

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**

**OFFICIAL REPORT**

**Thursday, 20<sup>th</sup> June, 2024**

**Special Sitting**

*[Convened pursuant to Standing Order 27(3)(c)]*

The House met at 11.12 a.m.

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

**PRAYERS**

**PAPERS LAID**

FINANCIAL STATEMENTS OF THREE  
MUNICIPALITIES IN MACHAKOS COUNTY

**Hon. Speaker:** At this point, may I invite Hon. Nicholas Nzioka to come forward and take us through those Papers.

**Hon. Nicholas Nzioka** (Machakos Central. WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, Thursday, 20th June, 2024:

- (i) Kenya Urban Support program (KUSP) Financial Statements for the FY 2018/2019 and 2019/2020.
- (ii) Machakos Municipality Financial Statements for FY 2020/2021 and 2021/2022.
- (iii) Kangundo/Tala Municipality Financial Statements for FY 2020/2021 and 2021/2022.
- (iv) Mavoko Municipality Financial Statements for the FY 2020/2021 and 2021/2022.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much. Those Papers are committed to Decentralized Units and Count Administration Committee.

**THIRD SUPPLEMENTARY BUDGET ESTIMATES FOR THE FY 2023/2024**

**Hon. Speaker:** May I invite Hon. Dominic Ndambuki to come forward and lay another Paper.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, Thursday 20th June, 2024; the report of the Budget and Appropriations Committee on the Third Supplementary Budget Estimates for the FY 2023/2024. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much. Next Order.

*(The Papers were laid on the Table)*

### NOTICE OF MOTION

#### THIRD SUPPLEMENTARY BUDGET ESTIMATES FOR THE FY 2023/2024

**Hon. Speaker:** May I invite Hon. Dominic Ndambuki to step forward and take us through that notice of Motion.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 208, I wish to give notice of motion THAT this Assembly adopts the report of the Budget and Appropriations Committee on the Third Supplementary Budget Estimates for the County Government and the Assembly for the FY 2023/2024 laid in the Assembly on 20th June, 2024. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Member. Next Order.

### STATEMENT

#### BUSINESS FOR THE HOUSE FOR 20<sup>TH</sup> AND 25<sup>TH</sup> JUNE, 2024

**Hon. Speaker:** At this point, may I invite Hon. Nicholas Nzioka to come forward and present the Statement.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on 19th June, 2024 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Thursday, 20th June, 2024

*Morning at 10.00 a.m.*

- (a) The Machakos County Supplementary Appropriation (No. 3) Bill, 2024; First Reading by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee
- (b) Consideration of Report of the Third Supplementary Budget for the FY 2023/2024 by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.
- (c) The Machakos County Supplementary Appropriation (No. 3) Bill, 2024; Second Reading by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.
- (d) The Machakos County Supplementary Appropriation (No. 3) Bill, 2024; Committee of the Whole House by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.

- (e) The Machakos County Supplementary Appropriation (No. 3) Bill, 2024; Third Reading by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.

*Afternoon at 2.30 p.m.*

Pronouncements of Budget Highlights and Revenue Raising Measures for FY 2024/2025 by CECM, Finance, Economic Planning, Revenue Management and ICT.

Tuesday, 25th June, 2024

*Morning at 10.00 a.m.*

- (a) Response to a Statement by Hon. Francis Kavyu on what the County Government is doing on floods affected areas in Kinanie Ward by Hon. Fredrick Kitetu, Chairperson, Committee on Environment and Natural Resources Committee.
- (b) Report of Finance and Revenue Collection Committee of County Receiver of Revenue for the First and second quarters of FY 2023/2024 by Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Member. Next Order.

### **PROCEDURAL MOTION**

#### **SHORTENING OF MATURITY OF MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION (NO. 3) BILL, 2024**

**Hon. Speaker:** At this point, may I invite Hon. Nicholas Nzioka to take us through that procedural motion.

**Hon. Nicholas Nzioka** (Machakos Central. WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to move the motion THAT pursuant to Standing Order 116, this House resolves to shorten the time for introduction of the Machakos County Supplementary Appropriation (No. 3) Bill, 2024, Kenya, Gazette Supplement No. 8 (Machakos County Bills No.5) from seven (7) days to one (1) day to ensure the Bill is approved in time.

Thank you, Madam Speaker. I call on Mheshimiwa Minority Leader to second.

**Hon. Mbili Ndawa** (Matuu, MCCP) seconded.

**Hon. Speaker:** Thank you very much, Minority Leader.

*(Question proposed)*

I now invite Members to debate on this matter of shortening the time for introduction of the Bill. The floor is your; Hon. Deputy Speaker and then Hon. Maitha.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I do support the motion owing to the fact that the financial year is almost to its tail end

and there is need to shorten the period for maturity of the Bill so that budget may be uploaded before the time lapses. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Maitha.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Madam Speaker. We thank to see you back; we heard that you were unwell and thank God that you are good. Money Bills are always a first priority so without further ado, the Deputy Speaker has said we have no time and it is almost 10 days to go to the end of the financial year lapses so in order to align our budget and be on good time in terms of fiscal discipline, it is in order so that we can expedite this matter within the shortest time possible so that we can give the Executive room to proceed and have the budget uploaded. Thank you, Madam Speaker.

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

*(Question put and agreed to)*

Next Order.

## **BILL**

*(First Reading)*

THE MACHAKOS COUNTY SUPPLEMENTARY  
APPROPRIATION (NO. 3) BILL, 2024, KENYA, GAZETTE  
SUPPLEMENT NO. 8 (MACHAKOS COUNTY BILLS NO. 5)

*(Order for First Reading read - Read the First Time - Ordered  
to be read the Second Time today)*

## **MOTION**

APPROVAL OF REPORT ON THE THIRD  
SUPPLEMENTARY BUDGET ESTIMATES FOR 2023/2024

**Hon. Speaker:** May I invite Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee to come forward and take us through that Motion.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Hon. Speaker, pursuant to Standing Order 208, I wish to move the Motion THAT this Assembly adopts the report of the Budget and Appropriations Committee on the Third Supplementary Budget Estimates for the County Government and the Assembly for the FY 2023/2024 tabled in the Assembly on 20<sup>th</sup> June, 2024. I wish to call on Hon. Justus Mutuku to second.

**Hon. Speaker:** Hon. Justus Mutuku, proceed.

**Hon. Justus Mutuku** (Wamunyu, PTP) seconded.

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

*(Question proposed)*

Before I invite Members to debate the Motion, may I ask the mover of the Motion to come forward and give highlights of the Report. Hon. Ndambuki.

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

*Mandate of the Committee*

The Budget and Appropriation committee derives its mandate from Standing Order 186(3)(a) which states that “there shall be a select Committee to be known as the County Budget and Appropriations Committee which is mandated to, investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget.”

Further, the standing order mandates the committee to investigate, inquire into and report on all matters related to coordination, control and monitoring of the county budget, discuss and review the estimates and make recommendations to the Assembly, examine the County Budget Policy Statement presented to the Assembly, examine Bills related to the County budget, including Appropriations Bills and evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays. The main objective of the committee is to ensure that public funds are well utilized and that the public realizes value for money in all government expenditure.

*Overview of the 3<sup>rd</sup> supplementary budget estimates*

The Committee notes that this Supplementary Budget has subjected the County Budget to:

- Decrease in development budget by Ksh. 674,593,402.00
- Retain recurrent budget by Ksh. 10,774,235,045.00 but with reallocations.

*Adherence to legal provisions*

The format, structure and content of the supplementary budget is as stipulated in legal documents and that is the Kenya Constitution, 2010, Section 201 of the PFM Act, 2012 Section 135(2) Regulations and some gaps have been observed in the 3<sup>rd</sup> Supplementary Budget for FY 2023/2024.

*Key proposed changes*

The key proposed changes in the supplementary budget 3 are:

- i. Decrease in OSR by Ksh. 674,593,402.00
- ii. Decrease in development expenditure from Ksh. 5,708,812,578.00 to Ksh. 5,034,219,176.00

Under the development budget the major changes are coming from the following departments:

- a) Roads, Transport and Public Works, decrease of Ksh. 12.9 million.
- b) Health, decrease of Ksh. 128,199,173.00.
- c) Finance, Economic Planning and Revenue Management, decrease by Ksh. 10 million.
- d) Gender, Youth, Sports and Social Welfare, decrease by Ksh. 110.2 million.
- e) Trade, Industry, Tourism and Innovation, decrease by Ksh. 200 million.
- f) Education, decrease by Ksh. 294,229.00.
- g) County Assembly, decrease by Ksh. 213 million.

*Financing the 3<sup>rd</sup> Supplementary Budget Estimates FY 2023/2024*

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1. Own source Revenue  
The County Government has reduced its own source revenue by Ksh. 674,593,402.00 from Ksh. 2,998,879,462.00 to Ksh. 2,324,286,060.00
2. Equitable share  
Pursuant to Article 202 (1) of the Constitution, the equitable share allocated to the County Government of Machakos in the FY 2023/2024 based on the revenue raised nationally is Ksh. 11,003,296,347.00.
3. Conditional Grants  
The conditional grants remain Ksh. 1,359,948,467.00.
4. Hospital Revenues  
The County Government has retained the Hospital Revenues at Ksh. 1,008,000,000.00
5. Equalization Fund  
The County Government has factored in an equalization fund share of Ksh. 12,923,347.00
6. Asset Disposal  
The County Government has provided for Ksh. 100M from disposal of assets.

### *Expenditure*

Hon. Speaker, the proposed expenditure for the County Government of Machakos reduces to Ksh. 15,808,454,221.00 consisting of:

- a) Recurrent expenditure of Ksh. 10,774,235,045.00 to cater for personnel emoluments of Ksh. 6,722,620,150.00, operations and maintenance expenses of Ksh. 3,935,628,847.00 and current transfers of Ksh. 115,986,048.00.
- b) Development expenditure of Ksh. 5,034,219,176.00 constituting capital transfers/grants of Ksh. 1,229,386,680.00 and acquisition of assets amounting to Ksh. 3,804,832,496.00, the effect being a decrease of Ksh. 674,593,402.00 from the approved budget estimates for FY 2023/2024. This translates to a development ratio of 31.82 per cent while the personnel emolument ratio stands at 42.53 per cent. The development ratio complies with fiscal responsibility principle which requires the same to be at least 30 per cent while the ratio on personnel emoluments is more than the set threshold of 35 per cent of the total revenue.

### *COMMITTEE BUDGET HIGHLIGHTS AND RECOMMENDATIONS*

Hon. Speaker, the Committee hereby highlights the 3<sup>rd</sup> Supplementary Budget proposals per department and recommends as follows:

#### *Office of the Governor*

The Office of the Governor has an approved budget of Ksh. 610,452,324.00 which constitutes of Ksh. 19,578,170.00 for development and Ksh. 590,874,154.00 for recurrent. The County Treasury proposes to retain the recurrent budget at Ksh. 590,874,154.00 but with reallocations within the office. Further, the County Treasury proposes to retain the Development Budget at Ksh. 19,578,170.00.

The committee recommends that the office of the Governor be allocated Ksh. 19,578,170.00 for development and Ksh. 590,874,154.00 for recurrent expenditure respectively.

