

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th May, 2019

The House met at 3.00 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, I was waiting for confirmation and so we are ready to start this afternoon sitting. I call upon the Clerk to proceed.

COMMUNICATION FROM THE CHAIR
ASSEMBLY PRAYER BY ALL MEMBERS

Hon. Speaker: Hon. Members, under this Order, I have one brief communication; those who are here when we started the session, I requested all of you that we pray. I have been thinking about it. The prayer not for the Speaker only, it is a personal commitment, it reminds you on what you do in the discharge your duties so henceforth we shall be praying together because we need to keep on reminding ourselves of the duties that we have to God and to this nation.

So, what is going to happen is that the prayer, I know in the Standing Orders or we shall also have some papers printed in the big board so that we can all be joining together in the prayer as we start the Assembly. Thank you, Members. Mr. Clerk, proceed.

NOTICES OF MOTIONS

Hon. Speaker: Hon. Members, under this Order, we have two businesses; the first business is by Hon. Patrick Kituku and the second business under the same order is by the Hon. Tariq Mulatya, the Chief Whip. Hon. Patrick Kituku.

UPGRADING NDITHINI HEALTH CENTER TO A LEVEL III HEALTH FACILITY

Hon. (Ms.) Ndeti:

Hon. Speaker, that aware that Article 43(1)(a) provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

Aware that the National Government launched Universal Health Care in Machakos County on a pilot basis;
Sorry, Madam Speaker---

(Loud consultations)

Hon. Speaker: Hon. Patrick Kituku, you have come. Hon. Ndeti had kindly agreed to stand in for you and it is good that is the spirit of team work. So, then you want to start it; she had not started as such.

Hon. Kituku: I will start.

Hon. Speaker: Go ahead.

Hon. Kituku: Thank you, Madam.

Hon. Speaker, that aware that Article 43(1)(a) provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

Aware that the National Government launched Universal Health Care in Machakos County on a pilot basis;

Aware that residents of Ndithini and Muthesya wards have not been enjoying this facility as they should due to limited quality health facilities in the region;

Further aware that the residents have challenges in accessing Masinga Level III hospital which is the main health facility of referral for residents in the sub-county due to poor road network in the region;

Noting that Ndithini Community Health Centre is a facility if well-equipped can be of great value to residents of Ndithini and Muthesya Wards due to its accessibility;

Aware that the facility needs expansion, equipping and staffing;

Aware that the residents of these two wards have a right to quality and timely health services;

Hon. Speaker, I beg to give notice of motion that this Hon. House discusses and approves that the County Government of Machakos upgrades Ndithini Health Center to a level III Health facility, equips and staffs it to ensure Ndithini and Muthesya Wards residents access quality health services with ease.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kituku. The next notice of motion is by Hon. Tariq Mulatya. Hon. Mutiso, you are standing in for Hon. Tariq Mulatya.

ADOPTION OF TENDERING METHOD TO GRADE ROADS

Hon. P.J. Mutiso: Thank you, Madam Speaker.

Hon. Speaker, that aware that transport is vital in the development of any area and that roads are the most common means of transport used across the County and the Country at large;

Madam Speaker, appreciating that the Constitution of Kenya, 2010 introduced the devolved system of Government which sought to bring services closer to the people and mostly aimed at equalizing development in all parts of the County;

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

Further aware that the Fourth Schedule of the Constitution mandates counties to deal with matters of County Transport including County roads;

Noting that the County Government of Machakos, through the department of Transport, Roads and Public Works, embarked on an exercise of grading County feeder roads in an effort to upgrade them;

Aware that the exercise has not been fruitful in most wards in the County due to the graders experiencing major mechanical problems especially Masinga sub-county where the grader allocated to the sub-county has only managed to grade 3 kilometers in a period of three months particularly in Masinga Central and Kivaa wards;

Aware that each ward has been allocated a substantial amount of money for grading roads;

Aware that this work would be done with ease if it had been tendered and awarded to private contractors;

I wish to give notice of motion that this Hon. House discusses and approves that the County Government of Machakos:

- i. Adopts tendering method to grade county roads from the FY 2019/2020 in wards.
- ii. Repairs all graders and station them at the Sub- County offices whereby they can be utilized to undertake emergency works road and minor repairs within the sub-counties.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mutiso. Mr. Clerk, proceed.

