

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 22nd November, 2022

The House met at 10.45 a.m.

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

PRAYERS

NOTICES OF MOTIONS

MARKING BOUNDARIES OF ALL ACCESS ROADS IN MWALA SUB COUNTY

Hon. Peter Kilonzo (Mbiuni, UDA):

Hon. Speaker, that aware THAT the Fourth Schedule of the Constitution provides for land surveying, mapping and boundaries and fencing as a function of County Government;

Aware THAT pursuant to Article 62(2) of the Constitution of Kenya, 2010, public land shall vest in and be held by a County Government in trust for the people resident in the county;

Informed THAT the exercise of surveying, beaconing and mapping of rural access roads in Mwala Sub-County was done way back in 1970;

Further aware THAT since that time and with increasing demand for land for farming and settlement, the said access roads have been encroached and their sizes drastically reduced;

Considering THAT Article 62 (4) of the Constitution provides that public land shall not be disposed of or otherwise used except in terms of an Act of Parliament specifying the nature and terms of that disposal or use;

Cognizant THAT accessibility is the driving factor for rural development and that Her Excellency, Hon. Wavinya Ndeti, the Governor of Machakos County, during her speech in this Assembly on 27th September, 2022, vowed to improve access roads and mobility;

Aware THAT mobility cannot be achieved before undertaking fresh marking of boundaries of rural access roads;

Noting THAT from the same speech, the County Government is doing an intensive road grading program and that fresh marking of boundaries of rural roads in the said Sub-County is critical for the purpose of preparedness and meaningful grading work;

Hon. Speaker, I wish to give notice of the Motion that this House urges the Department of Lands and Physical Planning:

- Undertakes the exercise of marking boundaries of all access roads in Mwala Sub County; and

- Facilitates public participation in the Sub-County when carrying out the exercise of marking boundaries of all rural access roads in Mwala Sub-County.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Peter Kilonzo. I now call upon Hon. Francis Kitaka to give notice of motion.

ESTABLISHMENT OF KAZI MTAANI INITIATIVE
FOR MAINTENANCE OF FEEDER ROADS

Hon. Francis Kitaka (Ndalani, WDM-K):

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

Aware THAT the Fourth Schedule of the Constitution provides for the division of functions between the National and the County governments in Kenya;

Noting THAT the County Government, in this schedule, is mandated in construction and maintenance of County roads;

Informed THAT a resolution was passed in this House urging the County Government to repair and designate county graders in each Sub-county;

Acknowledging THAT this resolution was implemented and currently each Sub-County is allocated one grader that undertakes routine maintenance of the ward roads;

Cognizant that there are eight Sub-counties in Machakos County each with several Wards and some are very vast making it difficult for the graders to transverse each Ward;

Aware THAT the County Government can realize better results by using *Kazi Mtaani* as well as achieve the objectives of ensuring better roads infrastructure since the manual labor will complement the current force of the graders, and creating employment by putting money in the pockets of the locals.

Hon. Speaker, I wish to move the motion THAT the County Government considers initiating *Kazi Mtaani* program by engaging the public in maintenance of feeder roads with the supervision of the resident Sub-county Engineers.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Francis. I now call upon Hon. Grace Bahati to give a notice of motion.

REQUEST FOR EXTENSION OF TIME TO REPORT ON INVESTIGATIONS
ON ALLEGATIONS AGAINST SOME MACHAKOS CPSB MEMBERS

Hon. Grace Bahati (Kyeleni, IND):

Hon. Speaker, that aware THAT the Select Committee investigating the removal from office of three members and secretary of the Machakos County Public Service Board as established under Standing Order 62(8) was approved by this House on 15th November, 2022;

Aware THAT Standing Order 62(8A) provides that the Select Committee shall within ten (10) days report to the Assembly whether the allegations against the members and Secretary of the Machakos County Public Service Board are substantiated;

Informed THAT the Committee requested the public to submit information, comments or complaints by way memoranda relating the members and the secretary by 19th November, 2022 through advertisement in the media;

Further aware THAT the committee conducted hearings of the accused and some witnesses on 21st November, 2022;

Noting THAT the stated timeline for the reporting on the investigations will expire Friday 25th November, 2022 and the Committee has not finalized on the report and that the House will not be sitting that day;

Hon. Speaker, I wish to give notice of motion THAT this House approves that the Select Committee investigating the removal from office of three members and secretary of the Machakos County Public be granted an extra four (4) days to table the said report on 29th November, 2022.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Grace. Proceed.

STATEMENT

BUSINESS COMING BEFORE THE HOUSE ON 22ND NOVEMBER, 2022

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Hon. Speaker, the House Business Committee met on Monday, 21st November, 2022 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted as follows:

Tuesday, 22nd November, 2022

Morning at 10.00 a.m.

- (a) Motion on marking boundaries of all access roads in Mwala Sub County by Hon. Peter Kilonzo, MCA, Mbiuni Ward;
- (b) Motion on establishment of Kazi Mtaani initiative for maintenance of feeder roads by Hon. Francis Kitaka, MCA, Ndalani Ward;
- (c) Motion on Extension of reporting time by the Select Committee investigation on removal from office of three members and the secretary of the Machakos County Public Service Board by Hon. Grace Bahati, Vice Chairperson/MCA-Kyeleni Ward;
- (d) Adjournment of the House by Hon. Nicholas Nzioka, Leader of Majority.

Hon. Deputy Speaker: Thank you, Hon. Nicholas. Clerk proceed.

MOTIONS

REQUEST FOR EXTENSION OF TIME TO REPORT ON INVESTIGATIONS
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Hon. Speaker, I wish to give notice of motion THAT this House approves that the Select Committee investigating the removal from office of three members and secretary of the Machakos County Public be granted an extra four (4) days to table the said report on 29th November, 2022.

Mr. Speaker I request Hon. Ndolo to second this motion.

