

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 23rd February, 2021

The House met at, 2.35 p.m.

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

PRAYERS

PAPER LAID

REPORT OF THE COUNTY BUDGET
REVIEW AND OUTLOOK PAPER 2020

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

Hon. Ndambuki: Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the table of the House today, Tuesday, the 23rd day of February, 2021; the report of the Committee on Budget and Appropriations on the County Budget Review and Outlook Paper. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Dominic.

NOTICES OF MOTIONS

APPROVAL OF REPORT OF THE COUNTY BUDGET
REVIEW AND OUTLOOK PAPER 2020

Hon. Speaker: Hon. Members, under this Order, we have two businesses one by the Hon. Majority Leader and the second one by Hon. Dominic Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the County Budget Review Outlook Paper is prepared in accordance with Section 118 of the Public Financial Management Act, 2012 which requires the County Treasury to prepare and submit it to the County Executive Committee for approval by 30th September in each financial year;

Aware that the County Executive Committee shall consider the County Budget Review and Outlook Paper with a view to approving it with or without amendments, not later than fourteen days after its submission;

Further aware that not later than seven days after the CBROP has been approved by Executive Committee, the County Treasury shall submit the paper to the Budget Appropriation Committee of the County Assembly to be laid before the County Assembly; and publish and publicize the paper not less than fifteen days after laying the Paper before County Assembly;

Cognizant that the County Assembly received the County Budget Review and Outlook Paper and the paper committed to the Budget and Appropriation Committee;

Hon. Speaker, I wish to give notice of the motion that this House discusses and approves the report of the Committee on Budget and Appropriations on the County Budget Review and Outlook Paper.

Thank you, Hon. Speaker.

APPROVAL OF APPOINTMENT OF MEMBERS TO THE POWERS AND PRIVILEGES COMMITTEE FOR THE FIFTH SESSION OF THE SECOND ASSEMBLY

Hon. Speaker: Thank you, Hon. Dominic. The next business is by the Hon. Majority Leader. Who is holding brief for the Hon. Majority Leader? Hon. Minority Leader; thank you.

Hon. Kamitu: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Committee on Powers and Privileges is established pursuant to Section 15(5) of the County Assemblies Powers and Privileges Act, 2017 and Standing Order 189(A) that states that there shall be a select Committee to be designated the Powers and Privileges Committee, consisting of

- (a) The Speaker who shall be the chairperson;
- (b) The Chairperson of Committees; and
- (c) Not more than three other Members who shall be nominated by Assembly parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration the interests of Independents;

Further aware that the term for this committee expired in December 2020; Cognizant that both the Majority and the Minority parties were requested to forward names of nominees to re-constitute the Committee on Powers and Privileges;

Hon. Speaker, I wish to give notice of the motion that pursuant to Standing Order 189(A)(c), the House approves the appointment of the following members to the Powers and Privileges Committee for the Fifth Session of the Second Assembly of Machakos County in addition those members specified under paragraph (a) and (b) of Standing Order 189(A);

1. Hon. Hellen Ndeti
2. Hon. Geoffrey Kamulu
3. Hon. Margaret Ndalana.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Minority Leader.

MOTIONS**APPROVAL OF APPOINTMENT OF MEMBERS TO THE POWERS AND PRIVILEGES COMMITTEE FOR THE FIFTH SESSION OF THE SECOND ASSEMBLY**

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Majority Leader and Hon. Minority Leader will stand-in for that purpose. It is the motion now.

Hon. Kamitu: Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Committee on Powers and Privileges is established pursuant to Section 15(5) of the County Assemblies Powers and Privileges Act, 2017 and Standing Order 189(A) that states that there shall be a select Committee to be designated the Powers and Privileges Committee, consisting of

- (a) The Speaker who shall be the chairperson;
- (b) The Chairperson of Committees; and
- (c) Not more than three other Members who shall be nominated by Assembly parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration the interests of Independents;

Further aware that the term for this committee expired in December 2020; Cognizant that both the Majority and the Minority parties were requested to forward names of nominees to re-constitute the Committee on Powers and Privileges;

Hon. Speaker, I wish to move the motion that pursuant to Standing Order 189(A)(c), the House approves the appointment of the following members to the Powers and Privileges Committee for the Fifth Session of the Second Assembly of Machakos County in addition those members specified under paragraph (a) and (b) of Standing Order 189(A);

1. Hon. Hellen Ndeti.
2. Hon. Geoffrey Kamulu.
3. Hon. Margaret Ndalana.

Madam Speaker, may I call upon Hon. Moses Mitaa to second the motion?

