



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Tuesday, 14th October, 2025

Third Assembly – Fourth Session
SIXTY FIRST SITTING

*[The County Assembly met at 2:35p.m at the County Assembly Buildings]
[The Temporary Speaker (Hon. Frankline Makanga) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Makanga): Let us take our seats Honourable Members. Yes, Clerk?

PETITION

IMPROPER PUBLIC PARTICIPATION IN BUDGET MAKING PROCESS

We, the undersigned, Members of the Coast Civil Society Network for Human Rights (Network), a broad coalition of civil society organizations, Religious Organizations and Non-state Actors operating in the Coast region with the core objective of protecting and upholding human rights at the Coast, do state:

That the network operates under different thematic areas including: Governance, peace and security, Coast Land Non-State Actors, Health and Gender, Youth and people with disability. This petition is brought to you pursuant to the Governance thematic area.

RECOGNIZING

The aspirations of all Kenyans for a government that is transparent and open based on the essential values of human rights, equality, freedom, democracy, social justice and rule of law.

RECALLING THAT;

Article 10 (2) (a) of the Constitution of Kenya expressly provide that public participation as a national value and principle of governance that must guide all public decision making as well as good governance, integrity, transparency and accountability.

**PETITION TO THE COUNTY ASSEMBLY OF MOMBASA ON THE QUESTION OF
IMPROPER PUBLIC PARTICIPATION IN BUDGET MAKING PROCESS**

AWARE THAT:

Article 174 (c) of the Constitution of Kenya expressly provides that one of the objects of devolution of government is to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the state and in making decision affecting them.

RECALLING THAT;

Article 201(a) of the constitution of Kenya expressly provides that one of the principles that shall guide all aspects of public finance in the republic is there shall be openness and accountability, including public participation in financial matters.

FURTHER AWARE;

Section 115(1) of the County Governments Act, 2012 expressly provides that County Government should ensure mandatory public participation in the County planning process.

ASSERTIVE THAT:

Section 125 (2) of the public Finance Management Act, 2012 expressly provide that the County Executive Member for finance shall ensure public participation in the budget process.

EXPLICIT THAT:

The Assembly under Article 196 of the constitution is required to facilitate public participation and to conduct its business in an open environment.

DRAW the attention of the County Assembly to the following:

Lack of proper public participation in the budget making process for the budget of FY2025/2026:

THAT on 4th March, 2025, the County Assembly of Mombasa issued a public notice indicating that public participation for the Annual Development plan (ADP) 2025/2026: would take place from the 11th to 13th March, 2025. The Annual Development plan (ADP) had already been submitted to the County Assembly on 1st September, 2024.

This public participation was six months late and irregular, as the Annual Development plan (ADP) should have already been adopted to inform the County Fiscal Strategy Paper (CFSP), which had already been tabled.

THAT in the formulation of the Annual Development Plan for FY26/27, the County Executive failed to present a draft ADP document ahead of the public participation to guide the process.

THAT the executive failed to conduct public participation on the budget Estimates Financial Year 2025/2026, However, the County Assembly went ahead and published a public notice on the 14th May, 2025 announcing public participation forum for the budget Estimate, scheduled for 20th to 23rd May, 2025, without addressing the concerns or ensuring the draft Budget Estimates were availed to the public.

THAT no evidence exists to show that the budget Estimates for FY2025/2026 were shared or discussed with the public by the County Executive.

THAT the County Government of Mombasa has not been involving the communities in the review of projects as expected in the County Budget Review and Outlook Paper (CBROP).

THAT the village institution as provided under sections 52 and 53 of the County Government Act, 2012, and anchored under the Mombasa County Village Administration Act, 2024 is yet to be implemented. The village units are important for proper conduct of Public participation.

THAT the County Assembly remains inaccessible to the wider public because it has no live sessions, the gallery is inaccessible to persons living with disability. It therefore fails the conduct of an open forum for engaging the public transparency.

THAT pursuant to those fails, we raised the matters with the County Assembly and the County executive on three separate occasions in the ended FY24/2025. Those engagements did not fully exhaust the proper way of conducting public participation.

THAT we have also held a consultative meeting with the Governor, unfortunately, the same neither cleared the way to the proper conduct of public participation nor were the expected institution put in place.

THAT since this the elections of 2022, the Governor has not held the annual state of the County address as indicated under section 30 (2) (k) of the County Government Act, 2012 thus constricting the engagement of the people of Mombasa and the County Government.

The petitioners pray to the County Assembly:

1. *To acknowledge that there was inadequate public participation in the budget making process for the Financial Year 2025/2026 and 2026/2027 contrary to Article 10, 196 and 201 of the Constitution of Kenya and section 125 and 126 of the Public Finance Management Act, 2012 and section 104 (4), 106 (4) of the County Governments Act, 2012.*
2. *To follow due procedure for conducting public participation in the budget making process as provided in the constitution, the public Finance Management (PFM) Act, 2012 and the County Governments Act, 2012. Which involves:*
 - a. *Public participation for Annual Development plan be instigated by a document originating from the County Executive in line with section 126 of the public Finance management Act, 2012*
 - b. *The County Executive should conduct public participation for the draft Annual Development Plan and the County Assembly should publicly validate it.*
 - c. *The County Government should conduct public participation on County Budget Review Outlook paper (CBROP).*
 - d. *The County Executive and Assembly involve the people while formulating and approving the County Fiscal Strategy Paper.*
 - e. *The County Executive and Assembly, distinctly involve the citizens whenever the budget estimates are being formulated.*
 - f. *Every supplementary budget should be subjected to public participation.*

- g. *In case the County amends its budget, the same be published and publicized upon approval.*
3. *The County should within 90 days from the date of the decision of this petition, begin the implementation of the Mombasa County Village Administration Act, 2024.*
4. *The County Executive to point the internal audit unit within 30 days from to date when this report is established as pointed out repeatedly at the Auditor General's Report.*
5. *The County Assembly do, allocate resources for live transmission of proceedings and accessibility of the County Assembly to PWDs.*
6. *To ensure that there is adequate resources, design and structure on civic education concerning the budget making process which aligns with section 1009 of the County governments Act, 2012.*
7. *The County Assembly do recommend a compulsory state of the County Address by the Governor within thirty (30) days after hearing of this petition: and annually.*

Petition is prepared in the public interest by:

*Coast Civil Society Network for Human Right - Governance thematic area
Zedekia Adika – Chairperson*

Honourable Members, pursuant to our Standing Order 1 and 2, this petition stands committed to the Committee on Finance, Budget and Appropriation who shall in not more than 60 calendar days respond by way of a report to the petitioner and laid on the Table of the County Assembly. Yes, Clerk?

MOTION

ESTABLISHMENT OF SAFE HOUSES FOR VULNERABLE PERSONS WITHIN THE COUNTY

The Temporary Speaker (Hon. Makanga): Honourable Members, aware that Honourable Mariam Baimu is indisposed, I direct that the same Motion be rescheduled for the next sitting. Yes, Clerk?

BILL FIRST READING

THE MOMBASA COUNTY FINANCE BILL, 2025

Yes, Clerk please read the Bill for the first time?

[The Bill was read for the first time]

Thank you. Yes, Clerk?

ADJOURNMENT

Members, this House stands adjourned until Wednesday 15th October, 2025 at 10:00a.m.

The House rose at 2:53p.m.