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Mr. Speaker. I am a member of this Select Committee that is investigating the three board members and the secretary. I stand to second this motion for extension of four days. As you know Mr. Speaker, we were hearing the witnesses and the accused and we finished yesterday very late so this committee needs time to prepare the report and bring it on 29th November, 2022. Thank you. I also ask the House to support it.

(Question proposed)

Hon. Deputy Speaker: Mheshimiwa Hellen.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you, Mr. Speaker. I stand here to support the motion brought by the select committee. The report they are working on is a very important report that is touching on people's lives. It is very important that they are given enough time, ample time, to be able to catch or take into consideration every single detail, so I support that they be given extra four days to complete this report.

Hon. Deputy Speaker: Thank you, Mheshimiwa. Hon. Mbuva.

Hon. Charles Mbuva (Kangundo West, GDDP): I stand to support the motion seeking extension. First of all Mr. Speaker, this is not just a simple exercise being undertaken by this House. It is that exercise or that process which should be seen to be above board and for the Select Committee to come up with a report which will meet the threshold of passing or looking

to have merit, we do not want the Select Committee to have the excuse of we did not have adequate time.

Secondly, Mr. Speaker, these kind of hearings are hearings from where the allegations or accusations are read to the persons. They also need time to respond; they could also be having evidence to defeat the allegations leveled against them.

Mr. Speaker, I also want to bring to your attention Standing Order 63(2). When you read that Standing Order 63(2) we have seen even in other jurisdictions in the National Assembly and elsewhere, Select committees coming up with findings which would have strong merit but those findings, that report, is defeated on the basis of a technicality.

The Standing order I have just quoted requires that those commissioners, members of that board will need to be issued with whatever report that the Select Committee will have made three days before it is tabled in the House.

So Mr. Speaker, so that we do not end up having a process which will be challenged on a basis of a technicality, I strongly support that we extend because it means no harm. It is facilitating the process so that the committee makes the final report, serves those Members of the board with the report in compliance with that Standing Order three days before it is tabled in the House so that we do not end up with a technicality. So that when the report is tabled in the House, all processes will have been done and the law will have been followed and everybody will have been given a fair play even to defend themselves. Mr. Speaker, I support that motion.

(Applause)

Hon. Deputy Speaker: Thank you. Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Mr. Speaker. The matter before hand, Mr. Speaker, is a matter of great concern to our County. At no point, Mr. Speaker, do we need to rush. We are at liberty to have this matter dispensed at whatever time that can be given to this motion and get fair hearing for both the accused and complainants.

So Hon. Speaker, I wish to quote Standing Order 68 which talks about precedence of a motion because I have heard maybe some Hon. Members complaining that the Motion has been given precedence but Procedural Motions are given precedence so we are not in any contravention of the Standing Orders. They are given precedence; this is a procedural Motion so we are not in any violation of the law. It is key for those Hon. Members to note that inasmuch as the business that was balloted on the floor at the House Business Committee, procedural Motions takes precedence so we are not in any violation of the same.

I want to say this Mr. Speaker, there are great accusations and until and unless these accusations have been substantiated, all the complainants have been given time to ventilate their issues and then the Committee has enough time without being rushed or biased or intimidated by anyone to give its findings.

We know there is a lot of resistance but at the same time, the complainants have a right to fair hearing inasmuch as well as the complainants have the right to fair trial. I want to say that let the Committee be given the time they have requested and if at the expiry of even the four days they feel that they have not expedited their mandate fully, they can come to this House even under special Notice of Motion or even on gazetting to have a special sitting. We will grant them ample time so that this House is not embarrassed.

(Applause)

It will be very serious for this House to handle a matter that will result to oblivion and this House remains embarrassed. We cannot accept this Mr. Speaker. As the Chairman, Implementation Hon. Speaker, this matter was discussed in this House. This matter was given recommendation but the implementing authority did not act on the same.

So we want to give the committee ample time to go and discuss the rules, invite all accused and the complainants and give the actual report so that when it is tabled before this House Hon. Speaker, it gives fair trial to both the accused and the complainant. I support the motion, Hon. Speaker. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Dominic. Hon. Peter Kilonzo.

Hon. Peter Kilonzo (Mbiuni, UDA): Thank you so much, Mr. Speaker. I want to say that the matter before the House is a very serious matter that is touching on the lives of people. We understand very well that every accused person is innocent until proven guilty. I want to put it to the Members that *Mheshimiwa* Dominic is saying that the matter was tabled here in the last Assembly and inform him that we have a principle known as double jeopardy; that you cannot resurrect a matter that was settled and concluded.

(Applause)

Mr. Speaker, when we are dealing with matters touching law, I want to agree and support the Motion that they get extension because matters of law are very intense and they are very comprehensive. We do not know what the accusers and we do not know the respondents what they are given and we will be relying with the report which the Committee will table to this House.

Therefore, a case in a court can be lost under grounds that the evidence which is provided is not sufficient. Therefore, I am in support of extension of this time so that now the committee will not have the luxury of saying that the time which we were given was not enough.

Therefore Mr. Speaker, I support this motion and I still want to pump some sense to the committee as they go and deliberate on this matter that it is always good, Article 50 of the Constitution provides right to fair hearing and Article 25 of the Constitution provides rights that can be limited and this Article even the right to life can be limited but the right to fair hearing cannot be limited.

Therefore Hon. Members, let us grant this Committee the extension, they bring the report, we substantiate and if it meets the test, then the House will be well guided and will do the necessary. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Peter Kilonzo. I now put the question that--- Hon. Ngunga, the House has a lot of Business this morning that is why probably I could have been in a hurry.

Hon. Francis Ngunga (Mua, MCCP): Nashukuru Bw. Spika kwa kuniona ijapokua Bwana Spika, imechukua muda kuona kidude kama hiki kilicho mbele yako. Mimi si mara yangu ya kwanza kuwa hapa bungeni. Nilikuwa hapa muhula uliopita. Kwamba ni kusema ninayo mazoefu ya kazi zetu za ubunge.

