

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Wednesday, 9th October, 2024

The House met at 10.31 a.m.

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

PRAYERS

STATEMENT

BUSINESS FOR THE HOUSE FOR 9TH OCTOBER AND 12TH NOVEMBER, 2024

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met today on 9th October, 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:

Wednesday, 9th October, 2024

Morning at 10.00 a.m.

- a. Report on the status of stalled ECDE classes within the County; Continuation of debate by Hon. Annastacia Mutevu; Chairperson, Education and Social Services Committee.
- b. Report of Finance and Revenue Collection Committee on Financial Statements of the County Government of Machakos (Executive) for half year for the period ended 31st December, 2023 by Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee.
- c. Motion on Alteration of Assembly Calendar and Adjournment of the House by Hon. Nicholas Nzioka, Leader of Majority/MCA, Machakos Central Ward.

Tuesday, 12th November, 2024

Morning at 10.00 a.m.

Report of Budget and Appropriations Committee on County Government Budget Implementation review report by the COB for the first nine months of the FY 2023/2024; Continuation of debate by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.

Afternoon at 2.30 p.m.

Report of the Environment and Natural Resources Committee on Budget Implementation for the Department of Climate Change for the FY 2022/2023 by Hon. Fredrick Kitetu, Chairperson, Environment and Natural Resources Committee.

Thank you.

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

MOTIONS

STATUS OF STALLED ECDE CLASSES WITHIN THE COUNTY

(Hon. Anastasia Mutevu on 02.10.2024)
(Resumption of Debate interrupted on 02.10.2024)

Hon. Speaker: We are supposed to continue with our debate but before I invite Members, I would request Hon. Anastacia Mutevu to come forward and refresh Members on this matter once again.

Hon. Anastacia Mutevu (Nominated, WDM-K): Thank you, Madam Speaker. Allow me to go to the recommendations of the Committee because we had the report at the floor of the last time and also to the conclusion if you allow, Madam Speaker.

Hon. Speaker: Observations or recommendations?

Hon. Anastacia Mutevu (Nominated, WDM-K): I take them through the classes because we have the report in our wall and we also went through the report last time. I can go through the status of the ECDE classes and also the recommendations. Status of stalled ECDE Classes within the County.

Hon. Speaker: Which page?

Hon. Anastacia Mutevu (Nominated, WDM-K): Page 7(4).

Hon. Speaker: Proceed.

Hon. Anastacia Mutevu (Nominated, WDM-K): Status of ECDE classes within the County. Construction of ECDE Centres. Hon. Speaker, in the line with the National preprimary education policy standard guidelines 2018 to increase access to preprimary school.

STATUS OF STALLED ECDE CLASSES WITHIN THE COUNTY

Construction of ECDE centers

Hon. Speaker, in line with the National Pre-primary Education Policy Standard Guidelines 2018 to increase access to Pre-primary Schools, the County Governments in collaboration with the National Government and other key stakeholders shall ensure the laid

down standards are adhered to. Since the inception of devolution in 2013, Machakos County Government embarked on construction and improvement of ECDE infrastructure.

Hon. Speaker, the Committee through a letter Ref: MKSCA/PCS/CMM/ESW/VOL. 4/4 dated 20th June 2023 sought to find out the status of all ECDE classes that were constructed by the County Government from 2013 to 2021. The department, through a letter referenced: GMC/4/DOEE/ASS/VOL. 1/11 furnished the Committee with a report containing the status of all the ECDE classes constructed by the County from 2013 to 2021 totaling to 127 classes. After reviewing the report, the Committee noted that seventeen (17) ECDE classes were reported as stalled. The Committee sought to find out their status and reasons for stalling.

Hon. Speaker, the department provided the Committee with a status report on the stalled ECDE Classes as follows; see annexure I first information report). This report contains information on the name of the project, location, contractor, budget allocation, actual expenditure, status and reasons for stalling. This prompted the Committee to conduct site visits to the said stalled ECDE classes.

Committee site visit

Hon. Speaker, the Committee on Education and Social Services, pursuant to Standing Order 190(5) which mandates members to oversight the projects in the County, resolved to conduct site visits for the stalled ECDE classes to establish their status and level of implementation, establish the challenges the department was facing and make meaningful recommendations that would improve the execution of future projects.

The Committee visited nine (9) stalled ECDE classes out of the seventeen (17) as presented in the report by the Department as follows:

A) Kasinga ECDE class

Hon. Speaker, the class is allegedly located in Mumbuni North ward and had a budget of Ksh. 1M and the actual costing of the class was Ksh. 988,450.

Hon. Speaker, during the site visit the Committee uncovered the following:

- i. The Department has never constructed any ECDE class at that school despite having given the County adequate space to construct the ECDE class. Only the site for the class was identified but the department never initiated the project up to date yet in the report it was indicated that the class was complete and paid.
- ii. There is only one ECDE class donated by the primary school and is divided into two using soft boards in order to accommodate both PP1 and PP2.

Hon. Speaker, the Department had reported that the ECDE Class had been completed and paid.

B) Mung'ala ECDE class

Hon. Speaker, the class is located in Mumbuni North ward and was allocated a budget of Ksh. 1M and the actual costing of the class was Ksh. 995,370.

Hon. Speaker, during the site visit the Committee uncovered the following:

- i. The Center has one class constructed by the Department which is incomplete.
- ii. The roof was poorly done in that the wood used for roofing is almost falling down which makes it unfit for occupation, prompting the head to prohibit its use by the learners.
- iii. The blackboard was halfway done.
- iv. The current classrooms used for ECDE are very congested.
- v. It has a feeder school which is in a deplorable condition.

Hon. Speaker, the Department had reported that the ECDE Class was completed and paid.

C) Kathama ECDE class

Hon. Speaker, the center is located in Muvuti / Kiima Kimwe Ward and had a budget of Kshs.1M while the actual costing of the class was Ksh. 995,370.

Hon. Speaker, during site visit, the Committee noted the following:

- i. The class is a stand-alone project and was completed for occupation. However, it was vandalized leaving it in a state that cannot be used by learners.
- ii. The Center is not secured in that it is not fenced off thus exposing it to vandalism.
- iii. It lacks amenities like offices, washroom and kitchenette for both the learners and teachers.

Hon. Speaker, the Department had reported that is has been completed and paid.

D) Kyandu ECDE class

Hon. Speaker, this class is located in Kangundo West Ward. It is complete and functional, contrary to the Department's report indicating that the contractor had pulled out, the project had stalled and that no payment was made.

Hon. Speaker, this center is a stand-alone and has amenities like toilet for the learners and teachers. It also has a small kitchenette made of old iron sheets for preparing meals for the leaners.

Hon. Speaker, the Department had reported that the contractor pulled out.

E) Matetani ECDE class

Hon. Speaker, the class is located in Kangundo Central ward. It was allocated a budget of Ksh. 1M and the actual costing of the class was Ksh. 980,454.

Hon. Speaker, during site visit the Committee noted the following:

- i. The project had stalled and at the time of visit the contractor was not on site. Members observed that the class was done up to roofing stage, doors and window grills were fitted with no window panes and the inner wall was not plastered.
- ii. The Committee was informed that the Department had constructed the classroom up to the lintel level and later the former Member of County Assembly had done the roofing level which was not up to standard.

