



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Wednesday, 11th June, 2025

Third Assembly – Fourth Session
TWENTY EIGHTH SITTING

*[The County Assembly met at 10:27a.m at the County Assembly Buildings]
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Have your seat Members. Yes, Clerk.

NOTICE OF MOTION

APPROVAL OF RENEWAL OF OVERDRAFT FACILITY

Yes, Honourable Kibwana Baya?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, allow me to give Notice on Approval of renewal of overdraft facility. Mr. Speaker Sir, I beg to give notice of the following Motion;

WHEREAS, Section 142 of the Public Finance Management Act, 2012, empowers a County Government to borrow funds for the purpose of bridging cash flow deficits, subject to authorization by the County Assembly;

AND FURTHER WHEREAS, the County Government of Mombasa previously executed a staff salary cash flow Support Overdraft Facility Agreement with KCB Bank Kenya Limited, which the facility has since lapsed;

Honourable Speaker;

COGNIZANT OF THE FACT THAT, the said facility provided an advance of Kenya Shillings Five Hundred and Sixty Million (Kshs. 560,000,000) per month, representing approximately five percent (5%) of the then County's most recently audited revenue, and proved essential in facilitating the prompt and uninterrupted payment of staff salaries;

Honourable Speaker;

ACKNOWLEDGING, that delayed salary payments severely undermine staff morale, disrupt the provision of essential public services, and expose the County to potential industrial action and attendant legal ramifications;

Honourable Speaker,

MINDFUL OF, Article 43(1) of the Constitution of Kenya, which guarantees the right to access public services, including healthcare, sanitation, and education—services contingent upon a stable and duly remunerated workforce;

Honourable Speaker,

NOTING WITH CONCERN, the persistent and unpredictable delays in the disbursement of equitable share funds from the National Treasury, which have exerted undue strain on County operations;

Honourable Speaker,

FURTHER CONCERNED, that failure to renew the existing cash flow support facility may precipitate fiscal instability, erode public confidence in governance, and impair the County's capacity to deliver essential services;

Honourable Speaker;

DEEPLY CONCERNED, that absence of this intervention, County employees may endure undue financial hardship, service delivery may be severely disrupted, and the County's creditworthiness and public standing may be significantly diminished;

Honourable Speaker,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY ASSEMBLY OF MOMBASA AS FOLLOWS:

1. *THAT, pursuant to Section 142 of the Public Finance Management Act, 2012, the County Assembly of Mombasa hereby approves and authorizes the County Government of Mombasa to renew the overdraft facility from KCB Bank Kenya Limited, in an amount not exceeding Kenya Shillings Six Hundred and Ninety Million, Six Hundred and Seventy-Two Thousand, One Hundred and Ten (Kshs. 690,672,110) monthly, strictly for the purpose of staff salary payments for both County Executive and County Assembly employees, repayable within every ninety (90) days of disbursement.*

Honourable Speaker;

2. *THAT, in respect of the aforementioned facility:*

- (a). *No commission shall be levied on the principal amount for the initial ninety (90) days;*
- (b). *In the event of default beyond ninety (90) days, a commission of zero-point five percent (0.5%) shall apply for the subsequent thirty (30) days;*
- (c). *Thereafter, a commission of one percent (1%) shall apply for the next fifteen (15) days, followed by a continued one percent (1%) charge plus a ten percent (10%) penalty;*

(d). *All transaction fees, including Electronic Funds Transfer (EFT) processing fees, shall be Kenya Shillings One Hundred (Kshs. 100/=) per transaction, plus twenty percent (20%) excise duty.*

Honourable Speaker;

3. *THAT, the County Government of Mombasa is hereby directed to institute long-term fiscal sustainability measures, including the establishment of a dedicated County Salary Reserve Fund, to forestall future cash flow disruptions.*

Thank you.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Kibwana. Yes Clerk?

MOTION

APPROVAL OF OVERDRAFT FACILITY FOR EARLY PAYMENT OF SALARIES

Yes, Honourable Kibwana Swaleh Baya, move your Motion.

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Once again, allow me to move the following the Motion on, Approval of renewal of overdraft facility for early payment of Salaries. Honourable Speaker if you allow me, since I have gone through the notice of Motion which is so long, through your permission if I can just give the key points.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Kibwana for the House to debate you have to move the Motion, we understand that you have given the notice of Motion, but you have to move your Motion and have a seconder for the House to approve either to debate your Motion or reject it, so please move the Motion as it is.

