



REPUBLIC OF KENYA

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday, 25th February, 2015

(The House met at 5.30 p.m)

[Hon. Speaker (Stephen Ngelu) in the Chair]

PRAYERS

Hon. Speaker (Stephen Ngelu): Clerk.

PAPERS

REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE FOR 2014/2015 BUDGET ESTIMATES FOR THE COUNTY GOVERNMENT AND THE COUNTY ASSEMBLY

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Chairperson Budget and Appropriations Committee.

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker. I beg to lay the following Paper on the Table of the Assembly today 25th February, 2015 at 5.30p.m; the Report of the Budget and Appropriation Committee for 2014/2015 Budget Estimates for the County Government and the County Assembly. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you; forward the Papers to the Table.

(Hon. Francis Mutuku laid the Papers on the Table)

Hon. Speaker (Stephen Ngelu): Next Order.

NOTICES OF MOTION**REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE FOR 2014/2015
BUDGET ESTIMATES FOR THE COUNTY GOVERNMENT AND THE COUNTY
ASSEMBLY**

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Chairperson Budget and Appropriations Committee.

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker once more. I beg to give a Notice of the following Motion **THAT**, this Assembly adopts the Report the Budget and Appropriation Committee for 2014/2015 budget estimates for the County Government and the County Assembly. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you, next Order.

MOTION**REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE FOR 2014/2015
BUDGET ESTIMATES FOR THE COUNTY GOVERNMENT AND THE COUNTY
ASSEMBLY**

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Chairperson Budget and Appropriations Committee.

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker, I beg to move the following Motion which is **THAT**, this Assembly adopts the Report the Budget and Appropriation Committee for 2014/2015 budget estimates for the County Government and the County Assembly tabled on Wednesday 18th February, 2015.

Mr. Speaker with me today, I have a Report on the Budget Estimates for the Makueni County Government and the County Assembly for the FY 2014/2015. On behalf of the Members of the Select Committee on Budget and Appropriations and pursuant to the provisions of the Standing Order number 207 I hereby present to the Assembly the Committee's Report on the 2014/2015 County Budget Estimates. Mr. Speaker sir, The Committee on Budget and Appropriations is established under the Standing order 187, with the specific mandate to:

- (a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget,
- (b) Discuss and review the Estimates and make recommendations to the County Assembly;
- (c) Examine the County Budget Policy Statement presented to the County Assembly;

- (d) Examine Bills related to the National Budget, including Appropriations Bills; and
- (e) Evaluate tax estimates, economic and budgetary policies and programmes with direct Budget outlays.

The Committee is also guided by the Constitution of Kenya, 2010 and the Public Finance Management Act, 2012.

Mr. Speaker sir, the Select Committee on Budget and Appropriations as currently constituted comprises of the following Members:-

1. Hon. Francis Mutuku, MCA (Chairperson)
2. Hon. Sammy Maseka, MCA (Vice Chairperson)
3. Hon. Francis Mutungi, MCA
4. Hon. Benard Musau, MCA
5. Hon. Timothy Maneno, MCA
6. Hon. Jonathan Ndungi, MCA
7. Hon. John Kilonzo, MCA
8. Hon. Stacy Mbithi, MCA
9. Hon. Beatrice Masila, MCA

Following the submission of the Makueni County Budget Estimates for the financial year 2014/15 to the Assembly as submitted at 16th February, 2015, by the County Executive Committee Member for Finance and Planning, the Committee held several meetings to scrutinize and make recommendations on the Budget Estimates pursuant to Standing Order No. 207 (5).

In coming up with this Report, the Committee factored in the recommendations of the Members of the County Assembly representing their Wards and the County Executive Finance Committee. Mr. Speaker sir, the Committee on Budget and Appropriations is also grateful to all the Members of the County Assembly who diligently participated in the process of scrutinizing the Budget Estimates. Honorable Members, I would like to emphasize that Budget oversight is a continuous process which should not come to an end with the adoption of this Report.

Mr. Speaker sir, may I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the 2014/15 Budget Estimates submitted on 16th February, 2015. On behalf of the Committee, I wish to thank the Offices of the Speaker and that of the Clerk of the County

Assembly for the technical and logistical support accorded to the Committee as it discharged its mandate. It is therefore my pleasant duty and undertaking, on behalf of the Budget and Appropriations Committee, to table this Report and recommend it to the Assembly for adoption.