Hon. Speaker, the Department had reported that the contactor pulled out.

F) Kangundo DEB ECDE class

Hon. Speaker, the center is located in Kangundo Central Ward which was allocated a budget of Ksh. 1M and the actual costing of the class was Ksh. 980,454.

Hon. Speaker, during site visit the Committee noted the following:

- i. The project had stalled by the time of visit and members were informed that the project had delayed for almost three years.
- ii. The class had been done up to the lintel level.
- iii. The Committee found out that the Department had initiated construction of a new class which was at foundation level at the time of visit.

Hon. Speaker, the Department had reported that the ECDE Class project had been re-advertised.

G) Kivani Township ECDE class

Hon. Speaker, the center is located in Kangundo East ward. It had a budget allocation of Ksh. 1M and was to be done at a cost of Ksh. 987,630.

Hon. Speaker, during site visit the Committee noted the following:

- i. The Department of Education and ECDE services had visited the school and was shown the site for constructing the class. However, the construction never commenced.
- ii. The ECDE learners are using a class donated by the primary school.

Hon. Speaker, the Department had reported that the ECDE Class was complete.

H) Uvaini ECDE class

Hon. Speaker, the center is located in Masinga central ward and was allocated a budget of Kshs. 1M and the actual costing of the class was of Kshs. 999,989.

Hon. Speaker, during site visit the Committee noted the following:

- i. The class had been constructed up to the walling stage at window level.
- ii. It is a stand-alone center and is not secured.
- iii. The ECDE learners are using a class that was constructed by the parents.

Hon. Speaker, the Department had reported that the ECDE Class project was pending cancellation.

I) Kasuangove ECDE class

Hon. Speaker, the Committee visited Masinga central ward and found that there was no ECDE center by this name contrary to a report given by the department that the class was awarded to one contractor by the name Samto Civil Works Ltd and was pending cancellation.

Other stalled ECDE classes

Hon. Speaker, due to time constraints the Committee was not able to visit the remaining eight (8) stalled ECDE classes. These classes include:

- | | |
|---------------------------|-------------------|
| i. Kyambuko ECDE Class | -Machakos Central |
| ii. Kusyomuomo ECDE class | -Machakos Central |
| iii. Tumutumu ECDE class | -Ndithini Ward |

iv. Mwendwa ECDE class	-Muthesya Ward
v. Ielanthi ECDE Class	-Masinga Central ward
vi. Mwatungo ECDE Class	-Masinga Central ward
vii. Mathunya ECDE Class	-Mitaboni Ward
viii. Kwamavui ECDE class	-Masinga Central ward

COMMITTEE OBSERVATIONS

Hon. Speaker, the Committee made the following observations:

- i. The department failed to facilitate the Committee with required information even after several requests as indicated in the report thus contravening section Article 183 (3) of the Constitution of Kenya 2010.
- ii. That some of the stalled ECDE Classes were abandoned at walling stage of construction like in the case of Uvaini ECDE class in Masinga central ward. This prompted the Committee to conclude that these ECDE projects were mismanaged which led to stalling of the ECDE classes despite having a budget and timelines to complete the classes hence poor workmanship.
- iii. That, where some ECDE Centers had stalled the Department had initiated new classes without completing the stalled ones. For example, Kangundo DEB Primary.
- iv. That, award letters for some contractors had fewer ECDE classes awarded *vis-a-vis* the payment voucher which had more ECDE classes paid. (Observation derived from procurement documents availed by the CECM before the Committee).
- v. That, in some instances the report indicated the ECDE classes as complete but during site visit the Committee established that there was no existing ECDE class citing the case of Kasinga in Mumbuni North ECDE.
- vi. That some classes constructed did not meet safety standards for instance the roofing was done using poor quality of timber and was falling off, like Mung'ala in Mumbuni North ward and AIC Matetani ECDEs in Kangundo Central ward where the classes have never been occupied for the fear of posing danger to the learners.
- vii. That, some stand-alone ECDE Centers had been vandalized even before occupation due to lack of security around the ECDE Center an example of Kathama ECDE Center in Muvuti Kiima Kimwe.
- viii. During interrogation of the report by the Committee it came out that there are other stalled ECDE classes that were not captured in the report from the department citing an example of Metuma in Mutituni ward and Kikule in Muthesya Ward.

RECOMMENDATIONS

Hon. Speaker, in regard to the above observations, the Committee made the following recommendations:

- i. The Committee recommends that the County Assembly opens an inquiry within thirty (30) days of tabling of the report to consider the issue surrounding the stalled ECDE classes and report back to the House.
- ii. That, within 14 working days after tabling of the report, the Chief Officer to give a clear direction and guideline on how the stalled ECDE centers will be completed.
- iii. That, due procedure should be followed whenever a case of change of location of an ECDE class arises. This will avoid misinformation on status of the projects and ensure fair distribution of the classes within the County.
- iv. That, contractors who were given projects and pulled out before completion without a written notice and justifiable reason should be blacklisted and ought not to be awarded contracts by the County.
- v. That, ECDE classes that are substandard ought to be redone to the set standards so that they can be used for intended purpose.

CONCLUSION

Early childhood offers a critical window of opportunity to shape the trajectory of a child's holistic development and build a foundation for their future. Early childhood education is important for promoting the cognitive development of a child, fostering their social skills and introducing the child into numeracy and literal skills.

Quality Early Childhood Education programs have been shown to significantly benefit children's development and the County government should invest adequately in ECDE because it plays an essential in promoting equity, enhancing child development, boosting economic productivity, and building a stronger society for the future.

ACKNOWLEDGEMENT

Hon. Speaker, the Committee is grateful to your Office and that of the Clerk of the County Assembly for the continuous and relentless support throughout the entire process of compiling this report. Allow me to also thank the Committee members for their dedication during site visits and Committee sittings. Further, the Committee acknowledges the support given by the Committee secretariat in the compilation of this report.

It is therefore my duty, on behalf of the Education and Social services Committee, to table the Report on status of stalled ECDE classes in Machakos County for the period between 2014 and 2021 and recommend it to this Hon. House for consideration and adoption. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much Hon. Annastacia. Members, it is our turn to debate this motion. I invite contributions. Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. Yesterday evening we were all as Kenyans glued to our TVs in whatever was happening in the National Assembly and Madam Speaker at some point it looked like a movie which indeed was a reality. There are some things you could see on the prosecution of the matter and presentation of the

evidence and then you ask yourself what kind of a country are we living in. Madam Speaker, I am so perplexed by this report. It leaves you even to ask yourself; what country are we living in?

As leaders we even need to ask ourselves further. Is this the kind of a country that we need to have? Madam Speaker, once such a report comes and lands in the floor of this House, you even ask yourself; honestly do we have people who have humanity in this country? Do we have leaders who care for the growth and development of this country? Madam Speaker, this report is very disturbing. How would a County Government officer, employed and paid by taxpayers' money proceed and make a payment for a project that is not complete and proceed and even table a report before this Assembly and say, that project was completed and paid yet when the Committee went to the ground the information is as it is here.