Hon. Kibwana Swaleh: Can I allow one of my Members, to read?

Deputy Speaker (Hon. Fadhili Makarani): No.

Hon. Kibwana Swaleh: Anyway, Honourable Speaker let me agree with your ruling. Mr. Speaker Sir, I beg to give notice of the following Motion,

WHEREAS, Section 142 of the Public Finance Management Act, 2012, empowers a County Government to borrow funds for the purpose of bridging cash flow deficits, subject to authorization by the County Assembly;

Honourable Speaker:

AND FURTHER WHEREAS, the County Government of Mombasa previously executed a Staff Salary Cash flow Support Overdraft Facility Agreement with KCB Bank Kenya Limited, which the facility has since lapsed;

COGNIZANT OF THE FACT THAT, the said facility provided an advance of Kenya Shillings Five Hundred and Sixty Million (Kshs. 560,000,000) per month, representing approximately five percent (5%) of the then County's most recently audited revenue, and proved essential in facilitating the prompt and uninterrupted payment of staff salaries;

Honourable Speaker;

ACKNOWLEDGING, that delayed salary payments severely undermine staff morale, disrupt the provision of essential public services, and expose the County to potential industrial action and attendant legal ramifications;

Honourable Speaker;

MINDFUL OF, Article 43(1) of the Constitution of Kenya, which guarantees the right to access public services, including healthcare, sanitation, and education—services contingent upon a stable and duly remunerated workforce;

Honourable Speaker;

NOTING WITH CONCERN, the persistent and unpredictable delays in the disbursement of equitable share funds from the National Treasury, which have exerted undue strain on County operations;

FURTHER CONCERNED, that failure to renew the existing cash flow support facility may precipitate fiscal instability, erode public confidence in governance, and impair the County's capacity to deliver essential services;

Honourable Speaker;

DEEPLY CONCERNED, that absent this intervention, County employees may endure undue financial hardship, service delivery may be severely disrupted, and the County's creditworthiness and public standing may be significantly diminished;

Honourable Speaker;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY ASSEMBLY OF MOMBASA AS FOLLOWS:

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Honourable Speaker;

2. *THAT, in respect of the aforementioned facility:*

(a). No commission shall be levied on the principal amount for the initial ninety (90) days;

(b). In the event of default beyond ninety (90) days, a commission of zero-point five percent (0.5%) shall apply for the subsequent thirty (30) days;

(c). Thereafter, a commission of one percent (1%) shall apply for the next fifteen (15) days, followed by a continued one percent (1%) charge plus a ten percent (10%) penalty;

(d). All transaction fees, including Electronic Funds Transfer (EFT) processing fees, shall be Kenya Shillings One Hundred (Kshs. 100/=) per transaction, plus twenty percent (20%) excise duty.

Honourable Speaker;

2. THAT, the County Government of Mombasa is hereby directed to institute long-term fiscal sustainability measures, including the establishment of a dedicated County Salary Reserve Fund, to forestall future cash flow disruptions.

Honourable Speaker, allow me to ask Honourable Juma Kambi who is also a Member of the Committee to second this Motion thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Juma Mwalimu Kambi?

Hon. Juma Mwalimu: Thank you Mr. Speaker and Mr. Chairman, I stand to second the Motion.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Members. I now propose the question that, the Motion on Approval of Overdraft Facility for Early Payment of Salaries be debated in this Honourable House as moved.

[Question proposed and agreed to]

Yes, Members the Motion is on the floor of the House, the mover please you can build your Motion for the Members to debate.

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, we have shared the motion with all the members around and as I was reading the notice as well as the motion it was clear in our mind that every member is aware what this Motion is seeking but because you have given me this opportunity Honourable Speaker I want to say that we are aware that members are aware that we used to get our salary through an MOU that was done by the executive with the KCB bank, Honourable Speaker I want to say this agreement or this MOU really helped discount because we used to get delay salaries but when his Excellency the Governor went ahead and went into an agreement with KCB I think our workers morale is high and we do appreciate so mine is just to ask Members to give their input on this Motion and also I ask them to support this Motion so that at least we do not get in a situation whereby we have delay of salaries which will cause a lot of problem to us. Thank you, Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Mwaura.

