figure “10,000,000”
- ix) In “P09 Athi River Level 4” by adding the figure “10,000,000”
- x) In “P10 Mutituni Level 4” by adding the figure “11,000,000”
- xi) In “P12 Kalama Level 4” by adding the figure “10,000,000”

(Question of the amendment proposed)

Hon. Brian Kisila (Makutano/Mwala, MCCP): Point of information please. We want to see the amendments in D0007. It has amendments and it is important we see them because if we just vote on it as a block then we do not know. For example, as a committee we propose money for Masinga, for Kimiti and other Level IV hospitals. We want to see the amendments that have been captured in that. Is it in the report? Sorry.

(Hon. Ndambuki spoke off record)

Oh thank you; I had missed that part Chairman. Go on.

Hon. Chairperson: Okay. It has been addressed? Thank you.

(Hon. Ndawa spoke off record)

That means you are attentive and that is good. Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mheshimiwa Ndawa, it is my right. Even if I am outside---

Hon. Chairperson: Mheshimiwa---

Hon. Brian Kisila (Makutano/Mwala, MCCC): No Chairman. I do not want Mheshimiwa Ndawa to start bulldozing us.

Hon. Chairperson: Mheshimiwa Brian, I think what he has said is that it is good that you are...he is appreciating you.

(Hon. Ndawa spoke off record)

Hon. Brian Kisila (Makutano/Mwala, MCCC): Oh. Thank you.

(Laughter)

Hon. Chairperson: Hon. Ndawa was appreciating you and it is only that....Okay Hon. Members let us proceed.

(Question, that the words to be left out be left out, put and words to be inserted in place thereof be inserted agreed to)

(Vote D0007 as amended agreed to)

Vote D0008

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0008 be amended by:-

In D0008 as relates Development Expenditure of Roads, Transport and Public Works portfolio-

- i. By deleting the figure "711,731,765" relating to development expenditure of roads, Transport and Public Works portfolio and substituting therefor the figure "745,731,765";
- ii. In "P02 Road Development and Management" by deleting therefor the figure "376,500,000" and substituting therefor the figure "410,500,000";

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and words to be inserted in place thereof)

be inserted agreed to)

(Vote D0008 as amended agreed to)

Vote D0009

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0009 be amended by:-

In D0009 as relates to Education , Skills Training and Social Welfare portfolio -

- i. By deleting the figure "172,729,112" relating to development expenditure of education, Skills Training and Social Welfare portfolio and substituting therefor the figure "193,729,112";
- ii. In "P01 General Administration, Planning and Development Services " by deleting the figure "35,000,000" and substituting therefor the figure "56,000,000";

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and words to be inserted in place thereof
be inserted agreed to)*

(Vote D0009 as amended agreed to)

Vote D0010

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0010 be amended by:-

In D0010 as relates to Energy, Lands, Housing and Urban Development portfolio —

- (i) By deleting the figure "167,755,550" relating to development expenditure of Energy, Lands, Housing and Urban Development portfolio and substituting therefor the figure "182,755,550";
- (ii) In "P02 Lands and Physical Planning " by deleting the figure "42,755,550" and substituting therefor the figure "57,755,550";
- (iii) In "P03 Housing and Urban Development" by deleting the figure "50,000,000" and substituting therefor the figure "1,400,000";
- (iv) By inserting the following a new programmes and their budget therefor immediately after programme 3
 - a. "P04 Mavoko Municipality - 11,200,000";
 - b. "P05 Machakos Municipality - 11,200,000"
 - c. "P06 Kangundo-Tala Municipality-26,200,00"

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and words to be inserted in place thereof
be inserted agreed to)*

(Vote D0010 as amended agreed to)

(Vote D0011 agreed to)

Vote D0012

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Vote D0012 be amended by:-

D0012 as relates to Water, Irrigation, Environment and Climate Change Portfolio-

- i) By deleting the figure "718,500,000" relating to development expenditure of Water, Irrigation, Environment and Climate Change portfolio and substituting therefor the figure "788,500,000";
- ii) In "P01 Water Resources Management" by deleting the figure "320,000,000" and substituting therefor the figure "347,660,798";
- iii) In "P05 Climate Change" by deleting the figure "245,038,276" and substituting therefor the figure "287,377,478";

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and words to be inserted in place thereof
be inserted agreed to)*

(Vote D0012 as amended agreed to)

(Votes D0013 and D0014 agreed to)

Totals for Development

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move THAT, Totals for Development be amended by:-

By deleting the figure "4,496,468,563" relating to the Development Expenditure Class Sub- Total and substituting therefor the figure "5,145,915,930";

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and words to be inserted in place thereof
be inserted agreed to)*

(Totals for Development as amended agreed to)

(Grand total agreed to)

(Long Title agreed to)

(Short Title agreed to)

(Clause 1 agreed to)

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I beg to move that the Committee do report to the House its consideration of the Machakos County Appropriation Bill, 2023 (Machakos County Bills No.2) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(Applause)

Hon. Chairperson: Thank you, Hon. Members. We now await the Hon. Speaker so that we can report back and I appreciate your co-operation throughout that period. Thank you, Hon. Members.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Mr. Chairman but remember this is a special sitting.

Hon. Chairperson: Noted Hon. Ngunga and thank you.

(The House resumed)

[Hon. Speaker in the Chair]

REPORT AND THIRD READING

THE MACHAKOS COUNTY APPROPRIATION BILL 2023, KENYA
GAZETTE SUPPLEMENT NO.3 MACHAKOS COUNTY BILLS NO.2

Hon. Speaker: May I call upon the Deputy Speaker to come forward and give the report.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker and welcome back. I wish to report that the Committee of the whole House has considered Machakos County Appropriation Bill, 2023 Machakos County Bills No. 2 and approved the same with amendments. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. May I call upon Hon. Dominic Ndambuki?

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I beg to move that the House do agree with the committee in the said report. I wish to call upon Hon. Phoebe Koki to second.

Hon. Speaker: Hon. Phoebe Koki please.

Hon. Phoebe Koki (Nominated, MCCC): Thank you, Madam Speaker. I second and also thank the Hon. Members for being patient, supportive and say the future is fat. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

(Question put and agreed to)

Next order.

Hon. Speaker: May I call upon Hon. Dominic Ndambuki, Chairperson BAC to proceed

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Pursuant to Standing Order 131(2), I beg to move the motion that the Machakos County Appropriation Bill, 2023 (Machakos County Bills No.2) be now read a third time. The Bill gives way to the appropriation of the fiscal year 2023/2024 Budget Estimates. I wish to call upon Hon. Justus Mutuku to second.

Hon. Speaker: Hon. Mutuku proceed.

Hon. Justus Mutuku (Wamunyu, PTP): Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you very much.

(Question proposed)

I invite Members to comment on the third Machakos County Appropriation Bill 2023.
Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, we have had a very long day and as is the norm in this Assembly, after the budget, the Speaker normally takes the Members through a cocktail. Since morning we have been here---

(Applause)

You have seen the amount of work we have done, the way Members have committed themselves to ensure the budget is passed. It is only fair Madam Speaker that after this, you call

us for a small cocktail where we can exchange and we make it a practice because today has been a very tiring day; from 8.00 a.m. and now it is 5.00 p.m. So Madam Speaker, the ball is in your court.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of information Madam Speaker. I want to inform Hon. Kisila, we are not making it a tradition, it is a tradition. Thank you.

Hon. Speaker: Thank you.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. Hon. Kisila has proposed that I second and as it in the practice of this House, I want to say this Madam Speaker, since morning I was worried and it is good we copy paste from what happens in the National Assembly to what is also supposed to be happening in the County Assemblies.

In the morning, Mheshimiwa Ngunga was complaining that there are so many strangers outside but it is the norm that when budgets are being read, Assemblies are always flooded and that is the beauty of budget reading. So we need to embrace that because this is a House that is rarely visited by the Executive and in such events when they come in numbers, Madam Speaker, we should appreciate that this is a very important day for the County.

To finalize, as it happens in the National Assembly, to ascertain this is an important event today, we usually have tents properly dressed and properly taken care of in terms of eatables and drinkables of all nature.

(Laughter)

So, Madam Speaker, during my First Assembly, this day was always treated as a special day. The Hon. Speaker, who was Mheshimiwa Mung'ata who was the first Speaker of this Assembly, would take us to Ikuuni Hotel and make the bill open. May you as well Madam Speaker, reciprocate the same. I second.

Hon. Joshua Mwonga (Masinga Central, WDM-K): To add on what Hon. Dominic has said; actually the eatables and the drinkables are accompanied by a bulging of the wallet. Thank you.

(Laughter)

(Question put and agreed to)

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

Hon. Speaker: Thank you. Next order.

