



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 14th November, 2023
Third Assembly – Ninetieth Sitting

*[The County Assembly met at 12:02p.m. at the County Assembly Buildings]
[The Temporary Speaker (Honourable Abdirahman Abdulkadir) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Abdirahman Abdulkadir): You may take your seats.
Yes Clerk?

NOTICE OF MOTION

Yes, Honourable Jacktone Madialo MCA Mikindani Ward you look confused, do you have any Notice of Motion to issue right now? Yes?

Hon. Madialo: Thank you Mr. Speaker Sir. I think maybe they should substitute the name Honourable Juma Mwalimu....

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Pardon, do you have any Notice of Motion to make today?

Hon. Madialo: Yes.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): I can see okay; okay I think there is a slight correction.

Hon. Madialo: Yes, but I can go ahead...

[Silence]

It will be noted under my name so let us go ahead if you permit me.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Okay, yes just confirm whether that is your Notice of Motion...

[Interruption]

Hon. Madialo: That is my Notice of Motion Mr. Speaker Sir.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Then I want to believe that has been a typing error so it should read Honourable Jacktone Madialo...

[Interruption]

Hon. Madialo: Yes Sir.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Please proceed.

NOTICE OF MOTION

DECENTRALIZATION OF SEWER SERVICES TO JOMVU CONSTITUENCY

Hon. Madialo: Thank you Mr. Speaker Sir for the opportunity. Mr. Speaker Sir, I beg the following Notice of Motion.

RECOGNIZING that paragraph 11 (b) of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 mandates the County government to provide County Public Works and services, including water and sanitation services;

AWARE that Section 6 (3), (a), (c) and 4 (c) of the Mombasa County Water and Sewerage Services Act, 2016, stipulates that the County Water and Sewerage Services Strategy must outline measures and mechanisms for the progressive expansion of water and sewerage services coverage in the County government of Mombasa and expedite the development and expansion of water and sewerage infrastructure;

TAKING INTO CONSIDERATION the fact that the Mombasa Water Supply and Sanitation Company Limited (MOWASCO), responsible for providing sewer services has decentralized its sewer services across various parts of the County, such as the island sewer network and West Mainland sewer network among others;

FURTHER OBSERVING that the West Mainland sewerage network caters to both Changamwe and Jomvu Constituencies, encompassing a total of eight Wards including five Wards in Changamwe and three Wards in Jomvu Constituency;

EXPRESSING CONCERN that the ballooning population in Jomvu and Changamwe Constituencies has exacerbated the sewerage problems in the area and has also affected the ability of MOWASCO to provide sewerage services.

I, therefore, urge this Assembly to resolve that:

MOWASSCO to establish a sewerage network In Jomvu Constituency to alleviate the persistent sewer problems brought about by high population density in the area.

Thank you.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Thank you Honourable Jacktone Madialo. Yes Clerk?

MOTION

ADOPTION OF THE COUNTY PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE (CPIAC) REPORT ON THE AUDITOR GENERAL'S REPORT FOR THE COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2020/2021

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Is Honorable Kai around?

[Silence]

Okay. Yes, Honourable Nyota Vice Chair on Public Investment and Accounts Committee please move the Motion?

Hon. Hamisi Nyota: Thank you Honorable Speaker. I would love to move the following Motion: Adoption of the County Public Investments and Accounts Committee (CPIAC) Report on the Auditor General's Report for the County Assembly for the financial year 2020/2021. Mr. Speaker,

That the House adopts the Report by the County Public Investments and Accounts Committee (CPIAC) on the Auditors Generals Report for the County Assembly for financial year 2020/2021 as laid on the Table on Tuesday, 7th November, 2023.

I wish to call upon Honourable Nusura to second the Motion.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Yes, Honourable Nusura.

Hon. Nusura Mwinyi: Thank you Mr. Speaker Sir, I stand to second the Motion.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Honourable Members, I now propose the question that the Motion by Honourable Hamisi Nyota on Adoption of the County Public Investments and Accounts Committee Report on the Auditor General's Report for the County Assembly for the Financial Year, 2020/2021 be considered by this Honourable House in the same terms as moved.

[Interruption]

Order Please! Order! Honourable Ogutu!

[Question propose and agreed to]

Yes, Honourable Hamisi Nyota, please make your contribution to the Motion.

