

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th October, 2020

The House met at 2.42 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

(Quorum Bell rung)

Hon. Deputy Speaker: Okay, we have quorum let us start.

PAPER LAID

REPORT ON CONSTRUCTION OF COUNTY GOVERNMENT BUILDINGS

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by Hon. Daniel Mbevi or a Member of that committee to lay down the Paper. Hon. Irene Mbivya.

Hon. (Ms.) Mwende: Thank you, Mr. Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to lay the following Paper on the Table of the Assembly today, 13th October, 2020; report of the Transport, Roads, Public Works and Housing Committee on Construction of County Government Buildings. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Irene and I think you better stay nearby because the next which notice of motion is still on you. Thank you.

NOTICE OF MOTION

REPORT ON CONSTRUCTION OF COUNTY GOVERNMENT BUILDINGS

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted again by Hon. Irene Mbivya.

Hon. (Ms.) Mwende: Thank you, Mr. Speaker, once again.

Hon. Speaker, that aware that Article 174(f) of the Constitution of Kenya, 2010 provides that one of the objects of devolution is to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;

Hon. Speaker, acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs;

Hon. Speaker, cognizant of the fact that Standing Order 190(5)(a) mandates that sectoral committee is to investigate, enquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the said departments; Aware that the committee received a report from the department of transport, roads and public works on the ongoing construction of the county government building and also aware that funds have been continuously budgeted for the projects since financial year 2018/2019 to date;

Further aware that the committee conducted site visits to ascertain the status of the projects indicated in the report, held meetings with the Chief Officer and compiled a report;

Hon. Speaker, I wish to give notice of motion that this Hon. House discuss and approves the transport, roads and public works committee report on the ongoing construction of the county government buildings.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Irene Mbivya.

MOTION

REPORT ON PUBLIC PETITION BY MR. URBANUS MUTINDA MATIVA

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by Hon. Moffat Maitha, Chairperson Justice and legal affairs committee. Hon. Moffat Maitha.

Hon. Maitha: Thank you, Hon. Speaker. Hon. Speaker, in our *Skype* meeting yesterday the committee on Justice and Legal Affairs requested the House that it be given seven days more so that it can finish some items which to them seemed not right in the report. Mr. Speaker, I beg your indulgence in that so that we can bring a fully comprehensive report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Just a minute Hon. Moffat.

(Hon. Deputy Speaker consulted the Clerk at the Table)

Hon. Moffat Maitha, looking at the report which is before me which has already been signed, I would like to request you to read the motion and go ahead and read the Petition which was made before the House and then we can postpone the debate on the report until it is balloted again. You need to give adequate reasons as to why...after you read the Petition you need to give adequate reasons as to why you would want the report to be postponed reading of it today and request for whatever additional time you may want to get to be able to bring the report before the House.

If there are any amendments to the report then you will have to move them as amendments but I think the best thing to do is do the Petition, read the motion and then we postpone the reading of the report after you have given the valid reasons why you want it postponed. Hon. Moffat Maitha.

Hon. Maitha: Hon. Speaker, Petition by one Urbanus Mutinda Mativa against the---

Hon. Deputy Speaker: You need to read the motion first. Read the motion. The full motion, get it seconded then from there you will be able to read the Petition then after that you will request for the additional time you needed. First of all, read the motion, get it seconded so that we can adopt the motion first then you read the Petition as it was and then from there we handle it.

Hon. Maitha: Thank you, Hon. Speaker for your guidance.

Hon. Speaker, that aware that Section 15 of the County Governments Act, 2012 provides that a person has a right to petition the County Assembly to consider a matter within its authority including enacting, amending or repealing any of its legislation;

Aware that the Assembly received a public Petition by Mr. Urbanus Mutinda Mativa against Gazette Notice No. 3633 dated 10th April, 2019 as relates to the appointment of Mavoko Municipality Board Members by Dr. Alfred Mutua, the Governor, Machakos County Government and the nomination, approval and appointment of Mr. Antony K. Ngunga as a Board Member of Mavoko Municipality pursuant to the Standing Order 194;