#### *Office of the County Attorney*

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The approved budget for the Office of the County Attorney is Ksh. 92,864,716.00 which constitutes of Ksh. 9.3M for development and Ksh. 83,564,716.00 for recurrent. The County Treasury proposes to retain both the recurrent and development budgets.

The Committee recommends that the recurrent expenditure be set at Ksh. 83,564,716.00 and Ksh. 9.3 million for development expenditure as per the County Treasury's proposal.

#### *Department of Trade, Industry, Tourism and Innovation*

The Department of Trade, Industry, Tourism and Innovation has an approved budget of Ksh. 846,762,847.00 which constitutes of Ksh. 648,778,732 for development and Ksh. 197,984,115.00 for recurrent. The County Treasury proposes to reduce the development by Ksh. 200M to Ksh 448,778,732.00 and retain the recurrent budget as it is.

The committee recommends that recurrent expenditure in the department be set at Ksh. 197,984,115.00 and development expenditure at Ksh 448,778,732.00 as per the County Treasury's proposal.

#### *Department of Finance, Economic Planning and Revenue Management*

In the department of Finance, Economic Planning and Revenue Management the approved budget is Ksh. 2,070,284,960.00 constituting of Ksh. 729,804,553.00 for development and Ksh. 1,340,480,407.00 for recurrent.

The County Treasury proposes to retain the total recurrent budget estimates for the department at Ksh. 1,340,480,407.00. In the development budget, the County Treasury proposes to decrease the budget by Ksh. 10 million from Ksh. 729,804,553.00 to Ksh. 719,804,553.00 being an effect of decrease in programs: P02: Budget Formulation Coordination and Implementation (Emergency Fund) by Ksh. 10M.

The committee recommends that the recurrent budget of the department be retained at Ksh. 1,340,480,407.00 and development budget reduced to Ksh. 719,804,553.00.

#### *Department of Devolution*

In the department of Devolution, the approved budget of the department is Ksh. 1,372,041,711.00 constituting of Ksh. 108,357,965.00 for development and Ksh. 1,263,683,746.00 for recurrent. The County Treasury proposes to retain both the recurrent and the development budgets as they are.

The committee recommends that the recurrent budget of the department be retained at Ksh. 1,263,683,746.00 and development budget at Ksh. 108,357,965.00.

#### *Department of Agriculture, Food Security and Cooperative Development*

The department of Agriculture, Food Security and Cooperative Development has an approved budget of Ksh. 1,186,223,626.00 which constitutes of Ksh. 796,150,814.00 for Development and Ksh. 390,072,812.00 for Recurrent. The County Treasury proposes to retain both the recurrent and development budgets as they are but with reallocations.

The committee recommends that recurrent expenditure in the department be retained at Ksh. 390,072,812.00 and the development expenditure at Ksh. 796,150,814.00.

#### *Department of Health*

The approved budget for the department of Health is Ksh. 5,310,183,576.00 constituting of development expenditure of Ksh. 964,802,809.00 and Ksh. 4,345,380,767.00 for recurrent. The County Treasury is proposing to retain the recurrent budget and reduce the development budget by Ksh. 128,119,173.00 to Ksh. 836,603,636.00.

The committee recommends that the recurrent expenditure of the department be retained at Ksh. 4,345,380,767.00 and reduce the development expenditure to Ksh 836,603,636.00.

#### *Department of Roads, Transport and Public Works*

The department of Roads, Transport and Public Works has an approved budget of Ksh. 829,720,962.00 which constitutes of Ksh. 578,231,765.00 for Development and Ksh. 251,489,197.00 for recurrent. The County Treasury proposes to retain the recurrent budget estimates for the department and reduce the development budget by Ksh 12.9 million being an effect of reduction in program 003: County Government Buildings Services.

The committee recommends that the recurrent expenditure of the department be retained at Ksh. 251,489,197.00 and that the development expenditure be reduced to Ksh. 565,331,765.00

#### *Department of Education*

The Department of Education has an approved budget of Ksh. 786,590,549.00 which constitutes of Ksh. 122,729,112.00 on development and Ksh. 663,861,437.00 for recurrent expenditure. The County Treasury proposes to retain both the recurrent Ksh. 663,861,437.00 and reduce the development expenditure by Ksh. 294,229.00 to Ksh. 122,434,883.00 being an effect of decrease in program 003: Youth Development Services.

The committee recommends that recurrent expenditure for the department be retained at Ksh. 663,861,437.00 and further recommends that development expenditure be revised to Ksh. 122,434,883.00.

#### *Department of Lands, Housing, Urban Development and Energy*

The department of Lands, Housing, Urban Development and Energy has an approved budget of Ksh 505,162,073.00 which constitutes of Ksh. 264,395,803.00.00 for development and Ksh. 240,766,270.00 for recurrent. The County Treasury proposes to retain both the recurrent and development budget estimates for the department.

The committee recommends that the recurrent expenditure for the department be retained at Ksh. 240,766,270.00 and development expenditure at Ksh. 264,395,803.00.

#### *Department of Gender, Youth, Sports and Social Welfare*

Hon. Speaker, the department of Gender, Youth, Sports and Social Welfare has an approved budget of Ksh. 529,534,772.00 which constitutes of Ksh. 316,655,003.00 on development and Ksh. 212,879,769.00 on recurrent expenditure.

The County Treasury proposes to retain the recurrent budget estimates for the department at Ksh. 212,879,769.00 and reduce the development budget by Ksh. 110.2Million to Ksh. 206,455,003.00 being an effect of decreases in programme: P03- Youth Empowerment by Ksh.17.5M and P04; Gender and Social services by Ksh. 92.7M.

The committee recommends that recurrent expenditure for the department be retained at Ksh. 212,879,769.00 and further recommends that development expenditure for the department be revised to Ksh. 206,455,003.00.

#### *Department of Water, Irrigation, Environment and Climate Change*

The department of Water, Irrigation, Environment and Climate Change has an approved budget of Ksh. 1,001,215,972.00 which constituted of Ksh. 855,027,852.00 for development and Ksh. 146,188,120.00 for recurrent. The County Treasury proposes that the recurrent and Development budget estimates for the department be retained as proposed.



The committee recommends that recurrent expenditure in the department be retained at Ksh. 146,188,120.00 and development expenditure in the department be retained at Ksh. 855,027,852.00.

#### *County Public Service Board*

The County Public Service Board, has an approved budget of Ksh 41,013,709.00 which constitutes of Ksh. 3 million on development and Ksh. 38,013,709.00 on recurrent. The County Treasury proposes that the recurrent and development budget estimates for the Board be retained as proposed.

The Committee recommends that recurrent expenditure of the County Public Service Board be retained at Ksh. 38,013,709.00 and the Development at Ksh. 3 million.

#### *County Assembly*

The County Assembly has an approved budget of Ksh. 1,300,995,826.00 which constitutes of Ksh. 292M for development and Ksh. 1,008,995,826.00 for recurrent expenditure.

The committee recommends that the County Assembly development budget amounting to Ksh 213 million be moved from the County Assembly development vote to the Executive. This was necessitated by County Assembly Service Board's failure to utilize the same. The County Assembly Service Board was only able to commit Ksh. 79 million for development. Therefore, the County Assembly development budget be set at Ksh. 79 million and retain the Recurrent budget at Ksh. 1,008,995,826.00 but with reallocations.

#### *GENERAL COMMITTEE OBSERVATIONS*

In processing the Supplementary budget, the Committee made the following observations:

- a) Provision for compensation of employees exceeds the set legal limit of 35 per cent and stands at 42.53 per cent.
- b) A reduction in the overall development budget amounting to Ksh. 674,593,402.00.
- c) All the Emergency Fund budget of Ksh. 10 million has been reallocated.
- d) Reallocations of Wikwatyo Fund, Youth Fund and Table banking.
- e) That the County Assembly development budget amounting to Ksh 213 million was moved from the County Assembly development vote to the Executive. This was occasioned by County Assembly Service Board's failure to utilize the same. The County Assembly Service Board was only able to commit Ksh. 79 million for development out of the budgeted Ksh. 292 million.

#### *SUBMISSION FROM CECM FINANCE*

The committee met the CECM for Finance, Economic Planning and Revenue Management on 19<sup>th</sup> June, 2024 to respond on concerns raised during the interrogation of the 3<sup>rd</sup> Supplementary Budget Estimates 2023/2024. The following were his submissions;

- a) On reduction of emergency fund, the CECM responded that the Machakos County Disaster Management Plan was not in place and therefore need to reallocate the funds to other vote lines.
- b) On major reduction under development budget both on the Executive and the Assembly, the CECM informed the committee that this was necessitated by failure to achieve Own Source Revenue target.
- c) The reduction in the Health and Gender departments, the CECM informed members the projects were ongoing and there was no possibility of raising a payment certificate before the close of the year.

- d) On reallocations of the Wikwatyo Fund, Youth Fund and Table banking, the CECM informed the committee that there were no Regulations in place to operationalize the said funds.

#### *COMMITTEE RECOMMENDATIONS*

Hon. Speaker, the committee recommends that:

- a) The procurement process for development projects be initiated early enough at the start of the financial year in order to achieve the desired development budget uptake and ensure completion of the earmarked projects before the financial year ends.
- b) The committee recommends that personnel emolument ratio for staff be reduced from the current 42.53 per cent to 35 per cent as required in the PFM Act, 2012. The County Treasurer needs to come with strategies of overcoming this violation.
- c) The County Assembly Service Board to give written explanation on the failure to utilize the development budget amounting to Ksh. 213 million.

#### *CONCLUSION*

Hon. Speaker, with the approval of the 3<sup>rd</sup> Supplementary budget for FY 2023/24, the County should increase the absorption rate and avoid carrying forward balances that have been witnessed in the previous years.

#### *ACKNOWLEDGEMENT*

Hon. Speaker, the Budget and Appropriations Committee acknowledges the Office of the Speaker and the Clerk of the County Assembly for facilitating the Committee to undertake this exercise.

I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report.

Hon. Speaker, it is therefore my privilege, on behalf of the Budget and Appropriations Committee to table the 3<sup>rd</sup> Supplementary Budget for FY 2023/24 before this Hon. House for consideration and approval. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Member. At this point, I invite Members to debate this Motion. Hon. Ndawa and then Hon. Kavyu, Hon. Brian, Hon. Maeke and then Hon. Don.

**Hon. Mbili Ndawa (Matuu, MCCC):** Hon. Speaker, I want to thank the Committee for burning the midnight oil to come up with this report. However, Hon. Speaker, as a member of the Budget and Appropriations Committee, I am supporting this report with a disclaimer and the reason why I am saying that is because I am not happy with the issue of the County Assembly.

Hon. Speaker, as you may be aware, dentists are fond of recommending either removal of a tooth or several teeth but when it comes to their turn, they are not happy or they do not take the offer. hon. Speaker, it is very unfair for this Assembly to return monies amounting to Ksh. 213 million for development while our chamber stalled a long time ago---

*(Applause)*

Again, Hon. Speaker, our ward offices lack very many things that ought to have been sorted using these funds.