MOTION
ALTERATION OF CALENDAR OF THE ASSEMBLY

Hon. Speaker: May I now invite Hon. Nicholas Nzioka, Leader of Majority to proceed and move the motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that the second Session of the Third Assembly commenced on 14th February, 2023;

Further aware that pursuant to Standing Order No. 25 (1), the Assembly approved an Assembly calendar on 14th March, 2023 and altered it on 15th March, 26th April and 13th June, 2023 through House resolutions;

Acknowledging that Standing Order 25(4) provides that despite the adjournment date as scheduled in the approved Assembly Calendar, the Assembly may by resolution, alter its Calendar or the adjournment date;

Further aware that Standing Order 151(6) provides for the mandate of the House Business Committee which amongst others, is to prepare and if necessary, from time to time adjust the Assembly Calendar with the Approval of the House and noting that there is need for Committees to engage in activities which will generate business in this Hon. House;

Hon. Speaker, I wish to move the Motion THAT notwithstanding the resolutions of the Assembly made on 14th March, 2023 (Approval of Assembly Calendar), 15th March, 2023 and 26th April, 2023 (alteration of the Assembly Calendar) and pursuant to Standing Order 25 (4), the Assembly resolves to alter its Calendar (Regular Sessions) for the Second Session of the third Assembly to adjourn its sitting from today 20th June, 2023 and resume its regular sittings on Tuesday, 25th July, 2023 and that the Assembly Calendar for the Second Session be altered accordingly.

I would wish to call Mheshimiwa Julius Mbili Ndawa, the Minority Leader; Judas to second.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I am Judas not Julius. Yes he has corrected but in most cases, people refer to me as Julius. I am not Julius but Judas; the only Judas.

Hon. Speaker, I second the motion and I want to make it clear that this House has been very busy doing its work and for the period we have been here, we have never wasted even a single minute and there is need for us to take a break so that we can also have time to engage with electorates and to create time for committees to go and bring business for this House.

So, Madam Speaker, I humbly request my colleagues to agree that we adjourn for at least one month to do those activities I have mentioned. Hon. Speaker, from where I stand I can see there was intention of another motion but during House Business Committee, we could not approve two motions. One was not signed, so we went with the one which was signed and which was approved by the Clerk as well as the Speaker. So that is the reason why we are coming up with this motion and I am requesting---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of Information.

Hon. Speaker: Yes.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of information. Madam Speaker, I am a member of the House Business Committee and this House was waiting for the adjournment motion in solidarity with the other Assemblies.

(Applause)

Madam Speaker, when we sat in the House Business Committee in the morning, the issue of adjourning arose and Madam Speaker you very well know that you approved that motion to come to this Hon. House. How now it is turning that we are just adjourning, altering the Calendar and resuming again in the next month, Madam Speaker, after three weeks, Madam Speaker that is not what this Members were waiting for. Madam Speaker, I think somebody somewhere is trying not to walk the talk

(Hon. Ndawa stood in his place)

We cannot be standing the two of us

Hon. Mbili Ndawa (Matuu, M CCP): Point of information cannot be so long. Let us follow procedures.

Hon. Joshua Mwonga (Masinga Central, WDM-K): It goes for how long? You are not the Speaker. Madam Speaker, it is better the Leadership tells these Members of the House, we are not adjourning in solidarity with the other Members. This is not the motion which should be before this House. Thank you, Madam Speaker.

Hon. Speaker: Thank you

Hon. Mbili Ndawa (Matuu, M CCP): Hon. Speaker, thank you. In case there is any Member who is not happy with the business before the House, the Standing Order 52 is very clear on how to amend a Motion. They ought to have written to you at least two hours before the motion landed before the House. Again Madam Speaker, the Order Paper which contains the motion was supplied to Members in the morning and they have been having that Order Paper. If they had issues they ought to have consulted, proposed amendment so I am telling them that they are time barred.

Secondly, Hon. Speaker, I am a Senior Ranking Member of this House and I cannot allow the Hon. Members of this House to test whether the knife is sharp using their throats. Hon. Speaker, that one I cannot allow.

Hon. Speaker, we cannot betray the electorates who woke up early in the morning on 9th of August, 2022 went to the polling station to transfer the power conferred to them by Article 1 of the Constitution. If we say we adjourn the way they want Hon. Speaker, that is the same as dissolving the Assembly and we are not going that route so whoever is not happy let him or her move and in case Hon. Speaker, as I conclude, if there is any Member who is here by mistake, you feel that you are not in the right place, you can write just one sentence letter of resigning from the position then we declare your area of representation vacant then we leave other Members free. That is it.

(Loud consultations)

Hon. Speaker: This is the ruling of the Speaker. That the motion before us is the motion that was balloted by the House Business Committee this morning and it is my advice that we proceed with the motion before us. More contributions? I have made a ruling on that issue; we are proceeding with the motion before us. Yes, proceed

Hon. Musyimi Maeke (Kalama, CCU): Thank you, Madam Speaker, for giving me this chance. As a House I want to stand to oppose that motion that we need to continue with our business as a House, there is no need of adjourning this House and I want to reiterate words of Hon. Ndawa who has said that we have a mandate with the people who voted us. We have a lot of pending business, we are just from a recess and we have just passed a budget and it needs a lot of work to be looked in to and we need to work and if we are in the spirit of working, if we are in the spirit of working Madam Speaker we are just newly-elected, we are from a long recess and we do not want to misuse tax payers money.

We want to continue with the business as usual so I stand to oppose the motion of adjourning the House for one month without any reason.

Hon. Speaker: Thank you very much, Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I am in total objection of the motion about adjournment. Why are we adjourning, Madam Speaker, I am asking myself? We just adjourned a week ago to discuss the budget and have committee businesses. Personally, my committee has a lot of pending business Madam Speaker and I cannot afford to support this motion while I know that---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information.

Hon. Speaker: Point of information

Hon. Stephen Mwanthi (Ekalakala, WDM-K): I just want to inform the Member that even when the House is on recess because this is just like recess, it attends committee meetings and to be precise the reason as to why we are adjourning is that to execute some of the businesses for the committees. Thank you, Madam Speaker.

Hon. Dominic Maitha (Muthwani, WDM-K): Point taken but I am saying that I am not supporting this motion Madam Speaker for adjournment and that is my reservation. I am not seconding and supporting this motion at all. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much. Hon. Mbuva

Hon. Charles Mbuva (Kangundo West, GDDP): Thank you, Madam Speaker, for being able to catch my eye even from this furthest end. Madam Speaker, from the onset I think the mover of that motion is doing incredible job. As elected Members we also need to balance our time between legislation here in the House and having time to interact with our constituents.

(Applause)

Madam Speaker, the people who elected us also need us to discuss with them, what is this budget that we have passed. It is a well-thought out idea that we get to have at least a month. Like my ward it has 60 villages, I will utilize the whole month; actually I will be visiting two villages a day and discussing the budget with the public so that they get to understand what programmes and what projects they are waiting. So in case there could be Members who did not an idea how to utilize the time, please I suggest to them be visiting a village a day and carry this yellow book and discuss with the people what projects are coming to their area. Madam Speaker, I support that adjournment.

Hon. Speaker: Thank you, Hon. Member. Hon. Kivuva.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you, Madam Beautiful Speaker.

(Laughter)

Hon. Speaker: Thank you.

Hon. Mutisya Kivuva (Nominated, WDM-K): You know I have been very happy since morning when my section was allocated a lot of money; the marginalized. So it has taken a lot of courage to come back here. I want to propose this; before I support the motion, I heard that you are to host us for us being tired. I want also to commit myself--

Hon. Speaker: Restrict yourself to the subject matter.

Hon. Mutisya Kivuva (Nominated, WDM-K): I want to host you, Madam Speaker. I want to buy you something because you look tired today.

Hon. Speaker: Look tired!

Hon. Mutisya Kivuva (Nominated, WDM-K): I want to support what the Majority Leader has moved but I want to be a voice of reason. I want to give some special direction. We adjourn the way Majority Leader has proposed but because we have other Members of the County Assemblies, when we go out we can say we adjourned the way they wanted but in the meantime, I support that we adjourn the way the Majority Leader has said. Thank you.

(Loud consultations)

Hon. Speaker: Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Hon. Speaker, I like giving my wisdom as a ranking Member. If you say that you want to continue staying here and your electorate needs you, then you are in the wrong place. Personally, I stay at home and I know the amount of work which is ahead of me. Any opportunity to go and visit my people, I seize it and even the same

Members who are making the highest noise here are the ones who do not come when we have normal sittings and making the House have no quorum. So let us not politicize this Assembly.

Personally, I have transformed; I come here every sitting and when you come here you see 20, 21 or 15 Members and others are not even here and they are the ones asking us to adjourn (??). We are about to start receiving quarterly reports in our committees and we need to start thinking about how we are going to oversight the Executive. Let us take our work serious and the only way we can do that is by retreating, going through committees and bringing work to this Assembly. I support this motion and I am very much ready to go down to the ground and be able to engage my constituents. Thank you.