I will now make a presentation on the County Budget Estimates.

BACKGROUND

Mr. Speaker sir, Section 129 (2) of the Public Finance Management Act, 2012 provides that; *following approval by the County Executive Committee, the County Executive Committee Member for Finance shall (a) submit to the county assembly the Budget Estimates, supporting documents, and any other Bills required to implement the budget, except the Finance Bill, by the 30th April in that year; and (b) ensure that the estimates submitted are in accordance with the resolutions adopted by County Assembly on the County Fiscal Strategy Paper.* However, we have noted that the budget attached is not the budget tabled on 30th April, 2014 and of which an Appropriation bill was passed earlier on.

Mr. Speaker sir, after carefully scrutinizing these Budget Estimates tabled in this Honourable Assembly on 19th April, 2015 the Committee also noted that the budget ceiling as recommended by the Commission on Revenue Allocation have been adhered to by both the Assembly and Executive. On meeting the CEC Member for Finance and Planning to elaborate on this among other issues, the CEC Member informed members that the Executive had adhered to the budget ceilings and the savings of from the ceilings have been transferred to cater for the development projects. This Committee hereby notifies the CEC Member for Finance and Planning to ensure that future Budget Estimates or any other document being presented to the Assembly is exhaustively prepared in consideration to the opinion of the public, free from errors and the opinion of the Members of the County Assembly.

Mr. Speaker sir, Section 12 (1) of the second schedule of the Public Finance Management Act, 2012 requires implementation of program based budget to commence in the Financial Year 2014/15 for County Governments. However, it is worth noting that the 2014/15 Budget Estimates submitted and tabled in this Assembly on 19th April, 2015- the Committee has considered- did not fully meet this requirement.

Mr. Speaker sir, the aim of a program based budget is to ensure that the various departments are given resources according to their clearly outlined specific and measurable outputs given their policy goals and objectives.

Mr. Speaker sir, while scrutinizing the budget for 2014/2015 there were some highlights that we want to put across to the Members.

FINANCING AND HIGHLIGHTS OF THE 2014/2015 COUNTY BUDGET

According to the tabled Budget Estimates for the financial year 2014/15, Makueni County Government expects a total revenue of Kshs. 5,603,546,103.79 with Kshs 5,193,526,432.00 expected as County Government's Equitable share of revenue raised by the National Government, 50% and subsequent 25% Vote on Account of the Budget submitted on 30th April, 2014 as illustrated below.

| Source of Revenue | Amount (Kshs.) |
|--|-------------------------|
| Amount expected from the National Government | 5,193,526,432.00 |
| Amount expected from County revenue collection | 400,000,000.00 |
| Donor funding – DANIDA | 21,750,000.00 |
| FIF/AIA – Hospitals/Public Health | 89,804,407.00 |
| World Bank Funding – Rural Health Services | 51,022,686.00 |
| Total Revenue 2014/15 | 5,756,103,525.00 |

Mr. Speaker sir, analyzing the Budget estimates closer indicates that a greater percentage of the resources are being directed to the Health and Water Departments. Mr. Speaker sir, the Committee is in full support of the above being the key areas receiving the lion share of the County resources but consultations are required in the future.

Mr. Speaker sir, following a meeting held on 25th February, 2015 at Kusyumbunguo between the Budget Committee of the County Executive and the Budget Committee of the County Assembly the following amendments have been agreed upon by both parties.

1. Mr. Speaker sir, the Budget title is changed to read: "The Makueni County Budget 2014/2015" notwithstanding any other Budget presented to this Assembly.
2. The County Assembly Budget to have the following amendments;
 - i. Reduce the amount allocated the Speakers house from Kshs. 10,000,000 to Kshs.4,500,000 and the savings be applied to the following areas;
 - Construction of prefabricated building phase 2 be allocated Kshs. 2,000,000.00

- County Assembly cafeteria construction phase 2 be allocated Kshs. 3,500,000.00
- The Ward Office expenses be increased by Kshs.8, 500,000.00 to add up to Kshs.29, 940,000.00

SECTORAL AMENDMENTS

WATER SECTOR

Mr. Speaker sir, we are going to remove the appendix on ward water projects to remain at Kshs.8,000,000 per Ward without itemising for actual projects to be agreed. We are going to amend that one and we have agreed so that the Members can go ahead and consult the ECM for Water and agree on the specific projects to be implemented in that financial year 2014/2015.