Mjadala ulio mbele yetu Bw. Spika leo ni kwamba tuwape jopo la tume ambao limechaguliwa na bunge hili, wapewe muda ndio watuletee maoni yao baada ya kuchunguza wanayo chunguza.

Bw. Spika waswahili husema, mgala muue na haki yake mpe. Wale kwa sababu wameomba wapewe muda waongezewe Bw. Spika, naomba Nyumba hii wabunge ambao ni Waheshimiwa wawape muda ndio tarehe 29th November 2022 tupatane hapa hapa wakiwa wametuletea kitoweo cha kuzungumzia.

Bw. Spika, nimesema haya kwa sababu nilipokuja jana hapa nikaskiza hilo jopo likifanya kazi yake, niliona wanayo kazi ngumu mbele yao. Nataka nichukue nafasi hii niwatakie kila la heri katika kazi yao. Lakini pia niwashawishi, tafadhalini nyinyi mnapotenda kazi yenu, nawaombea muongozwe na Mungu ndio haki ipatikane.

Nataka niwaambie kwamba tarehe 29th Novemba, 2022 nataka niombe wabunge wote tupatane hapa kwa mjadala huu ambao ni mjadala ambao umetoa tumbo joto kwa kaunti yote, hata kwa nchi yote. Nimepata simu kutoka nje ya County, Makueni nimepata simu, Mheshimiwa Spika, nimepata simu kutoka County ya Nairobi kwa sababu tunajaribu kutoa mwongozo kwa Kaunti zingine. Nafikiri si mara ya kwanza maneno yao kujadiliwa. Kwa hivyo, nataka kuunga mkono Mheshimiwa Peter Kilonzo aliyesema wacheni tutoe kielelezo chema.

Tuwape wakati wale Commissioners' ndio watupe kazi ambayo itakua njema. Nataka nitoe shukrani Bwana Spika na wale ambao watakuwa wanasafiri kwenda Pwani nawatakia kila la kheri na safari njema. Asante Bw. Spika.

(Applause)

Hon. Deputy Speaker: Hon. Vincent.

Hon. Vincent Mutie (Upper Kaewa, WDM-K): Thank you, Mr. Speaker. I stand here to support the request for extension of time. On very important issues like these, we cannot afford to rush. In fact it is common practice that he who alleges, proves.

Since we have with us the allegations, now what this House is waiting is a proof to the allegations. Since the Hon. Committee has expressed its desire to give us a comprehensive report, we cannot wait to see and to debate that report. That report will form the basis of our judgement. It will form the basis of our vote; it will form the basis of our decision.

Therefore, when they are asking for an extension, we are bound to support that. The decision that we will take as a House will not be based on emotions; it will be based on the facts as presented by the committee.

(Applause)

It will be based on truth and not lies. It will be based on facts and not fiction. It will be based on the truth and not hearsay. Not propaganda and not feelings. I invite this House to know that when we are deliberating on matters of this Assembly, it is a matter of the future of our people.

It does not matter how much we might be affected or how much excited we might be about any matter, but we can be guided by facts; we can be guided by truth and not just this committee, any other committee that is given a responsibility. They have to bring to this House facts; they have to bring to this House real and concrete evidence, so that when we cast vote, we will be guided by evidence as provided and evidence that can make us take a decision.

Mr. Speaker this is a test for this House; it is a test even for the Committee. It is a test even for the Chair. If we are going to receive a report that is not conclusive, then it will mean that we were not diligent as a House, as a committee.

Therefore for the committee to ask this, I support it wholeheartedly because we will give them extra time so that when they are coming to this House, they will come with facts. They will come with evidence that will guide us in taking a position.

In his book, Prince Nicole Machiavelli says that they that seek a favorable attention of the prince are accustomed to come before him with the things that they value most or the things that the prince likes most.

(Applause)

This House being the prince, anybody presenting a report to this House must come with facts and not just stories. So when the committee is asking for an extension, it is not a political game; they want to be diligent, I presume. Therefore in support to this motion, let us give them ample time. The four days might not be enough. If you need more days, we will grant you more days.

(Applause)

The better we can make this thing to be the better for ourselves. I support it, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Joshua Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker. First and foremost, I want to congratulate you for chairing the first sitting of this Hon. House.

(Applause)

It is regrettable that the previous speakers had not noticed that but because of good neighborhood, because Masinga Central Ward borders Ekalakala Ward, in fact I did not want to contribute on this because I am sparing my energy for 29th, that is next week. However Mr. Speaker, I am the Chair, Labour, Public Service and ICT.

I would urge the Committee to borrow a leaf from the report which was tabled in this Hon. House in May of this year. It is the same same accusations which were tabled before this House and there is a report, so you can borrow a leaf from that report. It formed part of my Committee's legacy report.

Finally, I do not know what Members expected me to say but this is what I want to say: I want to quote Martin Luther King, "Our lives begin to end the day we become silent about things

that matter.” This is an issue which matters a lot. Members let us not be silent, but I think the silent Members are sparing their energy to debate on 29th November, 2022. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Ndawa then Majority Leader and the mover will come to reply.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you Mr. Speaker, sir. I will start by congratulating you for presiding over this plenary and maybe do a correction to what Mheshimiwa Mwonga has said. He has said that you are presiding over for the first sitting. This is not the first sitting; you are only presiding over for the first time, so take note Mheshimiwa.

Hon. Speaker I support the motion before this House on the issue of extension and request Hon. Members, the last time we attended training in Mombasa, there was a facilitator by the name Kalama. Kalama was very much passionate about what we call anticipated debate. Hon. Speaker it was made clear by that facilitator that it is not fair to anticipate what is coming. Members ought to be patient; you will cross the bridge when you come to it. You place the pot on stones after you have lit the fire. I do not know why this tension; I am worried to hear that calls are coming from other counties. What is their interest in Machakos?

