

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th September, 2018

The House met at 3.17 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. It is good to be back again this afternoon on our afternoon sitting. Mr. Clerk, proceed.

COMMUNICATIONS FROM THE CHAIR

ENGAGEMENT WITH THE EXECUTIVE ON FINALIZATION OF CIDP 2018-2013

Hon. Speaker: Hon. Members, there is further communication to the communication that I did in the morning; there are several issues Hon. Members and I kindly ask that to pay attention because it is you who is the deciding factor in the matters just, of course, as in the other matters.

Hon. Members, further to the communication that the Chair made this morning please note the following: During the recess which is just ended, you remember you participated by taking through the public on the CIDP that is the County Integrated Development Plan for 2018-2022 in the 40 wards. I thank you Hon. Members for participating in that exercise and Hon. Members you know that we have to have a forward movement on that particular document because it is the one in which all planning in the county is premised or based.

Hon. Members in the meantime the Committee on Trade, Economic Planning and Industrialization is proceeding to receive the report on the various views of the public that were collected at the ward level. However, Hon. Members you appreciate that after the views of the public are collected, there is need for the Assembly to go back to the executive and present those views to the executive because most of the views include changes on the proposal by the executive on the CIDP.

That, Hon. Members, requires an engagement with the county executive committee members. Hon. Members, however, you recall on the 24th July, 2018 this House passed a resolution that it does not recognize the persons who are occupying the offices of the County Executive Committee for the reason that they were put in those offices without the approval of the Assembly as it is required by law.

Hon. Members, that is a stalemate that is affecting the operations of the county not only on the CIDP but even on the report like the one you had in the morning on health. I heard members say that it is high time that they summoned the CEC member for health; some members said so. So, do you have a CEC member for health in office other than the resolution you passed.

So, Hon. Members, it is upon the leadership of this House, both sides, to put their heads together and to talk to the respective sides of the House so that you can agree on a way forward which can be used to engage the executive to discuss and finalize and resolve the issue of those persons who are in the office contrary to the resolution of this House.

It is very important that you do that Hon. Members because you also need to appreciate and know that the Controller of Budget has said she is not going to allow withdrawal of funds even for salaries for both executive and the Assembly without that document called CIDP. Yes.

(Laughter)

Salaries mean recurrent expenditure. Usually, when the Speaker is communicating, you don't ask questions but I think it just came naturally out of Hon. Members' mouth. The CoB has said she won't release recurrent also; not just development but also recurrent unless the issue of the CIDP is finalized and that is why I am calling upon the leadership of House and I am ready anytime.

You engage me, we engage each other we engage our membership we engage the executive for a way out of that because that is the only way then the matter of CIDP will be corrected and I hope you understand why you need County Executive Committee members in office who have the approval of the Assembly to engage them not only on the CIDP but on the other matters.

CORPORATE SOCIAL RESPONSIBILITY (CSR)

Hon. Members, further information of corporate social responsibility; every institution in the Republic of Kenya has a mandate to assist the needy amongst itself or amongst the area of its operation. I believe you aware that the Assembly is blessed with a borehole that has a big yield of water and the Board deliberated on how best to assist the needy in the area by providing water free of charge to the needy in this region and only once in week.

We have a kiosk that is constructed near the new office block and it is going to be commissioned soon so that members when members when you called to go and commission it then you don't ask whether the County Assembly is in the business of selling water; it is not selling water but just doing corporate social responsibility and it is free of charge and to the needy.

DESIGNATED SMOKING ZONES IN THE ASSEMBLY

Hon. Members, smoking in the premises of the Assembly; I believe you know that we have the Tobacco Control Act 2007 I am not sure there any of you here who smoke but if you do, there are designated smoking zones Hon. Members which you need to note so that you also advise your visitors and so that you don't fall foul with the Speaker's Rules and also the law smoking where you should not be smoking.

