

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Tuesday, 13<sup>th</sup> November, 2018**

The House met at 3.32 p.m.

*[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]*

**PRAYERS**

**Hon. Speaker:** Good afternoon, Hon. Members. I apologize again from the Chair; we are starting late but the Chair is always available and it is that the business of the House has to come and has to be ready for the House to start. So, Mr. Clerk, can we start?

*(Loud consultations)*

Alright on this, yes.

**Hon. (Ms.) Mueni:** Madam Speaker, we are not having the papers so I do not know what the Clerks are doing; we are reading what we do not know.

**Hon. Speaker:** So, I am reading what you do not know? That is why I said now we have a problem with the secretariat; work is coming and is not coming. Hon. Members, so can we hold on for a while? I appreciate and apologize again. So, let us hold on so that yes we can read together. Mr. Muange, you are doing something about it.

*(Order Paper was circulated)*

It is like some Members will share as more are coming, so we can proceed. Alright, thank you. Mr. Clerk, proceed.

**PAPERS LAID**

**Hon. Speaker:** Hon. Members, under this Order we have one business that is by Hon, Hon who Mr. Clerk? Under order number five by the Hon. Kamulu. Just a moment Hon Kamulu, I am being given another information here; just a moment. Yes it is alright it is correct that the business is by Hon. Geoffrey Kamulu.

REPORT ON EDUCATIONAL TOUR TO TANZANIA HORTICULTURAL ASSOCIATION  
(TAHA) ARUSHA

**Hon. Kamulu:** Thank you, Madam Speaker. Hon. Speaker, I beg to lay the following paper on the table of the Assembly today, 13<sup>th</sup> November, 2018; the report on Educational Tour to Tanzania Horticultural Association (TAHA), Arusha. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kamulu. Mr. Clerk, do we have any other business under the same, Yes there were two businesses under that particular order and the next business is by the Hon. Mitaa under Order number five.

**Hon. (Ms.) Mene:** Thank you, Madam Speaker. I am here standing in for Hon. Mitaa; I am a member the *ad hoc* committee. Thank you.

**Hon. Speaker:** Proceed, Hon. Pauline.

REPORT ON REMOVAL OF HON. ENG. FRANCIS MALITI FROM THE OFFICE OF THE  
MACHAKOS COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE AND ECONOMIC  
PLANNING

**Hon. (Ms.) Mene:** Thank you, Madam Speaker. Hon Speaker, I beg to lay the following paper on the table of the Assembly today, on the Tuesday, 13<sup>th</sup> November, 2018---

**COMMUNICATION FROM THE CHAIR**  
WARNING ON DISORDER IN THE HOUSE

**Hon. Speaker:** Hon. Pauline you just hold on. I have a communication Hon. Members. Hon. Ndawa, yes please be on your feet. You remember in the morning, you decided that you want to walk out of this chamber. You feel that you should be back in the chamber? Are you willing to withdraw the expression of stupidity you used against the members?

Let me just give you a warning and every other member the Chair is not going to allow any disorder in the House and it is for everybody's good and for the good of the people you represent and the Chair will apply the Standing Orders and any other law strictly if this happens again. For now you are forgiven by the Chair because I was going to tell you to stay outside but let it be a lesson to everybody and including you that you have to behave when you are in this House.

**Hon. Ndawa:** Thank you. I am sorry for that.

**PAPER LAID**

REPORT ON REMOVAL OF HON. ENG. FRANCIS MALITI FROM THE OFFICE OF THE  
MACHAKOS COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE AND ECONOMIC  
PLANNING

**Hon. Speaker:** Hon. Pauline; sorry for the interruptions continue.

**Hon. (Ms.) Mene:** Thank you, Hon. Speaker. Hon Speaker, I beg to lay the following paper on the table of the Assembly today on the Tuesday, 13<sup>th</sup> November, 2018; the report of *ad hoc* Committee investigating the motion on removal of Hon. Eng. Francis Maliti from Office of the County Executive Committee Member for Finance and Economic Planning. Thank you, Madam Speaker. I lay the paper.