MOTION

REPORT ON IMPLEMENTATION OF MACHAKOS COUNTY FINANCE ACT, 2019

Hon. Speaker: Hon. Members we have one business by Hon. Mwanthi and the Hon. Member has consulted the Chair and requested this matter be addressed tomorrow in a sitting which the Assembly is going to Ndithini and the Chair has approved the request so it is going to be discussed tomorrow. Mr. Clerk, proceed.

REPORT ON MACHAKOS COUNTY BURSARY FUND REGULATIONS, 2019

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Patrick Kituku. The business is going to be prosecuted by Hon. Ndeti Matee for Hon. Kituku. Hon. Matee, proceed.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. Joint Committee Report on Education and Delegated County Legislation on Consideration Of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019. I start reading the report.

Hon. Speaker: Just a moment, Hon. Matee.

(Loud consultations)

Hon. Koki, you do not talk to a Member when the Chair is addressing the Member; you are so much out of order. Proceed, Hon. Matee.

Hon. (Ms.) Ndeti:

Madam Speaker, that aware that the Constitution of Kenya, 2010 Article 43(1)(f) provides that every person has the right to education and aware that Section 116(1) of the Public Finance Management Act 2012 provides that the County Executive Committee Member for Finance may establish other Public Funds with the approval of the County Executive Committee and the County Assembly;

Further aware that the County Assembly of Machakos enacted the Machakos County (Bursary Fund) Regulations, 2014 where by the elected member of the County Assembly from the ward had a role to play in section 11(1) which is centrally to section 9(2) of the County Governments Act, 2012;

Noting that the Regulations were operational since enactment until 25th January, 2018 when the Executive Committee Member for Finance and Economic Planning received a letter from the Office of the Controller of Budget directing the regulations to be reviewed in order to limit the role of Members of the County Assembly to oversight, representation and legislation;

Aware that, Article 228(5) of the Constitution of Kenya, 2012 provides that the Controller of Budget shall not approve any withdrawals from public funds unless satisfied that the withdrawal is authorized by law;

I wish to move the motion that this Hon. House discusses and approves the Joint Committee Report on Education and Delegated County Legislation on Consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019.

Thank you, Madam Speaker

Hon. Speaker: Ask for somebody to second your motion.

Hon. (Ms.) Ndeti: At this juncture, i call upon Hon. Alice Nzioka to second the motion.

Hon. (Ms.) Nzioka: Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you, Hon. Alice. Hon. Matee, proceed.

Hon. (Ms.) Ndeti: Report of Joint Committee on Education and Delegated County Legislation on Consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019.

PREFACE

Madam Speaker, Standing Order 182(1) of the Machakos County Assembly Standing Orders states that two Committees of the County Assembly considering similar matters may, with the approval by the Speaker, hold joint sittings. In this regard, the Select Committee on Delegated County Legislation and Sectoral Committee on Education were assigned to hold a joint sitting to consider the Machakos County Bursary Fund Regulations, 2019.

COMMITTEE MANDATE

Madam Speaker, the Select Committee on Delegated County Legislation is established under Standing Order 190 of Standing Orders revised on 24th October, 2018 while the Committee on Education is established under Standing Order 190 of Machakos County Assembly Standing Orders. The mandate of the Committee on Education is stated under Standing Order 190(5) and includes among others to make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Madam Speaker, the Select Committee on Delegated County Legislation executes its mandate in accordance with the provisions of Section 13 of the Statutory Instruments Act, 2013 and Standing Order 190 of Standing Orders revised on 24th October, 2018 which states that, the Committee shall consider in respect of any statutory instrument whether it;

- (a) Is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
- (b) Infringes on fundamental rights and freedoms of the public;
- (c) Contains a matter which in the opinion of the committee should more properly be dealt with in an Act of the County Assembly;
- (d) Contains imposition of taxation;
- (e) Directly or indirectly bars the jurisdiction of the courts;
- (f) Gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (g) Involves expenditure from the County Revenue Fund or other public revenues;
- (h) Is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
- (i) Appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (j) Appears to have had unjustifiable delay in its publication or laying before County Assembly;
- (k) Makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
- (l) Makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
- (m) Inappropriately delegates legislative powers;
- (n) Imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
- (o) Appears for any reason to infringe on the rule of law;

- (p) Inadequately subjects the exercise of legislative power to County Assembly Scrutiny; and,
 (q) Accords to any other reason that the Committee considers fit to examine.