The idea is to keep others who are not smoking free the dangers of smoking and that designated area is somewhere furthest from here; you will be shown by the Clerk Assistants so

that you can go and enjoy your part time, your pleasures but not affecting other people. Hon. Members, those who smoke if they can stop, so much the better I think.

MEETING WITH THE COUNTY COMMISSIONER

Hon. Members, I think you have heard in the past the County Commissioner had expressed interest to meet you members to discuss matters of security in the county which seems to have serious problems and earlier on, the County Commissioner had given a date but you remember it was called off because of bereavement on his part. He called again and he has requested that members kindly avail yourselves on next Wednesday, 26th September, 2018 at 2.30 p.m. here in the Assembly precincts.

I know we have a sitting that afternoon but I think matters of security we may need to address them even as we address our other business. You have seen cases where people are brutalized overnight and we have lost lives in fact from the time we were to meet with the County Commissioner and now I hear about 20 people so have lost their lives through the same violence, house break ins and so on. So, on 26th September, 2018, 2.30 p.m. the County Commissioner has requested that members avail yourselves here to meet him.

SHIFTING TO THE NEW OFFICE BLOCK

Hon. Members, finally the time has come that you have a new office block that is finalized for all indents and purposes other than very small touches and personally I have already shifted; I shifted myself on Friday but also you are supposed to shift and preferably from Monday.

Now as to which area or space each member is to occupy, you also be guided by the respective House leadership. Office space is enough for all the members and very decent and also comfortable furniture but the seating arrangements you will now be guided by the House leadership from both sides.

COLLABORATION ON LEGISLATION IN MACHAKOS, KITUI AND MAKUENI COUNTIES

Hon. Members, on 14th September, 2018, the Speakers of the Assemblies of Machakos, Kitui and Makueni met here in Machakos and it was the first meeting and the purpose was to discuss ways in which the three counties can collaborate on legislation and other matter to poster development in the region. If you remember, Hon. Members, an effort had been started in the first county government about South Eastern Economic Bloc; you remember?

You may not have all the details but the counties felt that, the County Assemblies felt that even if you are to have that economic bloc you cannot put it in to place without laws and that is the starting point so that the Speakers of the three Assemblies have already taken now charge of trying to see what laws you can collaborate on, on matters of common interest like the rivers that cut the three counties; how best can we do laws, of course, together with the Senate and the National Assembly but pushed by the Assemblies here so that our people can benefit from those rivers and many other issues, climate changes, issues of sand and so on so that there is going to be further meetings.

The next one is meeting of the House leaderships of the three Assemblies. It will be in Kitui; is already spaced up. Given a date next week, I think on Friday and after that meeting, then after that leadership meeting, the leaders will go back to their Assemblies so that they bring

also the members on board and the members will bring the public on board before the final decision on the matter of collaboration is made. So, Members, please be notified.

BUNGE MASHINANI

We talked a lot about taking your services to the people, nearest, and it has now come to pass the first setting will be in Kithimani and is going to be on 9th October, 2018. Further details, Hon. Members, will be provided to you but as you plan your work, please remember you will be seen by the public on the ground debating matters that touch on them and showing how best you represent them and of course engaging with them.

REMOVAL OF A MEMBER FROM CASB

Hon. Speaker: Finally, Members, communication from Wiper Democratic Party (Kenya) on the membership of Hon. Francis Ngunga in the County Assembly Service Board (CASB). Hon. Members, on 6th September, 2018, the Assembly a letter from Wiper Democratic Movement (Kenya) dated 24th August, 2018 removing Hon. Francis Ngunga from the CASB as a representative appointed under Section 12(3)(b) of the County Governments Act as amended by Section 46(a) of the County Assembly Services Act, 2017.

Hon. Members, the contents of the letter are as follows; The Speaker of Machakos County Assembly, date is 24th August, 2018 and received in the County Assembly on 6th September, 2018 and received in the Office of the Speaker on 11th September, 2018.