I would not even wish to anticipate debate. I want to give you an example of a report that came in one of my Committees that I would not mention the day before yesterday. A report that was requested and forwarding letters brought to the Committee and then at the end of the day we were not satisfied with the report. All of a sudden, the same accounting officers come to the floor of the Committee and disown the report and say the figures on the report are not actual. It is not anyway different from this report, probably once we take stern action, you might see the same department saying the report had errors, it needs to be relooked to, we will give you the actual report yet the Committee went on the ground and ascertained the status of the structure's *vis-a-vis* the report that they have is totally different.

Madam Speaker, actually even without much debate on this report, how I wish even the Committee with your guidance would just proceed and give us the reports for the eight other stalled units that they never managed to go. If you go to page 12, the Committee is saying; Hon. Speaker, due to time constraints the Committee was not able to visit the remaining eight stalled ECDE, I would not even wish to mention them in page 8. In fact, Madam Speaker, let us give the Committee liberty of time to go and do the fine research and visit to these stalled classes and give us a conclusive report so that we can make a determination that will serve as an example to officers sitting in County Government offices and paid by taxpayers' money.

Madam Speaker, the Hon. Mheshimiwa Ngunga, Hon. Douglas, Hon. Johana are contractors, Mheshimiwa Ngu and many of us here are contractors. Getting one even the contract documents is so perfidious. Giving an acceptance, a bill bond, a confirmation that you are going to do that contract is quite tedious, proceeding to the ground, finishing the work, getting certificates from the department of public works, proceeding to the department of accounts and being paid to go and enjoy the proceeds of your hard work is so tedious. How didn't and ECDE class as many have been mentioned here got a completion certificate and went ahead and have payment authorized? This is an outright and serious joke.

In fact, Madam Speaker, I would request that because the report is self-explanatory, can we just get the report of the other eight classes and we make a conclusive determination. Somebody must be held accountable unless that person is eight foot down, that is the only time we can say that the person had the benefit of the law. As far as that person is living whether working with Machakos County Government, that person must be held accountable. Government documentation and information never goes to waste. This is so disgusting and if I happen to find myself in such a mess, I would be dead than alive.

This is so absurd and unacceptable! This House must stand and stamp authority so that such kind of punitive and reckless undertakings would never happen in the County Government of Machakos. Not even in the County Government of Machakos but in this country known as Kenya. You cannot proceed and pay for what that has not been done.

Finally, how do you proceed and identify another structure in an area where there is an existing structure that is incomplete? It means we have inefficient, unqualified and very careless officers in our County Government. It is very unfortunate when you go through this report Madam Speaker it leaves you wondering, do we have leaders, do we have people who love their country; it is a big no. This is so sad! If you can proceed and make a payment for that which has not been done, I pity this country and this County. Thank you.

Hon. Speaker: Thank you very much, Hon. Maitha. There is something you have pointed out and it caught my eye that we have eight more centres that were not reached for investigation. And I was wondering whether it is going to be okay for us to proceed with this debate when we already have other bit of the same report remaining and whether we can proceed with the debate and we get.....it is like you all have answers. A clarification? Proceed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): I hope this will not mean that I have contributed; I am giving a clarification Madam Speaker. Madam Speaker, as Hon. Member for Muthwani was contributing, I saw the Leader of Majority call the former Leader of Majority; they have consulted and when he came back to his sit he also consulted with me. Although the report says these are stalled projects from the year 2014 to 2021, I want to make a clarification that these classes were done in 2018/2019 financial year.

That is the time and the former MCAs of the Second Assembly will agree with me, this is the time when the then Governor agreed with elected Members that they identify projects which should be done when they were awarded Ksh. 10 million each. This is when these projects were done. That is a clarification I want to make and nobody can deny that. Madam Speaker---

(Loud consultations)

Hon. Speaker: Allow him to finish.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Allow me to finish.

(Loud consultations)

Hon. Speaker: Members, order! order! I said order Members.

Hon. Mbili Ndawa (Matuu, MCCP): I just want to inform if you allow---

Hon. Speaker: No I am not allowing. He only said he wanted to clarify.

Hon. Mbili Ndawa (Matuu, MCCP): He is misleading.

Hon. Speaker: Let him mislead then we will---

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, we cannot allow the electorates are watching.

Hon. Speaker: I want to hear.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I am not misleading the House.

Hon. Mbili Ndawa (Matuu, MCCC): You are.

Hon. Speaker: Hon. Mwonga, have your seat

(Loud consultations)

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Members, Madam Speaker, we need to stop this jokes going forward. The Member had the opportunity to disseminate that information at the Committee level. It is not the business of this House to know who was supposed to do what and when. It is the business of this House to grant justice to the people of Machakos because their resources were used. This Hon. Member is misleading this House. We do not care who was given that contract, we do not care what information or agreements were there, what we care is the report as it is in the House. He would have disseminated and argued that in the Committee and if not agreed by the Committee we could be having a minority report.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Madam Speaker, for allowing me to air my point on that but I would be asking the first Majority Leader of this House whether it is orderly for him to come and deny a report that he participated in because this is a report for the Committee on Education and I am aware Hon. Mwonga in whose ward two classes have stalled and he sits in that Committee. Did he not find it wise to raise those issues at the Committee level before the report finds its way to this House? In other words, Members, are we discussing a factual report or is it a cooked report.

If Hon. Mwonga really sat in that Committee therefore, are you telling us this Committee this report is admissible and does it meet the threshold? If the Members did not agree then why did they have to bring it over here?

Hon. Stephen Mwanthi: Further information.

Hon. Speaker: Hon. Ndawa, the Hon. Deputy Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. Concerning the report before the House, the Committee Chair is very clear that these are projects that started in 2014 to 2021. Hon. Mwonga, who is a Member of that Committee, is trying to undo what the Committee has agreed on and he is a Member. Yesterday we were talking about placing Members in Committees and we said let Members do their job, let them be active in their Committees so that when the reports come here they are owned by each and every Member. So, Hon. Mwonga, I think you are the best person together with Mheshimiwa Dominic Maitha because you sat in this House 2014 together with Mheshimiwa Katangi. These projects some were done at that

particular time, others were done during our time. Whatever was done during our time, we can tell because we are not strangers in this House.

What I have seen in this report; I think there is no need of continuing with this report. Let us wait the Committee to compile the full report and the status so that whatever has been left out is also captured and the Committee should understand that they are also given powers by Article 183 which says; the Committee together with the House have powers to summon any person to give information. Whether the information by an institution or a person, the Committee has that right. Hon. Speaker, I make an application that if you rule that we defer this report until the Committee completes and brings the complete report. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ndawa.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I thought the Member who was saying he is correcting the report; I was expecting him to do the corrections yet to me he was debating the same report. I thought the Member could have corrected some issues that I have noticed like in page 12, Ielanthi ECDE class, I do not think it lies in Masinga Central ward. I believe that is in Kivaa and those are some of the corrections he ought to have done because that is his Committee. Also Matungo ECDE is also in Kivaa ward not in his own ward. Those are some of the things I thought he was to correct the report but what he did was debating the report, Madam Speaker.