*(Applause)*

Hon. Speaker, citing an example of Matuu office; the Ward office was completed three years down the line and Hon. Speaker, we could not utilize the office because of the absence of the toilets and fence. Hon. Speaker, I have been visiting the office of the Clerk requesting that we be given or our offices being fenced and all the time I go there we are told that the procurement is working on that issue. Up to date Hon. Speaker it is now 10 days to the end of the financial year and this is where we are. Last time we were here questioning the absorption rate of the Departments of the Executive and yet ourselves---

**Hon. Speaker:** Point of order taken. Hon. Member, you may have your seat.

**PROCEDURAL MOTION**  
EXTENSION OF SITTING TIME

**Hon. Dominic Maitha** (Muthwani, WDM-K): I am standing on point of order under Standing Order 27, Madam Speaker, to the request extension of time Madam Speaker.

Hon. Speaker, that aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sittings;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that Madam Speaker Standing Order 27(4) requires Motion to extend sitting time to be moved at least 30 minutes before the time appointed of adjournment;

Hon. Speaker, I wish to move the Motion that the House resolves to extend its sitting time until the business of the day is completed.

Thank you, Madam Speaker. I want to call the Hon. Minority Leader to second my Motion.

**Hon. Mbili Ndawa** (Matuu, MCCC) seconded.

**Hon. Speaker:** Thank you, Minority Leader.

*(Question proposed)*

*(Question put and agreed to)*

Proceed, Minority Leader.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Madam Speaker. I was saying that our Ward offices do not have fence, furniture, are not connected to power and water among others. Hon. Speaker, I want to be very clear and I do not want to be taken out of context. I am specifically bitter about the County Assembly Service Board because that is the board which is tasked to handle these matters. As we deliberate on this serious matter Hon. Speaker the Members we sent to represent us in that Service Board are not present here to come and give their input on this serious issue.

Hon. Speaker, it is very unfair, it is either the County Assembly Service Board is absent or insensitive, if I can use those terms. Hon. Speaker, we cannot keep on talking about procurement

since the beginning of the financial year up to the end. In case somebody is sleeping on that Department, the County Assembly Service Board ought to have taken the necessary action against whoever is trying to sabotage. Hon. Speaker, this report is the worst report that has ever been brought to this House because of those issues.

*(Applause)*

It is very unfair, Hon. Speaker. It will not augur well with the electorate if they hear that at the end of the Financial Year we were not able to spend the money. Hon. Speaker, I recommend that next financial year, we do not give the County Assembly budget for development because we have been unable to spend this money. I recommend that whatever we are going to use as development money be transferred to Executive to do our roads and drill boreholes to our electorates instead of keeping money here one full year when our electorates are crying. Thank you, Hon. Speaker.

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

**Hon. Francis Kavyu** (Kinanie, MCCP): Thank you, Hon. Speaker. I also support the supplementary budget but I have a few items to pick. The first item is the issue that the Minority Leader has ventilated on. I think he is being mean with words because our offices are looking like parking garage. For the last one year we have been talking of works to be undertaken in those offices. I think for like three times, advertisements have been made and once bids are done tender documents are returned to this Assembly, the procurement department has been working on them for eternity. Madam Speaker, what we want to get is whether we have the right people.

*(Applause)*

This Assembly has a fully functional procurement department where people wake up every morning coming to work. It does not make any sense Madam Speaker why as an Assembly we are unable to spend and utilize our development funds.

Our Chamber here has been at a standstill I do not know for how long. Madam Speaker, as the head of this Assembly, I think it is time you stamped your authority because what is happening and what is very clear is not that people are incapable of doing what they are supposed to do. What is being harboured here is corruption and that is what we need to root out.

A few months ago we were in this House discussing the Clerk of this Assembly and I think there are some remnants and some roots that were left behind and we need to revisit that particular item so that we can clean up this Assembly. This Chamber stopped because there are people who are waiting to be given money so that the Chamber construction can proceed. We want to debate there in the coming financial year but this cannot happen with the kind of sabotage that is being experienced continues.

Madam Speaker, sometimes you wonder how an employee sabotage an institution that pays them ranging from internally and even members from the department of public works. If they are not willing to look into our issue and give a go ahead for this Chamber to proceed then they need to come out clean and tell us what is their interest because we have budget and we cannot be held at ransom by individuals. If we are not able to defend ourselves as an Assembly how are we going to defend the people who have elected us?

This needs to be taken seriously both the representatives from the Majority and Minority sides are barely in this Assembly. My assumption is since they are never available here our

expectations is that things should be moving since we assume they are busy trying to fix things. Madam Speaker, this is what happens when people overstay their mandate. Even the external Members I think Madam Speaker we need to re-look and overhaul the entire County Assembly Service Board so that you can have people who have the interest of this Assembly.

*(Applause)*

If you go across all the other 46 County Assemblies, the external Members who were serving in the previous Assembly, the fourth and fifth members, their term normally expires at the end of the Assembly that they are serving in and so Machakos should not be an exception because these people have failed to deliver and we have allowed them to stay here illegally. We need to look at thing even those who are going to come, their contracts must be very clear that it expires at the end of the Assembly which they have been nominated.

*(Applause)*

The Second Assembly was unique in its own way; we are in the Third Assembly which is dynamic and unique also in its own way. We need fresh blood in that CASB team both internally and the fourth and fifth member so that Madam Speaker, you also do not appear like you are not a serious person and we know you are capable to deliver but you have a team that is failing you. That is what we are saying. The Chair, Budget Committee has read that that reduction, Madam Speaker---

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

**Hon. Speaker:** Point of information taken.

**Hon. Francis Ngunga** (Mua, MCCC): Thank you, Madam Speaker. I think the issues that Mheshimiwa Kavyu is raising are very pertinent and I do not know if ventilated this way they are going to give us the desired results. I was wondering whether Mheshimiwa Kavyu would be thinking of seeking a Statement so that we get a proper response on the issues that Mheshimiwa Kavyu is raising. We can be briefed on where those issues are, fourth and fifth member and the stalling of the Chamber. Mheshimiwa Kavyu maybe you can take up that.

**Hon. Speaker:** Thank you, Hon. Member. I think he can proceed with his submissions---

**Hon. Francis Kavyu** (Kinanie, MCCC): That is at the discretion of the Speaker but for today we are looking into this matter. Madam Speaker, what the Hon. Member for Mua has said is very pertinent and it will be wise that we get a complete report from the CASB on why they were not able to spend. It is not amusing at all.

As I was concluding Madam Speaker, if you look at all other changes that have been effected, the net effect has clearly been shown in this item. If you look at D0014 that is on the development budget for the County Assembly, that net movement of Ksh. 213 million is not captured in the Gazette Notice so I do not know whether it is an afterthought that just came and that is why it is not captured here. Maybe the Chair budget committee can explain because we want to see it clearly where it is moving to. If you check, it is only showing Ksh. 292 million which is the total budget that has been shown. That needs to be captured clearly and---

*(Loud consultations)*

**Hon. Speaker:** Members let us have one meeting.

**Hon. Francis Kavyu** (Kinanie, MCCC): Madam Speaker, the bottom line is that as an Assembly we are disappointed that we are returning money to the Executive side at a point where Hon. Members are not able to sit. In my office in Kinanie, the furniture that I am using were collected under that avocado tree behind there with a promise that within the next six months, I am going to get furniture. Kinanie Ward deserves better and every Ward. There are so many people who are looking for jobs and if people are not able to deliver, I think Madam Speaker we are going to summon people here. If CASB is failing then we will have to come in as an Assembly we disband the current board and have people who can deliver and oversight the employees that we have here because CASB is the employer and it is their responsibility to make sure that things of the Assembly are moving.

The only project that has worked successfully and even sometimes it had problems is water. This is the only thing that they have delivered consistently. Even the quality of food that we get there is sub-standard so something needs to be done Madam Speaker so that we can lead by an example.

There are so many things that they are failing on even our land and we do not know whether they have sold our land behind here. We have people building on our land and CASB to date has not given an official position of what they want to do. That is a clear measure of failure and they need to wake up and do what they are supposed to do. Thank you, Madam Speaker.

**Hon. Speaker:** Very important points there, Hon. Members. Hon. Maeke you were supposed to be the fourth from Hon. Brian so proceed.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Thank you, Madam Speaker. I was here two days ago putting a very strong word that we must have a conversation and it is the high time we start having serious conversations in this Assembly. The Majority Leader told me not to stop reminding him of how many days are remaining to August, 2027. I would like to remind him that there are 1,144 days remaining to 2027 and all of us who are elected need to do their work.

Madam Speaker, we elected you and I actually gave you my vote but I am very disappointed because you Chair CASB. We can sit here and talk about fourth and fifth member as if they are the ones who make the decision but I chair Decentralized Units Committee and as the Chairman I take all the responsibility of what happens in that Committee. Madam Speaker, you must take the full responsibility for failure of CASB failing to utilize this amount of money Ksh. 213 million because the Committee is saying Ksh. 213 million be moved from County Assembly Development vote to Executive and the reason they are giving is CASB's failure to utilize the same.

We can say the fourth and fifth members of CASB even the seventh and eighth member but the buck stops with the Speaker and the Clerk. It is the high time that we start talking straight in this Assembly. I am talking straight as a Member of County Assembly for Makutano/Mwala that we cannot afford anyone who is elected to start behaving in a mediocre way. We elected you, minority representative to the CASB, the majority side also did the same and in the Second Assembly we elected the fourth and fifth member and we elected the Clerk. This Assembly has four people they elected; Speaker, Clerk, the two representatives the Minority are the two representatives.

We cannot seat here blaming the fourth and fifth member when we know that there are people who we are seated whom we elected and they have not done their work. The point here is why they should be waiting for this time. Why has it taken so long for CASB to realize that they cannot absorb this money? Who does CASB report to? Madam Speaker, in the last one year we have not seen any report from CASB and you Chair CASB. If there was report in first quarter of this financial year we could have seen this coming and we could have made the necessary corrections.

We are busy bashing the Executive when actually the failure is starting here. How do you oversight Executive if you cannot even utilize your own budget. How do you bash the Executive if you cannot give a quarter year report? We are privy to information that the same CASB is using funds to travel. What do you travel to go and do and you have exhausted your budget? What where you doing when exhausting that budget? We understand even this financial year you are recommending additional money to CASB; to do what? Ladies and gentlemen, with all due respect and I have a lot of respect for the Speaker but this time round Madam Speaker *umetuangusha*.

You have failed us big time because in the Second Assembly, we started the Chamber and at least there is something we can be proud of to say we started. When Mheshimiwa Dominic was there in the First Assembly, they built these offices which we are seated on. For 1,144 days we have got nothing to show. Zero! My office in Mwala and I was expecting you to visit because I elected you Madam Speaker to come and see where your Member of County Assembly sits but you will be ashamed of where I sit and we are here saying we have got no money. We are here saying that we are going to return money to the Executive.

My point Hon. Members is that we need to give CASB 24 hours to give us a written explanation on why these things are happening and who is responsible and why it is happening. You were not here Madam Speaker on Tuesday when I sought a Statement on you have allowed an intruder to construct office in our land. Our own land and you have given permission somebody to construct in our own land which belongs to us.