Hon. Hamisi Nyota: Thank you Mr. Speaker. Mr. Speaker, first of all I would like to commend the entire County Assembly Staff and leadership for archiving this kind of report from the Auditor General. Honourable Speaker, it is to our knowledge that the County Assembly received a qualified Report for the year 2020/2021 which in our view is a report that is good, it shows health position of the County Assembly.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page 3*

Except for a few discrepancies which as the Chairman of Committee we called upon the management, we sat down with them and we raised the queries which were raised by the Auditor General. And Mr. Speaker I can attest to you and I can attest to this House that with the management we had a very fruitful engagement and they expressed the willingness of addressing the queries which were raised by the Auditor General. Mr. Speaker, according to this Report you can see evidently that the concerns that happened in the prior year's most of them has been corrected in the subsequent years. This shows a positive impact and positive gesture to the work which this Assembly has been doing; so, Mr. Speaker without further ado I would wish to recommend this Honourable House to adopt this Report because it has shown some positive improvement in as much as the County Assembly is handling its accounts and having seen very few queries from the report of the Auditor General it shows that we are on the right track. Honourable Speaker, some of the queries which were raised by the Auditor General they are not minor queries which some did not only originate from this Assembly but some originate from the Executive part of the arm of this County government. So, Mr. Speaker, I'm just urging Members of this House to adopt this Report as the recommendation shows positive track, positive improvement and we even further if I can note that the subsequent year this Assembly received unqualified Report which is even the best Report an entity can receive from Auditor General.

So, Mr. Speaker from the trend of the queries and whatever happened in the subsequent year we have seen that this Assembly has already achieved the most of the Report which reflects a healthy and position of this County Assembly of Mombasa. Mr. Speaker, I can attest to you getting unqualified report from Auditor General is not an easy task; if this House in the subsequent year managed to get unqualified Report from the Auditor General then we can say we are on a much-improved status. So, Honourable Speaker with few reservations from the queries which were adequately addressed by the management and which were captured in this report. Honourable Speaker, I wish to urge the Members of this House to adopt this Report because already as the County Assembly fraternity we are on the right track. I'm urging every Member who is here in this House to agree with me that we are moving in the positive direction Mr. Speaker. Thank you so much Honourable Speaker.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Thank you. Honourable Ogutu you were shouting at the top of your lungs saying ayes, please make your contribution. Honourable Ogutu please make your contribution.

Hon. Ogutu: Thank you Chair. Chair, I think sometimes we should understand that when I bow am still going through the Report but I want to congratulate the Committee for doing a good job but on page 2 the Committee recommended, *'that the accounting officer should ensure that from now and henceforth no funds are released to Ward offices until cash books are maintained, monthly bank reconciliation is satisfactorily done and bank statements are submitted to the accounting officer'*. Mr. Speaker, this is a process that cannot be completed within a month; owing to the fact that sometimes we get the funds not on time hence we cannot complete the process within the time is required at least they would have put it that in quarterly or maybe half a year is when we do the reconciliation and we also do the cash book. Thank you.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Honourable Members, any other Member willing to contribute? Honourable Nusura the seconder of the Motion please contribute?

Hon. Nusura Mwinyi: Ahsante sana Mheshimiwa Spika. Mimi nataka kujipongeza kama Mwana Kamati wa PAC; nafikiri tulipitia Ripoti na tulikuwa na wale wenzetu ambao pia walikuwa ni wahusika wa Ripoti hii, na tulipitia Ripoti tukaiona Ripoti iko sawa japokuwa kulikua na changamoto kidogo kidogo lakini ziliweza kurekebisha. Kwa hivyo Ripoti hii ni nzuri iko sawa na ningependa pia Jumba hili Waheshimiwa walioko hapa waniunge mkono Ripoti hii. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Yes, Honourable Jacktone Madialo.

Hon. Madialo: Thank you Mr. Speaker. While supporting this Motion I would want to lay emphasis on Committees', recommendations especially recommendations number two 'that the accounting officer should ensure that Ward office Managers are trained in basic book keeping and accounts to prevent recurrence of such errors in future and ensure ward office records are properly maintained'. I would like to admit here that not only the Ward Managers and I think three months ago through the Speaker I had requested that the Board should organize for the training of all our Wards staffs and also staffs around here so in supporting not only the Ward managers even our staffs the other two should be trained. Thank you so much.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): You mean the Secretary and the security as well?

Hon. Madialo: Yes Mr. Speaker we should organize maybe a seven days training where the members of the County Assembly will also join them for proper training because they are also the face of the County Assembly at the grassroots level so, their behaviors touch on the Assembly and also their good behavior touches on the Assembly not only the Member of County Assembly from that Ward. Thank you and also the nominated ones.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Thank you. Yes, Honourable Milka.