Hon. Speaker: Okay.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 25th July, 2023 at 10.00 a.m.

The House rose at 17.05 p.m.

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS



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Along Mwatu wa Ngoma Rd

Email: assemblymks@gmail.com

COUNTY ASSEMBLY OF MACHAKOS
DEPARTMENT OF HUMAN RESOURCE & ADMINISTRATION

Ref: MKSCA/ADM/INS/VOL.3/64

Date: 27th June, 2023

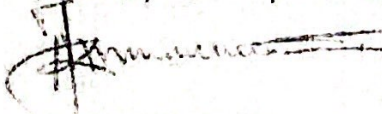
TO: The Clerk of County Assembly



RE: THIRD PARTY COVER FOR MOTOR VEHICLE GENERAL INSURANCE

The above matter refers.

The contract in place for provision of motor vehicle general insurance expires on 30th June, 2023. The Assembly wishes to extend the contract for a period of one (1) month on third party basis.

The purpose of this letter is to seek approval for the Finance Department to spend Kshs. 44,700/= as per the attached to facilitate the same.


JUSTUS MUSUMA
HEAD, HUMAN RESOURCE & ADMINISTRATION
Encls


①

27/6/2023

① Ach
Jeeal
②
27/6/2023.



**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420094

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : KBX370X
CHASSIS NUMBER : SC11-066053

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420094

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : KBX370X
CHASSIS NUMBER : SC11-066053

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No: C27420094

POLICY HOLDER: AS PER POLICY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : KBX370X
CHASSIS NUMBER : SC11-066053

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED : PHONE NO : +254709922000

PRIVATE CAR

MAKE : NISSAN-TIIDA	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : TIIDA		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



Scan to download the DMVIC Mobile Verification App.

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Date: 30.06.2023 12:14 EAT

Ameez 18



FILE COPY
CERTIFICATE OF INSURANCE

No : C27420130

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG061A
CHASSIS NUMBER : WDD2050402R017484

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



DUPLICATE
CERTIFICATE OF INSURANCE

No : C27420130

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG061A
CHASSIS NUMBER : WDD2050402R017484

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



CERTIFICATE OF INSURANCE

Insured must activate the
certificate by dialing *352*1#



No: C27420130

POLICY HOLDER: AS PER POLICY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : 16CG061A
CHASSIS NUMBER : WDD2050402R017484

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR

MAKE : MERCEDES-C SERIES	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : B SERIES		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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FILE COPY
CERTIFICATE OF INSURANCE

No : C27420127

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG007A
CHASSIS NUMBER : AHTFR22G706104832

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



DUPLICATE
CERTIFICATE OF INSURANCE

No : C27420127

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG007A
CHASSIS NUMBER : AHTFR22G706104832

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR



CERTIFICATE OF INSURANCE

Insured must activate the
certificate by dialing *352*1#



No: C27420127

POLICY HOLDER: AS PER POLICY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : 16CG007A
CHASSIS NUMBER : AHTFR22G706104832

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED : PHONE NO : +254709922000

PRIVATE CAR

50

MAKE : TOYOTA-HILUX-D-CAB	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : HILUX-D-CAB		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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FILE COPY
CERTIFICATE OF INSURANCE

No : C27420095

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG201A
CHASSIS NUMBER : JTEBH3FJ60K22645

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR



DUPLICATE
CERTIFICATE OF INSURANCE

No : C27420095

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG201A
CHASSIS NUMBER : JTEBH3FJ60K22645

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR




CERTIFICATE OF INSURANCE

Insured must activate the
certificate by dialing *352*1#



No: C27420095

POLICY HOLDER: AS PER POLICY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : 16CG201A
CHASSIS NUMBER : JTEBH3FJ60K22645

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR

MAKE : TOYOTA-PRADO	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : PRADO		
SUM INSURED :-		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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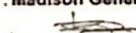
31



**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420129

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
 POLICY No: IND/701/211932/2022 (TPO)
 COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
 REGISTRATION No : 16CG071A
 CHASSIS NUMBER : MMM156MK0HH629130

ISSUED BY : **Madison General Insurance Kenya Ltd**
 SIGNED :  PHONE NO : +254709922000


PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420129

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
 POLICY No: IND/701/211932/2022 (TPO)
 COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
 REGISTRATION No : 16CG071A
 CHASSIS NUMBER : MMM156MK0HH629130

ISSUED BY : **Madison General Insurance Kenya Ltd**
 SIGNED :  PHONE NO : +254709922000

PRIVATE CAR



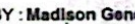
CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No: C27420129

POLICY HOLDER: AS PER POLICY
 POLICY No: IND/701/211932/2022 (TPO)
 COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
 REGISTRATION No : 16CG071A
 CHASSIS NUMBER : MMM156MK0HH629130

ISSUED BY : **Madison General Insurance Kenya Ltd**
 SIGNED :  PHONE NO : +254709922000

PRIVATE CAR

MAKE : CHEVROLET-OPTRA	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : CAPTIVA		
SUM INSURED :-		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**


PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



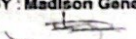
CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No: C27420126

POLICY HOLDER: **AS PER POLICY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00 EAT**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR

33

MAKE : CHEVROLET-CRUZE	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : CAPTIVA		
SUM INSURED :-		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No:C27420126

POLICY HOLDER: **AS PER POLICY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00 EAT**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR

X

X

X

X

MAKE : CHEVROLET-CRUZE	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : CAPTIVA		
SUM INSURED :-		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY



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**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**


PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420126

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



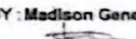
CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No: C27420126

POLICY HOLDER: **AS PER POLICY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00 EAT**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG072A**
CHASSIS NUMBER : **MMM156MK0HH629127**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR

33

MAKE : CHEVROLET-CRUZE	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : CAPTIVA		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY






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Digitally signed by
*.dmvic.com
Date:
30.06.2023
12:36 EAT

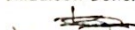





**FILE COPY
CERTIFICATE OF INSURANCE**

No : C27420128

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG008A**
CHASSIS NUMBER : **AHTYZ59G608028217**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



**DUPLICATE
CERTIFICATE OF INSURANCE**

No : C27420128

POLICY HOLDER: **MACHAKOS COUNTY ASSEMBLY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG008A**
CHASSIS NUMBER : **AHTYZ59G608028217**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR



CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#



No: C27420128

POLICY HOLDER: **AS PER POLICY**
POLICY No: **IND/701/211932/2022 (TPO)**
COMMENCING DATE : **01/07/2023** TIME : **00:00 EAT**
EXPIRING: 31/07/2023
REGISTRATION No : **16CG008A**
CHASSIS NUMBER : **AHTYZ59G608028217**

ISSUED BY : **Madison General Insurance Kenya Ltd**
SIGNED :  PHONE NO : **+254709922000**

PRIVATE CAR

ca

MAKE : TOYOTA-FORTUNER	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : FORTUNER		
SUM INSURED :-		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY






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Digitally signed by
*.dmvic.com

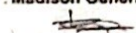



Date:
30.06.2023
12:39 EAT

AKI FILE COPY
CERTIFICATE OF INSURANCE

No : C27420126

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG072A
CHASSIS NUMBER : MMM156MK0HH629127

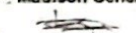
ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR

AKI DUPLICATE
CERTIFICATE OF INSURANCE

No : C27420126

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
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REGISTRATION No : 16CG072A
CHASSIS NUMBER : MMM156MK0HH629127

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR


AKI CERTIFICATE OF INSURANCE



Insured must activate the certificate by dialing *352*1#

No: C27420126

POLICY HOLDER: AS PER POLICY
POLICY No: IND/701/211932/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : 16CG072A
CHASSIS NUMBER : MMM156MK0HH629127

ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

PRIVATE CAR

33

MAKE : CHEVROLET-CRUZE	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/701/211932/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as invalid. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : CAPTIVA		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY





Scan to download the DMVIC Mobile Verification App.

To verify using a Mobile Phone in Kenya Dial *352# and follow the prompts

OR

To verify from web, <https://www.dmvic.com/verification.html> on web browser (Terms and Conditions Apply).

