

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Third Session

(Second Assembly established by Proclamation - Legal Notice No.1 of 30.8.2017)

Tuesday, 12th February, 2019

OPENING OF A NEW SESSION

*The County Assembly met at fifty seven minutes past Two o'clock
at County Assembly Building on Tuesday, 12th February, 2019, it being the first day of the
Third Session.*

ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

*[His Excellency the Governor (Dr. Alfred Mutua) escorted by the
Speaker (Hon. (Mrs.) Mwangangi) and accompanied by the Mace of the County Assembly
entered the Chamber at fifty seven minutes past Two o'clock]*

[His Excellency the Governor (Dr. Alfred Mutua) took the Chair]

(The Mace of the County Assembly was placed on the Table)

PRAYERS

Hon. Speaker: Good afternoon Your Excellency the Governor, Members of the Assembly and members of the public in the gallery. We are starting our afternoon sitting.

COMMUNICATIONS FROM THE CHAIR

OPENING OF THE THIRD SESSION

Hon. Speaker: Hon. Members and your Excellency the Governor; the matter I have is as follows:

To your Excellency the Governor, Hon. Dr. Alfred Mutua, to the Hon. Members of the County Assembly, ladies and gentlemen; Good afternoon and I welcome you to this sitting of the Assembly. Your Excellency, I am delighted to invite you to this sitting of the second assembly, it being the third session. I take this opportunity to invite Members of the Assembly as well.

Standing Order 18(1) provides that the Governor shall address a special sitting once every year and may address the Assembly at any other time. Pursuant to this provision, the Assembly leadership requested Your Excellency to grace the opening of the Third session.

Further, Standing Order 21(1) provides that the Speaker may, in consultation with the Leader of Majority Party and Leader of Minority Party, allow the Senator or any visiting

Governor or other such dignitary to address the Assembly. Pursuant to this provision, the Assembly also invited the Senator for Machakos County; we note that he is absent and we understand that the Senate just like the National Assembly was also opening today.

Hon. Members, Standing Order 20(3) and Standing Order 21(2) provide that when delivering an address to the Assembly, the Governor shall be heard in silence and the address shall not be followed by any comment or question. It is a matter that is usually debated on another sitting of the Assembly. Before I invite the Governor allow me to make communicate as follows to you.

ANNUAL DEVELOPMENT PLAN 2019/2020

Hon. Members, I am in receipt of the Annual Development Plan (ADP) for the Financial Year 2019/2020 dated 6th February, 2019, submitted by the County Executive Committee Member for Finance and Economic Planning and received in the Assembly on 8th February, 2019. The ADP has been submitted in accordance with Article 220(2)(b) of the Constitution of Kenya 2010 and Section 126 of the Public Finance Management Act 2012.

This document is hereby committed to the Committee on Trade, Economic Planning and Industrialization for further interrogation and processing. The Chair notes that the ADP has been submitted over five months behind schedule since it was supposed to have been brought to the Assembly on 1st of September, 2018 as per Section 126(3) of the Public Finance Management Act 2012.

The Chair further notes that the ADP is a very vital document in the budget-making process and therefore expects the Committee to which it has been committed to give it priority and to table a report on the same in the House the soonest possible.

SECOND COUNTY INTEGRATED DEVELOPMENT PLAN 2018-2022

Hon. Members, Section 108(1) of the County Governments Act 2012, provides that there shall be a five-year county integrated development plan for each County which shall have:

- (i) Clear goals and objectives.
- (ii) An implementation plan with clear outcomes.
- (iii) Provisions for monitoring and evaluation.
- (iv) Clear reporting mechanisms.

The First County Integrated Development Plan (CIDP) for the period 2013-2017 expired in December, 2017 and the County started the process of formulating the Second County Integrated Development Plan. However, Hon. Members, the process has stalled and this has far reaching implications on the County. It is for this reason that, I call upon all the Leaders of Machakos County both in the Executive and the Assembly to come together and discuss the process of unlocking the stalemate in the formulation of the Second CIDP.

(Applause)

SUPPLEMENTARY BUDGET ESTIMATES

Section 135(1) of the Public Finance Management Act 2012 provides that a County Government may spend money that has not been appropriated if the amount appropriated for any purpose under the County Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act or money has been withdrawn from the County Government Emergency Fund. Further, Section 135(2)

of the same Act provides that the County Government shall submit a supplementary budget in support of the additional expenditure for authority for spending under subsection (1).