(Applause)

What is their interest? This is a matter touching Machakos County and it is being handled by Machakos County Assembly. We need to be given time to do our legislation duty. We do not want to be influenced by other quarters. This is the highest decision-making organ of the County and should have freedom to do its duties.

Hon. Speaker, the matter before the House is not all that simple. It is a serious matter and we have three parties here, Hon. Speaker. Let me be clear on this, we have the petitioners, we have the accused and we have the select committee.

One question that we need to ask ourselves, who is on trial on this matter? Is it the petitioner, is it the accused or is it the select committee. To me, the petitioners know everything about what is happening here. The accused knows everything about what is happening here; it is the Select Committee which is on trial.

(Applause)

By extension this Hon. House, Hon. Speaker I am requesting his House let us sober up. Let us do what we were sent here by our electorate to come and do, because if we do not do what is required of us, we will be doing harm to the entire County.

Hon. Speaker, there is a saying from wise men which says “a change needed in a grandson has to begin with the grandfather.” Coming downwards, if us as legislators of this House cannot follow what is required for us, what about the rugged file? What will the rugged file do? The rugged file is even the lowest person.

If we cannot follow the law ourselves, do we expect those people to follow? Hon. Speaker, Article 1 of the Constitution of Kenya is very clear. It says the sovereign power belongs to the people of Kenya. It goes further to say that *wananchi*, or those people, can exercise that power directly or indirectly. Hon. Speaker on 9th August this year, the electorate from Machakos

County went to the polling streams and queued for many hours to delegate that power to these Hon. Members seated here.

(Applause)

Those who are nominated, the parties delegated that power to them to do their work. So Hon. Speaker, let us be given ample time to handle this matter. We do not know the verdict of the report so I do not know why there is this stature. This is not the petition for the general election. These are petitioners who want to be heard, Hon. Speaker. There is nobody in cell and if there was one in cell, there is what is provided for by Article 51 of the Constitution. There is what we call order of *habeas corpus*; that one talks about the rights of those who are locked down or those who are in cells.

So the matter before us, nobody is locked; everybody is free. We are not encroaching anybody's rights; everybody is free. Just as Mheshimiwa Hon. Peter Kilonzo has said, in our Bill of Rights, everybody remains innocent until proved guilty. So why all this tension? Hon. Speaker, there is what we call—

Hon. Deputy Speaker: You want to inform the Member?

Hon. Johana Munyao (Mutituni/Ngelani, MCCP): Mr. Speaker I think unless the Member is able to substantiate the measure of tension, we may not dwell on that term to put the House in a state which is really not the case. Thank you.

(Laughter)

Hon. Deputy Speaker: Hon. Ndawa, be informed.

Hon. Mbili Ndawa (Matuu, MCCP): May I proceed, Hon. Speaker?

Hon. Deputy Speaker: Yes.

Hon. Mbili Ndawa (Matuu, MCCP): I may not address that matter because it will add no value to this House. In fact, just consuming our time.

(Laughter)

Hon. Speaker, there is what we call problem solving and the matter before this House is the problem we are trying to get the answers. Hon. Speaker, there is what we can in English strategy. A simple definition of the word strategy is the route, steps or procedure that an individual, group of people or institution want to use to achieve a certain goal. We are here to address the problem.

Hon. Speaker, step No. 1 of addressing the problem is to identify the problem. Step No. 2 is to analyze the problem. Step No. 3 after analyzing the problem is to provide alternatives for solving that problem, then from there Hon. Speaker, number four is to analyze each alternative individually then from there after analyzing each step, number five Hon. Speaker, is to pick on one which has the least negative impact. Then step number six and that is the last one, is to

implement. I am very sure the Select Committee which was seated here did not come here yesterday.

I do not know what was talked but I am very sure you collected all you required to collect. It is now you go and analyze those alternatives that you have provided and on 29th you come and table to us. So I am requesting Hon. Members we be patient until 29th then when we come here on 29th, we will either agree with the report or disagree with the report, simple as that. Nobody will be coerced to say no or to say yes; it is upon us to say yes. Hon Speaker, I support the motion that we extend time. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Nzioka. I had said after him is the mover but I will grant you time.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. I stand to support that this House grants the Select Committee the extension that it has sought so that as so many Hon. Members have noticed and said so, that we have a credible report that we are going to ventilate on the 29th November 2022. I must say that I will not save my energy for that day; I just want to say that we do not need to save any energy for anything because we are not coming to fight we are coming to debate on the matter and see the way forward.

(Applause)

Hon. Speaker, the matter before this House is of great concern to this County. We are talking about the financial implications of what the report may have, the psychological implication, so we need to give the Committee enough time.

I urge the Members that this matter affects each one of us one way or the other. We are talking about human resource management. Human resource management is the most important resource in any institution, so I am urging that we all look at this issue in a bipartisan way. Look at the good, balance what you see can help this County ultimately.

Just yesterday on the social media, I saw that this County is paying Ksh. 97 Million in extraneous allowances. The question would be to who and for what? If we are losing Ksh. 97 Million per month, when are the roads in Machakos Central Ward going to be tarmacked?

(Applause)

When is the water going to be done for our people? Let us look at the bigger picture. We might not want to scratch the wound so that it heals, but the wound may end up becoming cancerous.

So we must be bold enough, this House must be. Every member I urge you to stand up and be counted that during the Third Assembly, this mess in the Public Service Board was corrected. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Majority Leader. Mheshimiwa then the mover kindly.

Hon. Constance Mbula (Nominated, MCCP): Thank you, Mr. Speaker. You said Mheshimiwa I do not know whether you meant me or—

Hon. Deputy Speaker: Yes, it is Mheshimiwa Constance Mbula.