*(Applause)*

It has come to the level of we have actually being raped to the last point. I am on record saying that I am even going to court to stop if i see CASB is not going to work. Madam Speaker, you take the responsibility because CASB cannot fail us when you are there. If you saw things were not going right you could have called Speaker's kamukunji.

**Hon. Dominic Maitha** (Muthwani, WDM-K): point of information Madam Speaker.

**Hon. Speaker:** Point of information taken.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, we want to be informed by the Hon. Member because he has used a very strong term. Have we been robbed or we have been raped; kindly substantiate Hon. Member.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Actually both mean the same. I think we have been robbed and raped at the same time.

*(Laughter)*

**Hon. Speaker:** If there was rape then there was no consent.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): In both cases there is no consent.

**Hon. Speaker:** there was no consent from the Speaker.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Our own land has been taken, CASB is quiet. Ksh. 213 million is going and CASB is quiet. The Members who are supposed to be defending you; you are the only Member here but they never come and rumour has it that they are travelling.

Madam Speaker, my point is as much as we want to blame the fourth and the fifth member, we can even substitute them tomorrow but the same problem will continue. It looks like there is a bigger problem which we need to understand who is sabotaging us. Is it the Chair or the two Members we elected or the Clerk or is it the staff. If any staffer is sabotaging us, the CASB has the authority to make the necessary decisions. If they cannot work on that decision they should come to us. Madam Speaker, I was pushing the point of you have never called us to a kamukunji to tell us things are not right.

Why are we waiting until six or seven days to the end of a financial year to be in this condition? Why didn't you call us so the buck stops with you and so I am moving a motion that we give CASB 24 hours to give us a written detailed explanation and failure to do that we will disband the entire CASB from the top to the bottom.

*(Applause)*

I have a seconder Madam Speaker, if you allow me.

**Hon. Speaker:** Come formally.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): I am now coming formally; there is no other formal. I am on the floor.

**Hon. Speaker:** You cannot do that.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Why?

**Hon. Speaker:** It is not procedural; it is un-procedural

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Okay. You have heard the point. We have got other mechanisms. Let me tell you, we have mechanisms to remove our representative from Chap Chap, the majority side has mechanisms to remove theirs and we also have mechanisms to remove the Speaker if we find---

**Hon. Francis Kavyu** (Kinanie, MCCC): Point of information, Madam Speaker.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): I do not want to be informed. I want to finish.

**Hon. Francis Kavyu** (Kinanie, MCCC): Point of information, Madam Speaker.



**Hon. Speaker:** Granted.

**Hon. Francis Kavyu** (Kinanie, MCCC): Madam Speaker, what the Hon. Member is indicating is within what we are discussing today because if you look at the committee recommendation, part C of it says that "the County Assembly Service Board to give written explanation on the failure to utilize the development budget amounting to Ksh. 213 million." So he is still within. He was deliberating.

*(Applause)*

**Hon. Speaker:** This is the ruling of the Speaker that, if there is any Motion to be brought let it be brought formally not to be included or annexed to another business that is taking place. Let us proceed.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Madam Speaker, that is in order but I am happy Members are fully alert and they are privy to what is going on. We are giving CASB 24 hours, failure to which we will have no option but to seek the best alternative to put our House in order. Since we voted every CASB representative from the top to the bottom, we can also vote them out if we realize they are not doing their work.

My last point. We gave money to the Finance department and it is very obvious that we are not meeting our revenue target. It is a serious issue and in the last two financial years we have been pumping money for automation to bring the revenue up. Madam Speaker, Makueni does not have the number of factories we have here, it does not have the potential we have here. This financial year, Makueni has collected Ksh. 1 billion. We have the potential to collect Ksh. 4 billion. So, the discussion we are going to have tomorrow is, why should we continue pumping money to a department which is not giving us the internal revenue when we know our potential is almost Ksh. 4 billion and they are giving us half of that. What is happening to the rest of the money?

So, Chair finance tomorrow, you need to justify why we should continue pumping money to automation of systems if we cannot get the desired internal revenue. In fact, the reason why we are slashing these budgets is because we never hit our targets and failure to hit targets impacts on us. It is very sad that we are seated here slashing money for roads, health and education because we cannot achieve our internal revenue. We cannot!

Let us sober up and do our work and Madam Speaker, let everybody carry their own cross and take their own responsibility. If CASB does not come back to us within the stipulated time, I will be the first person to start moving around to ensure that we get the right people in place to do their work including our land which has been grabbed. Please get back our land! Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Is it supposed to be a warning or a threat or both.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): It is everything.

**Hon. Speaker:** Hon. Maeke, proceed.

**Hon. Boniface Maeke** (Kalama, CCU): Thank you, Madam Speaker. Let me start by saying that it seems that the spirit of Gen Z is hovering around the country and everybody is in the mood of getting their rights. I am going to start with the department of roads, we know that after the rains the roads all over the country are pathetic and impassable. It is unfortunate that the Budget Committee is proposing a reduction of Ksh. 12.5 million from the roads department. So I do not know what justified the same because our roads are in very bad---

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

**Hon. Speaker:** Point of information taken.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): I would want to inform the Member that the Ksh. 12 million was meant to construct offices not for roads. That is why as a budget committee we found it genuine and because there is no time for procurement of the same amounts that is why we slashed the money from that department but not majorly for roads.

**Hon. Dominic Ndambuki** (Kathiani, WDM-K): Hon. Speaker, additional information on the same.

**Hon. Speaker:** Proceed.

**Hon. Dominic Ndambuki:** Thank you, Hon. Speaker. In fact, part of that Ksh. 12 million, Ksh. 10 million was construction of the Deputy Governor's residence but there is a statement I made when I was presenting the report that some of the works that had been earmarked to be done in the current financial year, due to the fact that the monies have not been committed so the Treasury had to move that money to other matters.

**Hon. Speaker:** Thank you very much. Hon. Maeke proceed.

**Hon. Boniface Maeke** (Kalama, CCU): Thank you, Hon. Speaker, for the information---

**Hon. Speaker:** Let him interject a bit.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, maybe the Chair Budget would substantiate. He is saying there are some works that are ongoing and the Executive cannot commit monies to the ongoing projects; is that in exercise of fiscal discipline because if the works are ongoing, then the Executive can commit that money to the ongoing works at that point in time were the works are completed, then funds will be available to pay the same?

**Hon. Dominic Ndambuki** (Kathiani, WDM-K): Thank you, Hon. Speaker. The statement that I read was that the works that have begun, are at stages where the contractors are not able to raise certificates for payments therefore the Treasury sees it prudent that they will allocate money in the coming budget.

*(Loud consultations)*

**Hon. Speaker:** They say it is wrong what you are suggesting or proposing?

**Hon. Dominic Ndambuki** (Kathiani, WDM-K): On the issue of the Deputy Governor's residence that I have raised on the Ksh. 10 million, the works have not begun but there are other areas where works have begun.

**Hon. Speaker:** Thank you, Hon. Member. Proceed, Hon. Maeke.

**Hon. Boniface Maeke** (Kalama, CCU): Thank you, Hon. Speaker. We are learning a lot from today's interactions and because I have been answered, I am not going to dwell on that but I was expecting in this re-alignment of the budget, something to be done in the roads department because our roads are impassable.

Secondly, we have spoken about the reallocation even though it has not been stated to where of Ksh. 10 million Emergency Fund. Next week from what the Majority Leader has read, we shall be getting a Statement reply on the explanation of what the Kinanie members of public who suffered from floods are supposed to be assisted and it is unfortunate that the money for emergency has been reallocated somewhere else. We understand that, during the floods, a lot of things were happening and aeroplanes were brought, people were being rescued and many things were done by the County. I do not understand when we say that there are no appropriate measures for the usage of the---

**Hon. Francis Kavyu** (Kinanie, MCCP): Point of information, Madam Speaker.

**Hon. Speaker:** Point of information taken.

**Hon. Francis Kavyu** (Kinanie, MCCP): Madam Speaker, we are followed all over and unless I am new in Machakos, I do not remember any point where the County bought aeroplanes so the Member on the floor needs to withdraw that because it can be misleading. You said were bought? I think I heard him very clearly; he talked of a plane that was bought. So, we do not have any; we only had them rescuing people. So, he needs to withdraw and correct that to avoid misleading the public.

**Hon. Speaker:** Let us not make comments that may mislead the public.

**Hon. Boniface Maeke** (Kalama, CCU): I spoke about 'brought' from the word bringing. When you bring, in past tense it is called brought. The word Hon. Member from Kinanie is talking about is buy. Thank you, Madam Speaker. For me I want to put my interjection and say that we saw a lot of activities and we even brought aeroplanes to rescue our people. So that is in order and in clarification so my question is; as the Chair of Budget Committee has alluded, we cannot use that money we do not have Regulations so what was being used during that time because the Executive is on record saying we have Emergency Fund, we are going to use it and so on and so forth. Madam Speaker, my other point---

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

**Hon. Speaker:** Point of information taken.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Madam Speaker, we are just assisting the Member to get the correct facts that during floods, all of us used our own monies to help our residents in various wards and areas and the same maybe happened with the Executive because

according to our records, the Ksh. 10 million disaster management monies that had been left is still the same amount we are re-allocating. So, the money is still intact and cannot be spent in that exact vote because we do not have the Regulations ready and they are already with the Assembly for quite some time. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, very much. Hon. Member, I think you have been guided accordingly.

**Hon. Boniface Maeke** (Kalama, CCU): Thank you, Madam Speaker. I am saying I am well-guided and thank you Deputy Speaker for the same. At least we are good and nobody will ever stand and claim that he used any amount of money from the Emergency Fund because it is on record. Madam Speaker, I think the other point I was to speak about has been deliberated on very well by past contributors of the House but we must say that a mistake done once can be treated as a mistake but if repeated it can be taken as deliberate.

I do not know whether CASB has been deliberate on both using the monies we allocated for them or it has been out of plan. Madam Speaker, as other Members I stand with them; let there be immediate audit to our procurement procedures because the balls stops with the procurement.

We did the first, the second and the third procurement on the same jobs and it does not mean that Kenyans cannot be able to meet the standards that CASB sets for the procurement of the same jobs. Madam Speaker, next week we are sitting here on a budget and we do not know what has been allocated for us even as an Assembly. My prayer to the House, we have a Kamukunji, we deliberate and even look into what is happening into the County Assembly Service Board budget.

Lastly, I would say that we have a problem and the earlier we accept we have a problem in the department of finance the better. Today, I have looked at the reason we are allocating these monies; we are allocating these monies just to reduce the budgets because we were unable to raise the revenue target. The supplementary budget should come were we have things that are pressing because we have taken out Ksh. 200 million from the department of industrialization and that is like the biggest figure.

The other monies are one million, and the other affected bit was the CASB bit for us and as Mheshimiwa from Kinanie said, we do not have a place it is going and the biggest question is, is it an after-thought from the budget committee for them to donate our money back to the Executive. At the same time we are saying the Executive has 10 days. This Ksh. 213 million, the committee should be able to explain to this House where this is going to, which department because we can justify it and it is better we give those monies to Executive they build roads, boreholes and whatever in our places than holding the money here and it fails to be done. So, I say that the 24 hours are starting from now and we will be there to take the signatures. Thank you, Madam Speaker.

