

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Wednesday, 25th October, 2023

The House met at 11.08 a.m.

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

PRAYERS

MOTION

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF
STATE OF THE COUNTY CONTAINED IN THE ADDRESS
OF THE SENATOR DELIVERED ON 18TH OCTOBER, 2023

Hon. Speaker: Hon. Members, we are proceeding with our debate from where we left yesterday on the speech and at this point I would like to invite Hon. Nzioka. May I invite Members to continue contributing to the debate where we left yesterday? The floor is yours.

Hon. Francis Kavyu (Kinanie, MCCP): Point of order.

Hon. Speaker: Yes Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCP): Madam Speaker, I think we do not have quorum for the House for the required two thirds of the Members.

Hon. Speaker: Let the Clerk confirm to me whether the quorum is there. We can ring the bell for 10 minutes to see if we can get more Members. Serjeant-at-Arms.

(Quorum Bell rung)

Hon. Judas Ndawa (Matuu, MCCP): Point of order, Madam Speaker. I can see now we have quorum.

Hon. Speaker: We have quorum so let us now proceed. I want to invite Members to contribute to the address by the Senator. Very quickly can I have one or two people contributing? Hon. Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. My contribution towards the Senator's speech is on the pending bills of this County. We have got close to Ksh. 2.8 billion that is pending payment and that is not little money because if you look at our budget for development, it is more or less within the same region. That is a year's development money

for the County. What I will request the County to do is look for donor funding bodies like the World Bank.

If we write a good proposal I am sure they can be able to listen to us and help us with some funds that can go towards payment of these pending bills. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Ndeti; that is a great proposal. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. My two comments on the speech made by our Senator and she reminded this House of a very critical role that we are supposed to play and that is oversight and my appeal and encouragement is to this Hon. House is that we keep the spirit we have and concentrate more on ensuring that the three roles that we were elected to do are exercised sufficiently. Also a request that we also make is both at committee levels because Madam Speaker, we can only agree that there is some sort of lacuna because for us to do oversight, information is very critical.

We might not be allowed to monitor or to be part of what the Executive is doing directly but the Executive side has a role and a mandate of providing information to this House because most of the time as far as our oversight role is concerned, most of the time we find ourselves being ambushed because you will find that for you to oversight you must have the requisite information. If it is a project that is being executed for instance in Kinanie, I need to understand what is contained in the bill of quantities, the scope of work and what is the expected output. That is the only way Madam Speaker, we will be able to provide quality oversight and also furnish the people we represent because one of our roles is representation.

Our people sent us to this Hon. House to make sure that we represent them fully and one aspect of representation is whenever you are sent by somebody to represent them in any forum, they expect feedback and that feedback can only be provided if you have clear information on what is happening. So that is a gap that we need to address and ensure that we are working hand in hand because execution of projects and oversight are intertwined. You cannot separate the two so in the spirit of good working condition that we have had in Machakos that is an aspect that needs to be improved.

If you oversight something that you do not understand then you are not able to give an objective oversight and also feedback. One of the greatest success that will determine how far we go as a County is if we are able to give timely and objective feedback to the Executive as far as projects are concerned.

On the issue of pending bills that our Senator gave a highlight on, I think at the beginning of the Third Government of Machakos County, there was a report or a taskforce that was working on establishing whether the pending bills that we have are true and that the works were executed as per the expectations. The taskforce had a period of three months that period elapsed and I do not know which Committee is supposed to receive that report.

At the point of being sworn in, we were talking of Ksh. 2 billion and one year and a few months down the line we are talking still of Ksh. 2 billion. So we want to establish does it mean for the last one year we have not been able to establish---

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

Hon. Speaker: Point of information; proceed. Mheshimiwa Kavyu, have a seat.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I just want to inform the Hon. Member that if we had about Ksh. 2.4 billion pending bill we may not notice the decrease or the decline because if we give some other jobs to be done and they close the financial year they also become pending bill. So I am very sure H. E the Governor is doing her best to ensure that pending bills are well sorted. Thank you, Hon. Speaker.

Hon. Speaker: Well-guided, Hon. Member, proceed.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker and Hon. Member for the information. Hon. Speaker where I am coming from, in accounting, we do acknowledge the concept of going concern but there is what we call the historic part of accounting. At the point we can clearly distinguish between works that have been awarded by the current government and what was left behind as a pending bill.

I do not agree with the Hon. Member that it is difficult for us to tell in terms of what was left behind by the previous regime, this is the progress we have done. So that we can understand how we are doing and also in terms of what has been incurred in the previous financial year. We also want to understand are we still carrying items to the next financial years. Otherwise, we are going to end up with a similar situation so that information is what we want, Madam Speaker.