COMMITTEE MEMBERSHIP

Madam Speaker, the joint Committee comprised of the following Members:-

- | | |
|-----------------------------|-----------------------------|
| 1. Hon. Patrick Kituku | -Chairperson Delegated |
| 2. Hon. Daniel Kiilu | -Chairperson Education |
| 3. Hon. George King'ori | -Vice Chairperson Delegated |
| 4. Hon. Hellen Ndeti | -Vice Chairperson Education |
| 5. Hon. Alice Nzioka | Member |
| 6. Hon. Angela Munyasya | “ |
| 7. Hon. Benedette Musyoka | “ |
| 8. Hon. Geoffrey Kamulu | “ |
| 9. Hon. Francis Kioko | “ |
| 10. Hon. Ikusya Kaloki | “ |
| 11. Hon. Jane Nyawira | “ |
| 12. Hon. Joseph Musau | “ |
| 13. Hon. Margaret Ndalana | “ |
| 14. Hon. Phoebe Koki | “ |
| 15. Hon. Judas Ndawa | “ |
| 16. Hon. Josphat Kasyoki | “ |
| 17. Hon. Cosmas Kieti | “ |
| 18. Hon. Mark Muendo | “ |
| 19. Hon. Thomas Mutinda | “ |
| 20. Hon. John Nzomo Musyimi | “ |
| 21. Hon. Nicholas Mutuku | “ |
| 22. Hon. Paul Nyanzi | “ |
| 23. Hon. Michael Mutiso | “ |

BACKGROUND INFORMATION

Hon. Speaker, the Constitution of Kenya 2010 Article 43(1)(f) provides that every person has the right to education and in furtherance of this provision, the County Assembly of Machakos enacted the Machakos County (Bursary Fund) Regulations 2014 pursuant to Section 116 (1) of the Public Finance Management Act 2012.

The Section provides that the County Executive Committee Member for Finance may establish other Public Funds with the approval of the County Executive Committee and the County Assembly. The Bursary regulations created a bursary fund whose main objective was to provide financial assistance to needy students from the County.

Hon. Speaker, the Machakos County (Bursary Fund) Regulation, 2014 were operational since enactment until 25th January, 2018 when the Executive Committee Member for Finance and Economic Planning received a letter from the Office of the Controller of Budget which proposed that they be reviewed.

The Controller of Budget referred to Article 228(5) of the constitution of Kenya which provides that the Controller of Budget shall not approve any withdrawals from public funds unless satisfied that the withdrawal is authorized by law.

Based on this provision, the Controller of Budget reviewed the Machakos County Bursary Fund Regulation, 2014 and made the following observations:

- a. That Regulation 11(1) provides for establishment of a Bursary Committee in each ward while Regulation 12 gives the functions of the Ward Bursary Committee Regulation. The CoB observes that the functions listed under Regulation 12 do not support the establishment of a seven Member Committee thus Regulation 11(1) is contrary to the principle of prudence and fiscal responsibility as provided for under Article 201(d) of the Constitution which states that “public money shall be used in a prudent and responsible way.”

The COB further observed that the County Governments Act 2012 provides for elaborate structures up to the Ward level which can be utilized in the running of the fund.

Finally, Madam Speaker, the CoB recommended that Regulation 11(1) be amended to reflect the principle espoused under Article 201(d) of the Constitution to ensure full utilization of the structures established under County Governments Act 2012.

- b. Regulation 11(2)(c) provides for composition of ward Bursary Committee to include the Member of the County Assembly or his/her representative. The CoB observes that Section 9(2) of the County Governments Act 2012 expressly bars Members of County Assembly from direct or indirect involvement in the executive functions of the County Government and its administration. The COB recommended that pursuant to this provision of County Governments Act 2012, the role of Members of the County Assembly should be limited to oversight, representation and legislation and therefore the MCA should not be a member of the Ward Bursary Committee.

Madam Speaker, based on the aforementioned, the County Law Office through the Department of Education forwarded to the County Assembly the proposed Bursary Fund Amendments, 2019 for consideration and adoption pursuant to the Statutory Instruments Act, 2013.

SCRUTINY BY THE COMMITTEE

Madam Speaker, in carrying out the scrutiny, the joint Committee engaged the Legal Officer for guidance on legal issues, consulted the Chief Officer at the County Law Office and also made reference to the Constitution, the County Governments Act, 2012, Section 116 of the Public Finance Management Act, 2012, the Statutory Instruments Act, 2013 and Standing Order 190 of Standing Orders revised on 24th October, 2018.