Digitally signed by
*.dmvic.com




Date:
30.06.2023
12:36 EAT

AKI FILE COPY
CERTIFICATE OF INSURANCE

No : **B13031917**

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/702/212207/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG070A
CHASSIS NUMBER : JTELB71JX0-7725292


LICENSED TO CARRY PLL 9 Passengers
ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

**COMMERCIAL
VEHICLE**

AKI DUPLICATE
CERTIFICATE OF INSURANCE

No : **B13031917**

POLICY HOLDER: MACHAKOS COUNTY ASSEMBLY
POLICY No: IND/702/212207/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00
EXPIRING: 31/07/2023
REGISTRATION No : 16CG070A
CHASSIS NUMBER : JTELB71JX0-7725292

LICENSED TO CARRY PLL 9 Passengers
ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

**COMMERCIAL
VEHICLE**




CERTIFICATE OF INSURANCE

Insured must activate the certificate by dialing *352*1#

No: **B13031917**

POLICY HOLDER: AS PER POLICY
POLICY No: IND/702/212207/2022 (TPO)
COMMENCING DATE : 01/07/2023 TIME : 00:00 EAT
EXPIRING: 31/07/2023
REGISTRATION No : 16CG070A
CHASSIS NUMBER : JTELB71JX0-7725292

LICENSED TO CARRY PLL 9 Passengers
ISSUED BY : Madison General Insurance Kenya Ltd
SIGNED :  PHONE NO : +254709922000

COMMERCIAL VEHICLE

MAKE : TOYOTA	<p>Madison General Insurance Kenya Ltd in collaboration with Association of Kenya Insurers, hereby certify that Policy of Insurance (Ref number : IND/702/212207/2022) covering the liabilities required to be covered by the Insurance (Motor Vehicles Third Party Risks) Act Cap 405 of the laws of Kenya has been issued as detailed above.</p>	<p>In the event of change of ownership, please notify the Insurance Company, such that this Certificate will be marked as Invaild. As the owner of the Policy, you are required by law to ensure that you notify the Insurance company on any change of ownership. You may get a premium return where applicable.</p>
MODEL : LAND CRUISER PRADO		
SUM INSURED : -		
ISSUING OFFICE : Madison General Insurance Kenya Ltd		
INTERMEDIARY IRA NO :		
INTERMEDIARY :		

HOW TO VERIFY





Scan to download the DMVIC Mobile Verification App.

To verify using a Mobile Phone in Kenya Dial *352# and follow the prompts

OR

To verify from web, <https://www.dmvic.com/verification.html>
on web browser (Terms and Conditions Apply).

Digitally signed by
*.dmvic.com

 Date:
30.06.2023
13:00 EAT

**REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
PAYMENT VOUCHER
(VOTED PROVISION)**

DATE: 27/06/2023

posted

Payee's Name and Address: MADISON INSURANCE

Particulars	LPO/LSO No.	INVOICES	IMPREST WARRANT NO.	Amount	
Payment being motor vehicle general insurance as per the attached				44,700	00
Amount payable (in word): Forty four thousand seven hundred only				44,700	00

Voucher Examined by *[Signature]* **EXAMINATION**
 Date 27/06/2023
 Signature: *[Signature]* **MACHAKOS COUNTY ASSEMBLY I.F.M.I.S. APPROVER**
 Date 27/06/2023
Internal Audit

VBC CERTIFICATE

I certify that the expenditure has been entered in the vote Book and that adequate funds to cover it are available against the chargeable item as shown here below.

Approved Estimates/Allocation
 Item 880-000 kshs 2,500,000
2220101

Less: Total Expenditure plus commitments kshs 2,438,548.80

Balance kshs 61,451.20

Less: This ENTRY-Veh. No Kshs. 44,700

Balance - 16,751.20
 kshs.....

Date 27/6/2023 signature *[Signature]*
Accountant I/C VBC

AUTHORIZATION

I certify that the rate/price charged is/are according to regulations/contract, fair and reasonable, that he expenditure has been incurred on proper authority and should be charged as under. Where appropriate certificate overleaf has been completed. I hereby AUTHORIZE payment of the amount shown above without objection.

Signature *[Signature]*
Chief Finance Officer.

Date 27/6/2023

AIE HOLDER CERTIFICATE

I certify that the expenditure detailed above has been incurred for the authorized purpose and should be charged to the item shown here below.

Signature.....
Clerk to County Assembly.

Date.....

Vote	Head	Sub-Head	Item	
AIE NO..... VVEI..... ADMIN UNIT..... SUB-ITEM..... GEO.LOCATION..... SOURCE OF FUND..... SUB. PROGRAM..... AMOUNT	Dept Veh No	Station	CASH BOOK	
			Veh No <u>1813/54</u>	Date
				Shts
				44,700
				Cts
				00

Annex 17
Page 27

**MACHAKOS COUNTY ASSEMBLY
I.F.M.I.S. VALIDATION**
 Date 27/6/23
 Signature *[Signature]*

RECEIPT OF GOODS/STORES/CONTAINERS

I certify that the items have been taken on charge and Entered in stores Ledger/Inventory folio No

.....
Signature Designation

PURCHASE OF PETROL, ETC

I certify that Petrol/Oil/tyres/Batteries have been received And entered in the vehicle Log –Book of GK.....and /, Or in the Bulk Petrol Register folio No.....

.....
Signature Designation

SERVICES

I certify that the services have been rendered properly And in accordance with regulations/terms of the contract.

.....
Signature Designation

TRANSPORT HIRE

I certify that no Government transport was available at that the charges are reasonable and correct.

.....
Signature Designation

TELEPHONE ACCOUNTS

I certify that the cost of any private call has been/will be recovered from the persons concerned and the charge may be accepted against public funds.

.....
Signature Designation

HOSPITALITY CLAIMS

I certify that the officer availed himself of my hospitality enjoyed the hospitality of the officer to the extent shown On this claim while visiting on official duty.

.....
Signature Designation

.....
Signature

.....
Designation

Receipt not required when payment is made by cheque with form of receipt on reverse.

Received in payment of the account stated on the face hereof the sum of

Sh. Cts

(Sh.....cts)

Witness

Date20.....

.....

Signature or Thumb print

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd

Email: assemblymks@gmail.com

COUNTY ASSEMBLY OF MACHAKOS
DEPARTMENT OF HUMAN RESOURCE & ADMINISTRATION

Ref: MKSCA/ADM/INS/VOL.3/64

Date: 27th June, 2023

TO: The Clerk of County Assembly

RE: THIRD PARTY COVER FOR MOTOR VEHICLE GENERAL INSURANCE

The above matter refers.

The contract in place for provision of motor vehicle general insurance expires on 30th June, 2023. The Assembly wishes to extend the contract for a period of one (1) month on third party basis.

The purpose of this letter is to seek approval for the Finance Department to spend Kshs. 44,700/= as per the attached to facilitate the same.

JUSTUS MUSUMA
HEAD, HUMAN RESOURCE & ADMINISTRATION
Encls

(1)
Francis
~~Francis~~
27/6/23

(11) Arch
Jael

27/6/2023.

DISON
Insurance

CLIENT NAME AND ADDRESS:

MACHAKOS COUNTY ASSEMBLY

Madison General Insurance Kenya Ltd.
Madison Insurance House, Upper Hill Road,
P.O. Box 46666, 00100 - Nairobi, Kenya
Telephone: 2854000/2721970/1 Fax: 2723344

COMMERCIAL

	1			17,500
	9	3000.00		27,000
BASIC PREMIUM				44,500
Add T/Levy		0.20%		89
Add IPHCF/Levy		0.25%		111
Add stamp duty				
TOTAL PREMIUM				44,700

Subject to: -
Excess:

Young / Novice - 10,000 (additional)

Third party claims - 10,000

Limits

Third party property damage - 5,000,000

Passenger Legal liability - 3,000,000 / 20,000,000

Third party personal injuries - Unlimited

TOTAL QUOTED PREMIUM

44,700

14(90) days & should NOT be treated as an alternate to our formal proposal forms
& review the quotation or cancel the RISK should facts emerge to the contrary.
policy terms and conditions

27 June 2023



Annex 16
Page → 26

**REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
PAYMENT VOUCHER
(VOTED PROVISION)**

DATE: 27/06/2023

Payee's Name and Address: MADISON INSURANCE

Particulars	LPO/LSO No.	INVOICES	IMPREST WARRANT NO.	Amount	
Payment being motor vehicle general insurance as per the attached				44,700	00
				44,700	00

Amount payable (in word): Forty four thousand seven hundred only

<p style="text-align: center;">EXAMINATION</p> <p>Voucher Examined by _____</p> <p>Date</p>	<p style="text-align: center;">Internal Audit</p> <p>_____</p> <p>.....</p>
<p style="text-align: center;">VBC CERTIFICATE</p> <p>I certify that the expenditure has been entered in the vote Book and that adequate funds to cover it are available against the chargeable item as shown here below.</p> <p>Approved Estimates/Allocation_</p> <p>Item. kshs</p> <p>Less: Total Expenditure plus commitments kshs</p> <p>Balance kshs ____</p> <p>Less: This ENTRY-Vch. No Kshs.....</p> <p>Balance - hKshs.....</p> <p>Datesignature</p> <p style="text-align: center;">Accountant I/C VBC</p>	<p style="text-align: center;">AUTHORIZATION</p> <p>I certify that the rate/price charged is/are according to regulations/contract, fair and reasonable, that he expenditure has been incurred on proper authority and should be charged as under. Where appropriate certificate overleaf has been completed. I hereby AUTHORIZE payment of the amount shown above without alteration.</p> <p>Signature</p> <p style="text-align: center;">Chief Finance Officer.</p> <p>Date</p> <p style="text-align: center;">AIE HOLDER CERTIFICATE</p> <p>I certify that the expenditure detailed above has been incurred for the authorized purpose and should be charged to the item shown here below.</p> <p>Signature.....</p> <p style="text-align: center;">Clerk to County Assembly.</p> <p>Date.....</p>

