

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 30th August, 2016

Special Sitting

The House met at the County Assembly Chamber, Malindi Town, at 6.05 p.m.

[The Speaker (Hon. Kahindi) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

SPECIAL SITTING

The Speaker (Hon. Kahindi): Hon. Members, this is a special session which has been gazzeted pursuant to Standing Order 26 of the Kilifi County Assembly Standing Orders. "It is notified for the information of the Members of the County Assembly of Kilifi and the general public that a special sitting shall be held at the County Assembly Chambers at the County Assembly buildings, Malindi on Tuesday, 30th August at 9 a.m. for consideration of the Governors Memorandum dated 15th July, 2016 of the Kilifi County Appropriation Bill."

There have been extensive consultation and it has made us to start this debate late.

PAPERS

**REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE
GOVERNOR'S MEMORANDUM**

(Hon. Mwambire stood on a Point of Order)

MOTION

EXTENSION OF TIME

Hon. Mwambire: Mr. Speaker, Sir, I beg to rise under Standing Order 50 (m) to seek for extension of time so that we can go in tandem as required by the Standing Orders. Looking at the position of the issues that are before us and the time, there is need to extend even if it is an hour or an hour and half so as to clear everything before we leave. Thank you, Mr. Speaker.

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The Speaker (Hon. Kahindi): Thank you, anybody to second that?

(Hon. Nzaro stood at his place to second)

(Question proposed)

The Speaker (Hon. Kahindi): Thank you hon. Japhet Nzaro. Hon. Members, the Motion as moved by hon. Teddy Mwambire is one that requires no Notice. Hon. Japhet Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. I rise to second the extension of time as moved by the Deputy Speaker, Member of Sokoke Ward. Looking at the matters before us, they are matters of great importance; we are dealing with the budget which has already been delayed and we have no time to waste so that we approve the budget of this County. It will be of essence to the people of Kilifi if we extend time for the best interest of the people of this great County, so that we can solve this matter once and for all for services to be delivered to the people of this county. Thank you Mr. Speaker. I support.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has moved by hon. Teddy Mwambire to have the time of the sitting of this Assembly extended.

(Question put and agreed to)

That essentially therefore means that the County Assembly has now been extended and we can sit until midnight. Yes hon. Mangi proceed.

PAPER LAID

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE GOVERNOR'S MEMORANDUM

Hon. Mangi: Mr. Speaker, Sir, I beg to lay in this hon. Assembly the Report of the select Committee of the Budget and Appropriations Committee on the Governor's refusal to assent the Kilifi County Appropriations Bill, 2016 for deliberation and subsequent adoption. Thank you Mr. Speaker, Sir.

(Hon. Mangi laid the Document on the Table)

ADOPTION OF THE REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE GOVERNOR'S MEMORANDUM

Hon. Mangi: Mr. Speaker, Sir, I beg to move that this Assembly adopts the Budget and Appropriations Committee Report on the Governor's Memorandum on refusal to assent to the Kilifi County Appropriation Bill, 2016. Pursuant to the provisions of section 24 of the County Government Act, 2012, the Governor submitted a Memorandum refusing to assent as indicated in this Report. The Select Committee considered the merits of the Memorandum with the help of the office of the Speaker and the Clerk and the County Treasury.

The recommendations contained in this Report do not alter the recurrent budget of the County Assembly of Kilifi and further makes provisions for the increase in the revenue for this

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county. I wish to confirm that this Report if adopted takes care of the interests of Kilifi County residents. I wish to call upon hon. Valentine Matsaki Mwamanga to second.

(Hon. Matsaki stood at his place to second)

The Speaker (Hon. Kahindi): Thank you hon. Matsaki. Yes hon. Japhet Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. I beg to move that the Report be amended by deleting recommendation number one of the Report. This is due to wider consultations which we have had and the recommendations by the Executive Member for Finance who gave us the recommendation on this item and it will be in tandem with the Standing Orders. Thank you Mr. Speaker. I call upon hon. (Ms.) Arafa to second.

(Hon. (Ms.) Arafa stood at her place to second)

The Speaker (Hon. Kahindi): Yes hon. (Ms.) Arafa.

Hon. (Ms.) Arafa: Thank you very much Mr. Speaker, Sir, for giving me this opportunity to contribute to the Amendment on the floor. Before I contribute, I would like to thank this hon. House for the extensive work done and I am happy we have played the three roles we have of legislation, representation and oversight. I also want to thank the office of the CEC for Finance through the County Secretary.