FINANCE

The Finance department allocations be amended;

- a) The daily subsistence allowance be reduced from Kshs 14,000,000 to Kshs 12,000,000.00
- b) Supplies and accessories for computers be reduced from Kshs 4M to Kshs 3.5M
- c) County Assembly car loan and mortgage interest at the market rate and 3% be increased to Kshs 30,920,000.00 from Kshs 25,920,000.00
- d) County Executive car loan and mortgage interest at the market rate and 3% be reduced to Kshs 4.5M from Kshs 5.0M. You will realize that we have amended the County Executive car loan and mortgage to remove 5,000,000.00 and take them to the Assembly so that we can cater for our staff so that they can also access the loans and the mortgage.

TRADE

Cooperative development and marketing be amended to Kshs. 14.5 M from Kshs 15.5M.

WATER

The purchase of equipment/leasing/hiring be amended to Kshs 116,070,826.37 from Kshs 121,070,826.37.

The Car Loan and Mortgage schemes have been amended; we have backed away from cash backed scheme to bank financed scheme with the County Government covering the differential between the market rate and the 3% stated by SRC. Regulations for this scheme be presented to the County Assembly within two weeks

so that we do away with them to allow the Members to go ahead and borrow and our staff to borrow both the mortgage and car loans at 3% interest rate as stipulated. Mr. Speaker subsequent amendments to the existing regulations which we deposited with Rafiki Bank should be made to suit the above.

As a Committee we came up with some recommendations.

RECOMMENDATIONS

Mr. Speaker sir, having carefully scrutinized the Makueni County Government's Budget Estimates for the financial year 2014/2015, the Committee made the following resolutions:

- i. That both the County Executive and the County Assembly staff to benefit from the Car Loan and Mortgage as per the 2014/2015 Budget.
- ii. Projects agreed on by the Members of the County Assembly and Executive on the Budget estimates form the 2014/15 Ward projects.
- iii. That the reallocations contained in this Report form part of the 2014/15 Financial Year Appropriations.
- iv. That the Executive respect the Law and allow the Assembly always to submit its own budget.
- v. Despite the passing of this Budget let it be noted that the Assembly considered different Budget Estimates and passed an Appropriation Bill earlier.

Mr. Speaker sir, the Committee therefore urges this Assembly to resolve as follows;

That the Assembly;

1. Adopts this Report,
2. That the proposed amendments by the Committee to the 2014/15 Financial Year Budget Estimates as contained in this Report be adopted and
3. That the appendixes attached to this Report form the basis of the 2014/15 County Appropriations.

Mr. Speaker because of what we have experienced before we have gone ahead and made an agreement with the County Executive Committee on Budget and the Budget Committee has committed itself because of the experiences that have befallen us before. Following that meeting we have agreed on various issues as highlighted in the Report and I can tell Members with a lot of conviction that all the Members of the Budget Committee have signed except one who is sick and the ECM

for Finance and the ECM for Water who were part of the budget team from the Executive have also signed.

Since we are short of papers we are going to request that one we are through because it is my conviction that these Members are going to pass this Report to form the basis for the 2014/2015 FY Budget, I request that each and every Member be supplied with a copy of the Report so that when they are dealing with issues they will know exactly where they are supposed to touch or where they are being shortchanged if anything. Last but not least, because we do not have photocopying papers in this Assembly I request also that the Members be given a copy of the Budget that we have tabled and that we have adopted today because if you go by what you have been given by the Executive we might get into a lot of confusion. The budget that we have presented today is signed both by the ECM for Finance and also by myself; the Chairperson Committee on Budget and Appropriations. I request that Members be issued with that one so that they can be using it in their oversight work. With those very many remarks I request the Deputy Speaker to second me.

Hon. Speaker (Stephen Ngelu): Thank you.

Hon. Deputy Speaker (Bernard Musau): Thank you Mr. Speaker. I rise to second the adoption of the Budget as presented by the Chair. Notwithstanding the timelines that have been stipulated in the Public Finance Management Act many may wonder the time this Budget is being passed. I would say that looking at the Standing Orders no. 187 (b) that mandates the Committee on Budget to discuss and review the Budget Estimates I tend to think that the Budget Committee was in line with the law. I would also say that the consultations that have been taking place between the Assembly and the Executive, the Assembly and the Controller of Budget and the information that we have, is important in giving us a lot of knowledge on how we should handle these issues in future. Members will bear me witness that all those who have gone to the Controller of Budget have gotten information that they probably did not know and information that is not contained in this. For the eight months that we have operated money has been released for development; money has been coming to this County Government for development. Money has been coming to this County Government for salaries and everything that is covered in the Budget. Therefore as I second this Motion I would say that I think it is a good experience and we are also learning in devolution because budget making is a process.