Hon. Ngare: Thank you Mr. Speaker for giving me this chance. I support the Report as presented and I also want to echo the sentiments by my fellow colleague Honourable Madialo that the staff should be given training the managers, the PA's and Secretaries' securities so that they are able to take on their mandate appropriately. Thank you.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Yes, Honourable Maimuna.

Hon. Maimuna Salim: Ahsante sana Mheshimiwa Spika. Nimesimama kuunga Ripoti hii mkono. Mapendekezo yetu kulingana na Ripoti hii tumeifurahia ni nzuri lakini tunajua katika hili Bunge kuna wafanyikazi ambao hawajaenda mafundisho kabisa. Wamewekwa hapa lakini hawajui cha kufanya na katika Bunge hili tunawahesabu wao kama VIP kwa sababu wanatuangalia sisi na wanatulinda sisi na sisi wengine isipokuwa *Commissionaires* wanatakiwa waweze kwenda mafundisho kwa NYS wafundishwe vizuri wakija hapa wakipiga salute wanaipiga ki vizuri sana. Kwa hivyo tunaomba Public Investments Committee waweze kuwafikiria pamoja na hao wafanyikazi wetu wa *Ward offices*. Kwa sababu saa zengine kunatokea changamoto kwa ofisi za Wadi ama sisi ambao ni wateuliwa wafanyi kazi wetu kuleta *returns* hua ni shida ikifika muda umeisha tunataka kuondoka.

Kwa hivyo mambo hua ni mengi sana, ningeomba ya kwamba wakipelekwa mafundisho wajue ya kwamba kila *quarterly report* wanatakikaniwa walete *proper report* kwa sababu ya mambo ya ukaguzi na ikifika wakati wa sisi tunataka kwenda nyumbani kuweza kutafuta kura tena isiwe ni changamoto. Wakati uliopita ilikuwa ni changamoto nyingi sana kwa sababu tunaambiwa wafanye hivi, wafanye hivi na huku wewe mwenyewe unataka kwenda mitaani ukaweze kuomba kura. Kwa hivyo Mheshimiwa Spika ombi langu kubwa wakienda na watu wa *accounts*, watu wa *audit* waende isifike dakika za mwisho wakaanza kupelekana na watu wetu wafanyikazi wa Wadi na walioteuliwa mbio kama muhula uliopita. Mheshimiwa Spika, naomba kwamba waweze kwenda *training* na wachanganywe kulingana na vile vitengo vinawahusu wao kama wafanyikazi wetu wa mashinani. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Thank you for your contribution. Yes, Leader of Majority I am sure you have a few observations and you may want to make your contributions, please proceed.

The Leader of Majority (Hon. Athman Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nipongeze Kamati kwa jitihada zao za kuweza kuduku na vile vile kuleta Ripoti hii. Mheshimiwa Spika maswala ya mahesabu na maoni ya Mkaguzi Mkuu wa mahesabu ni maswala teti ambayo wengi wa wanasiasa huwa hatupendi sana maswala na hesabu lakini hii ni taaluma ambayo zaidi ina Mwakili Mheshimiwa Spika lakini pia mambo mawili ambayo nipongeze nayo Kamati waliweza kuyanukuu hapa na ni bayana moja; ya kwamba kama Bunge tumekuwa na changamoto kutokana na kutekeleza azimio letu ama mipango yetu kama Bunge kwa sababu mgao tunaopata kutoka kwa Serikali kuu hauji kwa wakati unaostahili kama alivyonukuu hapa katika ukurasa wa tano, kwamba kuna kipindi na mara nyingi ilikuwa ikijiregelea pesa ya kwanza Bunge ambayo tumekuwa tukipata tumekuwa tukipata kuanzia mwezi wa kumi ambayo hiyo ni robo ya pili ya matumizi ya kifedha wakati tuna robo nzima ambayo Bunge tumekuwa tuing'ang'ania kuendesha shughuli ambazo hatukuweza kuzikimu kwa sababu robo nzima ya kifedha tumekuwa tukiendesha shughuli kabla kupata pesa yeyote kutoka kwa Serikali Kuu.