Dear Madam,

REF: REQUEST TO DISCHARGE HON. FRANCIS NGUNGA AS WDM (K) REPRESENTATIVE AT THE MACHAKOS COUNTY SERVICE BOARD

We refer to the captioned matter and hereby inform you that after receiving several complaints from the leadership of WDM Machakos County Assembly on the conduct of Hon. Francis Ngunga, the National Executive Council (NEC), during their meeting held on 4th May, 2018 constituted a disciplinary sub-committee in accordance with the provisions of the party constitution to investigate and advise on necessary action. The complaints that were received are;

1. Party disloyalty; a video clip in our possession and widely in circulation in the social media where he pledged loyalty to *Maendeleo Chap Chap* party leadership and pleaded to be received back in the party as a prodigal son. He further expressed regret to have been politically lost.
2. He has consistently and deliberately not been working with other WDM (K) leaders in Machakos County Assembly in advancing the party agenda.
3. He has been unwilling, unavailable and un-co-operative in supporting party activities.
4. That in effect, Hon. Francis Ngunga is unable to discharge the duties on account of which the WDM (K) recommended him to represent it in the Assembly Service Board.

In the spirit of fair hearing, the sub-committee invited Hon. Francis Ngunga to appear before them on 2nd August, 2018 at the party head office in Karen, Nairobi which he declined to attend.

Subsequently, he was called by the party Executive Director (ED) to explain his failure to attend to the disciplinary sub-committee's summons but his efforts were all in vain.

The Hon. Member, having failed to respond to the said invitations, the sub-committee concluded that the allegations on his conduct are likely to be true and smacks of disloyalty to the party.

Therefore, it resolved that Hon. Ngunga no longer represents the best interests of the party in the Machakos County Assembly.

Consequently and having exhausted all the internal conflict resolution mechanisms, we now write that you, with immediate effect, discharge Hon. Ngunga as the Wiper Democratic Movement (Kenya) party representative to the County Assembly Service Board and in the meantime, I have asked our members of Machakos County Assembly to democratically elect a replacement from amongst themselves to take up the position and advise accordingly.

We look forward to your co-operation.

Yours faithfully,
Senator Judith Sijeny,
Acting Secretary, WDM (K)

Copies to four other parties.

Hon. Members, kindly be notified accordingly. I thank you Hon. Members for listening to the communication. Mr. Clerk, proceed.

NOTICE OF MOTION ESTABLISHMENT OF A DUMPSITE IN MASII TOWN

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Betty Nzioki.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker.

Madam Speaker, aware that Article 42 of the Constitution of Kenya provides that every person has a right to clean a healthy environment which includes the right to have the environment protected for the benefit of present and future generations through legislation and other measures;

Aware that, the Kenya Vision 2030 recognizes that efficiency and sustainable waste management systems are required as the country develops in to a new industrialized state by 2030;

Aware that, in this regard, Machakos County needs to have a fully functional and compliant waste management system by developing strategies towards achieving sustainable waste management and cleaning health environment for all;

Aware that Masii town lack designated dumping site and cabbage is dumped everywhere including along residential houses;

Further aware that the town lacks sufficient toilets and this can cause health hazard to the residents and traders living near those garbage dumping sites;

Cognizant that Machakos County has established as established a directorate of waste management which evidently has not been effective in executing its role in some parts of the county;

Madam Speaker, I wish to give a notice of motion that this Hon. House discusses and resolves that the county government:

1. Establishes a specific site for dumping garbage which will be functional and compliant in waste management in Masii and any other town within Machakos county falling under the same predicament.
2. Construct sufficient public toilets in all towns within the county.

Thank you, Madam Speaker

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

MOTION

SETTING UP OF INFRASTRUCTURE TO ACHIEVE GLOBAL RECOMMENDATIONS ON BREASTFEEDING AT THE WORKPLACE

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Pauline Munguti

Hon. (Ms.) Mene: Thank you, Madam Speaker.