**Hon. Speaker:** Thank you, Hon. Pauline.

### NOTICES OF MOTION

#### DISSOLUTION AND RECONSTITUTION THE COUNTY ASSEMBLY SERVICE BOARD

**Hon. Speaker:** Hon. Members, under this Order, we have three business. The first one is by Hon. Kalumu, the second one is by the Hon. Kamulu and the third one is by Hon. Mitaa. Hon. Kalumu.

**Hon. Kalumu:** Thank you, Madam Speaker,

Hon. Speaker, aware that Section 12 of the County Governments Act, 2012 as amended by Section 46 of the County Assembly Services Act, 2017 establishes the County Assembly Service Board;

Hon. Speaker, aware that the composition of the County Assembly Service Board as provided for in Section 46 of the County Assembly Services Act and includes Members appointed by the political parties represented in the house on the basis of proportionate numbers;

Hon. Speaker, acknowledging that some of the current members of the County Assembly Service Board rarely attend meetings despite notices of meetings having been sent to them hence denying the Board quorum;

Hon. Speaker, this jeopardizes the operations of the County Assembly since one of the mandates of the Service Board is to ensure the efficient and effective functioning of the Assembly;

Hon. Speaker I wish to give Notice of Motion that this Honorable House discusses and approves that:

1. The County Assembly Services Board for this Assembly be dissolved with immediate effect and a new one be reconstituted immediately;
2. The Political Parties represented in the House namely, NASA Coalition, Maendeleo Chap Chap Party, Jubilee Party and NARC submit to the Assembly their nominees to the two positions in the Board assigned to political parties on the basis of priority of their strength in members in the House.

Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Kalumu. Hon. Kamulu.

#### REPORT ON EDUCATIONAL TOUR TO TANZANIA HORTICULTURAL ASSOCIATION (TAHA), ARUSHA

**Hon. Kamulu:** Thank you, Madam Speaker;

Madam Speaker, that aware that the Committee on Agriculture is established pursuant to the Second Schedule of the Standing Orders with specific mandate to deal with all matters related to agriculture, including crop and animal husbandry, plant and animal disease control and irrigation;

Cognizant that building human and social capital through interactive forums is integral to strategic development because it leverages and multiplies impact by strengthening local partner organizations;

Remembering that on 13<sup>th</sup> to 19<sup>th</sup> May, 2018, some Members of the Committee on Agriculture visited Tanzania Horticultural Association (TAHA), Arusha following an invitation that had earlier been received from the said organization; Informed that Tanzania Horticultural Association (TAHA) is an apex private sector organization that actively advocates for the growth and competitiveness of the horticultural industry in Tanzania;

Aware that in Kenya, horticulture industry is the fastest growing agricultural sub-sector and is ranked third in terms of foreign exchange earnings;

Madam Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report on educational tour to Tanzania Horticultural Association (TAHA), Arusha.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kamulu. Hon. Mitaa.

REPORT ON REMOVAL OF HON. ENG. FRANCIS MALITI FROM THE OFFICE OF THE  
MACHAKOS COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE AND ECONOMIC  
PLANNING

**Hon. (Ms.) Mene:** Thank you, Madam Speaker. Again, I am standing in for Hon. Mitaa.

**Hon. Speaker:** Please say your name for record of the HANSARD.

**Hon. (Ms.) Mene:** Hon. Pauline Mene Munguti, a member of *ad hoc* Committee.

**Hon. Speaker:** What *ad hoc* committee are you a member of?

**Hon. (Ms.) Mene:** *ad hoc* Committee on removal of the County Executive Committee Member for Finance and Economic Planning Hon. Eng. Francis Maliti.

**Hon. Speaker:** Thank you. Proceed.

**Hon. (Ms.) Mene:**

Hon. Speaker, that aware that on the 7<sup>th</sup> November, 2018, a motion on removal of Hon. Eng. Francis Maliti from Office of the County Executive Committee Member for Finance and Economic Planning was discussed and approved by the House pursuant to section 40 of the County Governments Act and Standing Order 62 of the Machakos County Assembly Standing Orders;

Aware that an *ad hoc* Committee was constituted by the House on the same day to investigate whether the allegations leveled against the County Executive Committee Member were substantiated;

Aware that the Committee was to report back to the House within 10 days;

Noting that the Committee has conducted investigations concerning the matter including inviting Hon. Eng. Francis Maliti to appear or be represented during the investigations;

Aware that the Committee completed its investigations and has compiled a report; Hon. Speaker, I beg to give notice of motion that pursuant to section 40(5) and Standing Order 62(11) this Hon. House discusses and approves the report of *ad hoc* Committee investigating the motion on removal of Hon. Eng. Francis Maliti from Office of the County Executive Committee Member for Finance and Economic Planning.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Pauline.