Hon. Mwaura: Thank you Mr. Speaker for giving me an opportunity just to air my comments upon this Motion and Mr. Speaker from the onset I wish to support the Motion because of course delayed payments will also pull our County backwards, services will not delivered well. We as Members of the County Assembly are included in this plan and Mr. Speaker when our salaries are delayed of course we go through so many hardships because we have to fuel our vehicles coming to the Assembly, we have to take care of our families and so many other things and likewise to the workers of the Assembly and the workers of our County our great County Mr. Speaker. So, from the onset Mr. Speaker, I wish to support this Motion. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Minority Leader.

The Leader of Minority (Hon. Matsaki): Ahsante Mheshimiwa Spika kwanza kunipa nafasi hii. Pili kuwashukuru pia Waheshimiwa wenza kuwa pamoja hapa kwa Bunge hili. Tatu nasimama kuunga mkono kwa sababu kwa kweli kupitia MOU ya KCB na kaunti ya Mombasa ni kweli kuna some delays za payments lakini ni vyema tunapounga mkono hoja hii pia itatusaidia kwetu sisi pia kupata mapato yetu ya kila mwezi kwa wakati unaofaa. Ahsante Mheshimiwa Spika nimesimama kuunga mkono Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Pamela.

Hon. Ojala: Thank you Mr. Speaker Sir, for giving me this opportunity also to give my contribution. Before I proceed Mr. Speaker, I want to thank the almighty God who has given us this golden opportunity today to see the day of the today. Again, when I embark on the Motion Mr. Speaker, this is a well elaborated Motion, and it is well stated. Mr. Speaker, as you are aware that the previous year's employees of the County Government of Mombasa have been facing a lot of challenges due to delay of their salaries and when the Governor Abdulwahamad come in the Government he made an MOU with the KCB and we see nowadays our employees can receive their salary in good times and I stand to support the Motion approval of the overdraft facility of early payment of salary. Mr. Speaker, when the employees will be in a position to receive their salary in good time there will be sufficient service delivery and they even have the morale to conduct their duties. Even at home, Mr. Speaker if you cannot be in a position to provide food on the table; at times we even get challenged in your marriage as well as this complied to the County. Mr. Speaker, without wasting time I stand to support the Motion, Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Shuhudia.

Hon. Shuhudia Abdallah: Ahsante sana Mheshimiwa Spika kwanza napenda kumshukuru Mwenyezi Mungu muumba wa mbingu na ardhi kufika mpaka siku ya leo. Pili, nimesimama kuunga mkono. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Maryam Baimu?

Hon. Baimu: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Nimesimama kuunga mkono kwa sababu tunaona majukumu ni mingi katika wafanya kazi wetu wa hapa Bunge na pia wale *Executive* upande wa pili. Kwa hivyo itakuwako si sawa wafanye kazi kasha ikifika wakati wa malipo iwe kutakuwa na kucheleweshwa kulipwa hizo pesa. Kwa hivyo mimi nimesimama kuunga mkono hii hoja tupitishie kwa pamoja ili kusiwe na kucheleweshwa kwa mishahara ya wafanyikazi. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Milka Moraa Ngare.

Hon. Ngare: Thank you, Mr. Speaker, for noticing me. I want to support the Motion brought to this House by Honourable Kibwana Swaleh on, approval of renewal of overdraft facility, because it is in order that the workers get their pay on time. Thank you so much, Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Manuari?

Hon. Juma Manuari: Ahsante Bwana Mwenyekiti. Nachukua nafasi hii kwanza kumshukuru Mwenyezi Mungu kwa muda mrefu ambao tumepumzika nyumbani na nichukue nafasi hii tena kuwaambia wenzangu wale wote waliosherehekea iddi na yote yale, natarajia sote

tuko salama na tumerudi katika Jumba hili salama. Mimi nimesimama kumuunga mkono ndugu yangu Bwana *Mwapesa* mkono kwa kazi yake nzuri ya kuhakikisha pesa zina tembea ndani ya Mombasa hii bila wasiwasi, bila bughdha! Bila muelekeo, hii yote ni kwa imani ya viongozi wenzake na imani ya wananchi wa Mombasa! Ndugu yangu mimi nakuunga mkono pamoja na Kamati yako na hii kazi muendeleo na murudi kwetu na sisi pia mutuulize yale mazito ambayo tuliyo nayo ili pia muyaongeze katika vikao vinavyo kuja yakija Bungeni tusiondoke na waya kama kawaida yetu. Ahsante Mheshimiwa Spika nimesimama kuunga mkono.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Leader of Majority?