It is not just us sitting here but it is through extensive consultation between the MCA's and the officers at the Executive through the guidance of the Office of the Speaker and the Clerk. What we have done here is for the interest of Kilifi County not the interest of hon. Members. I humbly ask all hon. Members to contribute to this Motion for the benefit of Kilifi County and for the development of our great County. Thank you very much Mr. Speaker, Sir.

The Speaker (Hon. Kahindi): Hon. Members a Motion has been moved to delete clause 1 of the Report.

(Question put and agreed to)

Hon. Matsaki.

Hon. Matsaki: Asante sana Bw. Spika kwa kunipatia nafasi hii ili nichangie katika Hoja ambayo iko mbele yetu. Kabla sijaanza kuzungumza ningetaka kupongeza Mwenyekiti na Kamati yote ya Bajeti kwa kazi nzuri iliyofanya. Ukiangali Ripoti ambayo tuko nayo, mambo mengi yalikuwa yamejificha lakini kwa sababu Gavana alileta *Memorandum* yake hapa imeweza kubadilisha mambo mengi.

Ukiangalia miradi ambayo ilikuwa *revoted* na haikupatikana katika Bajeti ya awali ilichukua pesa na kwa sababu hiyo basi, ikabidi miradi ile mingine ambayo haikuwa imetengewa pesi na haikuwa katika Bajeti ya awali na hata katika *supplementary* Budget itolewe.

Bw. Spika, kazi haikuwa rahisi kwa sababu tayari kama Bunge tumechelewa kupitisha Bajeti hii; ukienda mashinani miradi imesimama na hakuna kitu kinachofanyika kwa sababu Bajeti haijapitishwa. Ombi langu ni kwamba kama waheshimiwa wa Bunge hili tusimame na kuona kwamba kila kitu kiwe sawa ili tupitishwe Bajeti hii na watu wetu mashinani waone miradi yao ikiendelea. Nimesimama kuunga mkono Ripoti hii. Asante sana Bw. Spika.

The Speaker (Hon. Kahindi): Yes hon. Mwambire.

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Hon. Mwambire: Thank you very much Mr. Speaker for granting me an opportunity to share my sentiments towards supporting of the passage of this Motion. Passing this Motion and the Governor signing the Budget is not a big deal because Members are willing to do that basing on how you can see them. What is important here is fast tracking the implementation of this Budget.

The Member who was on the Floor shared information that we failed to pass the Budget as required by the Law but Mr. Speaker, we did pass it on 30th of June and it was returned with a Memorandum which is okay as per the law. Whatever the Committee found was very important and we are thankful with how the Governor gave his recommendation because he gave us ample time to unearth a number of issues which maybe could not have been captured before. I believe that after passage of this Budget, we will have ample time to go through the implementation process because there are a number of projects which have been revoted.

Revolting of project should not be an option in this county; regardless of the delay in disbursement of funds from the National Treasury to the county. We have seen some projects which have been revoted more than once which means that there are projects which have taken 12 months then they were revoted, another 12 months went but they were not done yet and they were revoted again. So it is clear that Committees need to put more effort to make sure that they push the Executive to give Reports and time lines on when the revoted projects will be implemented and also to get a clear follow up on how the implementation of the other projects will be given.

So, let the periodic Reports that come to the Assembly be indicative of this information. We do not feel comfortable to pass a Budget which then takes too long to be implemented; we have enough officers who we do pass the Budget for their salaries and if somebody does not feel comfortable to implement the projects then these people should resign instead of having a big wage Bill which does not correspond to the implementation of the projects as passed by this Assembly.

We have a passion for this county and we want it to move forward; by that I mean as we play our role as the County Assembly, the Executive should put more effort in making sure that everything goes as per the laid down procedures. I support the adoption of the Motion as tabled by the Chairperson, Budget and Appropriations Committee and I call upon hon. Members to pass this Motion so that we can move forward but let us move in style this time because we have been lenient to the process. Thank you.

The Speaker (Hon. Kahindi): Yes hon. Hassan.

Hon. Hassan: Asante sana Mheshimiwa Spika kwa kunipa nafasi hii muhimu. Nimesimama kuunga mkono Ripoti hii. Kweli naunga mkono lakini wasi wasi wangu... na nashukuru kwamba Mheshimiwa Katibu wa Kaunti yuko hapa ili asikie haya. Mara nyingi sana tunapitisha haya mambo lakini utekelezaji unakuwa na changamoto nyingi sana. Badala ya mimi kuja Malindi Bunge, kwanza inanibidi niende Kilifi...

The Speaker (Hon. Kahindi): Hon. Kenga, what is the Point of Order? Give him the mic. Take a sit hon. Hassan.

