



REPUBLIC OF KENYA

## MAKUENI COUNTY ASSEMBLY

### OFFICIAL REPORT

First County Assembly – Third Session

*Tuesday, 30th June, 2015*

*(The House met at 2.30 p.m.)*

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

#### PRAYERS

#### PAPERS LAID

**Hon. Speaker** (Stephen Ngelu): The Hon. Chairperson Committee on Delegated Legislation. The Hon. Chairperson Delegated Legislation is supposed to table a Paper on the Loan and Mortgage Regulations issue. Where is he? Is he not in the House? The Vice Chairperson is not there, anybody delegated to do that?

**Hon. Member for Mbooni Ward** (Joseph Musya): Mr. Speaker sir---

**Hon. Speaker** (Stephen Ngelu): Yes.

**Hon. Member for Mbooni Ward** (Joseph Musya): I had left Hon. Maseka signing those documents so he is within the precincts of the Assembly. Thank you.

**Hon. Speaker** (Stephen Ngelu): Okay thank you. The Majority Leader.

#### BUDGET IMPLEMENTATION REVIEW REPORT

**Hon. Majority Leader** (Francis Mutuku): Thank you Mr. Speaker. I beg to lay the following Paper on the Table of the Assembly today Tuesday 30<sup>th</sup> June, 2015 at 2.30 p.m. The Controller of Budgets Third Quarter County Governments Budget Implementation Review Report for the financial year 2014/2015. Thank you.

**Hon. Speaker** (Stephen Ngelu): Thank you. That Report stands committed to the Budget and Appropriations Committee to look at and I think there was also another one, the one for the first half so it is also part of that one now. This is for the third quarter; July to March Report so you can combine the two reports and you table it for the Assembly to look at within 14 days. I think that is a very critical document that you need to scrutinize; it is a very critical document so let the Committee look at it on a serious note and come up with a Report in 14 days. The Hon. Maseka, you were to lay a Paper on Mortgage Regulations.

MAKUENI COUNTY STATE AND PUBLIC OFFICER'S CAR LOAN AND MORTGAGE FUND REGULATION  
2015

**Hon. Member for Wote Ward** (Sammy Maseka): Thank you Mr. Speaker for this opportunity. I beg to lay the following Paper on the Table of the Assembly today Tuesday 30<sup>th</sup> June, 2015 at 2.30 p.m. The Report of the Committee of Delegated County Legislation on the Public Finance Management Makueni County State and Public Officers Car Loan and Mortgage Fund Regulation, 2015. Thank you.

**Hon. Speaker** (Stephen Ngelu): Thank you. Forward it to the Table. Hon. Members you can look at those Regulations and remember they are the same Regulations that were tabled on 5<sup>th</sup> May, 2015 and there are a few amendments that you are supposed to look at so that when the Motion comes then you can know exactly what you want to amend. Next Order.

### NOTICES OF MOTION

**Hon. Speaker** (Stephen Ngelu): Hon. Chairperson Delegated Legislation to give a Notice of Motion on the same.

### **PUBLIC FINANCE MANAGEMENT MAKUENI COUNTY STATE AND PUBLIC OFFICERS CAR LOAN AND MORTGAGE FUND REGULATION, 2015**

**Hon. Member for Wote Ward** (Sammy Maseka): Thank you Mr. Speaker once again. I beg to give Notice of Motion; **THAT** this Assembly adopts the Report of the Committee on Delegated County Legislation on the Public Finance Management Makueni County State and Public Officers Car Loan and Mortgage Fund Regulation, 2015 and approves the Regulations with amendments. Thank you.

**Hon. Speaker** (Stephen Ngelu): Thank you. I think those Regulations can be looked at on Thursday. They will be slotted in the Order Paper on Thursday this week so that you can look at them and then you finalize that issue because it is a pending issue. Next Order.

## PROCEDURAL MOTION

WAIVER OF THE PUBLICATION PERIOD OF THE MAKUENI COUNTY APPROPRIATIONS BILL, 2015

**Hon. Speaker** (Stephen Ngelu): The Leader of the Majority Party.

**Hon. Majority Leader** (Francis Mutuku): Thank you Mr. Speaker sir. I beg to move the Motion in an amended form, by deleting the word "*reduce*" appearing in the second sentence and replacing thereof with the word "*waive*".

I beg to move the following Motion which is; **THAT** notwithstanding the provisions of Standing Order No. 117 this Assembly resolves to waive the publication period of the Makueni County Appropriations Bill, 2015; Makueni County Assembly Bills No. 3 of 2015 from 7 days to 1 day. It is important -noting that yesterday we had the Budget debate and we passed the Estimates for 2015/2016- for us today again considering the timelines, to pass the Appropriations Bill, 2015 because if we do not do that then it will render what we did yesterday null and void. I am requesting the Members to consider that and move with speed so that we can actually debate and pass the Appropriations Bill, 2015 in order to give effect to the Budget 2015/2016 that we passed yesterday. With that I request Hon. Deputy Speaker to second me.