Vote	Head	Sub-Head	Item					
AIE NO..... VOTE..... ADMIN UNIT..... SUB-ITEM..... GEO.LOCATION..... SOURCE OF FUND.... SUB. PROGRAM..... AMOUNT.....	Dept Vch No	Station	CASH BOOK					
			AMOUNT					
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Vch No.</th> <th style="width: 25%;">Date</th> <th style="width: 25%;">Shs</th> <th style="width: 25%;">Cts</th> </tr> <tr> <td></td> <td></td> <td style="text-align: right;">44,700</td> <td style="text-align: right;">00</td> </tr> </table>	Vch No.	Date	Shs	Cts	
Vch No.	Date	Shs	Cts					
		44,700	00					

RECEIPT OF GOODS/STORES/CONTAINERS

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.....
Signature Designation

PURCHASE OF PETROL, ETC

I certify that Petrol/Oil/tyres/Batteries have been received And entered in the vehicle Log –Book of GK.....and / Or in the Bulk Petrol Register folio No.....

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SERVICES

I certify that the services have been rendered properly And in accordance with regulations/terms of the contract.

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Signature Designation

TRANSPORT HIRE

I certify that no Government transport was available and that the charges are reasonable and correct.

.....
Signature Designation

TELEPHONE ACCOUNTS

I certify that the cost of any private call has been/will be recovered from the persons concerned and the charge may be accepted against public funds.

.....
Signature Designation

HOSPITALITY CLAIMS

I certify that the officer availed himself of my hospitality enjoyed the hospitality of the officer to the extent shown On this claim while visiting on official duty.

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Signature Designation

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Signature
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Designation

Receipt not required when payment is made by cheque with form of receipt on reverse.

Received in payment of the account stated on the face hereof the sum of

Sh. Cts

(Sh.....cts)

Witness

Date20.....

.....
Signature or Thumb print

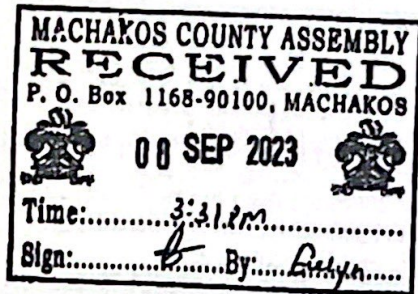
Handwritten notes: 20, 1/15/2011, 8/2/2011

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

REF: 20070000510



Email: assemblymks@gmail.com

Date: September 8, 2023

Clerk of County Assembly,
County Assembly of Machakos

RE: SHOW CAUSE

I confirm receipt of your letter Ref 20070000510 of 29th August 2023 and the content therein.

Before I respond to your concerns, I wish to give a general overview of a procurement process as guided by the Public Procurement and Assets Disposal Act, 2015 (herein referred to as the Act) and the Public Procurement and Assets Disposal Regulations (herein referred to as the Regulations)

The procurement process can be broken down into 3 major stages, namely, preliminary, bidding, and contracting stages.

1. Preliminary Stage

This involves budgeting, planning, requisitioning, and acquiring necessary approvals. It entails the following.

- i) The procurement process starts with procurement planning as per Section 53 (2) of the Act. Regulation 34 (i) of the Regulations assigns the heads of user departments the responsibility of preparing their respective departmental procurement plans which are then consolidated by the procurement function to form the consolidated annual procurement plan for the year as per regulation 33 (3) (x) of the Regulations.

- ii) The user departments initiate the procurement process through an approved purchase requisition which is accompanied with the specifications/drawings/bill of quantities. The duly approved requisition is submitted to the procurement function for purposes of initiating the bidding process through the appropriate procurement method as given under the second schedule of the Regulations

2. Bidding Stage

This is the actual supplier identification process and involves the following

- iii) Upon receipt of the approved requisition, the head of procurement then prepares the bid documents in liaison with the user department and publishes the procurement opportunity as per regulation 33 (3) (c & d) of the Regulations. In so doing the time for preparation of the bid documents is given to the prospective bidders in accordance with regulation 86 of the Regulations.
- iv) Tenders are opened by a tender opening committee as per section 78 (3) of the Act
- v) The evaluation of bids is done pursuant to section 80 of the Act. Section 80 (6) of the Act gives the evaluation committee a maximum of 30 days to conduct the evaluation exercise.
- vi) The report of the evaluation committee is then submitted to the head of procurement for review and professional opinion writing as per section 80 (4) of the Act. The professional opinion is given within a day after receipt of the evaluation report, as required under regulation 78 (2) of the Regulations
- vii) Upon receipt of the evaluation report and the professional opinion, the accounting officer makes the decision to award or reject the recommendations as provided under regulation 79 of the Regulations
- viii) Notifications of intention to enter into a contract are then done to all bidders pursuant to section 87 of the Act

3. Contracting

This is the stage when the procuring entity enters into a contract with the identified supplier/contractor/service provider which followed by the contract execution. It entails the following:

- ix) The accounting officer after 14 days from the date of notification enters into a contract with the successful bidder in accordance with section 135 (3) of the Act.
- x) Once the contract is signed, it's implemented in accordance with the terms and conditions of the contract until full execution is realized and contract close out is done

In view of the above, it is clear that the procurement process involves various players with distinct yet complementary roles as availed by the Act and Regulations.

In terms of timelines, it is worth noting that there are certain timelines that cannot be varied if the law is to be adhered with. These include the bid preparation time which is given a minimum of 7 days, evaluation period given a maximum of 30 days, and standstill period given as 14 days, among others

It is also worth noting that there are several procurement methods availed to procuring entities the preferred method being open national tender (Section 91&92 of the Act). The choice of the procurement method is guided by the threshold matrix provided under the second schedule of the Regulations.

I now wish to respond to your concerns as follows:

Procurement of a Third-Party Insurance Cover

The County Assembly had a contract with Madison Insurance Company for provision of general insurance that was ending on 30th June 2023.

On 11th May 2023, I received an approved purchase requisition for procurement of general insurance. The requisition was raised on 11th May 2023 and acquired all the approvals the same day. That pointed some urgency.

I embarked on preparation of the bid document and before the end of the day the document was ready. I prepared the invitation to tender notice and forwarded to the accounting officer for approval. I received the approval to publish on 24th May 2023 and published the tender in the PPIP, IFMIS, and the Assembly website on 25th May 2023

The bids were opened on 8th June 2023 and opening minutes prepared on 9th June 2023. An evaluation committee was appointed on 12th June 2023 vide appointment letter Ref: MKSCA/PRO/CMM/APP/VOL.6/010.



The committee was to evaluate the tender for provision of general insurance alongside 3 other tenders, namely, i) Medical insurance, ii) supply and delivery of media center equipment, and iii) provision of group credit life assurance and domestic fire insurance cover for staff mortgage and car loans scheme).

The evaluation committee submitted their evaluation report on 26th June 2023 which was within the 30 days given under section 80 (6) of the Act. In its report, the committee recommended for application of section 131(d) of the Act on competitive negotiations, since the bidder who submitted the most responsive bid was above the budget.

In concurrence with the recommendations of the evaluation committee, I prepared and submitted my professional opinion on 27th June 2023 which was within a day as required under regulation 78 (2) of the Regulations.

The recommendations were approved by the accounting officer on 27th June 2023 and on the same date, I initiated the process of competitive negotiations vide a letter MKSCA/PROC/REQ/VOL.1/78 to the bidder- M/S Kenya Orient.

On 3rd July 2023, the Assembly received the best and final offer from the bidder in adherence with section 132 (3) of the Act

On receipt of the aforementioned offer, I immediately tabled it before the evaluation committee for consideration as per the provisions of section 132 (5) of the Act

The evaluation committee submitted their report, with an award recommendation on 4th July 2023.

I prepared and submitted my professional opinion alongside the evaluation report on 4th July 2023, and award decision was made the same day.

Notification letters were done on 5th July 2023 which marked the beginning of the 14 days stand still period as per the provisions of section 135 (3) of the Act

An acceptance letter from Kenya Orient received on 17th July 2023. The insurance company was sent a draft contract which they signed and submitted on 29th July 2023. They were also to prepare the policy documents to agree with the schedule of requirements which were forming part of the contract. The contract was then signed on 2nd August 2023.