Hon. Kenga: Thank you very much. The hon. Member who is making contribution is recognizing the presence of the County Secretary in the gallery, yet in your official capacity you have not recognized his presence. Is he in order?

The Speaker (Hon. Kahindi): Hon. Kenga, let us dwell on the serious issue before us.

Hon. Hassan: Asante Mheshimiwa Spika unajua...

The Speaker (Hon. Kahindi): Proceed hon. Hassan.

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Hon. Hassan: Kuna njia nyingi za kumwambia mtu amechanganyikiwa. Naomba tupitische hii bajeti na tuende kwa kasi moja. Kwa hayo machache nimesimama kuunga mkono.

The Speaker (Hon. Kahindi): Yes hon. (Dr.) Chitibwi.

Hon. (Dr.) Chitibwi: Thank you very much Mr. Speaker for giving me this opportunity. I stand to support the adoption of this Report so that this county can move forward. There has been a bit of sacrifice on both sides but I hope this process is a lesson to all of us in this government and I hope we have learned a lot and we are not going to repeat some of the mistakes that we have made. I would also like to note that earlier our Governor said that we adopt the Budget proposed then come up with a supplementary budget. This document as being presented I am already seeing some short comings. One of the things that I have noted is that there is an ongoing water project in Mwarakaya Ward which has not been included in this Report. I do not want us to go back but later the Executive should take that into account and revote back money to it. Thank you. I support the adoption.

The Speaker (Hon. Kahindi): Yes hon. Gambo.

Hon. Gambo: Asante sana Bw. Spika kwa kupata nafasi ili nichangie Hoja hii. Nimesimama kuunga mkono kupitishwa kwa Ripoti hii. Imedhihirishwa kwa ishara kwamba afisi ya Spika na Katibu wa Bunge zimefanya juhudi na kufanya Ripoti hii kuonekana kama Ripoti ambayo inawajali wananchi wetu. Tumekuwa katika mikutano tofauti na pia wafanyikazi wa Kaunti wakaingia katika mashauri ili kuona kwamba Bajeti hii ni ya kuendesha Kilifi vyema. Ni dhahiri Bw. Spika kwamba si waheshimiwa waliochaguliwa peke yao wanaopenda maendeleo ya serikali hii ya Kaunti ya Kilifi bali imedhihirisha kwamba juhudi ambazo zimeonekana kwa wafanyikazi wetu wa Kaunti kushughulikia Ripoti hii kikamilifu. Kwa kweli, imetuonyesha changamoto za maendeleo. Hivyo nimesimama kuunga mkono Ripoti hii iweze kupitishwa na hatimaye tuanze maendeleo ya Kilifi Bw. Spika. Asante.

The Speaker (Hon. Kahindi): Hon. Nzaro.

Hon. Nzaro: Thank you Mr. Speaker. As I rise to support the adoption of this Report, I also wish to recognize a very special guest in the gallery. Mr. Speaker, the County Secretary is in the gallery and he should at least hear what we are saying because these are issues which when we are implementing this Budget then we wish him to go with our aspirations as an Assembly, Mr. Speaker.

(Hon. Mwambire stood in a Point of Order)

Hon. Mwambire: Mr. Speaker, is it in order for a Member to recognize a guest in the Speaker's gallery when the Speaker has not recognized that guest?

(Laughter)

The Speaker (Hon. Kahindi): Why are you so concerned about the County Secretary? I gave him a special sit there and for my own reasons I did not want him to go into details. Let us focus on the Budget.

(Laughter)

Hon. Nzaro: Thank you Mr. Speaker. I would wish to air my observations on this Report. One fundamental observation I have made while I was perusing through the Report is that there was no alteration of the County Assembly Budget.

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Another thing that I also realized is that there was no alteration of the Ward development projects and I think this is a good aspect of the Report because the Ward development projects which we envisioned at Ksh. 25 million per Ward have not been altered. This is a very clear indication that we want to bring development to every part of this County, Mr. Speaker.

Another aspect which I think is very fundamental in the Report while I was perusing is that you will find there were some projects which were revoked in the previous Budget but the Committee did a very good job to make sure that those revoked projects which should not be part of this Budget were done away with. This is a very great job this Committee has done for the people of this County. Mr. Speaker, there would be a problem in implementing this Budget had we past it the way it was because some of these revoked projects if they would have come for the payments there would have been a problem because you cannot revoke a project which has already been done. For example, there are some projects in this Budget which had already been done and money was paid and now they were being revoked again. This would amount to double payment of these projects.