The Leader of Majority (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuunga mkono hoja iliyoletwa na Mheshimiwa Kibwana Mwenyekiti wa Kamati ya Fedha na Makadirio ya Bajeti. Mheshimiwa Spika, hoja hii ni hoja ambayo ni ya mustakbal wa Gatuzi letu la Mombasa kuna historia ya migomo ya wafanyikazi kwa muda mrefu lakini tushukuru jitihada za Mstahiki Gavana alipochukua hatamu ya kuweza kulikabili hili na kuhakikisha ya kwamba swala la migomo ya wafanyikazi limeingia katika kaburi la saha. Mheshimiwa Spika, sisi kama Wabunge tumekuwa mashuhuda pia ya wafanyikazi wetu pamoja na Waheshimiwa wakati mwengine pia kupata mshahara hadi tarehe 18 lakini kwa mipangilio hii ya Mstahiki Gavana na taasisi hii ya kifedha ya KCB, imepeana fursa ya kwamba wafanyi kazi wanafanya kazi wakiwa na yakini na uhakika ya kwamba haki ya ustahiki wataipata kwa wakati. Mheshimiwa Spika, makubaliano yanasema ya kwamba mishahara italipwa kwanzia tarehe 25 kutegemea kupelekwa kwa stakabadhi zinaoidhinisha haki ya kila mtu kulipwa kwa wakati anaostahiki. Hoja hii kwetu sisi kama Bunge sio tu kuitendea haki lakini Mheshimiwa ni haki ya kibinadamu kuhakikisha ya kwamba wafanyikazi wetu na sisi pia tukiwa wafanyikazi wa Dola hii Mheshimiwa Spika tunaweza kupata mshahara hata kama serikali kuu haijaleta mapato katika Gatuzi letu la Mombasa.

Mheshimiwa Spika, nikiwa Muislamu tumehimizwa katika kuzingatia haki hii na kwa haraka upesi yoyote atakaipitia Kitabu Kitakatifu Quran *Sura* 28, aya ya sita na saba hii ni haki ya kwamba mtu apate mshahara wake kama ilivyokubaliwa kwa mda unastahiki ni jukumu la muajiri kujua atatoa wapi mapato yale na kumlipa yule ilivyokubaliwa nae. Pia Mheshimiwa Spika *Surah* hiyo imepeana mfano wa Nabii Musa alipoajiriwa na Nabii Shuaib na kwa makubaliano wakawa akipata ujira kama ilivyokubaliwa. Kwa hivyo hata mitume waliweza kuajiriwa na kupata mishahara inavyostahiki. Mheshimiwa Spika, kwetu sisi kwa hoja hii ya Mheshimiwa Mwenyekiti ni wajibu sisi kama Bunge kuweza kuunga mkono kuhakikisha tumetendea haki wafanyikazi wetu Mheshimiwa kwa sababu *eti eti* zimeshaanza kule mashinani ya kwamba hoja hii imekuamilia kwetu na kuna uwezekano mshahara huu wa mwezi wa sita ukachelewa lakini kwa jitihada za Mheshimiwa Mwenyekiti na baraka za Bunge hili nihakikishe tu kwamba wafanyikazi wetu wa utawala na sisi wa Bunge hili Mheshimiwa mambo yako shwari, yako kabambe na haki hii ya mshahara italipwa kwa watu inastahiki. Naunga mkono mheshimiwa Spika. Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you, the Leader of Majority. Yes, Honourable Kibwana Swaleh Baya. Please reply to your Motion.

Hon. Kibwana Baya: Thank you Mr. Speaker. Mr. Speaker, mine is just to appreciate your office as well as the Clerks' office and also my fellow Members both the plenary and also

the Committee level plus the Secretariat for their support in coming up with the final agreement on this Motion. Honourable Speaker, I think Honourable Mwamwiri has said it all, mine is just to appreciate the Members and ask them atleast today we will be able to complete this Motion so that at least our people they are going to get their salary in good time Thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honorable members. I now stand to put a question that the motion by Honourable Kibwana Swaleh, Chairperson Committee on Finance Budget and Appropriation on approval of Renewal of overdraft facility be approved by this Honorable House?

[Question put and agreed to]

Honourable Members, the Motion by Honourable Kibwana Swaleh Baya on approval of renewal of overdraft facility has been approved by the House. Yes Clerk?

ADJOURNMENT

Honourable Members, the House stands adjourned until Wednesday, 11th June, 2025 at 2:30p.m.

The House rose at 11:00a.m.