In addition Section 135(3) provides that, in complying with subsection (2), a County Government shall describe how the additional expenditure relates to the fiscal responsibility principles and financial objectives.

Hon. Members, I am aware that the County Executive intends to forward a fresh supplementary budget estimates for the County pursuant to Section 135 of the Public Finance Management Act 2012. I urge the Executive to move fast and do so, so that the document can be tabled before the Assembly and processed.

I will however ask the Executive to ensure that any relevant information that is required by the Assembly to process the supplementary budget is brought as quickly as possible upon request for the Assembly to be able to do the work as required on the supplementary budget.

LAND FOR WARD OFFICES

Hon. Members, you recall that the Assembly approved the construction of 40 ward offices in each of the 40 wards in the Machakos County Appropriation Act 2018. The purpose was to make sure that the people that you serve are closer to the offices from where you serve them and that they know where to find you when they need you.

Hon. Members, it is hereby requested to identify a suitable public land, mostly county land where the office can be built in each ward and it is good that today we have His Excellency the Governor and we ask him if he will be able to facilitate the availing of land in each ward for purposes of that office.

(Applause)

We do request that the land be as closest as possible to the County Headquarters so that it is able to coordinate other services where necessary of the county and even of the National government.

SERVICE TO MWANANCHI

Article 175 of the Constitution of Kenya, 2010 provides for the principles of devolution which require the establishment of County Governments to be based on democratic principles and separation of powers, reliable sources of revenue to enable them to govern and deliver services effectively and ensure adherence to gender principles of not more than two-thirds of same gender in representative bodies. To this end, I urge each Member here to play their role with dedication to ensure Machakos residents reap full benefits of devolution.

(Applause)

As the Assembly undertakes its mandate, it will seek to champion for realization of the national values and principles of governance outlined in Article 10 of the Constitution and especially public participation in all matters that affect the public because it is their right under Article 185 and 176 of the Constitution of Kenya 2010.

BUNGE MASHINANI

You remember that you started the process of taking your business closest to the people as is required under the constitution and last year you had a *Bunge Mashinani* in Kithimani; this year in this session, the same process is going to continue and a programme is rolled out for the wards and that is going to be done within the little resources that we have but minding that we are taking services to the people.

SOUTH EASTERN KENYA ECONOMIC BLOC (SEKEB)

Hon. Members, this morning, I talked about this idea and the current Chair of that session addressed it. Remember this is a way of empowering the people in the region of Ukambani. I am happy that the Machakos County Assembly has taken this process positively and that we are among the first assemblies in the region to have a draft legislation to make sure that the program succeeds.

(Applause)

I therefore urge the Assembly to make sure that it plays its role promptly when called upon to do whatever is supposed to do; be it legislation, approval of policies, be it approval of budgets, to make sure that that programme comes to fruition. I also call upon each Member here in the Assembly and in the Executive, like I will also call upon the other counties to be represented, that the process be completely free of politics so that it can succeed.

(Applause)

UPTAKE OF LIBRARY, RESEARCH AND ICT SERVICES

Hon. Members, I want to remind you on the need to utilize the library and research services that we have; that way you will become an effective Member of this Assembly. The situation has been addressed arising from your concerns raised in the past and I want to see an improvement of partaking of those services in this session.

I conclude, Hon. Members and Your Excellency the Governor, by asking that the Machakos County Government works in unison so that the people of the county can be served and that each part of the Government observes its mandate and as guided by the Constitution and the laws that govern the operations of county governments. I know for sure if we do that, we shall be able to give services to the people and they need those services now, now, now.

Hon. Members it is my pleasure and privilege, at this time, to invite His Excellency the Governor to address the House. Thank you very much.

(Applause)

THE GOVERNOR'S ADDRESS

His Excellency the Governor (Dr. Alfred Mutua): Good afternoon. Madam Speaker, Hon. Members of County Assembly, Ladies and Gentlemen, today, is another great day as we celebrate the fruits of democracy and devolution. My speech today is short; one dwelling with core principles underlying our services as representatives of our people. I will be coming back to this House at a future date as a requirement of the law and the constitution to give a State of the County Address.

Madam Speaker, Hon, Members, we are very lucky to be from Machakos County. We come from a beautiful and blessed region with hard working and good people. Our people look up to us to be able to provide leadership that changes and improves our lives for the better. This is something that I am committed to and urge all of us to bear in mind in execution of our duties in various decisions we make, political or otherwise.