Pili, Mheshimiwa Spika amesema maombi yetu kupata idhini kutoka kwa utawala wa Serikali Gatuzi wakati mwengine tunapeleka maombi kwa hazina kuomba kupata mgao wetu kutekeleza majukumu lakini mara nyingi na hii si kwetu Mabunge mengi ya Gatuzi yamekuwa yakisubiria mgao kutoka kwa Serikali kuu ndio wapeane asilimia kumi kwa Mabunge ambayo sheria haijasema ni lazima mgao kutoka katika Serikali kuu. Hata yale mapato ya ndani ambayo Serikali inaokota Mheshimiwa Spika pia inaruhusiwa Serikali tawala ya Gatuzi kuweza kuachia kima fulani ili Bunge pia liweze kujiendeleza na shughuli zake ikiwemo haya mapendekezo ya kwamba maafisa wetu Mheshimiwa waweze kupata mafunzo ya kuboresha ufahamu walio nao kwa sababu si kwamba hawana ufahamu ama hawana elimu. Nafasi hizi kwa mfano za wale wakurugenzi katika afisi za kata Mheshimiwa Spika zilitangazwa na vigezo na wakakimu vigezo wakaja kutahiniwa ndio wakapata fursa zile. Kwa hivyo ki elimu Mheshimiwa Spika wako sawia, lakini pia katika kukua ambalo ni swala ambalo liko katika sheria za waajiri ya kwamba waajiriwa ni lazima wawe wanapata fursa ya kupata mafunzo ya ziada na pia kama kuna mbinu mpya zimekuja waweze kupitishiwa katika mbinu zile waweze kuboresha na pia kukua katika fursa zile ama nafasi zao za kikazi. Kwa hayo mengi Mheshimiwa Spika nipongeze Kamati na kuunga mkono Ripoti hii ambayo imeonyesha taswira kamili na vile vile pia nipongeze katika utekelezaji ya kwamba tumetoka katika Ripoti fuzu, ama maoni fuzu ya Ripoti mpaka tukaja kwa Ripoti ambayo ni bora zaidi ya ile ya kwanza.

Mheshimiwa Spika, hii ni kumaanisha mapendekezo haya ya Kamati yaliweza kufanyiwa haki na tukaona matokeo yake. Ahsante Mheshimiwa Spika, nauunga.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. if there is no other Member wishing to contribute now, I may ask the Mover of the Motion, Honourable Hamisi Nyota to respond to the Motion.

Hon. Hamisi Nyota: Thank you Honourable Speaker. First of all I would like to congratulate all Honourable Members in this House who made their contributions; Honourable Speaker, I would just like to note like the way the Leader of Majority stood up and made his contribution that the County Public Investments and Accounts Committee as very critical dealing with figures is a very technical issue. We thank God that we had to sit down went through all the queries made very substantive recommendations and like I told already there is an impact or a progressive in the way that the Assembly does his business in as much as the Auditor's General reports for subsequent years have shown Honourable Speaker. Honourable Speaker, there was an issue of ward managers to go for trainings which was captured by one of my colleague, Honourable Speaker I think that is a good recommendation and as a Committee we shall further recommend that because these ward managers carry the duty of the accounting officer of the County Assembly who is the Clerk of the County Assembly Honourable Speaker so I think the way the issue was raised by my good colleague Honourable Jacktone Madialo and that these ward managers and other staff who resides at our ward level offices should go for training on capacity building because in accounts it is all about quality improvement whatever you, you do it to improve more in the subsequent years Honourable Speaker.

Honourable Speaker, I will also want to comment on the issue that was touched by the Majority Leader on the issue of receiving funds from the other arm of the County government which it was depicted in the report that it hindered our operation because the funds which we might anticipate to be received in time so that this Assembly can run its business smoothly it was received late almost after a quarter has gone which hampered the operations of this House Honourable Speaker but Honourable Speaker on the same note I would just wish to notify Members that going forward this issue is almost a bygone case because there is a Bill in Senate which sets to make County Assemblies autonomous this means we shall be receiving our funds direct instead of coming through the Executive Arm of the County Government so Honourable Speaker some of recommendations which were varied I think Honourable Speaker as I said earlier in as much as accounting part is concerned in this County Assembly we are on the right track and we as the Committee me being the Vice Chair we are working tirelessly to see quality improvement in each subsequent year Hon. Speaker. Thank you so much Honourable Speaker.

[Applause]

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Thank you Vice Chair. Honourable Members, I now put the question that the Motion by Honourable Hamisi Nyota on Adoption of Report on County Public Investments and Accounts Committee Report on the Auditor's General Report for County Assembly for Financial Year 2020/2021 be adopted by this Honourable House in the same terms as moved.

[Question put and agreed to]

[Applause]

Yes Clerk?

ADJOURNMENT

Honourable Members, this House stands adjourned until Tuesday 14th November, 2023 at 2:30p.m. Thank you.

The House rose at 12:32p.m.