**Hon. Deputy Speaker** (Benard Musau) seconded.

**Hon. Speaker** (Stephen Ngelu): Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker** (Stephen Ngelu): Next Order.

## BILL

*First Reading*

MAKUENI COUNTY APPROPRIATION BILL, 2015 (MAKUENI COUNTY ASSEMBLY BILL NO.3 OF 2015)

*(Order for First Reading read-Read the First Time and ordered to be referred to the relevant Departmental Committee)*

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

*Second Reading*

MAKUENI COUNTY APPROPRIATION BILL, 2015 (MAKUENI COUNTY ASSEMBLY BILL NO.3 OF 2015)

**Hon. Speaker** (Stephen Ngelu): The Hon. Majority Leader.

**Hon. Majority Leader** (Francis Mutuku): Thank you Mr. Speaker. I beg to move the following Motion which is **THAT**, the Makueni County Appropriation Bill Makueni County Assembly Bill No. 3 of 2015 be now read a Second Time. It is important again for us to pass an Appropriation Bill today because if we do not do that we are going to render what we did yesterday as null and void. It is also important to consider the timelines because this Appropriation Bill is the one which is going to give us the power to withdraw monies from the 2015/2016 budget that we passed yesterday so I request the Members to consider the Bill and pass it as early as possible and with that I request Hon. Maneno to second me.

**Hon. Deputy Minority Leader** (Timothy Maneno) seconded.

**Hon. Speaker** (Stephen Ngelu): Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker** (Stephen Ngelu): Hon. Members, the House now gets to the Committee of the Whole House chaired by the Deputy Speaker.

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Hon. Speaker left the Chair]*

**IN THE COMMITTEE**

*[Hon. Chairman took the Chair]*

MAKUENI COUNTY APPROPRIATION BILL, 2015 (MAKUENI COUNTY ASSEMBLY BILL NO.3 OF 2015)

**Hon. Chairman:** Hon. Members, we are now in the Committee of the Whole Assembly considering the Makueni County Appropriation Bill, 2015; Makueni County Assembly Bill No. 3 of 2015. Clerk.

Clause 2

*(Question proposed)*

*(Question put and agreed to)*

Clause 3

*(Question proposed)*

*(Question put and agreed to)*

Schedule

*(Question proposed)*

*(Question put and agreed to)*

Title

*(Question proposed)*

*(Question put and agreed to)*

Clause 1

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Chairman:** Hon. Members the Committee now adjourns to Report Progress to the Whole House. Thank you.

*(The House resumed)*

*[Hon. Speaker in the Chair]*

### **REPORT AND THIRD READING**

MAKUENI COUNTY APPROPRIATION BILL, 2015 (MAKUENI COUNTY ASSEMBLY BILL NO.3 OF 2015)

**Hon. Speaker** (Stephen Ngelu): I call upon the Hon. Chairman to give us a Report.

**Hon. Deputy Speaker** (Bernard Musau): Thank you Mr. Speaker. I wish to Report that the Committee of the Whole Assembly has considered the Makueni Appropriation Bill, 2015; Makueni County Assembly Bill No. 3 of 2015 and has approved the same without amendments. Thank you.

**Hon. Speaker** (Stephen Ngelu): Thank you. The Mover.

**Hon. Leader Majority** (Francis Mutuku): Thank you Mr. Speaker. I beg to move **THAT** this Assembly do agree with the Committee of the Whole Assembly in the said Report. Thank you Mr. Speaker.

**Hon. Speaker Ngelu** (Stephen Ngelu): The Seconder?

**Hon. Leader Majority** (Francis Mutuku): I beg Hon. Maneno to second me.

**Hon. Deputy Minority Leader** (Timothy Maneno) seconded.

**Hon. Speaker** (Stephen Ngelu): Thank you Hon. Members.

*(Question proposed)*

*(Question put and agreed to)*

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

**Hon. Leader Majority** (Francis Mutuku): Mr. Speaker sir I beg to move the following Motion, which is **THAT** the Makueni County Appropriation Bill, 2015 Makueni County Assembly Bill No. 3, 2015 now be read a Third Time. It is important for the Members to consider this Bill at this time so that it can give effect to the 2015/ 2016 Budget. I am just urging the Members to consider the Bill and pass it so that we can start implementing the 2015/2016 Budget. I request Hon. Deputy Speaker to second me.

**Hon. Deputy Speaker** (Bernard Musau): Thank you Mr. Speaker. As the Budget and Appropriations Committee Chairperson has said we are now crossing the next financial year and we need this Law in place and therefore I stand to support and I urge the Members to do so. Thank you Mr. Speaker.