### STATEMENT

BUSINESS FOR THE HOUSE FOR 14<sup>TH</sup> TO 21<sup>ST</sup> NOVEMBER, 2018

**Hon. Speaker:** Hon. Members under this Order, we have one business from the house business committee. Hon. Mulatya.

**Hon. Mulatya:** Thank you, Madam Speaker. I am standing in for Hon. Justus Muasya Kiteng'u who is not in the house.

**Hon. Speaker:** Proceed, Hon. Whip.

**Hon. Mulatya:** Thank you, Madam Speaker. Statement of the House Business Committee; Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour a member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on 13<sup>th</sup> November, 2018 and balloted business for this week and next week pursuant to the provisions of the Standing Order 151 as follows and these are the new Standing Orders.

Wednesday, 14<sup>th</sup> November, 2018 at  
Morning 10.00 a.m.

Report of *ad hoc* Committee considering motion on removal from Office of County Executive Committee Member of Hon. Eng. Francis Maliti.

Afternoon at 2.30 p.m.  
Motion on dissolution of Machakos County Assembly Service Board.

Tuesday, 20<sup>th</sup> November, 2018

Morning at 10.00 a.m.

Motion by Hon. Justus Kiteng'u, MCA Kivaa Ward/Deputy Majority that the county Government of Machakos liaises with relevant water bodies to assign a local company the mandate to supply water to the residents of Masinga Sub-County to ensure efficient supply.

Afternoon at 2.30 p.m.

Report of Agriculture Committee on Educational tour to Tanzania Horticultural Association (TAHA), Arusha by Hon. Geoffrey Kamulu.

Wednesday, 21<sup>st</sup> November, 2018

Morning at 10.00 a.m.

Report of Budget Committee on Report of the Controller of Budget for 2017/2018.

Afternoon at 2.30 p.m.

Report of Joint Committee on Environment and Justice on suspension of sand harvesting activities in Machakos County.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mulatya.

*(Loud consultations)*

Hon. Members you notice there is no motion for debate this afternoon, so that will bring us to the end of the sitting for this afternoon. The sitting of the Assembly will resume on the... what is the date tomorrow? Point of clarification, Hon. Minority Leader.

*(Hon. Kamitu spoke off record)*

**Hon. Speaker:** Hon. Mulatya, are you able to come and finalize your presentation on statement, that is on order number seven.

**Hon. Mulatya:** Yes.

**Hon. Speaker:** The query is who is presenting the report?

**Hon. Mulatya:** Yes it will be presented by the Hon. Moffat Maitha Madam Speaker, who is the chair justice committee.

**Hon. Speaker:** The report on the *ad hoc* committee,

**Hon. Mulatya:** No.

**Hon. Speaker:** They are two, they are several reports you need.....the report on joint committee, the report on---

**Hon. Mulatya:** Okay, let us go to number six, the report to be presented in the House by Hon. Maitha, who is the chair Justice and Legal Affairs.

**Hon. Speaker:** The report?

**Hon. Mulatya:** Yes and *ad hoc* committee it should be presented by Chair of Chairs Hon. Paul Museku.

**Hon. Speaker:** *ad hoc* Committee? It has to be a Member who is in that committee,

**Hon. Mulatya:** Hon. Mitaa; sorry, Madam Speaker.

**Hon. Speaker:** Only a member of a committee can present it unless they are all disabled.

**Hon. Mulatya:** Yes, it will be presented by Hon. Moses Mitaa, Madam Speaker.

**Hon. Speaker:** They are all unable to speak.

**Hon. Mulatya:** Thank you.

**Hon. Speaker:** Alright.

### ADJOURNMENT

**Hon. Speaker:** So, Hon. Members, at this point the sitting of the House stands adjourned to resume on the 14th day of November, 2018 that is tomorrow at 10.00 a.m. Have a good evening.

The House rose at 3.55 p.m.