From now having mentioned the timelines like I will just mention the Budget for next financial year needs to start by 20th of February and the process has to be followed to the latter. Therefore I would ask the Budget Chair, The Budget Committee and the ECM Finance to make sure that they stick to these timelines and do a lot of consultations on the budget so that we do not waste time when we are

making the Budget. Therefore because we had so many consultations and the way the Budget and Appropriations Committee Chairman has just presented, we have looked at these Estimates as the Budget Committee and most of these Members were in attendance and even from the Executive side, the Members who are in charge of the Budget were with us and we have agreed on everything that the Budget Chairman has represented. I would urge Members to support the Adoption of these Estimates so that we can move with speed. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you. Hon. Members I now want to propose the Question.

(Question proposed)

Hon. Speaker (Stephen Ngelu): Hon. Member for Mavindini.

Hon. Member for Mavindini Ward (Martin Mutuku): Thank you Mr. Speaker. I stand here to support the Motion on the Budget. Today I want to say today is a historical day and it will be remarkable to the people of Makueni. Today is a great day in this world because we have passed the Budget without anybody complaining over the same. I want to send a signal to the Governor of this County not to go and sleep over the Budget but to assent to the same because I understand the people of Kenya Power and Lighting are almost disconnecting power to this Assembly because we have not paid the bills and we are not able to access this Budget because of shortage of papers. Because there are a lot of shortcoming and problems we are facing in this County, I think what we can do is just to put the Question and we go ahead so that we can wait for the Appropriation Bill to be brought to this House. I am also happy because we are almost getting the finance Bill because we are also supposed to collect revenue. Mr. Speaker without wasting time, I would request you to just put the Question and we go ahead. Thank you Mr. Speaker.

(Laughter)

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Member for Kithungo.

Hon. Member for Kithungo Ward (Christant Keli): Thank you Mr. Speaker. I like the way Hon. Martin suspends debate after he has contributed --- *(Laughter)* and asks the Speaker to put a Question before others contribute on anything --- *(Laughter)*. However, I rise to support this Motion as moved by the Budget and Appropriations Committee Chairman. It is a historical moment for Makueni. Makueni has a Budget of about 5.6 billion but it has taken 8 months to actually come up with a Budget. This has never happened anywhere in any Country even on a National Budget and I think it is a miracle how we have survived this far. To avoid this we are actually passing this Budget at exactly around the same month we are

going to start a new Budget exercise. We expect to have the Fiscal Strategy Paper for Makueni County this week or next week which gives estimates on how we are going to arrive at our Budget in the next financial year. To avoid the situation we are in and to understand how we arrived where we are it is important that we respect deadlines and Budget lines and all other deadlines that are given by Law. It is also good to for all Committees of the Assembly to respect their work and actually be strict in their work and on their Members so that we do not find ourselves in a situation whereby we are even lacking papers, we have not been paid allowances because of the confusion although we must also appreciate that it is a unique situation where we were also put in a situation where we had to understand very well what the ceilings of the CRA meant to us.

It is also good when we are arriving at this Budget to be cognizant of the fact that we need each other as an Assembly. We need to avoid suspicion and trust each other so that we consider everybody's advice as valid and as something that can get to the next step. Inclusivity is important although we have Committees. It was wise for those people who developed the Standing Orders to actually put it clearly that any Member even those who do not belong to a particular Committee may attend meetings and give their opinion and I think whoever said that they should give their opinion did appreciate the fact that that opinion actually matters. We have had many sittings. The Budget and Appropriations Committee Chairman did not allude to a meeting that happened yesterday as well as other meetings that have been happening. It is because of this meeting that we have actually avoided some suspicion that was there and even separation that was thought of even among ourselves as Assembly Members and even between ourselves and the Executive. We actually bonded and understood each other and it is for this reason we have arrived at this Budget today. Mr. Speaker we need to chart another way forward, we need to save our face and to save our face we should actually arrive at the Budget this Financial Year 2015 / 2016 on time.