Hon. Speaker, that aware that Article 53(1)(c) of the Constitution of Kenya, 2010 stipulates that every child has the right to basic nutrition, shelter and health care;

Further aware that breastfeeding is the cornerstone of child survival, nutrition, development and maternal health;

Aware that, the World health Organization (WHO) recommends exclusive breastfeeding for the first six months of life;

Further aware that exclusive breastfeeding reduces infant mortality due to common childhood illnesses and helps for a quicker recovery during illness;

Hon. Speaker, cognizant of the fact that the Employment Act, 2007 provides that a female employee shall be entitled to three month maternity leave with full pay;

Aware that none of the departments of the County Government has put in place infrastructure to ensure that its female employees attain the recommendation of WHO on exclusive breastfeeding;

Hon. Speaker, I wish to move the motion that this Houses discusses and approves that all the departments of Machakos County Government put in place infrastructure to give female employees an opportunity to achieve the recommendation of WHO on breastfeeding.

Thank you, Madam Speaker. I call upon Hon. Nyawira to second me.

Hon. Speaker: Hon. Nyawira.

Nominated Member (Hon. (Ms.) Jane Nyawira): Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Hon. Nyawira, you finished. Thank you very much.

(Serjeant-at-Arms moved to correctly position the microphone)

Mr. Kiptum is intervening when you already finished. Hon. Pauline.

Hon. Speaker: Hon. Members, we have the motion at hand; it is already seconded.

(Question proposed)

Hon. Members, the motion is open for debate. Hon. Rozina

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I want to support that motion automatically because I am a woman; I was breastfed and I still breastfeed and I may be hoping to do so in a near future. Hon. Speaker, a well-breastfed child is a healthy child. Mother's milk is always ready and in the right proportion and as it is in the case with smokers, I also propose the breastfeeding mothers have a place to do the same. I support.

(Applause)

Hon. Speaker: Thank you, Hon. Rozina. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker for catching my hand. I have to voice myself to this particular motion by first thanking the Hon. Member Pauline for thinking in this direction of motherhood. You see, of course, we have passed many motions but we have never passed a motion that touches in the inner depth of core family line.

Madam Speaker, as my colleague has said that a well-breastfed child is healthy and of course most of this children that are exclusively breastfed for about six months they fall least to diseases and to prevent these infant mortality, we have to put structures in place to make sure that this exercise is very official as especially at the work place.

Therefore, I would concur with the mover of this motion that the county government of Machakos and especially towards the staff that they make sure we have facilities in place including this County Assembly to make sure that any member Hon. Members giving birth of course having little children, they should also have that opportunity. I have seen a lot of staff who have gone to maternity leave and others have come back but I don't know whether these facilities are here.

We should act as an example to make sure that, of course, we have in the new building or elsewhere or in this building we are leaving behind, that we have places where that is conducive enough to make sure you will find small babies being breastfed and we will enjoy it and I think is very healthy. So, I support, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Katumo. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I stand here to support the motion which has been brought to this House by my dear sister Hon. Pauline Munguti. Madam Speaker, it is evident that everyone was breastfed, unless the mother passed on the delivery day. Madam

Speaker, it is evident that kids who are well-breastfed come up very strong. Madam Speaker, breastfeeding is recommended by the World Health Organization because of several factors.

Factor number one; Madam Speaker, that milk is always ready, you don't waste a lot of time preparing it so that is number one. Point number two, Madam Speaker, all the required nutrients are found in that milk. Madam Speaker, it is always in right temperature; you don't have to go and warm it.

Madam Speaker this is a very noble motion in every department in Machakos because I have walked around and no single department has a space for breastfeeding and you know Madam Speaker the child has a right to breastfeed. So, when a mother gives birth, after three months she is supposed to report back to work. If there is nowhere to breastfeed and maybe others are sharing offices, it becomes difficult for that particular officer to ensure the child enjoys his/her rights of breastfeeding.

So, Madam Speaker, we need to move with speed to ensure that every department including the Assembly has areas where our Hon. Members who can give birth can have somewhere to ensure that the kids get their right. Madam Speaker, we don't have to talk much; this is a motion which cannot be opposed by anybody unless he has a problem. Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: Thank you, Hon. Ndawa. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I am also supporting the words of Mheshimiwa Ndawa; there is no need of keeping talking about this because everybody here can give birth; even me.