Hon. Constance Mbula (Nominated, MCCP): Thank you, Mr. Speaker. I want to say we have talked about these points and this is not the first time for it to come up in this House. We had it in the last House and it was dealt with and finalized. But things keep coming up which is okay maybe something was left behind but I want to tell this House, this is a very great matter.

We must know these are our brothers, our sisters, our fathers and we all belong to Machakos. We should not condemn people before we know what is happening or what is the truth. Hon. Members let us go slowly. Last time I was in that committee of Labor, Public Service and ICT. We kept on dealing and dealing until we reached somewhere and we thought we were through with it but now I think things kept on coming and coming that is where we are today and that is why we are also debating on this today.

We need to have a clear mind and know how to deal with this matter once and for all, because remember also, as I said, these are our fathers and our relatives. If your son commits sin and it is taken to committee, you will not stand far and say I will not help him because that is your blood. He is still your son; he is still your relative, so let us be ready to assist where we can. Give them a clear hearing and a very good hearing; listen to them. Once in a while, we do bad things knowing and after we finish, then we come and say God please forgive me but you have done it. Now---

Hon. Hellen Ndeti (Nominated, WDM-K): Point of order, Hon. Speaker.

Hon. Deputy Speaker: Hon. Hellen.

Hon. Constance Mbula (Nominated, MCCP): If I do not want to be informed---

(Laughter)

Hon. Deputy Speaker: No; let her inform you.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you, Mr. Speaker, Sir. Is the Hon. Member right to tell us that we should even be able to close our eyes to illegalities? As the Vice-Chair of Justice and Legal Affairs Committee, I am not going to allow any illegalities in this Machakos.

(Applause)

We must.....Members, this is a House of order. We must make sure things are done the right way. Thank you.

Hon. Deputy Speaker: Thank you. Proceed, Hon. Constance.

Hon. Constance Mbula (Nominated, MCCP): Let me correct that—

Hon. Deputy Speaker: Hope you are informed.

Hon. Constance Mbula (Nominated, MCCC): Hon. Member, I did not ask anyone to close their eyes; we only close eyes when we are sleeping. So I support and we move on. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Kaloi. I thought we could...we have got two more motions in this House today this morning.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Mr. Speaker, Sir. I rise to support the motion and urge the Committee not to leave any stone unturned. Make sure you go deep to the matters; we want a clean Assembly, we want a clean County. We want development and as an Assembly, we are going to support and work with clean people. If they are good, we will work with. Thank you so much.

Hon. Deputy Speaker: Thank you, Hon. Kaloi. Majority Whip then the mover kindly, Hon. Members.

Hon. Lucky Nzau (Matungulu West WDM-K): Thank you, Hon. Speaker and I want to thank the main Speaker who saw it good to give you room to practice and test your capability. Hon. Speaker, I want to speak on a point of concern because the contribution of some of us insinuates or gives an environment or a certain temperature that we will not deliver.

I want to say like one of us has given that we were elected by our people. We were nominated by our parties because we are equal to the task which comes in this House. I want to give confidence and affirm and also applaud the Select Committee that gave the names without any style, without any direction into that Committee to look into that very weighty matter.

Members, let us not give the atmosphere or room because whatever comes out of this House ,goes into the public that people are being massacred by this House which is not the case. We are executing our mandate which we were given by the electorate back at home.

They know whatever is given, for example the good people of Matungulu West have confidence in me that whatever will be placed in my table on their behalf, the right will come. So I would speak saying Members, as you go out, do not go out with the spirit that somebody is being done away with; somebody is being crucified. No, that is not the point.

Now that we are here to get extra time, we have done all that is good for the Select Committee. We are just going to bring what we have found out. We are your agents; when you talk ill of the Select Committee, you are talking ill of yourself. So, I believe we are all here in a purpose of making Machakos the best place to live. That starts with what we have now like Hon. Constance has said. They are our brothers and they are our sisters.

We are in Machakos and there is no cause of alarm and I do not think it was wrong for the Motion to be brought to Parliament. It was part of our business and when it comes, let us treat it with a lot of decorum that it is a respected Motion and we handle it with the most discipline which can be found.

So, I support the motion and I commit that let us not start speaking about the report yet; it has not come. I support the motion and I promise being a Member of that Select Committee, what will come here is what you, my fellow Hon. Members, would have brought were you in that Select Committee. I support.

Hon. Deputy Speaker: Thank you. The mover can come and reply.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Hon. Members for supporting the Motion. Being the vice-chairperson of the Select Committee, we do have a mandate to deliver to this House and we do know for sure to whom much is given, much is expected. That is what we expect to deliver to the House because this is a House of order and we want Machakos people to have a working system that builds, that supports and that makes our County grow. That is the purpose mandate of this Select Committee, so thank you so much, Hon. Members. Thank you, Speaker.

Hon. Deputy Speaker: Thank you, Hon. Grace.

(Question put and agreed to)

Hon. Deputy Speaker: I now call upon Hon. Peter Kilonzo to move the Motion.

MARKING BOUNDARIES OF ALL
ACCESS ROADS IN MWALA SUB COUNTY

Hon. Peter Kilonzo (Mbiuni, UDA): Thank you, Mr. Speaker. On marking of the boundaries of all access roads in Mwala Sub-County, I have come to realize that the issue of boundaries marking and the issue of roads cuts across the whole of Machakos County and it is not a matter only for Mwala Sub-County alone.

Therefore I was seeking for the Motion to be deferred so that I may include the other interested parties. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Peter Kilonzo. Hon. Members, is there any Member probably with a dissenting voice over deferment of that Motion?

(Motion deferred)

Thank you. Then Clerk we can proceed to the next motion. Hon. Francis Kitaka.