Section 116(1) Public Finance Management Act, 2012 states that the County Executive Committee member for Finance may establish other public funds with the approval of the County Executive Committee and the County Assembly. Madam Speaker, based on the aforementioned, the joint committee made the following amendments to the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019:

Amendment 1: Allocation for administrative cost

The committee proposed that a new provision be made in the regulation setting a side 10 per cent of all total disbursements made in every financial year for administrative costs incurred pursuant to the objects and purposes of the fund.

Amendment 2: County Bursary Committee

The members proposed that the membership of the County Bursary Committee be reviewed as follows:

- a. One person with a degree in education, with experience in matters relating to education who has ordinarily been residing in the County for at least 10 years preceding the appointment and who shall be the Chairperson.
- b. The Chief Officer who shall be the secretary of the Committee and an *ex-officio* member with no voting rights.
- c. A woman and a man who have ordinarily been residing in the county for at least 10 years preceding the appointment representing faith-based organizations involved in education matters in the county.
- d. A woman and a man who have ordinarily been residing in the county for at least 10 years preceding the appointment representing the youth in the county and who are involved in education matters in the county.
- e. A woman and a man who have ordinarily been residing in the county for at least 10 years preceding the appointment representing persons with disabilities and who are involved in education matters in the county.
- f. A woman and a man who have ordinarily been residing in the county for at least five years preceding the appointment with experience in public administration, public affairs or management and education.

Amendment 3: Provision for the Ward Bursary Committee

The committee proposed that the ward bursary committee be retained but the committee membership be reduced from seven to five and that majority of members be from the county government. The committee recommended the removal of the MCA as the members of the ward bursary committee. This is in compliance with the recommendation by the Controller of Budget vide letter dated 25th January, 2018. The new membership of the ward bursary committee is as follows:

- i. One person with a Diploma in education, with experience in matters relating to education who has ordinarily been residing in the ward for at least five years preceding the appointment and who shall be the Chairperson.
- ii. One person in charge of Education matters in the ward who shall be the Secretary.
- iii. The Ward Administrator who will be a member.
- iv. A woman and a man who have ordinarily been residing in the County for at least five years preceding the appointment with experience in public administration, public affairs or management and education.

Amendment 4: Public participation

The Committee proposed for enhancement of public participation in the process of awarding the bursaries. In this regard, the committee proposed for inclusion of a provision in the regulation that there will be public participation meetings in every village for purposes of identifying the beneficiaries. This exercise will be undertaken by the ward bursary committee.

RECOMMENDATION

Madam Speaker, the joint Committee on Education and Delegated County Legislation recommends as follows:

1. That the County Executive Committee Member for Finance, upon taking into consideration the amendment proposed by the committee, forward the amendment to the Bursary Regulations, 2019 back to the Assembly for approval in accordance with the Statutory Instruments Act, 2013.
2. That the County Executive Committee Member for finance to forward the explanatory memorandum and regulatory impact statement to the Assembly as relates to the proposed amendment to the Bursary Regulations, 2019 when forwarding the amendment to the Assembly.
3. The committee recommends for overhaul of the 2014 Regulations and adoption of the new Regulations considering that there are major changes that the committee proposed to be incorporated.

CONCLUSION AND ACKNOWLEDGEMENT

Hon. Speaker, the joint Committee on delegated county legislation and Committee on education is grateful to the Office of the Speaker and that of the Clerk for support accorded to it in compiling this report.

It is therefore my pleasant duty and privilege, on behalf of joint Committee to table this report on consideration of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 for approval. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Matee. Hon. Members, the report having been read I know propose the question.

(Question proposed)

Hon. Members, the report is now open for debate.

Hon. Speaker: Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, first and foremost, I would like to appreciate both Committees, that is Delegated and Education, for giving us brief on the bursary issue. Although I support the report, my concern is amendment No. 3 where the Committee recommends the removal of the MCA as Member of the Ward Bursary Committee. Madam Speaker, we do not even have a Member or a person's choice of the MCA where our input can be heard or can be passed to the Committee on bursary.

Madam Speaker, my concern is how we will achieve the mileage in the bursaries being given to our people. You have seen that like now, the in-charge here, I have seen the Ward Administrator being a member of the Committee. The Ward Administrator is not one of the Members of the Ward in most of the cases. How are we sure this team will give the required bursary to the needy people in our wards?

Hon. Speaker: Point of information Hon. Matee.

Hon. (Ms.) Ndeti: I would like to inform the Member that the report or the letter from the Controller of Budget clearly states that, the Member of the County Assembly who is the MCA should not participate directly or indirectly because of his role as an oversight officer.