(Laughter)

I think I am not all that old; I can do that. So, Madam Speaker, if the motions were like this, I think the house can be so happy. You saw in the morning the way the motion was and nobody was laughing because it was not touching us. So, Madam Speaker, I request you put the question because even our Clerks Assistants are giving birth and running up and down to go and breastfeed the kids.

The kids can be brought here to give them their rights. So, Madam Speaker, I think you can pass the motion because is very okay and everybody even our Clerks Assistant Norah gave birth the other day so it is a very good motion and people are enjoying it because everybody does that thing here. Thank you, Madam Speaker

Hon. Speaker: Hon. Mueni, when you giving examples don't mention people who can't protect themselves because Norah has no voice in this House but the point is driven home. Hon. Jacinta.

Hon. (Ms.) Luka: Asante sana mheshimiwa Spika. Nashukuru kwa ajili ya hii mjadala, nikishukuru mheshimiwa amaye amweza kuuleta kwa ajili ni mjadala ambao unafaa mjadala ambao; umekuja kwa wakati mzuri. Nikikumbuka bunge ambayo ilipita tulikua na mhashimiwa ambaye alikua amejifungua na alikua anatoka mbali na ilimpasa atafutiwe mahali ili akaweze

kua akinyonyesha mtoto na akatafutiwa hoteli moja hapa Machakos lakini tukiangalia kwa hali kama hiyo katika hoteli, mtoto anaweza akapata magonjwa aina mbalimbali na ili kuzuia mambo kama hayo, inakuwa ni vizuri sehemu kama hio ikitengwa ili wamama ambao wanafanya kazi maana ni aki yako kufanaya kazi na pia kutafutia jamii zao maana wakikaa chini kwa ajili ya kunyonyesha, kwa hiyo miezi tisa utapata wamepoteza muda na pia kaunti yetu itarudi nyuma kwa maendeleo.

Kwa hivyo naunga mkono nikisema ni vizuri watafutiwe na pia watoto wapate haki zao kwa ajili ya kunyonya kwa mda ambao unakubalika. Kwa hivyo, nasimama kuunga mkono huyo mjadala na kuomba hii bunge ili tuweze kupitisha na pia hilo liweze kutekelezwa. Asante.

Hon. Speaker: Thank you, Hon. Jacinta. Hon. Angela

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. I stand to support this motion because when we have breastfeeding mothers with small children and they leave them in the house then they come to work, they will be less productive if they don't have lactation opportunities within the workplace. So, I support that we get those lactation rooms and the children also be allowed to be staying there with their nannies so that as the mothers go to work, the children can also have some people to take care of them in lactation rooms.

That will enhance productivity not just within the offices but also within the outside communities where people will realize that there is order in the working areas. Madam Speaker, when a breastfeeding child is comfortable then we are bringing up a healthier nation. So, Madam Speaker, I support the motion. Thank you.

Hon. Speaker: Thank you, Hon. Angela. Hon. Cosmus Masesi

Hon. Masesi: Thank you, Madam Speaker. I stand to support the motion by the Hon. member Pauline Munguti. Madam Speaker, I want to say from today, I will not be judging the book by its cover; I was almost certain that our Hon. Members colleagues had retired but they have confessed that they are still young and energetic. Madam Speaker, I want to say that breast milk is provides the ideal nutrition for infants where proper breastfeeding will result to few hospitalization and less visits to the doctors.

Madam Speaker, once they are on leave they should be entitled to full pay; you should emphasize on that, Madam Speaker, although still my concern is whether the three months are enough after the birth. I was like we add some two to three months to make it six for full breastfeeding after the child is born. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Cosmas Kieti.