I also support that because of some of these errors, let the Committee go back, identify all the classes. I have seen one in Ekalakala, Isyukoni ECDE so let the Committee be allowed to go back and come with a complete report so that this House makes a decision based on facts. Thank you, Madam Speaker.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I would want to support what the Minority Leader has said that this is an incomplete report. I found it very cheeky of the Committee to travel to Masinga to check on an ECDE class while I have---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker, I think Masinga still lies in Machakos County.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. And that is why I am saying I found it a little bit cheeky to choose a longer distance than a shorter one. Also what I would want to---

Hon. Speaker: Charity begins at home.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Charity begins at home, Madam Speaker. We should have been considered but also what I want to bring out is, for those Members who are affected, I think it is good for the Committee when you are visiting, call the Member so that they go and contribute in the report writing. I think it is necessary. I pray that you make a determination that they go back and complete the work so that we have a full report and also it is not for this House to know the name of the contractors or even try to investigate but it is the business of this House to ensure public resources are used in an accountable manner.

So, Mheshimiwa Mwonga even if it is the time MCAs where given the Ksh. 10 million, that is not the point; the point is, if an ECDE class is not complete it is not irrespective of who did it. Woe unto them if there were some MCAs who were part and parcel of doing the work and the judgement is the same; public money must be accounted for. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Katangi, 001.

Hon Felix Ngui (Katangi, WDM-K): Thank you, Madam Speaker, for catching my hand. I wish to give my input on the discussion on the Table. Members are requesting that we throw this report through the window or we refer it back to the Committee but I am of a different opinion. Madam Speaker, the Committee on education did very good work and I believe they sampled different areas to know the status of our ECDE centres within the County. That is why they did not go to Machakos Central but they went all the way to Masinga, Yatta and everywhere else.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order.

Hon Felix Ngui (Katangi, WDM-K): Wait I finish.

Hon. Speaker: Point of order taken; let us hear it.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I think the Hon. Member does not understand the severity of this matter. You cannot sample and assume whether a classroom was completed or not; we have to be actual unless we want to start gambling on classes that were not completed. For example, the level of completion is different; there is a class at 90 per cent and another is 5 per cent completed. So we must get our facts right so that when we are holding people accountable, you are telling them you did not complete nine classes.

Hon. Francis Ngunga (Mua, MCCC): That is not a point of order.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Unfortunately it was granted and if you want yours, ask Madam Speaker. Thank you.

Hon. Speaker: All the same it has been taken.

Hon Felix Ngui (Katangi, WDM-K): Hon. Speaker, please protect me I finish my contribution.

Hon. Speaker: Let the Hon. Member finish.

Hon Felix Ngui (Katangi, WDM-K): Madam Speaker, my point was; this is a report that has been tabled in the House and only eight centres have not been visited. Is there any harm if the Committee goes back to get the status of those eight then we discuss and finalize with it today? What will be the harm of doing those eight centres alone and bring another report? Why

can't we finish with this one and hold people accountable because already the report is not incomplete, only that they have not visited those eight centres. They can go bring another report for the eight then we deal with this report on the table, Madam Speaker.

We are dealing with serious things here on loss of public funds that have been paid to contractors who have done nothing on the ground so why would you wait and give more time for these documents to be altered? Why can't we deal with this report on the Table? That is my contribution Madam Speaker.

Hon. Speaker: Thank you.

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, if you allow, before you make a determination I want to make this comment; if you look at the report, the Chairperson and the Committee are telling us that the information they got from the department is different from what they found on the ground. That means we have two contradicting reports. It will be fair enough if we gather all information so that when handle this, we.....you know we may end up shooting this motion down because that is the only way.

Hon. Speaker: Hon. Annastacia and then I make a ruling.

Hon. Anastacia Mutevu (Nominated, WDM-K): Thank you, Madam Speaker. First, I would like to thank the Education Committee because this is a matter that we have dealt with for a very long time; we have scrutinized so many things including the procurement process. Every member of the Committee including Hon. Mwonga who is misleading the House were all present in this project that we were doing. What I can ask as the Chair of Education is you give us more time we visit the eight centres because you will not get any other information on these 17 classes unless the angels come from heaven.

This is what we got on the ground, these are the real findings we got. Hon. Mwonga what you are saying at the floor of the House are things you should have brought at the Committee. You are Members, if there are MCAs who were given contract by the Governor---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Point of clarification, Madam Speaker. I have not said there were MCAs who were given contract It is only that Members did not wait for me to land; that is a misconception. I said this is the time Members were awarded Ksh. 10 million. I did not say Members were given Ksh. 10 million.

(Loud consultations)

Hon. Speaker: Order, Members!

Hon. Anastacia Mutevu (Nominated, WDM-K): They were awarded for what? You could have come to the Committee; you were present in all meetings that is what as a Member of the Committee expected from you. So, Madam Speaker, I plea that you give us more time we go to the eight centres and we include them in the report then we will table it when it is complete. Thank you.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker. I can see you have already caught my eye, Madam Speaker. What I wanted to add on this report is that it is true the Committee has done a very nice job because they have done good sampling. Out of the 17 they have already sampled nine which is already a representative enough. But, it looks like there is a problem in that department. Now that we are receiving a report of 2014 when Hon. Mwonga and the likes were sitting, I think it is the high time the Committee sits down and investigates all the classes because it looks---

Hon. Anastacia Mutevu (Nominated, WDM-K): We are already doing that---

Hon. Francis Ngunga (Mua, MCCP): That is why I wonder to say we broaden. The Committee report has already found itself in the House and let us incorporate it so that we have a thorough investigation. It does not matter whether it was my mother or my father who did this. Mr. Mwonga let me correct you, during that time you are saying, there was no Ksh. 10 million that was allocated to Members. Ksh. 10 Million was apportioned to wards to undertake projects which were of priority whether they were roads, whether they were classes and each Member allocated monies depending on the needs of the ward.

So, Madam Speaker, it does not matter whether it was my company or your company that did this shoddy job. The truth of the matter is that we must see a proper conclusion to this. I am saying here that if that report eventually comes in that nature, then people are going to be found culpable and we shall be putting people into what we saw last night. What we saw in Kenya last night should now be a wakeup call. Those of us who are fond of doing shoddy things this is the end of those times. Let Gachagua's blood wash all the Kenyans and this nation. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Let me make a determination.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, allow me to rise under Standing Order 78. It allows a Member to speak twice on a particular issue.

Hon. Speaker: You know I am now making a determination.

Hon. Joshua Mwonga (Masinga Central, WDM-K): But I have risen under Standing Order 78, Madam Speaker, and this is what I want to say---

Hon. Speaker: Do not debate the matter, do not give any clarification. You are a Member of that Committee and you should have raised those issues. I do not what exactly you want to say.

Hon. Joshua Mwonga (Masinga Central, WDM-K): With you permission please. I said I am rising under Standing order 78 which allows a Member to speak twice on a particular issue. The Members started lynching me before I landed. I did not say it is the former MCAs who were doing these contracts. Hon. Ngunga has put it right that wards were awarded; I just wanted to make it clear that these classes, all of them Madam Speaker and I have a report here were done in the year 2018-2019 and I am supporting this report 100 per cent.