Looking at the time taken from receipt of the requisition to contract signing, one can establish the time I was taking to act on every step that required my action. The process took a reasonably short time considering that some activities were taking even shorter time than provided in law

I, therefore, believe, I acted with utmost diligence and professionalism as pertains to procurement of general insurance cover.

In regard to procurement of a third-party insurance cover, I want to state that I neither received such a request nor procured such a service for the County Assembly.

I concur with your observation that as the head of procurement I am responsible for rendering procurement professional advice to the accounting officer as required by section 47 (2) of the Act. In regard to the bidding process, I give such advice through professional opinions which I have been diligently doing. Every award decision you make arise from the advice I give you through the professional opinion. In this particular procurement, I advised you through the two professional opinions I submitted on 27th June 2023 and 4th July 2023.

2. Inaction

The construction of ward offices is one big project that is done in phases. The first phase was started in July 2019. The project site/location is usually determined by the availability of land. The County Assembly identifies the preferred location – usually public land, and seeks for allocation of the land. Upon acquisition of the land the procurement process starts.

The construction of Mutituni/Ngelani ward office was in phase 5. The county Government of Machakos allocated the parcel after which the procurement process was done. The bidding process was a successful and ultimately, a contract was signed on 8th October 2021. The site was handed over to the contractor on 15th November 2021 by the CIT.

The CIT handling the previous phases continued overseeing the implementation of Phase 5 contracts, Mutituni being one of them. The subcounty works officer was appointed the project manager by the department of Public Works.

Upon handing over the site to the contractor, the contractor raised issues with the project manager regarding the site. The site was a dumpsite and its clearance was not within the scope of his work as per the bill of quantities issued during the bidding process.



The County department of Public Works cleared the dumpsite after which the site was available for the construction in November 2022

Vide minute number MIN/MCA/CIT/AUG/2022/004 CIT recommended termination of the contract. These recommendations reached me on 1st November 2022.

In concurrence with the CIT, I gave my professional opinion on the matter on 9th November 2022.

On 7th February 2023, I received a report from the building superintendent that the contractor was on site and had done the foundation on a different site but within the same parcel. The building superintendent and I visited the site and confirmed that the contractor had shifted from the original site.

On 8th February 2023, the building superintendent and I reported to you our findings and recommended for an urgent meeting with the contractor. Upon your approval, I invited the contractor for a meeting which we held on 9th February 2023. Present was the CIT, the contractor, and myself.

From the meeting we established that the contractor was informally given the site instructions by project manager to relocate the project site. The contractor informed us that the reason for relocating the site was to avoid the extra cost of backfilling the deep excavation that was left after clearing the dumpsite in the original site.

After the boardroom meeting, we visited the site. We confirmed the unsuitability of the new site and the inconvenience it would cause the users of the adjacent facilities.

Among other recommendations, we recommended that i) the work be suspended until the land issue is resolved and ii) the Assembly engages the department of public works to determine if they were privy to the site relocation

The building superintendent and I reported to you the findings and recommendations of the committee on 9th February 2023

On 20th February 2023, the Assembly requested the department of works to confirm if they were privy to the site relocation and give a way forward in the same regard vide letter Ref: MKSCA/ADM/WOC/34/VOL.1/72

The chief officer responded on 6th March 2023 vide letter Ref: GMC/PW/MCA/GEN/VOL.1/135, advising the assembly to formally request for a project management team from the department to manage this project and any other project being undertaken by the County Assembly.

The assembly requested for a project management team on 4th April 2023 vide letter Ref: MKSCA/ADM/WOC/VOL2/11. In response, the chief officer, department of public works appointed the project management team vide a letter Ref GMC/PW/MCA/VOL.1/136 of 11th April 2023.

A new site within the same parcel was allocated to the County Assembly by the County Government and handed over to the contractor on 21st August 2023 by the CIT and the project management team.

The contractor resumed site on 28th August 2023 and a new program of works agreed upon.

The project is at the foundation level. The expected completion date is 28th November 2023.

Sir, from the aforementioned chronology, it is clear that the project implementation has been delayed by the land issues which are beyond my control. The only thing I can do is to report to you the challenges facing the project execution, which I have been constantly doing either directly or through the contract implementation team whose secretary is my officer.

I have played my role diligently in overcoming the challenges facing the project and advised where necessary. It is worth noting that I was constantly off duty in the 1st half of the year 2022 on medical grounds.

You may also take note of the role played by the contract implementation team in ensuring that the subject contract is implemented successfully.

3. Failure to Procure CASA Games Uniform on Time

The requisition for procurement of the CASA games was received on 26th June 2023. I submitted the intent to publish for approval the same day and before I could get an approval, the financial year ended.



This necessitated raising of another requisition in the current financial year which I received on 11th July 2023. I got the approval to publish the tender on 21st July 2023 and published the same day.

The tenders were opened on 31st July 2023 and evaluation committee appointed the same day.

The evaluation committee submitted its report on 3rd August 2023 recommending that due diligence be conducted on the lowest evaluated bidder.

In concurrence with the evaluation committee recommendations, I submitted my professional opinion alongside the evaluation report on 4th August which was approved by the accounting officer on 8th August 2023.

Due diligence was conducted and an evaluation report recommending award was submitted on 9th August 2023.

I submitted my professional opinion on 9th August 2023 and the accounting officer awarded the tender the same day.

Notification letters were done and transmitted to the bidders on 10th August 2023 which marked the beginning of the 14 days standstill period. The acceptance letter from successful bidder was received on 14th August 2023.

The contract was signed on 28th August 2023 and an LPO issued the same day.

From the above, it is clear that the supplier identification process took a record 20 days. I worked expeditiously, acting on the steps that required my action in hours, and at most a day. The process could not have been delivered any earlier if law was to be complied with.

Sir, in all the 3 matters, it is clear that there are lapses that need to be addressed to improve the procurement processes in the County Assembly. Clearly, these lapses are not emanating from the procurement department but from other players in the procurement process.

These lapses are negatively impacting the performance of the procurement department; the officers in the department are always working under extreme pressure to meet unrealistic deadlines occurring due to delayed requests. For instance, subjecting an officer to preparing a bid

document in hours is extremely draining. Procurement officers are constantly experiencing burn outs.

It is my hope that the findings of this matter will be used to improve the way the Assembly conducts its procurement business. It is also my prayer that all officers involved in procurement or assets disposal processes shall bear responsibility for their actions and omissions as required under Section 45 (5) of the Act.



NANCY WANGAI
HEAD, SUPPLY CHAIN MANAGEMENT



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



REF: 20070000510

DATE: 29TH AUGUST, 2023

Ms. Nancy Wangui Wangai
Head, Supply Chain Management

Dear Nancy,

RE: SHOW CAUSE

Section 156(1)(a) of the PFM Act mandates an accounting officer who reasonably believes that a public officer employed by a County Government entity has engaged in improper conduct in relation to the resources of the entity to take appropriate measures to discipline the public officer in accordance with laid down regulations;

It is on this basis that I raise the following issues, which may amount to misconduct as per Section 156 (4) of the PFM Act, for you to show cause why action should not be taken against you:

A. PROCUREMENT OF A 3RD PARTY INSURANCE COVER

The Assembly's General Insurance for the FY 2022/2023 expired on 30th June, 2023. Prior to signing of the new contract, you acquired a 3rd party insurance for the Assembly's motor vehicles. This risked the vehicles, buildings and life insurance for members of the Assembly and staff. Section 47 (2) of the Public Procurement and Asset Disposal Act, 2015 requires the head of the procurement function to be responsible for rendering procurement professional advice to the accounting officer.

B. IN ACTION

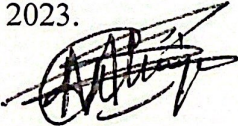
You have been inactive in the management of the development projects of the Assembly especially the construction of ward offices. I refer you specifically to Mutituni/Ngelani ward office where the contract was signed 8th October, in 2021 between the Assembly and Abgale General Contractors Ltd to commence on 11th October, 2021 for a period of 3 months up to 10th December, 2021. To date the project has never commenced nor have you reported any challenges. However, I have reliably been informed by the Contract Implementation Team Chairperson vide a memo dated 28th August, 2023 that a meeting was held on 21st August, 2023 and another was scheduled for 29th August, 2023 (Copy attached) whose notice or agenda was not been reported to my office despite the contract period and defects period having expired over 3 years and no application for extension or evaluation by the CIT per Section 139 (2A) of the Public Procurement and Assets Disposal

Act. This is illegal, inconvenient to the Hon Member and an embarrassment to the County Assembly Service Board.