So, in scrutiny I want to recommend the Committee on Budget for its wonderful job to save a big amount on implementing part of this Budget. Also, if you look at the recommendation which I wanted to be deleted, we have done several consultations with the CEC (County Executive Committee) Member and the County Secretary. In fact, I wanted to recognize his presence so that he knows that it is in these recommendations. We want it on record Mr. Speaker, because if you look at the Governor's Memorandum which I would wish to be deleted it was categorical that the CEC Member was not consulted and it is a requirement of the Public Finance Management Act (PFM). I think we have done this and that section should be deleted and it was very candid that Members agreed to that.

If you look at the areas that the CEC Member wanted us to relocate this money, you will find that we are not increasing any money in the Budget Mr. Speaker. There is just reallocation of that money which we are supposed to be saving or putting it into other meaningful areas of development and to forestall the double funding. You will also realize that there were some other inadequate provisions which have been enhanced in this Budget from his recommendation. There are some basic recommendations like the drugs which had been reduced. So, if we enhance these essential functions then we will be doing great to the people of this County. Another aspect which I have realized...

The Speaker (Hon. Kahindi): Hon. you need to wind up.

Hon. Nzaro: Thank you Mr. Speaker. If you look at Tezo and Kibarani Ward, they had no allocation in the previous Budget and in this Report I think they have also been given something to smile about. Thank you Mr. Speaker. I rise to support.

The Speaker (Hon. Kahindi): Hon. Mupe.

Hon. Mupe: Asante sana mheshimiwa Spika. Mimi nami nimesimama kuunga mkono Ripoti hii na nataka kusema kwamba kwa mara ya kwanza serikali ya Kaunti ya Kilifi inaenda kupitisha Bajeti ya mwananchi. Nikisema hivyo mheshimiwa Spika ni kwamba Bajeti hii ambayo tunaenda kupitisha inaangazia pembe zote za Kaunti hii. Kila Wadi imeweza kupata miradi kikamilifu. Ikiwa ni mambo ya maji, elimu na afya tunaona kwamba Bajeti hii imeweza kuangazia kila Wadi.

Mheshimiwa Spika, nataka kumpongeza Mwenyekiti wa Kamati ya Bajeti pamoja na wale wana Kamati kwa kazi ngumu ambayo wameweza kufanya na hatimaye kufanikisha Bajeti hii. Nataka kuungana mkono na wale wengine kusema kwamba wananchi wa Kaunti ya Kilifi wameumia kwa muda lakini kwa sababu Bajeti hii inaenda kupita nataka kuuliza waheshimiwa

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wenzangu tuweze kushirikiana na kupitisha Bajeti hii ili mkaazi wa Kilifi aweze kupata miradi kwa wakati unaofaa. Asante sana Mheshimiwa Spika.

The Speaker (Hon. Kahindi): Hon. Mwayaa.

Hon. Mwayaa: Asante sana mheshimiwa Spika. Nami nimesimama kuunga mkono Mswada ambao uko mbele ya Bunge hili. Naweza kusema moyo wangu unaridhika na unapiga makofi kwa sababu nikikumbuka siku ile tulikuwa tuko Mnarani nilikuwa mtu wa kwanza kugundua neno *revoted* na nikatamka wazi wazi kwamba kuanuka kitu hapa maana *revoted* imetumika visivyo. Nashukuru Kamati ya Bajeti; baada ya kuendelea mbele ikagundua ni kweli *revoted* haikuwa mahali pa sawa na ikachunguza na tumeokoa pesa nyingi ndio maana leo tunapitisha Bajeti hii ikiwa na marekebisho. Pia nashukuru wenzangu vile tumejitokeza. Tumeanza barabara ya kupitisha Bajeti yetu ya Kaunti ya Kilifi; japo tumechelewa lakini tunaomba tunapoipitisha itaweza kufanya kazi kwa uharaka tukijua kwamba tamu hii ni ya mwisho na tunataka kuona kile ambacho kiko na kimepangiwa watu wa Kilifi waweze kukipata kwa wakati unaofaa ili kwamba tunapoweza kuachilia kijiti hiki kwa wale wanaokuja ama kama wengine wanajijua watafika basi wawe wamefaidisha watu wa Kilifi na bajeti hii ya 2016/2017. Asante kwani ninaunga mkono na Waheshimiwa tuipitishie.

The Speaker (Hon. Kahindi): Hon. Stanley Kenga?

Hon. Kenga: Thank you very much Mr. Speaker. I am standing to demonstrate my support of the report of the Budget and Appropriations Committee on the Governor's Memorandum on the Kilifi County Appropriations Bill, 2016/2017. Looking at the recommendations that have been done by the Committee, there are two key recommendations and you already know and all Members are aware that the County Government is made up of the two arms of Government; the Legislative arm and the Executive arm.