*(Laughter)*

**Hon. Speaker:** Thank you, Hon. Member. Hon. Don proceed.

**Hon. Paul Wambua** (Kibauni, PTP): Thank you, Madam Speaker. I do not belong to Generation Z but I belong to the millennials. Today, for the record is the first time that a Chairperson of a committee has read a report and after finishing I did not get applause or reaction from the Members. It seems that this report has pinched where it pains most. I also noted that apart from yourself when we started this sitting our own representatives from CASB had made a disappearing act but I have seen one them has been dragged into the Assembly by Hon. Kisila.

We are where we are because of our failure as a County not to meet our revenue targets. I remember when the CECM for finance was setting the targets for our own source revenue, I made it very clear when we were at the amphitheatre and I said; let us not be over ambitious and this ambition has now taken us where we are. This ambition is seeing us having a sitting not to transfer monies elsewhere but to balance our books because this money will not go anywhere. We are just doing a balancing act.

Madam Speaker, as the Vice Chairperson of the Finance and revenue committee we have empowered the department and there is nothing they have ever asked of us that we have not met and this House approved what they have today. We gave them funds for employing additional revenue clerks but as Mheshimiwa Minority Leader said, it gets a time when you start getting diminishing returns. I talk about it when we are in the committee and even as you walk around, look at how many revenue clerks are collecting revenue in a certain area. For example, when you are at Signature Mall, you will find five people collecting parking fees there and there are only like 20 cars there.

On your way to Nairobi, stand at Kathome, you will see that point has five people and when you talk to them, they will tell you they have collected Ksh. 2,000 a day. So, it seems like we are not allocating resources available appropriately and therefore we are not able to meet our targets.

Madam Speaker, it is a very sad day that as an Assembly, which is supposed to oversee revenue management and usage within the County, we are returning Ksh. 213 million. One, I will say is because we do not give Members information as it is supposed to be. I thought as every other department, CASB is supposed to report to this House on quarterly basis. We have not been getting quarterly reports from CASB. We do not know how our money is being spent.

If the departments bring their reports on quarterly basis, why is CASB failing to do so. I will not blame CASB only because in this Assembly we have leadership and leadership sits with the Clerk, the Speaker every other day. We cannot exonerate them from this failure. They have failed us---

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

**Hon. Paul Wambua** (Kibauni, PTP): When it bites you ask for information. Inform me.

**Hon. Speaker:** Taken.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you. I just want to inform the Hon. Member that the only body which has legal mandate to transact business for this County Assembly is CASB. So, the issue of leadership does not arise. Kindly restrict yourself to where the problem is. Do not transfer.

*(Laughter)*

**Hon. Paul Wambua** (Kibauni, PTP): Madam Speaker. I will withdraw that but I want that Hon. Member to know that as a father in my family, if visitors come to my home and they are always served with food that has a lot of salt, it is not for the wife to be asked, it is me as the head that I will be asked. So as leaders, we also need to get involved. Madam Speaker, what I am saying is; CASB has failed us and as Members are saying we need to take action now and within those 24 hours, we need to get a report as to why we are returning Ksh. 213 million.

Madam Speaker, I support Mheshimiwa Kisila. You are the Chair of CASB and if this is what is happening, sometimes I tell people and Mheshimiwa Stephen has been a victim and if I voted for you, I sometimes wish I could take my vote back because this failure when Kibauni does not have an office, I sit in a *kaduka*. If you go there Madam Speaker you will not even know if it is an office. So, if we are returning money when we do not have the space to work from---

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Point of order, Madam Speaker.

**Hon. Speaker:** Taken.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Thank you, Madam Speaker. I think the Hon. Member has mentioned my name. Maybe he could elaborate what wrong I have ever done to him so that I may always deserve that. It is something that he has used, not once nor twice.

**Hon. Speaker:** He said if I listened to him carefully, if he gives you his vote, he can still take his vote back.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Okay. I have no problem with that.

*(Laughter)*

**Hon. Paul Wambua** (Kibauni, PTP): Madam Speaker, people have become very arrogant in this world and people need to treat their voters in a very special way. Madam Speaker, I am finishing.

**Hon. Francis Kavyu** (Kinanie, MCCP): Point of information, Madam Speaker.

**Hon. Speaker:** Point of information taken.

**Hon. Francis Kavyu** (Kinanie, MCCP): Madam Speaker, I wish also to inform the Hon. Member that the Deputy Speaker is not a member of the CASB so he also needs to differentiate the two. The Deputy Speaker does not sit in the board. It is just clarity I wanted to put.

**Hon. Paul Wambua** (Kibauni, PTP): Madam Speaker, some people just want to speak for the sake of it. My point was an example; let us not waste time, Mheshimiwa.

**Hon. Speaker:** Hon. Paul Wambua, you cannot say that.

**Hon. Francis Kavyu** (Kinanie, MCCP): Hon. Wambua, you cannot say that. I am an Hon. Member elected by people; I am not people, so he is out of order.

**Hon. Paul Wambua** (Kibauni, PTP): Mheshimiwa, I am a person first before becoming an Hon. Member. If he is not a person, then I do not know what he is but Mheshimiwa, your point of information did not help.

**Hon. Speaker:** Just withdraw your statement; honestly withdraw the statement that you have said against Hon. Kavyu.

**Hon. Paul Wambua** (Kibauni, PTP): Calling him people?

**Hon. Speaker:** Yes. Withdraw.

**Hon. Paul Wambua** (Kibauni, PTP): Madam Speaker, I am a person but if he is not a person I withdraw, thank you.

Madam Speaker, my last point is when you look at the education budget, we are returning Ksh. 264 million development on education matters, when we do not have classes for our children. We are reducing the budget by Ksh. 264 million when we do not have classes for our learners, materials and desks for those learners. It is very sad and I would ask our Executive to be more keen on such matters. Madam Speaker, I want to rest my points on that and as Maeke says, the clock is ticking.

**Hon. Speaker:** We may have to proceed and ask the mover to...sorry let me give them and opportunity then. Hon. Majority Leader, Hon. Maitha, Hon. Francis and Hon. Ndeti.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank yo, Hon. Speaker. I will not repeat what has been said by a lot of Hon. Members but I want to say that we are where we are, returning the money, because we did not evaluate ourselves as it should be. From where I stand, CASB has isolated itself from us as an Assembly and even if we are in a marriage of convenience--

*(Applause)*

**Hon. Speaker:** I thought you are standing to... that is why I gave you the opportunity.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): I am trying to...Madam Speaker I want to be the bad doctor. The bad doctor is the one who administers an injection to heal the child or to heal the patient but when you are taking the child back to the doctor, she will be crying telling you that 'mummy or daddy, he is bad, he is bad,' but you are doing it so that your kid can be well. So I am saying, I am feeling us as a majority, we feel isolated because even as a Leader of Majority, sometime I do not have information or a picture of what is going on and when I meet my members and they ask me a question, I cannot answer.

So, even if CASB and the Assembly members are in a marriage of convenience, the thing is, we are in this marriage until the five years are over and if we do not conveniently work with each other, the marriage will not break, but it is only going to leave us with leaking wounds, both sides and everyone. What I am saying is, can CASB agree and I do not think they have a choice that the Board is constituted by the House and because we are the ones who constitute the Board, it means you have been given some work and you should be bringing reports here like any other department. I think it is just normal that we receive quarterly reports from CASB to evaluate what they are doing and correct some of their failures.

I allude to the fact that I sit in the Budget committee and we have demanded of CASB to bring a written report to the Assembly so that everyone can read for themselves and I am asking you, Madam Speaker, please put your foot down because as the Chair, someone somewhere is failing you as the Chair of CASB. If you do not put your foot down, we will not be able to just sit and wait for the worst. We will call out those who are responsible and we will demand that you take action.

Madam Speaker, if members of staff are not able to deliver there is that code of conduct and also their performance appraisals; there are also performance contracts, and I know appraisals are done quarterly or semi-annually or annually, so if there is that one member of staff, based on a scientific appraisal, *hakuna kuonea* members of staff because that is another thing altogether, based on the performance appraisal *vis-a-vis* the target they signed with the board, unless we are saying members of staff in this Assembly do not sign performance contracts, because you can only say this member of staff X is not performing his duties against a performance contract that you signed together, that is the unit of measure.

So even if we are going to go for staff, let us first of all establish whether they have performance contracts, number two whether they have been periodic or quarterly appraisals and then we can use those tools to discipline them. But I am also disappointed that if a member of staff can sabotage a board whose chair is the Speaker, what else can they not do to any of us? What else can they not do to member of the Assembly?

You know, I want to say this here, Madam Speaker, we come here to work, all of us. I did not come here to be friends with *Mheshimiwa* Ndaka. In the course of my working, we may become friends with *Mheshimiwa* Ndaka but my primary responsibility is first of all to work for this institution. Maybe Madam Speaker, some people are so comfortable because Speaker *ni mtu mzuri ama* *Mheshimiwa* Majority is my friend or *Mheshimiwa* Minority is my friend, no! We came here to work; we did not come to be friends with any one.

And let us use the rule of law; human resource manuals, otherwise, we may say we are going to change whoever is director of this or director of this, but if we are not doing performance contracts and performance appraisals, we will not have finished the problem. I support the report of the budget committee but urge CASB to take its rightful place in the management of affairs of this institution. Thank you, Madam Speaker.

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

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, I would not wish to even take more than five minutes because the Members have already heard it but I want to point a few things which have been raised by the Hon. Chair of budget. One is inability to meet our revenue targets. Madam Speaker, this matter, we just came from the tea break as we were preparing to come to this Assembly and Madam Speaker, the reason why this government is not able to meet its target is unjustifiable.

Madam Speaker, I made a call this morning to one of the former senior revenue officers in my ward and he did indicate in the presence of the chair, Budget that in Katani ward in the quarries, approximately currently they collect between Ksh. 2.5 million to 2.9 million daily. If you compute Madam Speaker, on average, it is about Ksh. 2 million on a daily basis. In a month it is about Ksh. 60 Million. In a year, that is Ksh. 720 million. That means that the quarries in Katani in Muthwani ward can be able to give us currently, actually the information I got is that at the moment, we have raised Ksh. 1.7 billion two weeks before the end of financial year. So that means that Muthwani ward only can be able to raise 50 per cent of the total local revenue. What is happening in the other 39 wards, Madam Speaker?

There must be a serious disconnect here and I want to task the Chair, Finance and Revenue Collection, he needs to take this matter seriously because if we can be failing to meet our development expenditures just because the county government cannot be able to meet its own source revenue collections, there must be serious sabotage in that same government. We sat here some three four days ago and passed the waiver for this government and the Hon. Chair can attest I



have been engaging him for the last more than 48 hours. We say that we are not going to charge any fees other than the outstanding normal rates.

Madam Speaker, if you allow me, though I would not even wish to subject it to this House, for the information of this House is that there is serious sabotage happening in our revenue offices, to be specific Mavoko. We are charging registration fees to people going to pay rates in Mavoko and I have evidence which I forwarded to the Hon. Chair and majority of them who have gone there have gone back with the amount of monies they are supposed to pay for their outstanding rates, thus making our county not be able to meet its revenue target.