Hon. Speaker: Hon. Cosmos. You continue because if you are convicted or if you have a conviction on a particular point, you should go ahead and express it even if somebody else even in higher office has expressed a different opinion because they may be wrong and you may be right.

Hon. Masesi: Madam Speaker, that was my feeling; at least our input because in most cases we know the very needy persons within our Wards. My feeling was that, if there is anything which can be done to make sure that there is a way we participate in getting the needy students from our Wards. Thank you, Madam Speaker.

Hon. Speaker: Yes. I think Hon. Members, if we can just pause there for some guidance. The point at which the CoB is entering, is that when you are a Member of that Committee, it is like you are undertaking execution duties when you are supposed to be undertaking oversight, legislation and representation duties. I just have asked for the regulations as they exist because you need to appreciate what is the role of that Committee? Is it the one that is awarding the bursaries? Is it the one that awards? Are you sure?

It approves, it recommends those who are to be awarded. It does not do the actual awarding. Does it? I have asked for the regulations to come here so that you can understand whether the Regulations as prepared by the Fist Assembly, in its wisdom, went contrary to the provisions of the County Governments Act and also the provisions of the Constitution. So, that even when the Controller of Budget us saying that the Member of the Assembly should not sit in the Committee, you need to look at it and say; so what are the duties of this Committee in which the Member is sitting?

Are they duties that amount to execution or are they duties that amount to oversight?. When you are recommending, when you are assisting on identification, are you executing or are you doing oversight? Those are questions you need to ask yourselves. I am still waiting for the Bursary Regulations to come.

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

He is telling me that it is here in this gadget. Please open it for me now because you know I am doing many things at the same time.

So that even as you propose the removal of the Members of the Assembly from those Committees, what other measures are you putting in place? Have you given, Hon. Matee, you are the one who presented this Motion. Have you provided then for approval by this House of Members of that Committee so that they oversight role of the Member of the Assembly is still retained? Is there provision? Those are some of the questions you need to ask yourselves.

Obviously, you cannot just let it go. So you are okay with that, we continue with the debate? Had you finished Hon. Cosmos?

Hon. Masesi: Yes.

Hon. Speaker: Yes, you had. Thank you, very much Hon. Cosmos. Hon. Ikusya.

Hon. Kaloki: Thank you, Madam Speaker. I am a Member of Education Committee. I sat in the team that actually came up with the current amendments to the Regulations. If you look at the original guidelines that came from the Controller of Budget to the County Government, Executive Department, they had actually excluded completely the participation of the Members of the County Assembly in that Committee.

Number two, they had even abolished the Ward Bursary Committee. We were only supposed to be left with the County Bursary Committee but through the help of the Chief Officer, Legal, representing the Executive and the Director of Legal Services, Mr. Muthui of this County Assembly, we sat down as a team and came up with a few amendments. If you look at the initial composition of the Membership of the Ward Bursary Fund, it was a bit funny, it was quite unfriendly.

We looked at it and I said, 'yes, I belong to the Government side' but I could not support that as a Member of this County Assembly. It had the Ward Administrator as the Chairperson of the Bursary Committee, there was the ECDE Coordinator as the Secretary, and there was a Village Administrator as a Member of the Board and then a Member of the National Government also as a Member.

When we looked at it Madam Speaker, we felt that, this was actually meant to exclude the Member of County Assembly totally and give more powers to Members of the Executive to sit in the Bursary Committee, the same Members who have in the past frustrated some of our Members of this House in executing the mandate as Members of the County Assembly.

(Applause)

We looked at it keenly and we came up with some friendly amendments replacing the Ward Administrator from being the Chair with someone who has several years of experience in the Education Sector and with a minimum qualification of a Diploma who we thought was going to be a very neutral person, identified by the Executive in consultation with the Members of the County Assembly.

(Applause)

We also removed---

Hon. Speaker: It appears the Members are very well-informed because they are really applauding the Member. Is there a point that they need to be informed on that particular aspect? Hon. Matee.

Hon. (Ms.) Ndeti: I am sorry, Madam Speaker. I just wanted to maybe correct because if I remember very well, what we agreed was this Member, who is going to be the Chair of this Committee, is going to be an appointee of the MCA. It will be the MCA indirect.

Hon. Kaloki: Thank you, Madam Speaker. I thought I said more of the same thing. Is it not?

Hon. Speaker: The MCA to appoint? It can only be this House to appoint. It is a collective responsibility of the Assembly but that is how you proposed it because this is a matter that you will still need to interrogate more deeply. So, Hon. Ikusya can proceed.