Hon. Speaker: Allow the Member to give you the information kindly.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I am standing on a point of information because I would like to support Mheshimiwa Kavyu. I think we have the Finance and Revenue Collection Committee in this House and for sure a taskforce to study and find out the total pending bills was done. That report by now I do not know but it should be with the Finance and Revenue Collection Committee so that people who are in the Committee can respond to Mheshimiwa Kavyu.

Sometimes as Mheshimiwa Ndawa said, because of delayed releases by the national Treasury sometimes pending bills spill over to the following year so that is also possible. I think what is important is for Finance and Revenue Collection Committee to be given a copy of that report so that we can study and report to the House. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Proceed, Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Mheshimiwa Helen Ndeti for that information. Madam Speaker, I am still sticking to the fact that information is power and without relevant information, the Finance Committee might be there but if we are true in supporting H.E the Governor to make sure because we also want as the Third Assembly and the third Government of Machakos it is only a fool that learns by experiencing. We can learn from the experience of the last regime and it is acceptable that sometimes because of unforeseen or unavoidable circumstances, we are forced to cross with unpaid pending bills.

There is a difference between a debt because when you talk about a debt, there is possibility that it will be paid but when it becomes a bad debt you start making a provision of a write off. So what we do not want to get to as a County is a scenario where we are talking about bad debts. It is easier to arrest them when they are fresh otherwise at the end of third government of Machakos we might find ourselves.

We need to learn from what happens and one of them is efficiency in terms of execution of projects. We need as a House to sit down at Committee level and also in the floor of this House and establish in terms of projects works that are being done and their rate of efficiency. How can they be done fast to ensure that we plan well? If it is works that need to be given, they are awarded in good time so that we have enough time to persuade the National Treasury to ensure that even if we close the year with some pending bills because there is normally that provision, you find four months or five months down the line those pending bills are settled.

I believe we should also have a framework on how we intend to pay what was left by the last regime. That is if they are approved to be true pending bills and works that were done for the same are justified. So I think it is something that can add value and that will help our government of the day to deliver to our people. Thank you, Madam Speaker---

Hon. Speaker: I thought you would suggest ways of maybe reducing those bills.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Madam Speaker. I have already given them and the starting point is having information, which is power that will enable this House to provide guidelines. The second one is proper planning to ensure if we know because Madam Speaker, if you give some works that whose scope are beyond a month and you issue works or bids to be done towards May, definitely by end of June, there is high possibility that process will not be completed. So, automatically that work will be given towards the end of the financial year, there is a high likelihood of that becoming a pending bill.

So, we normally have almost 12 month plan so our emphasis is to ensure that the works should be done early enough that will allow time for oversight review, to ensure that the works are done in accordance to the set standard, then it will also leave us as a County enough time to persuade the authorities that are supposed to approve payment for those particular work. So it is a matter of planning and also ensuring that information is available on a timely basis. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Kavyu. I feel like we have exhausted on this matter.

(Question put and agreed to)

(Applause)

MOTION

ADJOURNMENT OF THE HOUSE FOR SHORT RECESS

Hon. Speaker: May I invite Hon. Minority Leader to proceed and move that motion.

Hon. Mbili Ndawa (Matuu, MCCP): 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 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 and aware that the calendar provides for the sittings days and recess for the House;

Aware that according to the Calendar of the Assembly the house is expected to adjourn for its short recess;

Further aware that Standing Order 25(3) provides that on a day when the Assembly is scheduled to adjourn to a day other than the normal sitting day in accordance with the Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or another member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put;

Hon. Speaker, I wish to move the Motion THAT pursuant to Standing Order 25(3) this House adjourns for short recess from today 25th October, 2023 to resume on 7th November, 2023.

Thank you, Hon. Speaker. I call upon the Deputy Speaker who is also a Member who presents the great people of Ekalakala to second the motion.

Hon. Speaker: Thank you, Minority Leader.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Madam Speaker, I do support that, the House adjourns today for one week for members to go and visit the electorates in their various wards as we come back on the 7th day of November, 2023 Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

I now invite Members to debate on this motion. Hon. Rosina.

Hon. Rosina Kanini (Nominated WDM-K): Thank you, Madam Speaker. Madam Speaker, work and no play makes Jack a dull boy and in this case, work and no rest makes Jack a dull boy. Madam Speaker, I want to support the recess so that you can go and have time to continue with planting and preparing our *shambas* as we wait for the highly prophesied El Nino season. Thank you, Madam Speaker and I support the motion. Thank you, Madam Speaker.