Hon. Speaker: Hon. Member, when we come to the debating you can raise your issues that time and say this is not true. I am wondering you are a Member of that Committee why is it that---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, this is an issue I raised about the wording of the topic of the report. I said it should read 2018-2021 but I was overruled.

Hon. Speaker: Okay. Let me make a determination and thank you, Hon. Mwonga. This is the determination from the Speaker. I have received the request from the Chair of that Committee, Hon. Anastacia Mutevu that we give them more time to go back and get us a report of the eight classes that were not investigated because of lack of time. Why I am doing so is because I know there are Members who have talked about sampling out some ECDE classes to be used for purposes of this report. To me I do not think that is the right way to go because there must be site visits to each ECDE class to get the status of each. When we sample and pick a few out of the entire ECDE classes, we will not be very articulate and we will not understand or get the real report.

So, at this point I want to give them that request to go back but before I even make those pronouncements, I also want to advice Hon. Mwonga that if you are a Member of a Committee, whatever questions you want to raise, please raise them within the Committee. Do not come now and try to undo or divert from what you have discussed as a Committee. It does not give a very good impression because it means this report is not even legitimate, it is not owned by all Members of the Committee. That is what appears to us who were not part of the Committee investigation. So, let us abide ourselves and be bound by whatever we have discussed in our Committees so that when it comes to the floor of the House we are speaking from the same page and we do not have differences.

At this point, I want to ask the Committee concerned to go back to the drawing table, visit the eight remaining ECDE centres and bring us a conclusive report within 30 days from today.

(Applause)

Members, I still want to remind you that you have all the powers to summon any CECM and CO you want to appear before you; to summon them when the cordial invitation fails and I am ready to sign those summons.

(Applause)

Those summons give us the status of the High Court of Kenya and if somebody does not appear before you having being summoned by this House then you can be convicted and sentenced by this House through the Speaker (??). So those are the powers we have and must use them not to ruin but to build. That is how I will give this matter and I believe the Committee concerned is satisfied with what I have said. Thank you. At this point, we are not going to continue with the debate we shall leave it at that until further notice. Next order.

FINANCIAL STATEMENTS OF THE COUNTY GOVERNMENT OF MACHAKOS
(EXECUTIVE) FOR HALF YEAR FOR THE PERIOD ENDED 31ST DECEMBER, 2023

Hon. Speaker: May I invite Hon. Francis Kitaka to come forward and take us through that motion.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, I wish to move the motion, THAT, pursuant to Standing Order 190(5), this House adopts the Report of the Finance and Revenue Collection Committee on Financial Statements of the County Government of Machakos (Executive) for half year for the period ended 31st December, 2023 as tabled in the House on 8th October, 2024.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Call a seconder.

Hon. Francis Kitaka (Ndalani, WDM-K): I hereby call Hon. Daniel Muindi to second.

Hon. Speaker: Hon. Muindi.

Hon. Daniel Muindi (Muthesya, WDM-K) seconded.

Hon. Speaker: Thank you too.

(Question proposed)

At this point I invite the Hon. Mover to come and highlight the report before we debate it.

Hon. Francis Kitaka (Ndalani, WDM-K): Hon. Speaker, I would like to go through the Chairperson's foreword if you allow me and probably I maybe take the House through.....I do not know whether I will do the background and Committee observations. Thank you.

CHAIRPERSON'S FOREWORD

The County Executive submitted a report of the financial statements for the County Government of Machakos (Executive) for half year for the period ended 31st December, 2024 in respect to the Financial Year (FY) 2023/2024 on 31st January, 2024 pursuant to section 166 of the Public Finance Management (PFM) Act 2012. The Committee interrogated the statement as per its mandate as provided for under Standing Order No. 190 (5) and the second schedule of standing orders, which include all matters relating to the management of County Public finance and revenue collection.

The County Government of Machakos in the FY 2023/2024 had projected revenues of Ksh. 14,747,002,447.00, comprising of: Ksh. 4,106,879,462.00 from own source revenue; Ksh. 10,640,122,985.00 from exchequer releases.

As per the financial statement, in half year for FY 2023/2024, the County Executive managed to realize Ksh. 5,442,054,562.00 in revenues representing 30 per cent performance rate against total budgeted receipts of Ksh. 14,747,002,447.00. (See table 3.1 - revenue performance).

The County had projected to collect generated receipts (own source revenue) of up to Ksh. 4,106,879,462. By the end of the period under review, collections were only at Ksh. 323,031,035 representing 8 percent of the total target (see table 3.3). The Chief Officer attributed decrease in own source revenue to which affected some revenue streams like land rates, building approvals, single business permits and agricultural produce.

On expenditure, the County actual expenditure for the half financial year for the period ended 31st December, 2023 amounted to Ksh. 4,235,654,310.00 which included; actual acquisition of assets amounting to Ksh. 16,638,526.00; compensation of employees at Ksh. 2,412,406,151.00; use of goods and services at Ksh. 790,604,251.00; social security benefits at Ksh. 87,995,117.00; and transfer to other government units and other grants amounting to Ksh. 1,016,005,382.00.

A comparison between the receipts of Ksh. 5,185,889,223.00 and payments of Ksh. 4,235,654,310.00 reveal that the County Executive did not spend Ksh. 950,234,913 as at the end of the period under review. Further analysis shows that the Executive spent 46 percent of the total receipts (revenues) on compensation of employees. This is against the 35 percent maximum mark set in section 107(2)(c) Public Finance Management (PFM) Act read together with regulation 25(1)(b) of the Public Finance Management (County Governments) Regulations, 2015. Use of goods and services was at Ksh. 790,604,251 representing 15% of total receipts. In addition, acquisition of assets was Ksh. 16,638,526 representing 0.3 percent of the total receipts. This was alarming budget absorption rate at half year. The total County Budget absorption for recurrent was 36.53 per cent while development was 0.32 per cent.

On pending bills, the County Executive reported an increasing trend on pending bills. As at 31st December, 2023 the total pending bills amounted to Ksh. 3,727,801,002.00 comprising of: pending accounts payable (bills from various departments) of Ksh. 3,083,108,705.00, pending staff payables (retirement benefits) of Ksh. 325,505,170.00 and other pending payables (amounts due to National Government) of Ksh. 282,735,477.00 (see table 3.5).

The Chief Officer informed the Committee that accumulation of pending bills was occasioned by delays in exchequer releases and decline in own source revenue. To deal with the pending bills, the Chief Officer informed the Committee that the County has come up with a detailed payment plan whereby payments of the bills that have been committed will be done before incurring further expenditure.

The Committee observed:

- (i) That expenditure on development was very low at 0.32 percent
- (ii) That own source revenue target was too high for the County and collection has contracted further to minimal rates of 8 per cent of the projected total collection.
- (iii) The County pending bills have been on an upward trend despite various advisories by the National Treasury and the Assembly that there was need to control and pay pending bills. The pending bills seem be on upward trajectory.
- (iv) That compensation to employees was above the thresh-hold of 35 per cent stipulated by regulation 25(1)(b) of PFM (County Governments)

Regulations of 2015 at 46 percent of the total expenditure in the period under review.