ESTABLISHMENT OF KAZI MTAANI INITIATIVE
FOR MAINTENANCE OF FEEDER ROADS

Hon. Francis Kitaka (Ndalani, WDM-K):

Hon. Speaker, that aware THAT Article 174 (f) of the Constitution outlines one of the objects of devolution as to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
Aware THAT the Fourth Schedule of the Constitution provides for the division of functions between the National and the County governments in Kenya;
Noting THAT the County Government, in this schedule, is mandated in construction and maintenance of County roads;

Informed THAT a resolution was passed in this House urging the County Government to repair and designate county graders in each Sub-county; Acknowledging THAT this resolution was implemented and currently each Sub-County is allocated one grader that undertakes routine maintenance of the ward roads;

Cognizant that there are eight Sub-counties in Machakos County each with several Wards and some are very vast making it difficult for the graders to transverse each Ward;

Aware THAT the County Government can realize better results by using *Kazi Mtaani* as well as achieve the objectives of ensuring better roads infrastructure since the manual labor will complement the current force of the graders, and creating employment by putting money in the pockets of the locals.

Hon. Speaker, I wish to move the motion THAT the County Government considers initiating *Kazi Mtaani* program by engaging the public in maintenance of feeder roads with the supervision of the resident Sub-county Engineers.

Thank you, Mr. Speaker. I therefore call Hon. Deputy Majority to second.

Hon. Jackson Ndaka (Tala, WDM-K): Thank you, Hon. Speaker. I do second the Motion. Indeed it is a very good initiative because currently, we have a lot of youth who are unemployed. If that is implemented, we can kill that disease of our people having no employment and indeed it is also a program which is good because the program would make the people think that they own the government. So, Hon. Speaker, I do support and I do second the Motion. Thank you very much.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: I invite Hon. Members to debate. Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, I support the Motion and I start by congratulating my neighbour. In fact, Hon. Kitaka is my immediate neighbour because his Ward neighbours Matuu, for coming up with his noble Motion.

Hon. Speaker the Motion talks about job creation and everybody is aware there is a lot of hunger in our County and to the extension, in the entire country. Our people are somehow almost dying because of hunger. Hon. Speaker, the essence of devolution was to take resources to the *wananchi* to the grassroots, to the village.

Hon. Speaker, what is happening is when there is a project which needs to be done, in most cases we tender. We advertise that project, interested contractors come to visit the site then they tender. Hon. Speaker, you will find that most of the tenders that are advertised are open tenders as per the Constitution. When we go by open tenders, it means now monies which are meant to do a road in Matuu, Ndalani or Kithimani for that matter, that money will be paid to a contractor who comes from another County. So the money from Machakos which is supposed to assist the Machakos residents is assisting other counties and that is why we are failing as counties, Hon. Speaker.

The Motion is self-explanatory. There are some works which do not need all that bureaucracy; it is just work. Hon. Speaker, our youths are just swallowing what we call curd or *miraa* because they have nothing to do.

I am very sure, Hon. Speaker, we do not need an extra budget to do this job. The same budget which is there to do the roads, let us use the same budget to have the roads done and our people get something to eat. Hon. Speaker I am requesting if we can have other Members thinking like Hon. Kitaka, I am very sure problems of Machakos will be solved. So I support the Motion, thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Minority Leader. Hon. Grace Bahati.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Mr. Speaker. I am in support of that Motion. As a youth, during the campaign season, every Hon. Member here I am sure one of the greatest need we were asked was job creation for youths in our society. Having the job insufficiency in our country right now, these are some of the opportunities we can offer to our young people and not just them, just to put food on their table. These allowances they will be getting, through savings, they are able enough to facilitate their college fees. They are able to help even their parents paying their bills at home.

So, I am totally in support of this and not just financially. Also in terms of projects in our community, it means that they will be able to own up the roads. They will be able to own up any, either just plantations or beautifying of the roads. So, this motion is very important and very vital to our community and Machakos as a whole so I am in support. Thank you so much.

Hon. Deputy Speaker: Thank you, *Mheshimiwa*. Hon. Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Hon. Speaker. I want to thank the mover of the Motion. Every time during our campaign time, we used to tell the people that we shall employ them. This is a kind of job creation because once we employ our youth, some of the challenges that we are facing in our society will end. Like because of laxity, our people, our children are prone to drug abuse.

If we can provide jobs for these people, even the mothers and fathers who do not have jobs in our village can have money to pay school fees. Establishing such kind of *Kazi Mtaani* will also open up our businesses in that region. So I stand to support, thank you.

Hon. Deputy Speaker: Thank you, *Mheshimiwa*. Hon. Ndwiki.

Hon. Daniel Ndwiki (Syokimau/Mlolongo, WDM-K): Thank you, Hon. Speaker. I stand here to support the Motion, bearing in our minds that we know that there is lack of employment in our areas. We have a lot of youths who are not at work, so this Motion will provide job opportunities for the youths.

For example, the place where I represent, Mlolongo/Syokimau, this is the town place where those everywhere seek for jobs. In fact, even they are turning to criminal activities because of lack of job opportunities. So when such activities are implemented, we think the rate of unemployment will be cut down and we will have jobs for our youths so I support this Motion

and by extension the mover of the Motion should consider also including the other departments like the garbage collection and like the tree planting one Hon. Member has said.

So we need our youth engaged in activities that will bring income to their lives. This will be of great impact to this County and the electorate will be happy with the work of this County, so I support the Motion and I want the mover to include other departments of the County so that we have our youths getting the job. Thank you, I support.

Hon. Deputy Speaker: Thank you, Hon. Mathew.

Hon. Matthew Ndunda (Kangundo North, IND): Thank you, Hon. Speaker. I support this Motion on the notion that by promoting this *Kazi Mtaani*, in fact it will support the initiative in terms of ensuring that the feeder roads in our Wards indeed are well because what we know is that the machines or the graders in our areas cannot meet all the necessities in our areas.