If we go back to history, you will know that even the last financial year's budget was arrived at a little late and people of Makueni will remember this if we do not pass the Budget for this financial year 2015 /2016 on time. As we start the process of making this financial year's Budget, we should be wary of the fact that we have passed two financial year Budgets a little late. If we are not careful and if we are not considering this history- and it is always said we should learn from wise men-people will judge us unfairly. We should actually make the people of Makueni forget this by actually making sure that the next Budget is passed on time. This will avoid exposing ourselves as we know everybody, every institution, every law and every individual has a weakness. So, when we do not actually do things the right way, we expose our weakness and sometimes we expose ourselves to some danger.

One danger that we have exposed ourselves to is the danger of Dissolution although many people do not want to talk about it. It is on this note that we should try and see those things the people of Makueni have accused us of and see whether we can meet them head on instead of burying our heads in the sand. I think one of the accusations is that we have had no Budget and we have refused to pass a Budget. I do not know what they will say tomorrow because we have given them a Budget. The challenge now is on the Executive to implement it. We actually hope they will pick this chance; although it is a bit late, and implement it. In event that they do not implement it accordingly and some funds are found to be hanging and have not been utilized, this House should come in handy and pass a Supplementary Budget immediately so that we do not interrupt our business. With those few remarks and not forgetting to thank Members for the energy and the tolerance they have put and even for the fact that they have stayed this late to make sure that they pass this Budget. Mr. Speaker I beg to support. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. Hon. Maneno because of what I will not say --- (*Laughter*) I will allow you.

Hon. Deputy Minority Leader (Timothy Maneno): Thank you Mr. Speaker. You can say after I sit --- (*Laughter*). I just wanted to give my take in supporting this particular Motion which has really attracted a lot of desire from the people who cannot pass it, but this particular House. It has not been that we did not understand that the Budget is a fundamental tool for the Assembly and the Executive but I want to accept that as we face this new Constitution and which actually brought the Counties we want also to accept that we were not actually the last County to pass its budget and by so doing, let us accept that we are winners; the Executive and the Assembly, and also accept that another time we get circulars which does not give big negotiation room. Assuming we would have been given a fixed statement which even if we went to court we would have no alternative other than following the ceilings they we probably would not have reached this particular position. Budgets do not pass when there are no negotiations. I want to say as now travel, let us accept that when the Assembly and the Executive are not negotiating seriously on this Budget then we would still have some challenges.

Now that we are about to pass this Motion that actually carries the estimates of Makueni County Government, let us accept regardless of the time we are passing it, we want to accept that the Executive that is the ECM Member, the Chief Officers, the Directors and the other particular staff attached to this particular docket will move with speed and see whether they can make some change. People have talked about Makueni though that is not actually why we are passing this. It is because this has been the convenient opportunity for this Assembly of Makueni to pass it. This is our time and let us accept we had no other time other than this. I want to actually

assume that, once we pass it then we will definitely have to get development that has been said the people are missing though I am sure this will not save us from Dissolution. Even if Dissolution will come, we will not be secure that we have passed these Estimates but we want to say it was under the mandate of this Assembly to have one particular agreeing point with the Executive, which we seem to have achieved today. I beg to support. Thank you.

Hon. Speaker (Stephen Ngelu): Hon. Members when you stand like that, so many of you and I am not getting any Member objecting, I am just going to give chance to two Members and then I call the Mover. So now because of time I am going to give priority to the Hon. Member for Thange because he comes nearer me.

Hon. Member for Thange Ward (Martin Masila): Thank you Mr. Speaker for the opportunity. Yes I actually come from near your place --- (*Laughter*). Before I go far I want to say I support the adoption of the Report to the Budget and Appropriation Committee 2014/2015 Budget Estimates for the County Government and the County Assembly. By passing the Budget Estimates we shall have done what is our part of our mandate as per Article 185 of the Constitution so the Assembly shall have done its obligation; Legislation and it will then be followed by oversight and representation. The job of the Assembly Members actually involves talking because we are going to pass this by just shouting 'Aye'. In our job we are paid to talk and we are paid to tell our people and we are paid to pass what is supposed to be done. After passing the Budget today the responsibility shall shift to the Executive as per Article 183 1. (a)- (d) 2 and 3. The Executive is supposed to do their work by doing not talking. --- (*Applause*) It is expected that all the Executive officers will be busy as from midnight because the only obstacle to the development in the County of Makueni was the Budget and we have passed the Budget. I would expect the Civic Department to adhere to the guidelines and deal with social and economic matters rather than political issues that they have dealt with for so long. We have seen what negative politics can do. One thing we are very sure of is that it does not promote development.