- (v) That the County did not receive any conditional grant by the end of the period under review.

The Committee having considered that report on the half year Financial Statements of the County for the FY 2023/2024 and the responses of the Chief Officer for Finance and Revenue Management recommends that the Department of Finance, Economic Planning, Revenue Management and ICT to:

- (i) To ensure prudent utilization of development funds, the department of Finance to put up plans for each department to lay down procurement plans on time.
- (ii) Set achievable revenue targets to deal with the increasing trend of pending bills and develop revenue enhancement strategies to ensure that local revenue was not shrinking but expanding. This can involve revision of valuation rolls for land rates, setting revenue targets for each ward as dictated by revenue potential mapping per ward and enhancing potential revenue monitoring and reduce revenue diversion.

Hon. Speaker: Point or order taken.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. I rise on Standing Order 27 on extension of time.

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

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

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

Hon. Speaker, I beg to move the motion that this House resolves to extend its sitting until the business in the Order Paper is concluded.

Thank you, Hon. Speaker. I call upon the Deputy Speaker to second my motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K) seconded.

Hon. Speaker: Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Kitaka proceed.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Hon. Speaker. I wish to continue. Hon. Speaker, I request under Committee observations because they are similar with the ones we are having at the end of the report if you allow me Members we can read them as I finish on the responses of the Chief Officer. I do responses of the Chief Officer then we go to the Committee observations then we can do recommendations. Thank you. Madam Speaker. The Committee engaged the Chief Officer and we have the following:

Engagement with the Chief Officer on the Report

The Committee sought clarification from the Chief Officer on a number of issues of concern on the report vide letter Ref: MKSCA/PSC/CMM/FRC/VOL. 10/6 dated 6th February, 2024 and Ref: MKSCA/PSC/CMM/FRC/VOL.10/21 dated 3rd April, 2024. The Committee also invited the Chief Officer, Finance and Chief Officer, Revenue Management to make further clarification on the report vide letter Ref: MKSCA/PSC/CMM/FRC/VOL.10/23 dated 23rd April, 2024 (Appendix 1

The Chief Officer, Revenue Management appeared before the Committee on his own behalf and on behalf of Chief Officer, Finance on 29th April, 2024 and addressed concerns. The issues of concern were:

- (a) Challenges and reasons that decline of revenue collected compared to the same period in the FY 2022/2023 noting that was immediately after elections and Covid-19 and many businesses were just recovering.
- (b) Strategies put in place to maximize revenue collection.
- (c) Strategies put in place to clear the huge amount of pending bills.

Decline in OSR was as a result of reduced capacity in terms of revenue staff workforce. The Department of Revenue Management had close to 200 employees due for retirement this year and additional staff within less than five years of retirement. This has led to reduced productivity in the department especially on field collected revenues. To cushion this, 438 new revenue staff have been on-boarded on a contract basis.

In addition, the Department pointed out that revenue collection is physically involving and require officers to walking around and waking up early especially on field collected revenues. The officers nearing retirement from 55 years and above have challenges and this impacts their productivity. The Chief Officer, Revenue Management further informed the Committee that officers due retire get a notice of retirement six months to the due date. The notice requests them to start preparing and get their leave days ready. During this period the officers pre-occupation is about exit and life after retirement and productivity goes down. Further, new officers have to be trained and it takes time before their productivity reached optimum. It is these reasons that led to decline in revenue collection in the 1st and 2nd quarters of FY 2023/2024.

Challenges faced at Lukenya quarries leading to reduced collections

Lukenya quarry revenue collection was majorly affected by the reduced rate of construction in the County and especially in Nairobi in the first quarter of FY 2023/2024. This led to reduced usage of building materials produced by Lukenya

quarries. Lukenya quarry revenue collection has been affected majorly by extended El Nino rainfall between October 2023 and January 2024.

Strategies Put in Place to Maximize Revenue Collection

The Chief Officer informed the Committee that the following strategies have been put in place to maximize revenue collection.

- (i) Continuous enforcement by teams comprising of sub-County administrators, ward administrators and inspectorate officers.
- (ii) Involvement of respective department in revenue collection.
- (iii) Automation and revenue collection and linking of revenue system to M-pesa payment to allow only electronic payment.
- (iv) Regular rotation of revenue staff.
- (v) Employment of new 438 revenue staff.

Strategies put in place to clear the huge amount of pending bills

In a meeting the Chief Officer finance informed the Committee that they are paying the audited pending bills on first in first out and they have budgeted 100Million the next financial year.

COMMITTEE OBSERVATIONS

The Committee observed:

- a) That expenditure on development was very low at six (6) percent.
- b) That own source revenue target was too high for the County and collection has contracted further to Minimal rates of 8 per cent of the projected total collection.
- c) That County pending bills have been on an upward trend despite various advisories by the National Treasury and the Assembly that there was need to control and pay pending bills. The pending bills seem not to go down
- d) That compensation to employees was above the threshold of 35 percent stipulated by regulation 25(1)(b) of PFM (County Governments) Regulations of 2015 at 46 percent of the total expenditure in the period under review.
- e) That the County is not keenly paying pending bills within the period under review. You realize we had only Ksh. 100 million for the pending bills of over Ksh. 3 billion. Hon. Speaker, we also noticed the County did not receive any conditional grant by the end of the period under review. We also observed that the department, while reporting, is not doing comparison within full year and the previous financial year. Hon. Speaker, Committee recommendations.

COMMITTEE RECOMMENDATIONS

The Committee having considered that report on the half year Financial Statements of the County for the FY 2023/2024 and the responses of the Chief Officer for Finance and Revenue

Management recommends that the Department of Finance, Economic Planning, Revenue Management and ICT to:

- (i) To ensure prudent utilization of development funds, the department of Finance to put up plans for each department to lay down procurement plans on time.
- (ii) Put achievable revenue targets to avoid increasing trend of pending bills and develop revenue enhancement strategies to ensure that local revenue was not shrinking but expanding. This can involve revision of valuation rolls for land rates, setting revenue targets for each ward as dictated by revenue potential mapping per ward and enhancing revenue collection monitoring to reduce revenue diversion.
- (iii) Advice departments whose human resource has gone beyond the ceiling to manage the expected threshold.
- (iv) Formulate a framework on how to pay the pending bills and forward it to the Assembly for consideration within 60 days.
- (v) The department to forward tabulated information on the retirement benefits pending bills for retired and contractual employees to the Assembly within 30 days.
- (vi) The department of finance to make sure that all conditions given by development partners are met at budgeting stage.
- (vii) That the department while reporting should do comparison within the same period in the previous FY.