Noting that, In conducting its investigations, the Committee met with key parties in relation to the Petition including the Petitioner, the accused Mr. Antony K. Ngunga, the Chief Officer, County Law Office and the Chief Officer, Department of Housing and urban Development;

Further aware that the committee reviewed relevant documents from various government institutions including the Directorate of Criminal Investigation, Higher Education Loans Board, Machakos County Department of Housing and Urban Development, Machakos County Law Office, Mavoko Municipal Board and the petitioner in exercise of ensuring the right to fair administrative Action as stipulated in Article 47(1) of the Constitution;

Hon. Speaker, I therefore wish to give notice of the motion that this Hon. House discusses and approves report of the Justice and Legal Affairs Committee on public Petition by Mr. Urbanus Mutinda Mativa against the following---

Hon. Deputy Speaker: Hon. Moffat, repeat again the last...it is to move the motion that... you are not giving a notice of motion, right now you are moving the motion.

Hon. Maitha: Sorry, I have the wrong document.

Hon. Speaker, I therefore wish to move the motion that this Hon. House discusses and approves report of the Justice and Legal Affairs Committee on public petition by Mr. Urbanus Mutinda Mativa against the following;

1. Gazette notice No.3633 dated 10th April, 2019 as relates to the appointment of Mavoko Municipality Board members by Dr. Alfred Mutua, the Governor, Machakos County Government; and

2. The nomination, approval and appointment of Mr. Antony K. Ngunga as a Board Member of Mavoko Municipality.

Hon. Speaker I wish to request Hon. Jacinta to second the motion.

Hon. Deputy Speaker: Hon. Jacinta.

Hon. (Ms.) Luka: Thank you, Mr. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you. Hon. Moffat, what you are going to do is, this report has been read and is now a property of the House and it has been seconded. I am going to propose the question so that we can adopt it first and then after I would like you to give reasons why you want the report not to be read as it is and I will give further guidelines after as to when the report is going to be presented before the House.

(Question proposed)

Hon. Moffat Maitha.

Hon. Maitha: Thank you, Hon. Speaker. As I requested earlier, the committee requested me to ask the House its indulgence so that we can be given some more time so that we can go and look at some issues which the Hon Members brought, which we were supposed to discuss yesterday but unfortunately the Clerk Assistant who was holding brief for the Justice Committee did not avail herself yesterday.

Remember Hon. Speaker, when we went for retreat, we agreed that if any Member would wish to send some information for the Committee to consider it to be included in the Committee report, they should write to the Clerk Assistant so that Clerk Assistant can now call us for a meeting to go through them.

Unfortunately, the Clerk Assistant never called us for that meeting for the members to give out their recommendations and therefore, yesterday the committee requested me to request for some more time so that we can now go through the Members' statements and then include them in the report, Hon. Speaker. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moffat Maitha. Hon. Members, the Chair has requested for extension of time, the report is now the property of the House; we do have the report with us. So whatever amendments which you are going to make to the report, will have to come in as amendments on the report and since this is already now the property of the House, I would like the business at hand to be dispensed as quickly as possible in the House and therefore I request that this business goes back to the House Business Committee and be balloted for the next sitting. What that means is that you need to sit down quickly with your committee and look at any recommendation which the Members have, incorporate them, and then next week on Tuesday, the next sitting we are going to be sitting here you will present this report.

The report needs to adequately Chair, address the prayers of the Petitioner, that he is against the Gazette Notice No. 3633 dated 10th April, 2019 as relates to the appointment of Mavoko municipality board members by Dr. Alfred Mutua, the Governor of Machakos County Government and they are also against the nomination and approval and appointment of Mr. Anthony K. Ngunga as a board member of the Mavoko Municipality Board.

So those are the two issues which the Petitioner prayed for and I do believe that the report you are going to bring before the House with whatever amendments it is going to adequately address those issues which have been raised. So, this report needs to come back again into the House in the next sitting.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, we had that single business this afternoon, so with that, the House adjourns to resume on Tuesday, the 27th day of October, 2020 at 10.00 a.m. Remember next week on Tuesday is a public holiday so we are resuming the following week on 27th day of October, of 2020 at 10.00 a.m. Enjoy the rest of the evening.

The House rose at 3.05 p.m.