Hon. Kieti: Thank you, Madam Speaker. I want to emphasize the importance of mother's milk; it enhances immunity and have also witnessed the same with my children. Incidentally, one of them never breastfed well but my first-born who breastfed well and we have never spent much on her on medication as we have done to that boy who breast feed for about two to three months. So, I want to emphasize that the important of breastfeeding this children will enhance the immunity and at the same time, it will health the mothers to recover very fast and also regain their energy and also their shape.

So, I want to say that I want to support motion that we set aside or the county government of Machakos comes up with structures where our breastfeeding mothers are able to breastfeed their children and maybe have some time with their children because most of the mothers are tied up in their working places and they have very little time with their children.

So, having a breast feeding place will also increase the time that the mother will spent with the baby and that will also help the baby to grow strong. I rest my case and I support the motion. Thank you, Madam Speaker

Hon. Speaker: Thank you, Hon. Cosmas Kieti. I saw Hon. Christine Koki wishing to contribute.

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I am on my feet to support the motion brought by Hon. Pauline. It is a very good motion in a sense that the babies of today are the leaders of tomorrow and as a legislative House, we are supposed to protect the babies and take care of them so that they can grow to be or to the destiny that God has created them to be. If they were born to leaders, we have to see to it that they become leaders by bringing motions such as this one which has been brought by Hon. Pauline on creating space for breastfeeding mothers to create a space where they can breastfeed their children or where they can express their milk so that the babies can be feed.

Madam Speaker, I am very grateful that each member has seen the sense that all the departments can create such a facility where we could or age bearing mothers could breastfeed their children with ease. These are modern days, Madam Speaker, where all mothers are working, they are professionals, they are business women and they don't have time to stay at home and take care of their children.

Gone are the days were mothers were only housewives and they could stay at home all day long for the six months breastfeeding and doing more or nothing else. Gone are the days when people like Hon. Kituku were born; he is strong and that indicates he breastfed for the six months, those are the days when people like Hon. Koki were born. It indicates she breastfed well and now we have to support that so that our children can get the nutrition that is very vital in their bodies.

Thank you, Madam Speaker and once more before I get back on my seat, I thank the male counterparts or the male of this country; it is happening in our neighboring country that the women are complaining instead of the women breastfeeding the kids, their husbands or the men are there demanding for the breast milk. So, the women are wondering; are we supposed to breastfeed the fathers or are we supposed to breastfeed the babies.

I thank God that that trade is happening in our country and is not happening in our county. Thank you, Madam Speaker.

Hon. Speaker: I thought the sector that is been accused falsely should wake up and say that is not true. Is it true? It depends. Hon. Ndawa knows best so he says he says it depends. Thank you very much. Hon. Members, allow me to call the mover of the motion to reply.

Hon. (Ms.) Mene: Thank you, Madam Speaker. Thank you, Hon. Members for contributing towards this motion. A lot has been said; I wish not to contribute further other than to ask Hon. Speaker, in our new building, kindly let us have these nursing rooms. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Pauline.

(Question put and agreed to)

(Applause)

Hon. Members, the Chair takes cognizance of the fact that this is a motion that was long overdue since the passing of Constitution 2010 on implementation of the constitutional right of the child and also to the relation to the working mother and in appreciation of the need to engage particularly the committee on Powers and Privileges on the Speakers Rules because implementation of this motion within the Assembly precincts will require admission of persons who are not members of staff of the Assembly into the precincts of the Assembly.

So, there is a need to do it in an orderly manner and even as I challenge this Assembly to be the first to implement it, in Machakos County we will need, of course, to take note of the requirements of movements around and within the Assembly precincts and for that reason and so that the consideration of the constitutional right of the child and the legal implications of the employee mother are considered, I commit this motion to the committee on justice and legal affairs to address this matter as soon as possible and bring a report in this House on or before the 27th November, 2018.

ADJOURNMENT

Hon. Speaker: Hon. Members, with that, we have come to the conclusion to the sitting this afternoon. The House is adjourned to resume on 19th September, 2018 at 10.00 a.m. That is tomorrow, Hon. Members.

The House rose at 4.05 p.m.