Hon. Speaker: Then Hon. Rosina, we will not be resting; you will be working still. Okay, so welcome. Hon. Mbula.

Hon. Constance Mbula (Nominated, M CCP): Thank you, Hon. Speaker. I want to say this is a good motion; we know children have started closing today, we want to be with them and we want to guide them. Also we have been expecting heavy rains and we do not know that they will still come but we are so so ready and I would even wish that motion said one month because we have we have to do planting, we have to raise those children as far as their homework is concerned.

We also have to visit the other people like there are some who go to see the poor, the ones who are suffering, we visit churches for prayers for our children and I say this motion is quite good. I support it and can we move. Thank you, Madam Speaker.

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

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. I support the motion, and because recess is a good time for us to go join our people and also have an opportunity to review the progress in terms of development but Madam Speaker, as I also support the motion, I would also like to make a recommendation because going back to people is not normally an easy task. So, I think when doing our supplementary budget, I think it is an issue we need to take into account so that whenever we have an opportunity to go back to our people, we need at least to have something that will enable Members to move across the wards because the cost of living has been going up and the fuel price has also been skyrocketing and Madam Speaker it is even becoming a challenge for Hon. Members for instance those coming from distances from Masinga even to come to this Hon. House.

As we review our budget in the oncoming supplementary budget, I think we might need to make a provision for that to ensure that those who want to go and visit the disadvantaged for cases like Hon. Dee who might need to traverse from Machakos, Mlolongo, Yatta to meet the people he represents. He will need something to move around and the same case for those who are elected so we support the motion but Madam Speaker, we will request your support to make sure that is effected so that at least you do not have cases of your Members fainting out there because they have moved without taking something. Thank you.

Hon. Speaker: May be I could ask you Hon. Kavyu; is it that they have not eaten or what is the matter? Clarify.

Hon. Francis Kavyu (Kinanie, MCCC): There is nothing to eat, Madam Speaker, because we are living in challenging times as a country so you might be required to look at it at a different way to make sure that this Hon. Members are well taken care of because we are living in unprecedented times. You saw even El Nino was downscaled; we might not receive what we expected but that is where we are as a country. Thank you.

Hon. Speaker: We can have a discussion over that matter may be not within the chambers but outside the chambers we can have a discussion. Thank you, Hon. Kavyu.

Hon. Speaker: I now call upon the mover to come and respond.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker, for this opportunity and thank you very much, Hon. Members for supporting the motion. In fact, the recess is not giving Members free time; let it go on record that the committees will be on. The committees will be conducting site visits but Members will have an opportunity to also mingle with the appointing authorities who are the electorates and may be get the needs which are on the ground so that as we come back here, we will bring priorities which are owned by you and the electorates.

Again Hon. Speaker, Hon. Mbula was requesting that the recess be for one month. I just want to inform her that long recess is on the way. By December, you will have two months so there is nothing to worry about. So the other thing that I would want to share with the House is that Hon. Mheshimiwa Kavyu, the residents at home are more affected than the MCAs and when

we are speaking in this House we are always live and we should not share the challenges we are facing here. If you are the head of a family and you start telling your kids that we are about to die because we do not have anything, you will have killed the kids even before they are killed by the hunger.

So even if we have challenges, let us keep it to ourselves and be firm enough. I know one time we shall have something. I am very sure if the rains that we are being told come, we will have enough for ourselves and for our relatives and friends.

Hon. Speaker, lastly, as we break for this short recess, let us be good examples to the farmers on the ground. Let us also be seen working in our farms. If they see a Hon. Member trying to do something in the *shamba*, that will motivate them to work harder. Hon. Speaker, last season, when we were on recess, I have a *shamba* which is just along the road; I was going there myself and people could see me there and because of that hard work I harvested enough that is why thugs are coming to steal from me. So let me also encourage other Members also to work hard.

I am very sure if you have nothing, thieves will not come to your home. Let us have things so that they can be coming, they take whatever they take then you are left with other thing to continue using. So, Hon. Speaker, I thank the House and wish them this two week they have good time. Thank you Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Minority Leader. Hon. Members, this particular recess is within our Calendar so therefore the Speaker is not required to put questions and I straight go to the point.

ADJOURNMENT

Hon. Speaker: The House now adjourns to Tuesday, 7th November, 2023 at 10.00 a.m. Thank you, Hon. Members.

The House rose at 11.45 a.m.