Madam Speaker, Hon. Members, Machakos people have suffered for the last two years due to political wrangling and games. That is the reality. There has been a lot of wrangling and propaganda, especially by some who thought that we were going to have a by-election. The Supreme Court, the highest court in Kenya concurred with the High court that I was democratically elected as the Governor of Machakos County.

(Applause)

This is now behind us. Now that the petition that was against me is over and you all know that I am the Governor and will continue to be the Governor for the remaining period of our tenure, God-willing, I ask that we put aside what has been going on and start afresh so as to accelerate on development and catch up on the lost time.

(Applause)

All economic and human development indicators point to the fact that the quality of life for the people of Machakos has been improving since I took over in 2013. Studies are being done by local and international experts and they will be published soon. I am confident that it will be shown that we have achieved much more than all the other counties in Kenya. However, there remains so much work to be done.

Madam Speaker, Hon. Members, as I have said in the past and I repeat, I respect each and every Hon. Member of this House and my wish is to work with you as a partner to serve our people better.

(Applause)

I know that in the last two years of political games and power struggles, myself and members of my government might have said or uttered things that made the Hon. Members unhappy. I ask you to forget the past and I commit myself to establishing a new working relationship with you as individual Members and individual teams. Most of you who wronged us and talked ill of us and undertook or conceded any strategies to derail the success of my development, I harbor no ill feelings and I have already forgiven you.

As Indira Gandhi once said, 'you cannot shake hands with a clenched fist.' Hon. Members, my hand is open; please un-clench yours. I know you do agree with me that maturity in leadership is manifested by leaders who look at the bigger picture and not people who cling on mediocrity. I do believe that members of my government and Members of this House have the ability to work closely together for the benefit of our people. *Inawezekana*.

To this end, Hon. Members, I request this house to undertake to consider the following proposals that will enhance our relationship and development of Machakos County as a foundation or just the beginning of enhancing our relationship:

1. Fast-tracking the approval of the County Integrated Development Plan (CIDP).
2. Passing the Supplementary Budget that Madam Speaker talked about.
3. Withdrawal of all court cases by both parties.
4. Fair membership by all Members in committees.

In addition, as recently pointed out by Senator Boniface Kabaka, the executive and the legislature need to give each other space to work within their mandates as partners and this will help our county.

Madam Speaker, Hon. Members, you are aware of South Eastern Kenya Economic Bloc (SEKEB) and the partnership between the three Ukambani Counties. This partnership is vital for galvanizing our strengths and speeding up development for our people. I urge this House to participate in SEKEB and to work together with other Assemblies to ensure the success. Let us not be afraid or panic when Ukambani leaders join hands to work together for the benefit of our people.

Finally, Madam Speaker, Hon. Members, the essence of devolution was for decisions to be made by leaders at the local levels within their own government. This cannot work when some of us are controlled by remote by outsiders. History will not judge us kindly if all we do is make political statements, organize demonstrations, spread propaganda and initiate stalemates. We will be judged kindly or harshly based on what we initiate as development and how we make our people richer.

I urge all of us to show solid and exemplary leadership that takes a good position and sticks to it. I therefore, urge you to commit to work together with us for the benefit of our people. We need not to flip flop and keep on changing goal posts according to the whims and likes of outside masters who are not members of this County Assembly nor part of the government of Machakos.

We need solid and principled people and our actions should follow our verbal commitment and plans. You can always, always count on me. As you know, I am principled, I do not shift my positions aimlessly and I keep my word. If I tell you I am going to do something, I will do it. If I tell you we are going to move in this direction, we will do it; I keep my word. And you know if I make an undertaking, I see it through and I expect you to do the same.

Madam Speaker, Hon. Members, we will soon be sending to you, a number of Bills and Motions for your debate and passing. These Bills will focus on speeding up development by creating an enabling environment for socio-economic growth. I also urge you to work on individual bills and work closely with my government to ensure good governance for the benefit of our people.

Madam Speaker, Hon. Members, I invite you from the bottom of my heart to join me soon on a day and a location for a planned retreat together so that we can bond and chart the way forward and strategize on how to move Machakos from the Third world to the First World.

(Applause)

It is now my pleasure to declare the Third Session of Machakos County Assembly officially opened. Thank you. God bless you, God bless Machakos and God bless Kenya.

Hon. Speaker: Thank you very much Your Excellency and Hon. Members. At this juncture, the sitting of this House is adjourned to 13th February, 2019 at 10.00 a.m. Good afternoon

The House rose at 3.23 p.m.