This Assembly has a Broadcasting Committee that has the mandate to oversee what actually pertains to the electorate or the common *mwananchi*. I would expect that what is passed to the *mwananchi* should conform to the socio-economics rather than politics so that we can see development in terms of social and economic empowerment of our people. The passing of the Budget is a clear indication that we are almost by passing the tsunami that was about to embarrass us. Anyone going against it seems will be swept. Several meetings to the COB have been responded to by one Statement; go and dialogue with the Governor. I think this is the way to go even in this 2015-2016 Budget which as from today we have started the Fiscal

Strategy. I think Makueni cannot be run by busy bodies but the Executive and the County Assembly in consultation; this should be the spirit.

After the budget is passed today or a few minutes from now, I would expect this House as from tomorrow to pass the bursary regulations, business loans to the business people, regulations for the youth, men, women and people living with disabilities so that we shall have washed our hands and we shall be saying we need to see the development because we have done what needs to be done and I think our careers will have been rejuvenated. The people of Thange whom I represent had become agitated. They were threatening to actually send me to the Governor and I told them I will organize for them to come. As of yesterday, they calmed down because I told them the Budget will be passed today and they will see every part of development and now I am happy this has come to the head. I fully support adoption of this Budget and Appropriation Committee Report. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Member for this city of Wote and I will then give a chance to one special Member.

Hon. Member for Wote Ward (Sammy Maseka): Thank you Mr. Speaker for honoring me the Member of this big city of this County of Makueni. Today I want to say just as the other Members have already said that it is a historical day that we are passing the Motion for the adoption of the Report and subsequently the approval of the Budget Estimates for 2014-2015. It took us a lot of time but when we are actually negotiating and also fighting, we were also saying time will tell and it is today that time has told us. The adoption of this Report and the approval will actually give relief to the people of Makueni County because people are now expecting to get the projects done even though it is knowledgeable to us that the Vote On Account money was to be used both for recurrent expenditure and development but nothing has been done. All the same, we do not want to revisit what has been happening. It is now time for us to join hands and move forward so that our people may benefit. It is a good budget but if it is not actually going to be utilized properly it will be a Budget that will not help anybody. Since the Assembly does not actually implement any project it is my humble request to the Executive to actually implement and do what they are supposed to do according to the Constitution.

As an Assembly we will very soon do what we are supposed to be doing by adopting and also approving the Budget Estimates even though earlier on we are saying we have no budget and we were thinking that we are going to do a Supplementary Budget but we all came to know and understand when we are supposed to be doing Supplementary Budget --- (*Technical hitch*)

Hon. Speaker (Stephen Ngelu): Thank you. There is one Hon. Member I respect because he is my Hon. Member of County Assembly and I must give you a chance so that you know the importance of having a Speaker. The Hon. Member for Ivingoni

Hon. Member for Ivingoni/Nzambani Ward (Cosmas Nzilili): --- (*Laughs*) Thank you for giving that honor Mr. Speaker sir, rarely does one receive that honor on the floor of the House. Let me start once again by quoting the case that we all went through; the case that was taken to the Court by the Assembly of Nakuru. The Legal Counsel representing the Controller of Budget noted a few things here which are very core issues even as we deliberate and adopt this budget. Firstly, the Transitional Authority circular dated 12th, March, 2014 required all County Governments to implement programme based budgets with effect 2014-2015. We were reminded to that several times in the all visits that we had with the Controller of Budget.

Secondly, the budgets that we all presented- the 47 Counties -were inconsistent with the devolved budgets. Geographical distribution of development projects in this Assembly has been a major debate and it was not clear and the Controller of Budget could not actually tell which projects belong to what location and what sub-location in the Ward and so they said this one should be coming over in the next budget we make. Another issue was that there was no comparative data for that development expenditure and the Controller of Budget could not tell whether the projects of previous year have been completed or they are still pending.

Last but not the least -and which has been the biggest problem in all the 47 Assemblies -was that they did not follow the advisory from the Commission for Revenue Allocation.