Madam Speaker, this matter has to be seriously taken. Machakos County where it is today, is not in a position to be raising not less than Ksh. 3 Billion. There must be a serious problem. The Hon. Member who has just spoken, Hon. Wambua, has said and many members can attest, so many of our revenue collection centres we are finding more than ten revenue clerks or officers, doing very little and concurring with what the Hon. Chair has said that our human resource capital has exceeded the legal requirement by more than six per cent. Madam Speaker, are we serious? Honestly, we are not serious. There must be some serious disconnect and something somewhere is going amiss and Madam Speaker if this Hon. House can sit down and tolerate an illegality by law, then I don't think this House deserves to exist.

This House is supposed to make sure that the law is followed to the latter, so already the chair has told us that we have exceeded the legal limit of human resource requirement. That means it is eating up into our development expenditure. This needs to be relooked and I said two, three days ago, if there is a defining moment that this House needs to take, it is this year's financial budget. We must align our budget with the requirements of the electorate.

What is going to make this Hon. Members here have a guaranteed come back and I want to ask our Hon. Sisters, the Hon. Members who are special elect, kindly help us in this war because if we lose, we are going to lose together with you. So, kindly help us in this war so that we can outline these issues and walk the talk together so that we will be happy to have 90 or 95 per cent or 100 per cent come back all of us together in the next Assembly. That will be necessitated by us working together, reasoning together and seeing the way forward for this county. The issues that have been outlined, Madam Speaker, are quite clear. Kindly Hon. Members, let us stand up and ensure that we stand for what is right.

Madam Speaker, as it has been said, the reallocations that are being done, I tend to even contradict the department of Health; recently I tabled a report here that the county emergency committee is already in place and I tabled even documents showing that the CECM, Finance said that the county emergency committee is in place. Despite the reasons that they have given, the chair budget national government, the president of this country His Excellency Dr. William Samoei Ruto, recently said it clearly, let counties use what they have for emergency responses, with or without regulations, and the National government will be held accountable.

Madam Speaker is the CECM, Finance in Machakos County more superior than the President and the Chair, Budget in the National Government? It is too contradictory. Madam Speaker, we will need to know the funds that were utilized for emergency response despite the fact that the Hon. DS has said we use our own monies, it is on paper that the County Government spent monies for emergency rescue response. So, we will need them to respond to us and tell us---

**Hon. Mbili Ndawa** (Matuu, MCCP): Point of information, Madam Speaker.

**Hon. Speaker:** Taken.

**Hon. Mbili Ndawa** (Matuu, MCCP): Thank you, Madam Speaker. I just want to inform my colleague that there is also something called special programmes. Some of the rescue which was done was done using special programme kitty.

**Hon. Dominic Maitha** (Muthwani, WDM-K): That is in order. I will not dwell so much on that, Madam Speaker. Hon. Kisila, so that I finalize, I am informed and that is okay. We are in this Assembly and reports will be tabled here and when that time comes and we are given those submissions, then we will be able.

Finally, Madam Speaker, I am seriously disturbed. If this Assembly cannot be able to absorb Ksh. 213M, then I think we do not deserve to be in this Assembly. I do not know where by coincidence the Hon. Member, Hon. Ngui who has just landed in, the Hon. Member for CASB, heard the heat from outside and came to sympathize with the Hon. Speaker, but I need to ask one question, if these Hon. Members, the County Assembly Service Board, was able to absorb their budget, 100 per cent, what really prompted them not to be able to absorb the County Assembly Development Budget also 100 per cent?

And I want to tell them that they are Hon. Members of this Assembly and they need to take care of their Hon. Members because by failing to spend Ksh. 213M, how are we going again to convince the Hon. Governor to grant us another development money the coming financial year and we are not able to absorb. It is very unfortunate, very uncalled for and Madam Speaker, somebody somewhere in this Assembly is sabotaging the efforts to utilize that money. This chamber here, the reasons that are usually given to Hon. Members is that it cannot be completed, are flimsy. A certain committee seated somewhere in the procurement has their personal interests that cannot be put on record, Madam Speaker.

You must now act as the Chair, County Assembly Service Board, and ensure that whoever is not working for this Assembly for the sake of these Hon. Members does not need to be in this Assembly. Madam Speaker, this Assembly is a creation of these Hon. Members seated here. If they cease not to be here, then there is no Assembly. The Service...the Members of the County Assembly here are supposed to facilitate the smooth running of the operations of the Hon. Members here because if the Hon. Members are not here, then the Assembly ceases to exist.

Madam Speaker, can you relook into this thing, through the office of the Clerk and the County Assembly Service Board. It is sad, unfortunate, uncalled for and it is unheard off. In fact, Madam Speaker, how I wish even this information does not leak to the public. It would be very shameful, it would be very shameful and it would be very, very shameful. So, Madam Speaker kindly, let this not happen again and actually, it is unfortunate that at some point the Hon. Minority Leader responded and said that he is not a member of the Service Board but he is the Minority Leader who appointed, through his party, one of the members that represent his team in the Service Board, so he should hold him accountable. Same case applies to the Majority Leader. He also has to hold his member accountable for the failures and the inaccuracies.

Please let us understand that we have an Assembly to protect and if we cannot absorb, and any staff in this Assembly who is sabotaging the efforts of the Hon. Members here, they must be taken to account. So Madam Speaker, it is not as usual and if you have heard what the Majority Leader has said, take it seriously. It is not as usual and the words of the Minority Leader, it is not as usual. We cannot sit here and just talk and talk and talk and then there is no action. We cannot be sending monies to the Executive yet we need to absorb those monies here.

Finally, we need to be told the Ksh. 213 Million that is moving from the County Assembly to the development expenditure of the County Executive where is that money going to be utilized? Madam Speaker this should not happen and if it happens, what will happen at that time, only the Assembly knows. Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Ndeti.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you Madam Speaker, I do not want to bore you by repeating what has been said but my general observation is that the entire development budget for the county has been affected downwards so our Chair, Finance together with your team, we need to develop teeth to bite people so that collection of revenue can shoot up.

The other thing is that for you not to utilize funds that you have been allocated, it means that whoever is responsible for procurement is failing us so as an Assembly, please take action. If whoever is responsible for that procurement process is not working, as an Assembly I think we should just say to hell and get whoever it is out of his or her office. Thank you.

**Hon. Speaker:** Thank you. Hon. Kitaka

**Hon. Francis Kitaka** (Ndalani, WDM-K): Thank you, Hon. Speaker. Today seems to be a day that everybody wants to speak the truth and the truth will set us free. As the chair, Finance, I have had a report that we tabled here with my able committee indicating why we are not able to attain our set targets.

As a committee, we have recommended to this House that we approve the budgets of our departments, which we have done, but the results have been dwindling. Hon. Speaker, revenue collection has been marred with a lot of malpractices. Every day we are talking of automation, budgets allocated, with very little results. Hon. Speaker and Hon. Members, we have made resolutions in this House and recommended that various actions must be taken by the department, but yet nothing is coming forth.

Hon. Members we need to be tough enough, we need to stand our ground and the people who we have approved in this House to assist our Hon. Governor to perform her tasks, are not doing their job. It is either there is a lot of malice, they are also sabotaging and misleading the Governor and giving her wrong advices. Hon. Speaker, I want to go on record that this has to change even if it means sacking people and recommending some of the Executive CECMs to be subjected to removal by this House.

I want to be on record; we have to work, if we want to serve our people of Machakos County then we have to mean business. We have cartels who are collecting money from the quarries and that has to stop, Hon. Members. We have people and companies and entities who are not paying taxes and levies. They have to pay if we have to get the right Own Source Revenue that we require as a County.

Hon. Speaker, it is a discussion that does not have to stop. It is a discussion that we have to take to the other level. People have to be held accountable. We have competent committee chairs in this House but we have also people who are given tasks or Hon. Members who are out there serving in this Executive who are very incompetent. Things have to be done several times; we have to do policies and return them..... I want to quote even in our Delegated Legislation Committee and things are not moving. We are not able to actualize, for example to use the money in Wikwatyo fund. Why? It is the high time we do what is required of us to do.

Hon. Members, being the Chair of Finance Committee and allocating monies that are not utilized, I am also a victim. Ndalani ward has no office! It was contracted, built but you cannot tell the state it is in because it is just like an office that is in the forest. We are using offices in the market and nothing is happening.

Hon. Members, anyone who is serving an entity and has a contract it has a clause from your respective employer that states that you have been appointed for this particular task and down there you will find another clause saying and any other task that will be assigned to you by your employer. If someone is sleeping on the job, I think that clause has to apply and you have to be moved so that sanity and progress is achieved.

Madam Speaker, everything is digital nowadays. It is high time we embrace technology; it is high time that we exercise and utilize the systems that have been provided. I urge our department of finance that we have allocated a lot of money for automation. Let us see results from the revenues and monies that we have allocated.

Hon. Speaker, as I finish we have the CASB that has been drawn to this menace today and everybody has talked about it. Let us be very reasonable, let us identify the areas that we are failing as an Assembly. Hon. Speaker, you are competent enough to address the matter and it is the high time now you take and play the ball as the Chair of CASB. Whoever does not toe the line it is high time and he or she packs and leaves. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much. I think we have to end there but before we end we can discuss these matters as we go on because this is just part of it. We have another sitting taking.....Hon. Katiti I am addressing you and the other Members who want to contribute. We still have more chances to do so but we have to move. Before I move and because CASB has been the center of this I just want to say one or two things concerning CASB and Members I want to bring to your attention that in CASB you have given me very competent Members. The Members are quite competent; I have no issues with Members of CASB being competent.

Secondly---

*(A Hon. Member spoke off the record)*

That is where I am taking you so why don't you give me an opportunity to say. Is it not good to give somebody an opportunity to talk? So as a result of that competence, work has been going on well. Initially or in the course of our proceedings here we have had our CASB bringing reports here. I heard Members saying that reports have not been coming but they have being coming. I have presided over a report from CASB, several of them.

*(Hon. Brian Kisila spoke off the record)*

Let me finish Hon. Brian Kisila. I cannot talk forever. Hon. Brian Kisila has bashed this CASB left, right and center and other Members but I want to inform you Members that the way I know myself, I know my work very well. I am very alive to the issues that are being debated and the ones that are bringing all the issues that we are addressing here. Members I want to promise you that we have done our best so far as those two projects are concerned and that is chamber and the ward offices and when I put my mind into a matter, I really do my best. I know myself and competencies.

You have to realize that the two projects that have had issues and the reason why the money is being returned is we found those two projects running and for the biggest chunk of it they had stalled for reasons best known to the Assembly that time. When we took over, we enquired what is happening because the chamber was not moving and the ward offices had also stalled and we took up the matter running and we enquired and got to the bottom of it and it has

been a marathon from that day up to today and as a results of other factors and you have to remember that CASB does not work alone in as much as it is the apex of the Assembly, it works with other players in it.