*(Question proposed)*

**Hon. Speaker** (Stephen Ngelu): The Hon. Member for Ivingoni.

**Hon. Member for Ivingoni / Nzambani Ward** (Cosmas Nzilili): Thank you Mr. Speaker. I stand to support that the Bill be read for the Third Time. It is important that we actually move with speed and this Budget starts being implemented. I only wish to ask the Hon. Budget and Appropriations Committee Chairperson to make a pronouncement that we had a small error in the Trade Budget where there was an item in my Ward that was omitted but he has clarified to me that it was a typographical error. The other thing is that we need to engage in the coming years in terms of this Budget. We have agreed in unison that we actually agree with everything as it came from the Executive but we want in future this

consultation to start early so that we do not feel that although we are agreeing we have not been give an authority to exercise our mandate and all the discussions that were in the Sectorial Committees were in vain. In future so that we do not start feeling that way we need the discussion on the Budget to start early and the Hon. Members to be given the opportunity to actually decide on particular issues and especially when it comes to Ward allocation of the Kshs. 18.5 Million. Mr. Speaker I support.

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

**Hon. Member for Kee Ward** (Jonathan Wambua): Thank you Mr. Speaker. As I support this Motion, I want to state clearly that although we have passed the Budget and the Appropriation Bill without any amendments I want to give a signal that the watchdog on public funds ---

*(Hon. Leader Majority stands on a Point of Information)*

**Hon. Speaker** (Stephen Ngelu): Yes Information.

**Hon. Leader Majority** (Francis Mutuku): For the record, I want to inform that Member we passed a Budget with amendments.

**Hon. Member for Kee Ward** (Jonathan Mutua): Thank you Mr. Speaker. What I wanted to clarify is that as we pass this Budget, the watchdog on public funds expenditure is supposed to monitor and ensure that funds have been spent prudently; we will be on the look out and make sure that each and every penny is put to proper use. By saying the public watchdog, I mean the County Assembly. I am not referring to one Committee; we are the watchdog of public funds and I ask all the Members to live up to the expectations of the public. Thank you Mr. Speaker.

**Hon. Speaker** (Stephen Ngelu): Thank you, the mover to reply.

**Hon. Leader Majority** (Francis Mutuku): Thank you Mr. Speaker. Let me take this opportunity to thank all the Members for the great job they have done. I repeated yesterday and I put it clearly that the Budgets for this Assembly and for this County Government are always been passed on time. The first Budget that is 2013 /2014, it is very clear that we passed on 29<sup>th</sup> of June 2013, the second Budget that is for 2014/2015, we passed quite on time that is on 24<sup>th</sup> of June 2015 and this time round, it is clear that we passed the budget on 29<sup>th</sup> of June, 2015. Today we are passing the Appropriation Bill which we believe very strongly that His Excellency the Governor will sign it and by tomorrow we would be swimming in the year 2015/ 2016 and implementing projects among others. It is important also for the Members to know that given the time that we interrogated the Budget, it could have some typing errors; glaring ones like the one for Ivingoni /Nzambani Ward among others

of course. I cannot say the document is perfect but that is why we said, once it is put in place because it has been put in place a few moments ago, it should be given to all Members. If you realize that there is a typing error or something that can be corrected you are welcome so that we consult and correct it. The Budget is not cast on stone. This is a dynamic document that can be implemented and supplemented at any time. Therefore, I want the Members to feel that this is their document these are their projects that we should go ahead and implement.

Whether the projects have been collected by the Executive or the Assembly it is the onus of this Assembly as the oversight body and make sure that wherever they are being implemented they are there and they are aware of exactly what is happening. We talked with the Governor and consulted on a few things and he accepted that we must move together as one team so that we can see implementation. It is important to note that we have slightly more than Kshs. 14 billion that is the Supplementary Budget for 2014/2015 which is about Kshs. 6.971 billion and this budget that we passed yesterday for Kshs. 7 billion plus. We have 14 billion to implement within one year which really hectic. We have to join hands and give our people service. The Governor really pleaded with us yesterday so that we can help him in implementation. Of course it is not our duty to implement but he said we should help and again help in realizing the target for local revenue which we agreed we are going to sit somewhere in a retreat and then agree on the way forward on how to do it. Hon. Members I am just thanking you in advance and saying that we are making arrangements to make sure the typos which are there in the Budget are corrected and then we move forward as one team. With that I really thank the Members for the great job that they have done in the third year consecutively and tell them that now it will be smooth running and God willing we are going to utilize the Kshs. 14 billion within this year. Thank you and I beg to leave.

*(Question put and agreed to)*

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

**Hon. Speaker** (Stephen Ngelu): Thank you. Hon. Members for record purposes, is there any Member in this House who believes that there is no Budget that has been approved and no Appropriation that has been passed?

*(Laughter)*

**Hon. Speaker** (Stephen Ngelu): This is for record purposes so that in case a Member later on in the month of February or March next year says that the Assembly did not pass a Budget then we can ask ourselves whether the Member was here. Is that okay?

*(Members agreed)*



**Hon. Speaker** (Stephen Ngelu): Do we have a budget and a Bill passed by all Members?

*(Members agreed)*

*(Applause)*

**Hon. Speaker** (Stephen Ngelu): I think even the clap is for is for record purposes. Thank you Hon. Members.

### **ADJOURNMENT**

**Hon. Speaker** (Stephen Ngelu): Now Hon. Members there being no other business to be transacted the House adjourns to tomorrow Wednesday 1<sup>st</sup> July, 2015 at 9.30 a.m.

*(House rose at 3.06 p.m)*