I therefore table this report of the Finance and Revenue Collection Committee on the half year Financial Statements of the County Government of Machakos (Executive) for period ended 31st December, 2023. I hereby thank your office and that of the secretariat and the entire Committee for the support you accorded the Committee in preparation of the report. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. May I invite Members to debate this report? Members where are you? Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Hon. Speaker. In the absence of a contributor let me take the floor. Madam Speaker, I want to take the opportunity to thank this Committee for such a comprehensive and self-explanatory report but I am still a bit perturbed by the development percentage. Madam Speaker, listening to the report and the County managed that period to absorb only 0.32 per cent. Less than one percent leaves more questions than answers. That is a period covering almost five months because our financial year starts on 1st July and this report was for five months, Madam Speaker. It is quite sad if for five months the executive managed to absorb less than 1 per cent in terms of development and 35 per cent in terms of recurrent expenditure, Madam Speaker.

I want to remind my fellow Hon. Members and especially the elected Members; if this trend continues like this with this kind of percentages Hon. Members especially the elected Members I can assure you we are going home. There is no short cut about that. If we cannot be

able to do more than 10 per cent, with 0.32 per cent for five months then that means at the end of the year probably we get the end year report for the period between 1st January, 2024 to 30th June, 2024 if we will not have realized 10 per cent and then the trend continues like that for two years Hon. Members who are elected I can assure you we are going home.

That will also be putting the lives of the special elect Members at risk. So Hon. Members I think we need now to take this matter seriously and ensure the percentage threshold that is required by law is at least achieved despite hard economic times. If we could be talking 10 to 15 per cent then we can say there is something being realized in almost every ward Madam Speaker. Yesterday, the Hon. Minority Leader took the Committee through the projects that have stalled in his ward and I am sure if those projects had been achieved then absorption rate would be reading about 2, 3 or 4 per cent plus other wards, Madam Speaker.

That notwithstanding this issue of pending bills is killing suppliers. The issue of pending bills is becoming a thorn in the flesh. Madam Speaker, it is so sad that as we sit here and debate this report we have contractors who have never been paid from 2013 to date and Madam Speaker, those contractors and suppliers gave services to this County that we are even enjoying to date. You will hear a contractor saying; I did some refurbishment at Level IV hospital, I constructed a road at a certain place, I constructed a classroom that we were discussing here and it is already in use it has never been paid.

Madam Speaker, I think the Committee has given us a very good recommendation that within 60 days Madam Speaker it is now high time that the County executive tables a report before this House because a task force was formed to investigate the pending and authenticated bills and they have never been brought in the floor of this House Madam Speaker. It is on this time now Madam Speaker that we have to take this report seriously and have the Executive table before this House the actual pending debts so that they can be paid based on the year which the bills were approved.

Madam Speaker, it is quite unfair and unjust to pay a contractor who worked last financial year yet there is a contractor who has not been paid since 2013/2014 and they did genuine and legitimate work for this County. Madam Speaker, it is unfair and it is high time Members we know that today we are MCAs in this House, tomorrow we will be contracted as service providers outside there and whatever here, the justice that we are going to serve to those who are outside is the same measure that might even occur to us when we leave this Assembly.

It is the high time we ensure these pending bills are cleared. Madam Speaker, we would better do five per cent development and ensure that we are not facing the curse of people who did services in this County and they are going through hell because they have never been paid and they gave services that we are enjoying.

As I support the report, Madam Speaker, those two key issues, we need to check on the issue of pending bills and the issue of development expenditure absorption. Zero point is a big shame we need to be talking of 15 per cent and above so that we can have some bit of guarantee of our comeback but with that trend Hon. Members, I am not sending a threat but we might be on our way home if we do not change. I support the report.

Hon. Speaker: Thank you very much, Hon. Maitha. More contributions? Hon. Judas Ndawa.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I want also to give my views on this. Hon. Speaker, I will start by congratulating our most able Chair together with the Committee Members for burning midnight oil to ensure that we have this report today. Hon. Speaker, I happen to be a member of that Committee and during Committee meetings, this is the only Committee which is very serious with their work. When it comes to the issue of inviting---

Hon. Members: Point of order.

Hon. Mbili Ndawa (Matuu, MCCP): Just cool down. Let me conclude.

Hon. Speaker: Point of order taken. Hon. Judas Ndawa, have your seat.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, is it in order for the Leader of Minority to insinuate that other Committees are not competent yet we have just received a report from the Committee on Education that is so well-researched, accurate and thorough? He should withdraw that statement.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Chair. I am comparing this Committee with Education Committee where Members of that Committee are denying their own report. That is why I am saying this one is different; we witnessed this morning.

Hon. Speaker: Hon. Ndawa, for the sake of peacem withdraw the statement.

Hon. Mbili Ndawa (Matuu, MCCP): Okay. I am going to restructure the statement Hon. Speaker. This is one of the Committees which is very serious with their work. It is! I am a member of that Committee and I know how the Members of that Committee are determined to do their work.

Hon. Speaker: Hon. Ndawa, I said you withdraw the statement.

Hon. Mbili Ndawa (Matuu, MCCP): I withdraw. Let us proceed.

(Applause)

Hon. Speaker, I just want to say thank you to our Chair and Committee Members for coming up with a very brief and self-explanatory report. Hon. Speaker, I do not want to labour much I request Members to just deal with the issue of observation and recommendation because those two parts conclude everything.

Hon. Speaker, what I would request is that the reports which are brought to this House the recommendations given by the Committee be followed to the letter. Let whatever has been recommended to be done be done. Hon. Speaker, from the observations we have seen now from (a) on Committee observations. Hon. Speaker, if you look at the percentage the development expenditure was very low at six per cent not 10. So, it means if we multiply with two, we will only have done 10 and it is very low. I am requesting that we adjust so that at least we can be somewhere. This is too low. If we were marking this is grade D, D- or E so let us be careful.

The other issue, Hon. Speaker, is about the issue of pending bills that is part (c). It says the pending bills have been on upward trend despite various advisories. I am very sure we get advisories from even those who give us money. The Controller of Budget says you are going to give us the way you are going to control your pending bills and we commit ourselves. Once we commit ourselves on how to pay the pending bills let us honour our promise so that the pending bills do not go up instead of going downwards.

The own-source revenue target was too high; we gave ourselves a very high target that whatever we collected cannot be even a half. If you get below half, it means you have not passed the test you are doing. In future, let us give a realistic target so that we are not seen as if we are not doing what is expected of us.

Going to the recommendations, Hon. Speaker, item No. 1 of the report says we ensure prudent utilization of development funds. The department of finance to put up plans to each department to lay down procurement plans on time. Hon. Speaker, you remember we had the issue of absorption rate and that problem is going to be cured by this recommendation. If we go by this, I am very sure we will have cured this.

The other issue the department while reporting the Committee recommends as you bring us the report, kindly give us the report of the previous year so that we can do comparison. If we rely on one calendar year and we have not seen how we performed the previous year we may not be able to tell whether we are progressing or we are going downwards. This recommendation is very okay and key.

The other issue is the conditions given by the partners. I am very sure when we are talking about these conditional grants and the rest there are conditions that are supposed to be followed. The Committee saw it wise to advice that for us to get more funding, we must adhere to these conditions. If we do not follow the conditions, we will be jeopardizing the issue of getting more funding.