So, there have been some back and forth taking place and as several Members have observed that perhaps sabotage is coming from elsewhere but not within CASB. Members, I want to assure you that we are on top of things and we are making headway and we are doing our best to make sure that things move. Those who are playing down and making things not move and they are letting us down; we are going to make sure that we take action as a matter of priority. So mine is just to ask you, Hon. Members, to support us in this and results are going to be seeing Members because whatever has been happening is actually beyond some of us.

*(Hon. Francis Ngunga spoke off the record)*

Let us not argue let me just finish.

**Hon. Francis Ngunga** (Mua, MCCP): Madam Speaker, just a minute. Madam Speaker, when you allow yourself to debate---

**Hon. Speaker:** No I am not allowing myself to debate.

**Hon. Francis Ngunga** (Mua, MCCP): Madam Speaker, we are put at a loss because we do not know whether to rise on appoint of order, we do not know whether to point of information because you are debating. Madam Speaker, if you recall---

**Hon. Speaker:** I am giving a point.

**Hon. Francis Ngunga** (Mua, MCCP): If you recall the spirit of the House here was that Members have raised issues with CASB. Nobody has raised issues about competencies here; we are talking about a situation here and Madam Speaker, Members have said in the next 24 hours we want a written report and not a verbal report. So then Madam, what I am trying to say I think now this defeats the point. We would need to run away from what you are doing now, Madam Speaker. Let us address the issues here.

Whether you are on top of things here is not the question here. The question is that there Ksh. 213 million that is going back to the Executive and that is it. Whether you are on top of things here we have a stalled chamber here, whether you are on top of things here---

**Hon. Speaker:** Hon. Member! Hon. Member!

**Hon. Francis Ngunga** (Mua, MCCP): When you start debating, now you put us at a loss.

**Hon. Speaker:** I am not debating. I am just mentioning and clarifying a few things.

**Hon. Francis Ngunga** (Mua, MCCP): Yes, then let that come as a report.

**Hon. Speaker:** I cannot debate; I do not play debating.

**Hon. Mbili Ndawa** (Matuu, MCCP): Hon. Speaker, may I request. Hon. Speaker, you cannot be the accuser and at the same time be the judge.

**Hon. Speaker:** I am not the accuser.

**Hon. Mbili Ndawa** (Matuu, MCCP): The matter before the House is concerning the CASB that you Chair.

**Hon. Speaker:** I am not an accused person. Hon. Members listen to me. I am not an accused person here; I am the Speaker and this is not a CASB sitting here. I am the Speaker, I am seated here. No, I am not allowing myself to be put in this I was straightening records so that you Members just get to know. So, therefore, Members let us not---

*(Loud consultations)*

At this point then I wish to call the mover of the motion to come forward and reply to the motion.

*(Applause)*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I wish to thank the House for the lively debate that has been going on. That is the spirit that us as Members of the County Assembly need to uphold as we carry out our mandate. Hon. Speaker, I wish to call upon the House to also support the committee observations and recommendations that are contained in the report that I have tabled before the House. Thank you, Hon. Speaker.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, we have asked a simple question to the Chair; Ksh. 213 million where it is being taken to.

**Hon. Speaker:** Hon. Member, can you just point out to the Members where the money is going?

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. If you allow and if the House allows, during the Second Reading of the Bill, I shall respond to that question.

**Hon. Speaker:** Thank you. That is better.

*(Question put and agreed to)*

## **BILL**

*(Second Reading)*

THE MACHAKOS COUNTY SUPPLEMENTARY  
APPROPRIATION (NO. 3) BILL, 2024, KENYA, GAZETTE  
SUPPLEMENT NO. 8 (MACHAKOS COUNTY BILLS NO. 5)

**Hon. Speaker:** May I at this point call Hon. Dominic Ndambuki to come and take us through.

**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 Supplementary Appropriation (No.3) Bill, 2024 (Machakos County Bills No.5) be now read a second time. Hon. Speaker, this Bill contains or rather shows how monies have been moved from one department to another and gives objectives and reasons for the supplementary budget. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. I now propose---

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, the Hon. Budget Committee Chair is playing around with our minds. He has said clearly less than five minutes ago that he is going to give us a response to where the Ksh. 213 million is being reallocated to in the Second Reading. Why is he taking us left, right and center Madam Speaker? Maybe we can adjourn then come and proceed. We are not in a hurry after all the money has not been spent and no miracles will happen.

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

**Hon. Speaker:** The Budget Committee Chairperson says that he will be able to discuss this when the House is discussing the matter after this. That is according to---

**Hon. Mbili Ndawa** (Matuu, MCCC): Point of information, Madam Speaker. There is a difference between an Assembly plenary and a Committee of the Whole House. The matter is raised before the County Assembly so the other stage we are going is the committee of the whole House and that is different from---

**Hon. Speaker:** That is the one that he will discuss the matter there.

**Hon. Mbili Ndawa** (Matuu, MCCC): He is supposed to answer here.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Madam Speaker, I want to inform you once we proceed to the committee of the whole House, the mace is lowered down and covered so there is no decision binding that can be made by the committee of the whole House and that is why the Hon. Speaker, delegates her powers to the Chair responsible, moves out and comes back to ascertain the decisions that have been made by the committee of the whole House.

Madam Speaker, if we proceed we will have made the biggest mistake ever committed by this House. As the committee of the whole House, Madam Speaker, and based on the previous ruling that you have just made where the 'Ayes' were less than the 'Nays' then we anticipate the same, Madam Speaker. We need to now before we proceed where our Ksh. 213 million is going to be allocated to otherwise we will proceed to an un-procedural debate, Madam Speaker.

**Hon. Speaker:** Okay. Let Hon. Chair---

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

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

**Hon. Speaker:** Hon. DS proceed.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): I thought the Chair had gotten the response then maybe he may proceed because I could see him straining so much when the answer is just right on his hands.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. The House is lively today.

*(Laughter)*

Hon. Speaker, in my report I read that the County Assembly or rather from the County Assembly development budget, the Treasury proposes to take Ksh. 213 million from the County Assembly development budget and Hon. Speaker, during my report I read that one objective of this supplementary is to align our own source revenue targets with the expenditure. Hon. Speaker, during the committee of the whole House, that is where we make changes to the bill. That is where we make changes to the bill during the committee of the whole House. So during the committee of the whole House what is contained in the report that is when we make the changes so part of the changes that is 213 million from the county assembly that change will be made during the committee of the whole House.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Point of information, Madam Speaker. Madam Speaker, let me help the chair I think he is still straining.

**Hon. Speaker:** Hon. DS proceed.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Madam Speaker, I just want to respond to the request. Hon. Members, I am on the floor Hon. Members. I think when the Chair was reading this report, he alluded very well that the Treasury is decreasing the total budget by Ksh. 464 million, Madam Speaker. The reason behind it is because we have not hit our revenue target as expected.

*(Hon. Dominic Maitha spoke off the record)*

Mheshimiwa, just allow me to finish my submissions because you are the one who has asked this question. So what we are doing we are reducing the total budget by Ksh. 464 million out of the Ksh. 464 million, Ksh. 213 million was meant to be used or spent by the County Assembly.

*(Hon. Dominic Maitha spoke off the record)*

Just allow me to finish Hon. Dominic then you will be given your time to respond. Just allow me because at the end of the day we have noted it is true that there is an error in the Kenya Gazette that omitted the Ksh. 213 million but in the report everything has been captured including the Ksh. 213 from the Assembly and the other areas. The reason was that as an Assembly, we had not committed the Ksh. 213 million and so to some extent it was not there because it was not committed. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. We had not gotten a seconder. You had finished with your statement? We had not gotten a seconder. Give us a seconder.



**Hon. Dominic Maitha** (Muthwani, WDM-K): We are helping our Hon. Chair and we are not in any way malicious. Madam Speaker, we are guided by this document. When you go to the part of increase and decrease, it is clear, Madam Speaker. We are not speaking from the blues. We are speaking from this document. Madam Speaker, from the first part of where monies have been moved the first part of Ksh. 1.4 million then you go downwards and when you total up it is more than that amount and then when you go to what the Chair is saying, Madam Speaker, it is very clear.

We do not have to debate however much the Deputy Speaker, is saying the committee recommends if you go to part 46 of the report, the committee recommends that the County Assembly development budget amounting to Ksh. 213 million be moved from the County Assembly development vote to the Executive. What does that mean, Madam Speaker?

**Hon. Speaker:** Hon. Member.

**Hon. Dominic Maitha:** We are not losing that money because we have not raised revenue but they are saying that we move it to the Executive. Which department of the Executive?

**Hon. Speaker:** That is what he is going to appropriate during whole House committee.

**Hon. Dominic Maitha:** Madam Speaker, if it is not contained in this document once we proceed to the committee of the whole House Madam Speaker, it will be an nullity in totality because if it is not captured on this Gazette Notice what he would have told us it was a computer error, we can understand but it is not captured. Actually, the amount of money that we want to align with our budget Madam Speaker, it is Ksh. 400 and something million. When we add up to this document plus the Assembly it will be Ksh. 600 and something million, Madam Speaker.

**Hon. Speaker:** He has clearly said he is going to align it and I want to allow him. Proceed, Hon. Member.

**Hon. Francis Kavyu** (Kinanie, MCCP): I assumed the gesture. Madam Speaker, I think there is something we are not agreeing as a House. What the Budget Committee Chair, Whatever correction the Budget Chair is talking of going to effect; this is the guiding document, Madam Speaker. The Ksh. 213 Million is not captured here. So, it is the committee that is trying to force the Ksh. 213 Million to go to the Executive, so they should not interfere because if the Treasury thought it was important for them to get the Ksh. 213 million, it would have been part of this. So, whatever the Chair, Budget is trying to recommend is an illegality, because even if we go to the Committee of the Whole House, this is the document that will be guiding us.

So, where is that captured, because as I was contributing, Madam Speaker, I said this issue came as an afterthought, so the Executive gave their document and as an Assembly, and Madam Speaker, as you remember, last time we had to reconvene again, because somebody thought that it was wise to do what the Chair, Budget, is trying to do today. We had the same and a budget was amended here and we had to call for a Special Sitting, because somebody interfered with what the Treasury submitted to us. So, Madam Speaker, it should not be an issue of whether it is going to be corrected. It should not form part of the report that they are presenting to us because it is not gazetted; it is not there.

The Chair, Budget, should not mislead this House by saying that we are going to have this corrected. Let us have the report comply with whatever we have...Hon. Speaker, I think I am on the floor, and there are consulting in high tones.

**Hon. Speaker:** Let us not have many meetings, Hon. Ndawa. Hon. Chair of the Committee, we are only having one meeting at a go. Hon. Kavyu is on the floor. Hon. Ndawa, what's happening? Minority Leader, what's going on? Proceed, Hon. Kavyu.

**Hon. Francis Kavyu** (Kinanie, MCCC): Madam Speaker, as i conclude, this is the document that has been submitted to the House for consideration, and it is what guides the Budget Committee. So, it is an illegality for them to try and include things that the Executive or the Finance Department never so the need to be included here. The Chair needs to come out clearly and explain to this House, why are they donating our money to an unknown destination, because if that money was needed, it would have clearly been captured here, Madam Speaker, the same way the other movements have been captured.

**Hon. Speaker:** You know Hon. Kavyu, what I was saying is we have not even requested for a seconder. We have not even started debating this.