Why I have started with this is because this is the second year of the County Governments under the new Constitutional dispensation and the experiences we are going through are not really in particular unique to Makueni County Government. It shows that it has been affecting every other County Assembly and the County Government. What we have lacked in the last two years including this year is consultation. I want to say and give credit to one Hon. Member for Kithungo/Kitundu Ward who tried to bring us together at Acacia and the first time we went there we could not meet together. We thought the food would finish us before the Dissolution comes --- (*Laughs*) but after a lot of push and pull, the 47 of us ended up coming. This type of consultation is what led to what we have today.

I also want to recognize somebody else who really worked very hard and even as you give me the honor because I am the MCA from Ivingoni/Nzambani Ward where you come from we were almost receiving a maiden speech and I think you will still

give that honor to the Member; the Hon. Stacy whom we went with to the Controller of Budget and the Government Printer to know whether this Hon. House might have taken the Appropriation Bill to River Road for printing and she came back and we gave the advice to this Assembly very well. There is a member of public who is not a Member of this Assembly; Mr. Katule and I think the Budget and Appropriation Committee will agree with this. When I called him and we asked for an appointment he gave us that honor and we attended and I think that is where we all agreed and appreciated the essence of the ceilings so it is important we also agree that the members of public including Mr. Katule really helped us a lot and we have to give them credit for what we have achieved today.

The way forward; today the budgetary process started with public hearings in the Wards. We want to urge that as soon as the funds start flowing where we are able let us get involved in it and the consultations need to be encouraged as much as possible. Let us also appreciate each of our abilities. If somebody can do something let him be given that opportunity to do it whether he is a Member of a certain Committee or not and I want to appreciate as a person, the Budget and Appropriations Committee and especially the Chairman because even though I had erroneously been removed from that Committee he continued to call me when necessary and I offered my services without fear or favor. At one time I said I should not be refunded the fares because some Members thought we were going to close the chapter for debate for this public document.

I am supporting the approval of this Report and the Budget process should start. As I finish, this afternoon I have shared with the (ECM) Finance and in the presence of the Chairman Finance Committee and Budget and Appropriations Committee we have encouraged him to come up with a Regulation that is going to allow him to have community grants so that we can give the cheques to the Community Project Committees instead of say Kshs.500,000 being given to a contractor who is making a profit of Kshs.150,000 and what is goes to the community is only Kshs.350,000. If we come up with those Regulations by next week the Governor will go down the Mombasa road and by the time it reaches Mtito Andei and Ivingoni he will have shared cheques worth about one billion and going upward to Kalawa he will share the rest of the Budget and then all the projects will be done by the community and there will be value for money. I support the adoption of this Report. Thank you.

Hon. Speaker (Stephen Ngelu): The Mover of the Motion to reply. The maiden speech for the Hon. Member will be given later because I think she needs time; at least one hour --- (*Laughter*) so the Mover of the Motion.

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker. Let me take this moment and opportunity to thank the Members for their positive contributions and say that I want to put some things very clearly when I am winding

up. Ceilings were not a thing of Makueni County but affected the 47 counties. To be very clear to all the doubting Thomas's, as at yesterday we had 23 counties which had not complied Makueni included. As at today I may probably say that Makueni is out of that list.

(Applause)

Hon. Majority Leader (Francis Mutuku): It is also evident that as we are passing the 2014/2015 Budget and through the highlights that I have given to Members we are at pains not to call this one a Supplementary Budget while we know very clearly that it is a Supplementary Budget because we had passed a Budget in this same House on 24th June, 2014, we passed an Appropriation Bill and whether it is faulty or not it is an Appropriation Bill and it is a Law. It has to be amended by another Law. It cannot just be wished away and you will come to know; time will tell because we are here. 2014/2015 Budget that we passed and that we have been consuming to date has been very challenging. In fact for the first time although I have said and repeated I have been a Finance Chairman for seven years in the defunct County Council of Makueni, I was contemplating resigning from being the Chairman Budget and Appropriations Committee because it came to a moment when everybody was talking about the Budget and some people were actually not separating the two; The Chairman Budget and Appropriation Committee and the Budget. Every time they met me even in the streets they asked why I had not passed the Budget as if it is a one man's show. It is also worth noting that in the money we have been receiving on Vote on Account; the 50% we have money for development and yesterday we met the Controller of Budget, on Friday we also met her with another group and she affirmed that she has been releasing money for development to Makueni County Government. Why the Executive have not been implementing the projects is a question to be answered on another day.