The Committee also recommends the department to forward tabulated information on the retirement benefits putting pending bills for retired and contracted employees on the Assembly within 30 days. Every time we are told about employee's pending bills now we have given a time frame 30 days and let the recommendations be followed. If we say 30 days, let us make sure the timelines given by the Committee is followed to the letter so that we can address whatever needs to be addressed in good time.

Hon. Speaker, I do not want to read much because every Hon. Member has this in the wall. The Committee has given a very good report and I will recommend the Committee to continue doing the same and any other Committee. Whenever reports are brought here the recommendations are very key so let the department concerned go by the recommendations of the Committee. Thank you, Hon. Speaker, I support the report.

Hon. Speaker: Thank you, Hon. Member. Sorry Hon. Deputy Speaker I had not seen your hand up.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I would start by applauding the Committee and also support that they are very good recommendations. Although there is something that I have noticed Hon. Speaker, I believe it is good maybe we can see how best we can do to separate some of these duties. In Budget and Appropriations Committee we had exact and similar report that the budget Committee reports through the Controller of Budget (COB). I am very sure this House discussed the report for the last financial

year through the Budget and Appropriations Committee so they are so similar and I think we can separate the same so that we can be getting these reports from one entity. You might find us giving contradicting information from the same House Madam Speaker.

It is also important to note that this was the first six months of the year and sometimes as Committees we report what has been paid not what has been done.

I also believe that with the six per cent development monies that had been used by then this is what had been paid but not what had been done. It is the same year when Hon. Ndawa said he got Ksh. 93,000,000 for the construction of Level V hospital. He will also say about the Ksh. 29,000,000 for the daycare classes that were constructed and many other projects that were received in our Wards.

As they pull up because the area that we need to concentrate so much on is the pending bills. The thing that the Executive has not been doing justice to the contractors. People are suffering so much outside there when we go in our Wards and identify two or three or five projects that have been done by the contractors and yet they have not been paid. I feel for them and I think it is an area that needs serious concentration and ensure that contractors are paid on time. Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Member. At this point I invite the mover of the Motion to reply.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. I want to appreciate the Hon. Members for supporting this report. I would want to draw to your attention on the observations where we indicated six per cent; I think that was a typo it remains at 0.32 per cent at that period.

Hon. Speaker, I would seek your input after consultation and see whether it is possible for us to have a ceiling and agree that we are only limited to a particular per cent of pending bills to avoid these recurrence and upward trajectory of the pending bills.

However, you realize that each and every financial year there is more accumulation of pending bills. Hon. Members, you realize that we set Ksh. 100,000,000 to take care of pending bills. Ksh. 3 billion can only be paid in 30 years if we work with Ksh. 100 million every financial year. I do not think it is tenable.

I am very sure that with a good working plan this can be achieved so that we can also save our people who have been readily available to offer services to our County. Hon. Speaker, I appreciate the support from our Members and we commit as Finance Committee to keep on working hard and make sure that things flow. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. What amuses me a lot about these pending bills is for instance, we are still making budget allocating funds in different vote heads including development but the pending bills continue accumulating. That is something that I do not get it, I think there are things we do not really extract when we invite the Executive to come and give us information.

Perhaps we should also dig further to find out why is it that pending bills continue accumulating, we are allocating budgets, there is consumption of the budgets and the pending bills continue accumulating. There is a mystery there, Hon. Members and I may not be good at these calculations alone but logic alone just tells me there is something not adding up.

We have to pull up our socks, do oversight because that is how we get all these information and the mandate we have that they can extract this information. You had requested for some limit; I did not get exactly what limit this one is we limit pending bills to some level? I do not know because there is that mystery I have just talked about. Hon. Maitha, are you---

Hon. Dominic Maitha (Muthwani, WDM-K): I consulted with the finance and revenue allocation Committee Chair on the same and I sought his intervention on the matter. Madam Speaker, if our development budget is 35 per cent of the total County budget, I need to be guided whether it is possible we say that we are going to put a capping and say our outstanding pending bills shall not exceed more than five per cent or 10 per cent of our total development expenditure.

If the National Assembly they are capping borrowing, then as an Assembly we can think and say that we will cap our pending bills by not more than certain percentage as per our development budget. If we say our development budget is 35 per cent of the total budget then we say that the Executive cannot exceed on 10 per cent with the pending bills. We will have a budget of 25 per cent remaining to execute development. How that is achievable or workable Madam Speaker, it needs further consultation.

You can consult the budget experts and see whether it is possible, Madam Speaker. If it is possible and say we cannot exceed our pending bills by more than 10 per cent we would have done a lot of justice in terms of development to this County.

Hon. Mbili Ndawa (Matuu, MCCP): Point of information, Madam Speaker, on the same.

Hon. Speaker: Okay, Hon. Member.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Hon. Speaker. Some of the reasons why we have this kind of bills may be external and may not be within our reach as a County. As we are aware Hon. Speaker, once contracts are awarded and the contractor does the work and maybe by the time the contract is complete, the National Government delays in disbursing the funds then we go to the next financial year. What has jumped that financial year becomes the pending bill. That is why instead of going downwards it is going upwards. We need to rethink and maybe do further consultations as Mheshimiwa said to see how best we can handle. I am very sure some are external and they are not within our mandate.

Hon. Speaker: Thank you. Whether external or internal they just remain pending bills and we have to do something about it. We have requested the Hon. Chair of finance and revenue collection Committee, we need to seek audience with expert on projects and see how best we can do so that we can have this capped. So that a certain level cannot go beyond pending bills remaining at this level and if they go beyond there then there should be a problem and we will need to take action.

(Question put and agreed to)

ALTERATION OF THE CALENDAR AND ADJOURNMENT OF THE HOUSE

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Leader of Majority to come forward and take us through the Motion.

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

Hon. Speaker, I wish to move the Motion that, notwithstanding the resolutions of the Assembly made on 20th February, 2024 (Approval of Assembly Calendar), 21st February, 15th May, 18th June, 9th July, 6th, 14th, 27th August and 3rd September, 2024 (alternation of the Calendar) and pursuant to Standing Order 25 the Assembly resolves that;

The Calendar (Regular Sessions) for the Third Session of the Third Assembly be altered to adjourn its sittings from today Wednesday 9th October, 2024 after the morning sitting and resume its regular sittings on Tuesday, 12th November, 2024 at 10.00 a.m.; and that the Assembly Calendar (Regular Sessions) for the Third Session be altered accordingly;

That any documents that are submitted to Assembly while the House is on recess, the Speaker commits them to relevant Committee and communicates them on resumption.

I call upon Leader of Minority to second.

Hon. Speaker: Thank you. Leader of Minority.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I second and the reason why I am seconding is that every Member is aware that we have a new activity for all the Counties within the Republic. That activity is going to take place next week and again Hon. Speaker, the Committees need to have time to go site visits so that they can bring reports to this House so that at least the House can transact business.

Hon. Speaker, there is urgent need for us to later the Calendar so that we can accommodate all these activities. Thank you, Hon. Speaker. I support.

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

(Question proposed)

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 12th November, 2024 at 10.00 a.m. See you then.

The House rose at 12.41 p.m.