You find there are some roads whereby the graders cannot go through. Either the roads are small in terms of the size and also the other issue you find that the grader, like for example we have eight sub-counties, you find we have eight graders and by so doing you find it takes long before it moves from one Ward to the other and therefore promoting this *kazi mtaani* means in every Ward, there is youth who are there.

Therefore it will promote this work to be well equitable, easier, and well perfected and therefore making our roads passable and ensuring that at least the work is done to perfect of our community and therefore by doing so, it will ensure that our society is well initiated in terms of road maintenance. Therefore, I support the move. Thank you.

Hon. Deputy Speaker: Thank you. Yes, Mheshimiwa Rose.

Hon. Rose Wavinya (Nominated, UDA): Asante Spika. Naunga huo mswada mkono. Naunga mswada nikitoa shukrani kwa Mheshimiwa mwenye ameulete. Mheshimiwa asante kwa kuwa unajali vijana wetu. Hiyo ndio ile msemo ya UDA mashinani, *bottom up*, kwa hivyo naunga mswada.

(Applause)

Huu mswada naomba tupitishie kwa sababu kwa hakika, boma zetu za vijana zimeharibika. Vijana wetu hawana chochote, hawana fedha kidogo. Kile wanapata, sababu ya *stress*, wanaenda kunywa pombe. Hata wengine sijui tutazaliwa wajukuu na nani kwa sababu wamekunywa pombe sababu ya *stress*. Kwa hivyo Mheshimiwa, hongera sana.

(Applause)

Tuongezee miswada mingi. Asante.

Hon. Deputy Speaker: Thank you. Hon. Vincent.

Hon. Vincent Mutie (Upper Kaewa, WDM-K): Thank you, Hon. Speaker. Indeed, I must congratulate the mover of the motion and also inform the House that he was a student

leader in the university that we went so I must say that he must have been a smart boy growing up. Congratulations, Hon. Kitaka.

(Applause)

This motion will help us in many things. First, to note the spirit of devolution, the spirit of the County Government, it was about social welfare; it was about helping the people address the things that bother them on a daily basis; it was about bringing resources closer to the people. This is an example of how to bring resources closer to the people. When we take this initiative, many young people who for one way or another have been idle hence resulting to drug abuse, resulting to some other disorderly manner, things that they do, they will be engaged.

We will also bring food at the table of many residents of our area. But most importantly, this initiative will build the economy of our County because there is something in the circles of economy called the multiplier effect. Ksh. 1,000 in the pockets of one million people can do far much better than Ksh. 1 million in the pocket of one person.

(Applause)

Therefore, this initiative will not just help the people who will be employed to do the job, it will even help the kiosk owners in the villages. It will help the ECDE teachers in the village because these people who will be employed to do this work will have money to spend and the government earns when the people spend.

Therefore, this is a noble exercise; it is a noble thing that we need to adapt actually as early as yesterday. This way, we will be providing jobs to our people. We will be empowering the locals at the local levels. At the same time, we will be delivering on the mandate of delivering to the same people when they are paid that money to do the roads to clear bushes to clean the markets. We will not have the pressure to employ people to do that job in a different way. We will have secured the task and also we will be able to give our people money. Our people will have money and the services will be done, so we support.

I support personally because this is what we have been waiting for long and thank you my brother for seeing it and bringing it to the Assembly. I thank you.

Hon. Deputy Speaker: Hon. Deputy Minority Leader.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Hon. Speaker. I also want to thank Hon. Francis Kitaka representing Ndalani for bringing such an important matter to this House. I support the Motion and I would also like to request the House, because a matter of such nature comes with its cost implication, I want to request the House if the passion that we are debating the matter this morning that when the time for the supplementary budget comes, we need to ensure that there is an allocation to ensure that the initiative becomes a success, quoting from what Hon. Brian said last week that we need to move from a talking to an action oriented House. That is the only way we will move as a County.

Even as we look into the matter Mr. Speaker, we not only need to look at the aspect of the Ksh. 1,000 or Ksh. 100 that the young people or our people are going to get. We need to look and come up with a policy framework that will ensure that they not only repair the roads but there is a clear plan where these people can learn skills through being attached to the people who

are working on our roads from the County, that eventually, these people can learn the skills and probably maybe they can secure opportunities and I hope the Hon. Member, when he proposes that we have the people working, he has no intention of replacing the graders with the people because we need them at the grassroots level, for the sake of quality, but culverts that are needed there we can also come up with a plan where these people can be given an opportunity to make them and probably instead of the County procuring them from outside or from other quarters, they can buy from these young people at the village.

If for instance the road is being done in Ndalani, the people who have such project in Ndalani, the culverts and any other small materials that will be needed to do the works can be procured from those people.

(Applause)

With that, that will have more value addition instead of just bringing them and having them just to do the manual jobs. Also, we can expand the same away from the roads. There are so many opportunities that we can engage our people to make meaningful employment.

I will also request the House, Mr. Speaker, to look to what extent the 70 per cent requirement of all the opportunities that are available in Machakos that are supposed to be given to our people are reflected and implemented to the letter because that will be the first step to solve the rampant case of unemployment in our County because we have so many organizations, companies that are domiciled in Machakos, but our people are not benefiting.

In the morning, you see people being driven all the way from our neighboring counties to come and work in Machakos and in the evening they are driven back. Those are resources that should be benefiting our people. We are not against other people working in Machakos but we want the 70 per cent that is given and supposed to benefit our people to be implemented so the Chairpersons for Implementation and Delegated Legislation Committees need to see to what extent this is being effected and ensure 100 per cent compliance because Mlolongo, Athi River, Kyumbi and some parts of this County have enough industry and industrial zones that can absorb almost 40 per cent of the unemployed people in Machakos County if the 70 per cent is implemented to the letter. Thank you, I support the motion.