C. FAILURE TO PROCURE CASA GAMES UNIFORM ON TIME

CASA games are held every financial year and all Assemblies, including the Assembly of Machakos participate in various games/ disciplines each in their unique uniform. This year's games were held from 19th to 27th August, 2023 but as of 21st August, 2023 none of the uniform had been supplied which highly inconvenienced Assembly teams comprising both members of the Assembly and staff. To date, tracksuits and sports shoes have not been supplied which defeats the purpose of procurement hence misuse of public funds.

You are required to file a response to the office of the undersigned on or before 5th September, 2023.



J.L MUTISYA

SECRETARY/CEO

Annex 13
[Signature]

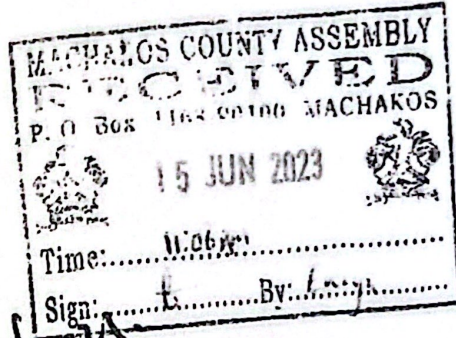


Our Ref: Public Sector/MCG/14062023

14th June 2023

Mr. J.L. Mutisya,
The Clerk,
Machakos County Assembly,
P.O. Box 1168-90100,
Machakos.

(11) Done
19/6/2023



Dear Sir,

RE: REPAYMENT OF LOAN FACILITY ADVANCED TO MACHAKOS COUNTY ASSEMBLY

We refer to the above subject matter and your facility application letter dated 13th February 2023.

The County Assembly requested for a bridging facility of Kshs. 182 Million and the bank approved Kshs. 157 Million, from this, the bank received applications totaling to Kshs. 113 Million and the funds were disbursed to respective members of the Assembly. This bridging facility was to be paid monthly by remitting Kshs. 30,450,000 every month effective March 2023 as per your request and the undertaking from the CECM Finance and Economic Planning.

From the funds that were disbursed, the Assembly was therefore expected to have paid the prorated amount of Kshs. 18,905,000 per month for the facility to stand fully paid within 6 months and not later than 31st August 2023. We have noted with concern that we are yet to receive the installments and the facility is now in arrears of Kshs. 56,715,000.

We request that you confirm when these funds are expected, noting that the delay is costing the bank and any further delay may force the bank to pass on the cost to Machakos County Assembly.

We are looking forward to your prompt action and feedback latest by 16th June 2023.

Yours faithfully,
For SBM Bank (K) Limited.

Authorized Signatory

Authorized Signatory

CC: H.E. Wavinya Ndeti
Governor
Machakos County

Mr. Onesmus Muia
County Executive Committee Member
Finance and Economic Planning

(11) Finance
The amount disbursed which we have received and the balance is released.
[Handwritten notes]

Annex 1a

SBM

Our Ref: Public Sector/CAM/13032023

Your Ref: MKSCA/FIN/BGT/VOL.17/13

16th March 2023

The Clerk,
County Assembly of Machakos,
P.O. Box 149-90100
MACHAKOS.

Attention: Mr. J. L Mutisya

Dear Sir,

**RE: DISBURSEMENT OF MORTGAGE LOANS /MOTOR VEHICLE REIMBURSEMENT BENEFIT TO
THE MEMBERS OF COUNTY ASSEMBLY.**

We refer to the subject noted above and to your letter dated 13th February 2023.

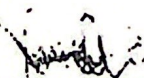
Pursuant to your request on the Car and Mortgage facility administered by the bank, the bank has approved accommodation to the tune of Kshs. 157, 000,000 (Kenya Shillings One Hundred and Fifty Seven Million Only, which was the gap between the funds held by the bank for the scheme and funds required to support all the MCA's.


This approval has been granted on the basis of the County's undertaking to build up the scheme's fund at a rate of Kshs. 30, 450,000 (Kshs. Thirty Million Four Hundred and Fifty Thousand only) per month to cover the full amount of the scheme which is 324,000,000 (Kshs. Three Hundred and Twenty Four Million Only).

This build up facility will be advanced and administered as per the terms of the Memorandum of Agreement dated 18th November 2022 executed between the Bank and your County Assembly Service Board and guidelines set by SRC (Salary and Remunerations Commission).

We look forward to the County keeping its part of the commitment.

Yours faithfully,
For SBM Bank (Kenya) Limited


Vincent Katuta
Head of Public Sector


Amos Aketch
Head of Credit Administration

Cc: CEC Finance, Economic Planning and Revenue Management
Encl

1. Undertaking dated 13th February 2023, issued by CEC Finance, Economic Planning and Revenue Management.

MACHAKOS COUNTY ASSEMBLY
RECEIVED
 P. O. Box 1168-90100, MACHAKOS
 16 MAR 2023
 Time: 1:50 PM
 Sign: _____ By: _____

*Hand Mailed
Note of all
subsidiary
a/b h/s*

*Noted
- 11/3/2023*

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 149 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com



OUR REF: MKSCA/FIN/BGT/VOL.17/13

DATE: February 13, 2023

The Head of Public Sector
SBM Bank
Riverside Head Office
Nairobi.



RE: A FACILITY OF KSHS 182.720 MILLION.

The above subject refers.

The Assembly has a scheme with SBM to give its members loans as approved by SRC. The Assembly has 60 members excluding the Hon Speaker and each Member is entitled to Kshs 5m while the Speaker Kshs 24m.

Currently the scheme is underfunded, and the purpose of this letter is to kindly request from your Bank a facility of Kshs 182.720 Million that will facilitate the disbursement of the Loans/Motor Vehicle Reimbursement Benefit to the Members.

The amount will be repaid back in six equal installments of Kshs 30.45 Million each starting from the month of March 2023. The CECM - Finance and Economic Planning will give an undertaking on the requested amount.

MUTISYA J.L

CLERK TO THE COUNTY ASSEMBLY

Cc

CECM – Finance and Economic Planning



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/7

Date: 1st December, 2023

BENSON MULINGE
DIRECTOR, FINANCE
MACHAKOS COUNTY ASSEMBLY

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed to investigate the removal of Mr. J.L Mutisya from the Office of Clerk of County Assembly. Following the resolutions of a meeting held today 1st December, 2023 at 11.30 am, you are hereby invited to a committee meeting scheduled for today 1st December, 2023 at 2.30pm at the Assembly Chambers, to shed light on a charge raised by the CASB on sourcing of a Third-Party insurance cover for the Assembly motor vehicles without due procurement procedures. You will be required to shed light on the status of payments for the Third-Party insurance cover and any other issues that arise from the discussion.


DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY

Cc: Hon. Anne Kiusya, Speaker of County Assembly



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/6

Date: 1st December, 2023

SHADRACK MBITHI
FISCAL ANALYST
MACHAKOS COUNTY ASSEMBLY

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed to investigate the removal of Mr. J.L Mutisya from the Office of Clerk of County Assembly. Following the resolutions of a meeting held today 1st December, 2023 at 11.30 am, you are hereby invited to a committee meeting scheduled for today 1st December, 2023 at 2.30pm at the Assembly Chambers, to shed light on a charge raised by the CASB on the failure of the Clerk Mr. J.L Mutisya, to issue you with the correct contract letter one year after appointment by the Board.


DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY

Cc: Hon. Anne Kiusya, Speaker of County Assembly



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/5

Date: 1st December, 2023

JUSTUS MUSUMA
DIRECTOR, HUMAN RESOURCE AND ADMINISTRATION
MACHAKOS COUNTY ASSEMBLY

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed to investigate the removal of Mr. J.L Mutisya from the Office of Clerk of County Assembly. Following the resolutions of a meeting held today 1st December, 2023 at 11.30 am. You are hereby invited to a committee meeting scheduled for today 1st December, 2023 at 2.30pm at the Assembly Chambers, to shed light on a charge raised by the CASB on the failure of the Clerk Mr. J.L Mutisya, to issue Mr. Shadrack Mbithi with the correct contract letter, one year after appointment by the Board. You are required to give more details on the salary for the position in which the officer applied for vis-à-vis the current salary and job group the officer is in, as well as any other issues that arise from the discussion.


DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY

Cc: Hon. Anne Kiusya, Speaker of County Assembly

9



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/4

Date: 1st December, 2023

NANCY WANGAI
DIRECTOR, PROCUREMENT AND SUPPLY CHAIN
MACHAKOS COUNTY ASSEMBLY

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed to investigate the removal of Mr. J.L Mutisya from the Office of Clerk of County Assembly. Following the resolutions of a meeting held today 1st December, 2023 at 11.30 am, you are hereby invited to a committee meeting scheduled for today 1st December, 2023 at 2.30pm at the Assembly Chambers, to shed light on charges raised by the CASB on the issues that emanated from the show cause letter issued to you by Mr. J.L. Mutisya and the responses you gave, as well as any other issues that arise from the discussion.

DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY

Cc: Hon. Anne Kiusya, Speaker of County Assembly

(8)



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/03

Date: 30th November, 2023

**CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD
MACHAKOS**

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

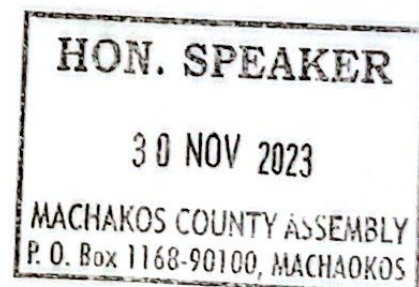
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Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed to investigate the removal of Mr. J.L Mutisya from the Office of Clerk of County Assembly. Following the resolutions of a meeting held on 30th November, 2023, the CASB is hereby invited to a committee meeting scheduled for Friday 1st December, 2023 at 11.30 am at the Chambers, to interrogate the charges presented by the CASB against Mr. J.L Mutisya.

**DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY**

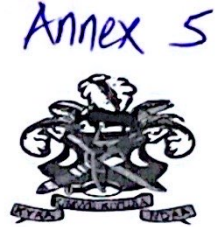
Cc: Hon. Anne Kiusya, Speaker of County Assembly



(7)



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/1/02
2023

Date: 29th November,

CHAIRPERSON
COUNTY ASSEMBLY SERVICE BOARD
MACHAKOS

HON. SPEAKER

29 NOV 2023

MACHAKOS COUNTY ASSEMBLY
P. O. Box 1168-90100, MACHAKOS

RE: INVITATION TO COMMITTEE MEETING.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended the Clerk from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Consequently, a Select Committee was formed and had its first meeting on 29th November, 2023. Following the resolutions of the meeting, you are hereby invited to a committee meeting scheduled for Thursday 30th November, 2023 at Boardroom 1B at 12:00 noon to shed light on the charges presented by the CASB against Mr. J.L Mutisya.

DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY

Cc: Hon. Anne Kiusya, Speaker of County Assembly

Annex 4

REPUBLIC OF KENYA
IN THE MATTER OF OATHS AND STATUTORY DECLARATION ACT
CAP 15 LAWS OF KENYA
AFFIDAVIT OF SERVICE (R.O.S)

I, **FRANCIS M. KATHITU** of P.O. Box 392-90100 Machakos in the Republic of Kenya, do make oath and state as follows:-

1. **THAT** I am a duly authorized court process-server of the High Court of Kenya and all other subordinate's courts thereto.
2. **THAT** on 30/11/2023, I received instructions from the Acting clerk of the County Assembly Machakos to serve a letter dated 29/11/2023 to MR.J.L Mutisya.
3. **THAT** having had been directed to his place of residence at Junction Kiasa Area, and having had been provided with his mobile number as **0721989175**, I proceeded to Machakos Junction and sought for directions to his home from some boda boda riders. This was around 11.30am.
4. **THAT** I found a bodaboda rider by the name Nicholas Muindi, who knew him and offered to take me to his home.
5. **THAT** we proceeded and on arrival at the gate, I knocked severally but the same was locked and wasn't opened. No one opened the same for me to enter.
6. **THAT** I personally called him on his mobile phone, introduced myself to him and informed him that I had been instructed to come and serve him physically with a letter from the County Assembly of Machakos and in turn after reading the same to him on phone he told me he has the same letter.
7. **THAT** he told me he is not around, he had travelled to Kisumu and will be back later in the day and will call me back at around 5.00pm if he will have arrived.
8. **THAT** I dropped the letter under the gate and went back to Machakos Town at around 12.45 pm
9. **THAT** I hereby attach a photo of the letter at the gate as a proof of service.
10. **THAT** all what is stated hereinabove is true to the best of my knowledge, information and belief.

SWORN at Machakos)
by the said)
FRANCIS M. KATHITU)
this^{1st}.....day of ^{Dec}.....2023)
BEFORE ME:)
Kwamboka Mwangi)
Advocate & Commissioner for Oaths)
P. O. Box 392-90100, Machakos)
COMMISSIONER FOR OATHS)
Sign:.....


DEPONENT



Machakos Assembly <assemblymks@gmail.com>

RE:INVITATION TO A SELECT COMMITTEE MEETING

1 message

Machakos Assembly <assemblymks@gmail.com>
To: Joseph Mutisya <jmutisya51@gmail.com>

Wed, Nov 29, 2023 at 7:43 PM

Good evening,

Hoping this email finds you well,

Attached herewith, kindly find a letter on the above subject for your perusal

Regards,

Evelyn Ndambuki

FOR:CLERK OF COUNTY ASSEMBLY**INVITATION TO SELECT COMMITTEE MEETING.pdf**
261K



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/SELCOM/Vol.1/01

Date: 29th November, 2023

**MR. J.L. MUTISYA
MACHAKOS**

RE: INVITATION TO SELECT COMMITTEE MEETING

The County Assembly Service Board of Machakos is established pursuant to Section 12 of the County Governments Act, No. 17 of 2012 and Part III of the County Assembly Services Act, No. 24 of 2017.

Following a resolution of the County Assembly of Machakos Service Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, read together with Section 23 of the Act and other applicable laws, the Board suspended you from Office on grounds of gross misconduct or misbehavior; incompetence; violation of the provisions of the Constitution, including Chapter Six of the Constitution; and violation of the provisions of the County Assembly Services Act.

The Board gave you 14 days to reply to the charges, on or before 28th November, 2023 at 10:00am. However, you did not respond as advised.

Section 23 (2) of the County Assemblies Services Act, 2017 states that "If the Clerk does not furnish a reply to the charge or charges within the period specified, or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk."

Sub-section 4 of the same provides for the formation of a Select Committee to investigate the motion forwarded by the County Assembly Service Board within 10 days of receipt of the motion.

Pursuant to these provisions read together with Section 23 (6) of the same Act and Standing Order 171(1a), you are hereby invited to appear before the select committee investigating your removal from office on Friday, 1st December 2023 at 9:00 a.m. at the County Assembly Chambers within the County Assembly premises, along Mwatu wa Ngoma Road, Machakos, to present your submissions on the charges that were preferred against you.

**DENIS MUTUI
AG. CLERK OF THE COUNTY ASSEMBLY**

Cc: Hon. Anne Kiusya, Speaker of County Assembly



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu waNgoma Rd
P O Box 1168 – 90100
MACHAKOS – KENYA
Second Assembly

Email: ass@machakos.go.ke

Date: 28th November 2023

MOTION

Hon. Speaker, that aware that the County Assembly Service Board of Machakos is established pursuant to Section 12 of the County Governments Act, No. 17 of 2012 and Part III of the County Assembly Services Act, No. 24 of 2017.

Further aware that one of the functions of the Board is to direct and supervise the Assembly Service to ensure exemplary delivery of service to the public in strict observance of the values and principles of public service set out under Article 232 (1) of the Constitution and the values and principles of governance set out under Article 10 of the Constitution.

Informed that pursuant to a resolution of the Board in its meeting dated 14th November, 2023 and in line with the provisions of Section 22 of the County Assembly Services Act, No. 24 of 2017 read with Sections 20, and 23 of the Act and the other applicable laws, the Board suspended Mr. Joseph Laban Mutisya, from the office of the Clerk of the County Assembly of Machakos, as part of a disciplinary process on grounds of:

- a. Gross misconduct or misbehavior;
- b. Incompetence;
- c. Violation of the provisions of the Constitution, including Chapter Six of the Constitution;
and
- d. Violation of the provisions of the County Assembly Services Act, No. 24 of 2017.

The following are the facts constituting the grounds laid out above:-

- a. Acting without the authority of the Board and in breach of the Law
- b. Breach of procurement law and processes
- c. Amendment of the Budget without Approval of the County Assembly

- d. Abuse of office
- e. Breach of the Constitution and statutory duty
- f. Mismanagement of development projects
- g. Failure to implement the County Assembly Service Board resolutions

The Board gave Mr. Joseph Laban Mutisya 14 days to reply to the charges on or before 28th November, 2023 at 10:00am. However, the said person did not reply as advised.

Section 23(2) of the County Assembly Services Act states that, if the Clerk does not furnish the Board with a reply to the charges within the period specified or if in the opinion of the Board the Clerk fails to exculpate himself or herself, the Board shall submit a notice of a motion to the Speaker seeking that the County Assembly revokes the appointment of the Clerk.

Hon. Speaker, I wish to move the Motion that this House approves the revocation of the appointment of the Clerk, Mr. Joseph Laban Mutisya.

Thank you Hon. Speaker.

FM

HON. FELIX MUTUNGA NGUI
VICE CHAIRPERSON, COUNTY ASSEMBLY SERVICE BOARD