Hon. Kaloki: Thank you. Yes, it was going to be a collective responsibility silently---

Hon. Masesi: Point of order.

Hon. Speaker: The point of order is coming from Hon. Cosmus.

Hon. Masesi: Madam Speaker, as I was going through the report, I have not seen anywhere quoted that the Executive has to nominate the Chair in consultation with the MCAs. I have not seen that element.

(Applause)

Hon. Speaker: Hon. Ikusya, proceed and I will not allow any information or point of order. Proceed and finish.

Hon. Kaloki: Kindly. Madam Speaker, I would like my fellow colleagues to listen to me as I wind up my presentation. Just the way we came up.....I want you to look back on the way we came up with the Ward Equalization Fund. Silently; it is not anywhere on paper but we agreed with the Executive. The same way we said we are going to have a neutral person---

Hon. Speaker: No, you will not do that.

(Laughter)

Hon. Kaloki: I withdraw that.

Hon. Speaker: Everything you do here will be loudly not silently.

Hon. Kaloki: I withdraw that.

Hon. Speaker: Yes, withdraw that.

Hon. Kaloki: Thank you. We say that, for us to have a neutral team, we cannot have a Chairman who is directly answerable to an employee of the Executive, that is the Ward Administrator. That is how now we ended up with a neutral person chairing this Committee and placing the Ward Administrator as the Secretary, if I stand to be corrected and the ward administrator as the secretary wanted and then the ECDE person to sit in that and then the fourth person. We wanted to minimize the number of employees of the executive as much as possible from this composition.

So with that we felt that the member of County Assembly is somehow taken care of in this sense; the chairperson as I said earlier the chairperson is somebody who is going to be

recruited, a neutral person replacing the ward administrator who is a direct employee of the executive from being the chair of the committee. That way we felt we will be safe as a House.

The other functions that were left squarely, although not very loud, in the Regulations is the identification of the beneficiaries. This is---

Hon. Speaker: Hon. Ikusya, you know the constitution does not give anybody the leeway to do things silently it is supposed to be loudly with the public participation, transparency, openness and everything. So, please don't submit that on the HANSARD because it will not go far.

Hon. Kaloki: Thank you, Madam Speaker. Let me take myself back to the composition. We felt as a committee the members of this County Assembly are safer with a more neutral person chairing this committee as opposed to ward administrator being the chairperson. We also felt that member of County Assembly is more safer with a lesser composition with a lesser membership of executive in the committee thus only leaving us with only two members of the executive sitting in that committee. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ikusya. Hon. Stephen Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. Madam Speaker, in my view, it is that the report that we have got from the committee on education and implementation, sorry, on delegation, needs some amendments that because for example, we have the National Assembly committees whereby members of the National Assembly are patrons to such committees and they even go to an extent of appointing some of the members of their committees that give bursaries.

So, in my thinking is even members of County Assembly should have same treatment as the members of National Assembly citing the fact that in the Regulations that we already have, it is indicating the member of executive that is member of the CEC finance should appoint those committee members even on the ground so making a member a chairperson or whatever, at the end of the day, those people will be appointed by the CEC from the executive side.

That will mean there is no way MCAs will be represented in such committees and thus much as we are the leaders of those people, Madam Speaker, we don't want to execute any duty but to at least oversee and even those appointees should be passed by the Assembly so that we may know the people who will be doing this work, Madam Speaker. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi. Just a moment; this is a rather serious matter for the House and we need to get it right.

Hon. Members, this is a matter that I have noted, of course as with all other matters, every matter every business for this House is important but there are priorities which will definitely cannot ignore and I know that from the day that this Assembly was inaugurated, the issue of bursaries never left your table and it must continue until it is resolved.

(Applause)

So, what I am going to direct is that I have looked at the report and I have also looked at the law and have also felt the members' feeling. What I will do is I will reserve a ruling on which way this report will go which am going to deliver tomorrow at Ndithini because I need to do some research and some and some consultation.

(Applause)

In my feeling, and my feeling is correct, there is much more that needs to be done on this report.

(Applause)

So, the discussion debate on this matter will take a way forward after my ruling which I will deliver tomorrow. So, Hon. Members with that the matter will pend at that particular point.

(Applause)

ADJOURNMENT

Hon. Speaker: I am not seeing any other business on the Order Paper so Hon. Members, at this point the sitting of the House is adjourned. It is going to continue on the 15th May, 2019 at 10.00 a.m. at Ndithini ward. Have a good evening.

The House rose at 4.00 p.m.