Hon. Deputy Speaker: Thank you, Hon. Kavyu for your submissions and on that same matter, I believe there was such a motion in this House in the Second Assembly. Probably the relevant Committee can follow up on that matter. Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you my Chairman of the very tough Select Committee. I am the Chairman of the Decentralized Units, the newly formed Committee.

(Applause)

Mr. Speaker, I think this is a very good Motion, excellent motion, and I must thank my brother, Hon. Kitaka for bringing such a Motion in the eve of us celebrating his homecoming on Saturday. We will be there to tell his people that they elected a very smart *Mheshimiwa* who is thinking about their interests.

This needs to be well thought out because it is a double-edged sword. We need to come up with a very detailed procedure of how we will ensure this work is done. The First Assembly had something like this but money was given, people worked and they were not paid and it costed Mheshimiwa a lot of pain and anguish.

We need to come up with a very well thought out process of how we will ensure that the money given is well controlled and reaches the right people and Mr. Speaker, it needs also to be channeled in a very good way.

In fact, we need to think about women groups, youth groups so that we can have a unit of which that money can go to them and they can be charged with that responsibility. During the campaigns last elections, I was in one function where Her Excellency the Governor came and actually she talked about how we can support even *chamas*, even these funeral committees. We can support them by giving them money to work and control that, so I support the motion. I think it is in with Her Excellency the Governor's motto of *chakula mezani pesa mfukoni*. I think it will give a very good mileage to our people if it is well executed.

The challenge here Mr. Speaker is execution, that is the idea. I like what Mheshimiwa Kavyu is talking about building culverts even fencing those and using the youths to execute that. So I support.

Hon. Deputy Speaker: Thank you, Hon. Brian. Hon. Herskovitis.

Hon. Mathias Muasya (Matungulu North, IND): Thank you, Hon. Speaker. I support the Mheshimiwa Kitaka for bringing this motion. When I was going around campaigning, I told electorates about bringing a motion like this one to support our youth because our youth do not have any jobs. So I am telling our electorates and our youths about these jobs so I support this motion. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you. Hon Anastasia then the mover will reply.

Hon. Anastasia Nundu (Nominated, WDM-K): Thank you so much. I thought you would not catch my eye, I had to come here. First I want to congratulate you, Deputy Speaker, on behalf of the Speaker's Panel, for chairing this House today. I stand to support the Motion. The last time the National Government had *kazi mtaani* and it helped our youths so much. When this will come to Machakos County, at least our youths and even women will be very busy on this so I support and thank you for that time.

Hon. Deputy Speaker: Thank you. I call the mover to reply.

Hon. Francis Kitaka (Ndalani, MCCP): Thank you, Mr. Speaker. I take this opportunity to thank Hon. Members for supporting this Motion. We all understand that we have so many majority of our youths.

Also our women who are in the village are sitting idle in the village. It is a good idea that we have something for them to do. In regards to the casual or the part work that will be given to them in the villages, this will give them opportunity to have something in their pockets and also to bring food in their table.

So, I urge Members that we support the Motion and I also urge the Members that their concerns on how we will manage and how we will tackle the payments so that we may reach the people on the ground.

We will have a Bill to regulate how these monies will be given and also so that we ensure that everybody works and gets what he or she is supposed to get as a reward. Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Francis.

(Question put and agreed to)

Hon. Members having approved the Motion, I now urge the Committee on Implementation to follow up on the status of the implementation of the same and report as provided for in Standing Order 181. Thank you, Hon. Members.

ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 25(4)

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker.

Hon. Speaker, that aware THAT the first Session of the Third Assembly commenced on 27th September, 2022;

Aware THAT pursuant to Standing Order No. 25 (1), the Assembly approved an Assembly calendar on 18th October, 2022 and aware that the calendar provides for the sittings and recess for the House;

Aware THAT Standing Order 25(4) provides that the Assembly may by resolution, alter its Calendar or the adjournment date;

Further aware THAT Standing Order 151(6)(a) provides that House Business Committee shall prepare and if necessary, from time to time adjust the Assembly Calendar with the approval of the House;

Acknowledging THAT there is need for members of this house to be trained on parliamentary procedures and the budget making process;

Hon. Speaker, pursuant to Standing Order 25(4), I wish to move the Motion THAT this House adjourns its sitting from today 22nd November 2022 to resume on 29th November, 2022 to allow Members attend to an induction programme.

I now call my brother the Leader of Minority to Second. Thank you.

Hon. Mbili Ndawa (Matuu, MCCPP): Thank you, Hon. Speaker. Hon. Speaker I second the Motion and I am seconding the motion on the following grounds. Hon. Speaker, what we call training needs analysis and as you are aware Hon. Members and Speaker, this is a new Assembly and Hon. Speaker, some of the training that we have been taken through, we have never tackled about the budget making process and procedure and as you are aware Hon. Speaker, the Executive is soon tabling a supplementary budget here and it may not be proper for us to start handling a document if we are not equipped with knowledge on what we are supposed to do.

So, Hon. Speaker, I support the Motion that this House adjourns today so that Members can have time to go through that training so that when we are tabling the report on budget here, we bring a report which is consistent with the Constitution and Public Finance Management Act. So, Hon. Speaker, I second and support.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader.

(Question proposed)

I invite Members to debate the Motion. Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, reading the mood of the House and in guidance and consultation with the Standing Orders that provides that the House adjourns its Business at 12.30 p.m. and noting that we have no other Motion of extension, I request you Hon. Speaker to move the Motion. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Dominic, and so I call the mover to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Hon. Speaker, I take this opportunity to thank you and also the Hon. Members for accepting to adjourn the House but we are not only adjourning, but we are adjourning for a very serious induction course on the budget making process. So Hon. Members, thank you very much.

Hon. Deputy Speaker: Thank you, Majority Leader.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the House adjourns today, 22nd November, 2022, to resume on 29th November, 2022 at 10.00 a.m.

The House rose at 12.21 p.m.