All what I can request the Executive because I have seen the mood of the House is for them to device a way of working with the Assembly so that we can move with speed and implement the delayed projects because we are being told we have not passed the Budget while we know very well that in the releases that we have in the treasury for Makueni County Government we have more than 4.1 billion; money for development included. We are wondering what our enemies will be saying tomorrow because the Budget will have been passed so I do not know what they are going to say tomorrow. Whatever excuse they are going for not implementing the projects as like Hon. Masila has put it, I do not know, I may understand from tomorrow. It is also worth noting and I must bring it to the attention of Members and even the members of the public that we are crossing to the second month without pay for the Members of the Assembly and without pay for members of our staff. It is as if we are operating two Governments in Makueni so I am also urging the

Executive to move with speed and pay the salaries for our Members and even our allowances from October last year. It is a pity because Members have been surviving virtually on nothing while we have a Government. I have said some of these things will be questions for another day as some other things that we will discuss outside this Assembly.

I very strongly believe that not unless we change the Law so that the Assemblies are independent we may not do oversight. I am pained when I am moving this Report and I am requesting the Members to pass it while I know very well the Members will not be able to do any oversight over the County Executive. We do not have any money for public participation; we do not have any money for oversight and even water. We are in problems so how do you expect me -unless you tell me to go and eat chicken with these guys or even eat beans as Hon. Raila Odinga has put it- to go and oversight somebody who has money while I have nothing in my pockets? I will eat chicken and that will be the end of the day. We are saying; politely, if the Members can also sit, move as a team to CRA and let us see what we are going to do because that is what the other Counties are doing because we all know and it is very clear to all and sundry that the money that we have budgeted for so that we can comply with the ceilings will take us roughly two months so what will we do after that? I do not want to tell the Members we are going to close shop before June 30th, 2015 because we might be forced to do that. We cannot sit here when we do not even have papers to write on, duplicating papers and all that and tell us we are doing oversight. What kind of oversight? We had better go home and say we have adjourned *Sine Die* and then we see what will happen.

Finally let me say and repeat that money for development is there and if the Assembly has been an impediment for the implementation of projects they should be implemented as from this minute because in the next few moments I know and I believe very strongly the Members are going to pass this Budget. 2013/2014 Budget which we passed in this same Assembly has not been implemented fully. Go to different Wards within the County and you find for instance ECDE classrooms that we have been building and so many other projects have been left halfway then you wonder what is happening because we had a Budget for every project and we had money devoted for that project. Some of us cannot even tell what exactly happened. I urge the Members to be vigilant because I know for sure if a project was supposed to take two million and then may be it has been built halfway and the projection was right something must have gone wrong. That is what we are experiencing and because the members of the public cannot differentiate sometimes between the Councilors that we were and who we are now, the problem lies there because they are asking us why you have not implemented this project? Why have you not graded this road? It is not us, as an Assembly we are supposed only to do oversight, representation and legislate period. Implementers are on the

other side. It is the Executive not the Assembly Members so I want that confusion cleared because it has been persistent. Members try to educate our people through the forums even though the churches so that they can know our work because unless they know our work Members we will be in trouble. Finally because I know for sure the Kshs. 5.1 billion for 2013/2014 that we passed here, maybe has been misused somehow, the culprits must be brought to book whatever it takes.

(Applause)

Hon. Majority Leader (Francis Mutuku): I have even talked to the Minister for Finance; the culprits must be brought to book so that we can end this kind of corruption in our Counties. Last but not the least I want to take this opportunity once more to thank the Members and tell them it is not over, in fact we have started. Tomorrow we might have another meeting so that we can chart the way forward on how we are going to meet CRA, on how we are going to meet other bodies on how even we are going to mend the fences with the Governor on various issues. We cannot work in isolation. The Executive cannot also not work in isolation; we have to work as a team so that our people can realize development. So Members I am requesting you humbly as the Majority Leader to consider this, tone down so that we can work together and do our work as required by the Law. For those very many remarks I beg to leave. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. Hon. Members I now want to put the Question.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker (Stephen Ngelu): There being no other business the House adjourned to 26th February, 2015 at 2:30 p.m.

(The House rose at 7.01 p.m)