Now, looking at the recommendations where the County Assembly Development Budget is enhanced by the amount of money that is there as depicted in the report, that we are looking at it in a way that as much as the Executive arm is developing, the Legislative arm of the Government must also be in a position to develop since there are so many needs as regards to the County Assembly and therefore enhancing its development budget is going to help the County Assembly to be able to take on the challenges.

We are looking at the Executive arm and one of the key aspects that is coming from the recommendations of the Committee is the issue of enhancing our own revenue component as given out. As a County we have always not been in a position to achieve our revenue projection but again this has given us an opportunity to make major consultations and I want to believe the strategies that...

(Hon. Hassan stood on a Point of Order)

Hon. Hassan: Mr Speaker, Sir, I just want to inform the hon. Member who is on the floor that we are not here for tales and stories. Are you proposing or rejecting? Thank you.

The Speaker (Hon. Kahindi): Hon. Stanley kindly proceed.

Hon. Kenga: Mr. Speaker, what he said was not even heard because it was about whether I wanted to be informed and I was not given an opportunity to either say I wanted or not to be informed but I did not want to be informed.

Mr. Speaker, I was talking about the Executive arm of the Government and one of the key components is their own revenue enhancement. There is a clip and as I speak this hon. Nzaro please; there is a clip that has gone viral in the County of Kilifi where a resident of Ganze, a

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woman narrates the pain the people of Ganze have undergone due to issues of drought, hunger and famine. Hon. Mramba is in a better position to even recite what is coming out from that clip where the woman narrates that people are now depending on wild fruits for them to be able to take care of their needs. For us to be able to cope with this challenge, we have to make sure our local revenue is collected so that we are in a position to take care of the famine issue and the drought issue that is within the County of Kilifi...

(Hon. Hassan stood on a Point of Information)

The Speaker (Hon. Kahindi): Hon. Stanley Kenga do you wish to be informed by hon. Hassan?

Hon. Kenga: I do not want to be informed.

The Speaker (Hon. Kahindi): Okay hon. Hassan kindly take your seat.

Hon. Kenga: Therefore with those few remarks Mr. Speaker, I beg to support the recommendation of the Report and its passage. Thank you very much.

The Speaker (Hon. Kahindi): Hon. (Ms.) Mbeyu?

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I rise to support the adoption of this Report. I want to take this opportunity to congratulate my Chairperson for Budget and Appropriations and the whole Committee on Budget and two; congratulate the Governor for not assenting to the Budget we passed on 30th June, 2016. It gave us a window for a deeper scrutiny of the Budget and as we sit now we have realised how some of the Executive Members have been taking this House for granted. Much as we want to recognise the County Secretary (CS) at the Gallery, I just want to inform him that his group; the CEC's and their Chief Officers have done harm to Kilifians. A lot of time has been wasted and there are many items to be considered in this Budget. We realised almost over Kshs. 23 million which was slotted in without purpose in this Budget and thanks to the Fiscal Analyst group in the County Assembly who really scrutinised the Budget and came up with these errors.

When passing this budget today and we have known how some of the Chief Officers and CEC Members took this House for granted and we would want to let the CS understand that this is the House of Law making and not rubber stumpers and I want to go on record that this kind of work done by the team mostly touching the Agriculture and Education dockets need to be looked into.

I support what hon. Stanley Kenga was talking about on the issue of drought and famine in Ganze and Magarini; instead of putting food security issues on agriculture some projects which would not enhance food security were spotted in and a lot of money was put as revoted project which were not found in the last budget. It is right time now that these officers understand our work in this House. The social Media in Kilifi and FM stations are talking about the MCA's relaxing and not doing their work of the Budget but I want to go on record that it is the laxity of our officers at the Executive which has made us to delay this much.

Mr. Speaker, as much as we want to work well, and the CS is hearing this they really need to sit with the MCA's and one, the Budget Committee when they are doing this work. As much as they bring this Budget we need to understand what they are doing with this budget. Mr. Speaker, if it was not for the refusal of the Governor to assent then we would be in trouble with all re-voted project which were not in the Budget. Mr. Speaker, I stand to support. Thank you.

The Speaker (Hon. Kahindi): Hon. Members, going by the mood of the House, I am inclined to now put the question that the Chairperson, Budget and Appropriations Committee has presented a Report and that Report has been deliberated.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

MCA'S RECESS

Hon. Members, this House had reconvened on a special session and now it goes back on recess.

ADJOURNMENT

In the absence of any other business in the Order Paper, I now move to adjourn the House. Thank you.

The House rose at 6.46 p.m.