**Hon. Francis Kavyu** (Kinanie, MCCC): No, the response he is giving is what is worrying us as an Assembly. They should not mislead this Assembly.

**Hon. Speaker:** He had said he would reply during the debate.

**Hon. Mbili Ndawa** (Matuu, MCCC): Hon. Speaker, may I request that you invoke Standing Order 1 to allow the House to adjourn for 10 to 15 minutes so that we can be able to consult relevant books, so that whatever we resolve, we are within the law. I'm requesting that you invoke Standing Order 1.

**Hon. Speaker:** Let us do this after we have seconded and then we get into it, because we are doing things in a very un-procedural way.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Hon. Speaker, I wish to call upon Hon. Nicholas Nzioka to second.

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

*(Question proposed)*

**Hon. Speaker:** I invite Members to discuss the third Machakos County Supplementary Appropriation Bill, 2024. Hon. Brian Kisila and then Hon. Kavyu.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Hon. Speaker, we are here to assist the process and it's important. What Mheshimiwa Dominic is raising are very valid points. I'm kindly requesting you to invoke Standing Order 1; we need to consult for about 10 minutes and then we return back so that we are all within the legal framework.

**Hon. Speaker:** Hon. Chair, Hon. Chair... this is the ruling; having been requested to suspend the House for 10 minutes, I hereby grant that opportunity. Let's be back here after 10 minutes. The House is suspended for 10 minutes.

*[The House was suspended for 10 minutes]*

*[The House resumed]*

**Hon. Speaker:** At this point I invite Members to debate the Bill. Members, it is your floor. Hon. Ndawa, Hon. Kisila.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you very much for making a very good ruling that the Assembly take at least 10 minutes to consult. Hon. Speaker, the matter which was contentious, in our consultation, we are now in agreement that we pass the Bill as it is because we have seen if we say we now go back to the Government printers, it will take us a long time, and by the time the Gazette comes out, it will be another financial year. So, Hon. Speaker, I request my colleagues that we approve the Bill as it is. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Ndawa. Hon. Brian.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Madam Speaker, we are in agreement and in fact because time is not on our side, I propose that you put the question so that we can go to the next session.

**Hon. Francis Kavyu** (Kinanie, MCCC): Madam Speaker, I want to concur with the other Members because every day is a learning and during the consultation meeting, our eyes were opened and therefore, we are in support that we progress with the report as it is, so that we can allow time for the other activities that have been balloted for the day. Thank you.

*(Question put and agreed to)*

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

**(Then)**

## **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Hon. Speaker left the Chair]*

**IN THE COMMITTEE**

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

**THE MACHAKOS COUNTY SUPPLEMENTARY  
APPROPRIATION (NO. 3) BILL, 2024, KENYA, GAZETTE**

## SUPPLEMENT NO. 8 (MACHAKOS COUNTY BILLS NO. 5)

**Hon. Chairperson:** Okay Hon. Members. In fact, I do not think we have much to do. We only have some little amendments, so we will not spend more than 10 minutes.

*Clause 1*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Clause one of the Bill be amended —

- a) In the headnote by deleting the figure “16,021,454,221.00” and substituting therefore with the figure; “15,808,454,221.00”;

*(Question of the amendment proposed)*

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

*(Clause 1 as amended agreed to)*

*Clause 2*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Clause one of the Bill be amended —

- a) By deleting the expression “Kenya Shillings Sixteen Billion, Twenty One Million, Four Hundred Fifty Four Thousand, Two Hundred Twenty One Only and substituting therefore with the expression; “Kenya Shillings Fifteen Billion, Eight Hundred and Eight Million, Four Fifty Four Thousand, Two Hundred Twenty One Only”

*(Question of the amendment proposed)*

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

*(Clause 2 as amended agreed to)*

*(Clause 3 agreed to)*

**FIRST SCHEDULE***Recurrent Expenditure*

*(Votes R0001, R0002, R0003, R0004, R0005, R0006, R0007, R0008, R0009, R0010, R0011, R0012 and R0013 agreed to)*

*Vote R0014*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Schedule one of the Bill be amended —

- a. In R0014 as relates to County Assembly Recurrent Expenses Portfolio—

- i. In “P01. HR, Administration and Coordination Services” by inserting the figure “2,689,469” as relates to the increase/decrease in Ksh.;
- ii. In “P01. HR, Administration and Coordination Services” by deleting the figure “299,432,359” and substituting therefor the figure “302,121,828” as relates to Revised Budget 3 in Ksh.;
- iii. In “P02. Financial Management Services” by inserting the figure “(1,591,518)” as relates to the increase/decrease in Ksh.;
- iv. In “P02. Financial Management Services” by deleting the figure “42,970,300” and substituting therefor the figure “41,378,782” as relates to Revised Budget 3 in Ksh.;
- v. In “P03. Legal, Library and Research Services” by inserting the figure “(923,860)” as relates to the increase/decrease in Ksh.;
- vi. In “P03. Legal, Library and Research Services” by deleting the figure “5,000,000” and substituting therefor the figure “4,076,140” as relates to Revised Budget 3 in Ksh.;
- vii. In “P04. County Assembly Service Board Services” by inserting the figure “(174,091)” as relates to the increase/decrease in Ksh.;
- viii. In “P04. County Assembly Services Board Services” by deleting the figure “37,852,000” and substituting therefor the figure “37,677,909” as relates to Revised Budget 3 in Ksh.;

*(Question of the amendment proposed)*

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

*(Vote R0014 as amended agreed to)*

*(Totals for Recurrent agreed to)*

## **SECOND SCHEDULE**

### *Development Expenditure*

*(Votes D0001, D0002, D0003, D0004, D0005, D0006, D0007, D0008, D0009, D0010, D0011, D0012 and D0013 agreed to)*

#### *Vote D0014*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Schedule one of the Bill be amended —

**a.** In D0014 as relates to County Assembly Development Portfolio—

- i. By inserting the figure “(213,000,000)” relating to “development expenses of County Assembly Portfolio” as relates to the increase/decrease in Ksh.;
- ii. By deleting the figure “292,000,000” relating to “development expenses of County Assembly Portfolio and substituting therefor the figure “79,000,000” as relates to the Revised Budget 3 in Ksh.;
- iii. In “P02. Legislative Services” by inserting the figure “(213,000,000)” as relates to the increase/decrease in Ksh.;

- iv. In “P02. Legislative Services” by deleting the figure “275,500,000” and substituting therefor the figure “62,500,000” as relates to the Revised Budget 3 in Ksh.;

*(Question of the amendment proposed)*

**Hon. Dominic Maitha** (Muthwani, WDM-K): Now, Vote D0014 as proposed for amendment is the Vote for the County Assembly, the Ksh. 213 Million. May the Chair now substantiate on this amendment and give us a proposed allocation entry so that this House may be in tandem, because Hon. Speaker, we have levelled allegations to the County Assembly Service Board and we need now to get it clear. There are two versions here, Hon. Speaker.

One, we have said we are re-allocating this money because the County Assembly Service Board has not managed to absorb that money. Two, we are going back again to the original statement and saying, due to our inability to raise the target for our own source revenue, we want to realign our budget to a total of Ksh. 600 and something Million, then here now we are held at loggerheads. Do we exonerate the County Assembly Service Board from the blame or do we hold them accountable? Where are we now?

If we are doing this realignment because we have not achieved our revenue targets, then all the allegations that have been levelled against the County Assembly Service Board remain null and void, unless otherwise substantiated. Thank you Hon. Chair.

**Hon. Chairperson:** Chair, you want to respond? Just briefly because we only have 10 minutes.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Chair. To respond to the question raised by Hon. Dominic Maitha, the County Assembly Service Board was not able to absorb these funds, the Ksh. 292 Million in total, as at the time when the proposed changes to the original budget were tabled before the committee. Therefore, the County Treasury also wanted to align their budget also with own source revenue targets and one of the targets for trying to balance their books was these monies that have not been committed in the departments that we have. County Assembly is one department (??) of the County Government of Machakos. Therefore, the Ksh. 213 Million that was not committed by the County Assembly Service Board had now to be used to balance the books, as you put it. Thank you.

**Hon. Chairperson:** Thank you Chairman. I think we may proceed. Kindly, Hon. Dominic; we only have three minutes.

**Hon. Dominic Maitha** (Muthwani, WDM-K): The County Assembly Service Board is guilty as charged.

**Hon. Chairperson:** Thank you, Hon. Dominic.

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

*(Vote D0014 as amended agreed to)*

*Totals for Development*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Schedule two of the Bill be amended —

**b. Class – Subtotal**

- i.** By deleting the figure “(461,593,402)” relating to “Development Expenditure Class- Subtotal” and substituting therefor the figure “(674,593,402)” as relates to the increase/decrease in Ksh.;
- ii.** By deleting the figure “5,247,219,176” relating to “Development Expenditure Class- Subtotal” and substituting therefor the figure “5,034,219,176” as relates to Revised Budget 3 in Ksh.;

*(Question of the amendment proposed)*

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

*(Totals for Development as amended agreed to)*

*Grand Total*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that Schedule two of the Bill be amended —

**c. Grand Total**

- i.** By deleting the figure “(461,593,402)” relating to the “Grand Total” and substituting therefor the figure “(674,593,402)” as relates to the increase/decrease in Ksh.;
- ii.** By deleting the figure “16,021,454,221” relating to the “Grand Total” and substituting therefor the figure “15,808,454,221” as relates to Revised Budget 3 in Ksh.;

*(Question of the amendment proposed)*

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

*(Grand Total as amended agreed to)*

*(Long Title agreed to)*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): I wish to move that the Committee do report its consideration of the Machakos County Supplementary Appropriation (No.3) Bill, 2024 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Chairperson:** Thank you Hon. Members.

*(The House resumed)*

*[Hon. Speaker in the Chair]*

### **REPORT AND THIRD READING**

THE MACHAKOS COUNTY SUPPLEMENTARY  
APPROPRIATION (NO. 3) BILL, 2024, KENYA, GAZETTE  
SUPPLEMENT NO. 8 (MACHAKOS COUNTY BILLS NO. 5)

**Hon. Speaker:** May I at this point call the Chair of Chairs to come forward and report.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Hon. Speaker, I wish to report that a Committee of the whole House has considered Machakos County Supplementary Appropriation (No.3) Bill, 2024 and has approved the same with amendments. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. I now invite the mover to come forward and reply.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. Hon. Speaker, we have considered some amendments to the Bill. I call upon Hon. Nicholas Nzioka to second.

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

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Hon. Speaker, pursuant to Standing Order 131 (2), I beg to move that the Machakos County Supplementary Appropriation (No.3) Bill, 2024, Machakos Bill No. 5, be now read the Third Time. We have done a few amendments to the Bill, Hon. Speaker, ranging from one department to another and the House has adopted the changes. I call upon Hon. Judas Ndawa to second.

**Hon. Mbili Ndawa** (Matuu, M CCP) seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

### **ADJOURNMENT**

**Hon. Speaker:** The House now adjourns to Thursday, 20<sup>th</sup> June 2024, at 3.00 p.m. Thank you, Members. See you then.

The House rose at 2.40 p.m.