Hon. Speaker: Thank you, Hon. Kamitu. Hon. Mitaa.

Hon. Mitaa: Hon. Speaker, I do not want to go against your ruling for last week I beg to nod.

Hon. Speaker: Now you have already spoken.

Hon. Mitaa: I have tried to draw your attention but---

Hon. Speaker: Sorry, what happened is that I noted that the way the question is proposed is totally different from the motion and actually I am doing; I am doing secretarial work because

I am about to propose the question and I noted it is different from the motion. I will charge a bit for my services to the Table Clerk.

(Question proposed)

Hon. Members, the motion is now open for debate; Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. First, I want to appreciate and thank and wish all the best the three Hon. Members who will be assisting you in that committee of Powers and Privileges; a committee which is very important for the smooth running of this House. So I wish them well, we will support them and we hope that everything will be okay because the names which have been proposed are equal to the task. I wish them well and I hope they will be able to deliver. Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Mitaa. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I support and say I recommend the three Members are capable, equal to the task and I am sure they will deliver. I once served in that committee and I know it is a committee which needs somebody to do his or her work diligently and I am sure they are going to perform more than expected. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Kisini. Hon. Ndambuki.

Hon. Ndambuki: Thank you, Hon. Speaker. I want to applaud the three nominees who have been nominated to participate in the committee of Powers and Privileges. As I congratulate them, I wish to them to know that the task ahead of them is enormous and I want to request them that they put their best foot forward and I am sure they are up to the task and the mandate that is to vested upon them. I also pledge our support on behalf of the other Hon. Members; to them to ensure that they carry out all the tasks that will be placed before their table. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ndambuki. Hon. Maitha.

Hon. Maitha: Thank you, Hon. Speaker. I want to congratulate the three Hon. Members who have been nominated to that very powerful committee. Without the Powers and Privileges Committee, this House can sometimes find itself in danger because of the nature of the way we do our business here. With that committee in place, whatever we discuss and whatever controversy will arise from our discussions, this committee which has the two ladies and one gentleman, I know they will do their work without fear or favor.

What I am asking them; is whatever comes before them, let them put God first so that whatever deliberations and judgment they will resolve, will be deemed to be the truth and nothing but the truth. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Hon. Annastaciah.

Hon. (Ms.) Mutuku: Thank you, Hon. Speaker. Hon. Speaker, I stand to support the three nominees and as I understand them, I know they have a high integrity including you and for that purpose I am very strongly support the nominees and I know all of you, you are very strong believers and I am sure you are going to guide them and you are ready to serve this Assembly with integrity. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Annastacia. Hon. Munguti.

Hon. Munguti: Thank you, Madam Speaker. I am here to give the nominated Members of the committee applause for the position they have gotten. We understand that they will do their job according to the Powers and Privileges mandate. Also I would like to give my dissenting voice on the nominees because every time that we have been getting nominees from various committees, the same names have been appearing in every committee.

Some of us have been for the whole year without even a Committee and therefore it is my prayer that and my Petition that those who are doing Selection are going to see to it that every Member is apportioned to a committee so that they can legislate, because when we underwent induction, we were told that a House in a committee is a House in business. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Jeremiah. The mover of the motion, please reply.

Hon. Kamitu: Thank you very much, Madam Speaker. One thing is that the three nominees are competent, they are Hon. Members I know that they are going to deliver and on that regard, us as the two parties the Majority and the Minority, we sat down and considered the three nominees to be of great use to that committee and my urge is that if they are going to face any problem which I am not expecting, Madam Speaker you as the Chairperson, I know you are going to guide the three nominees.

I am sure and everybody is aware that your office is very open they can always seek for any guidance. So, on that note, Madam Speaker, I beg to sit down and say I wish them the best of everything in the committee of Powers and Privileges. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Minority Leader.

(Question put and agreed to)

Hon. Speaker: I know, Members, we have had a very long day so we will soon be winding up this afternoon sitting. I notice some exhaustion from parts of you but you are nevertheless putting up a good fight. Hon. Members, honestly speaking this is a committee that if all goes well should not have any work to do. Its work is to address issues of indiscipline mainly from the Members and from the time I have been chairing it the one serious one, I think it is just about one; the one which arose from some Selection committee proceedings in Nairobi.

So I am just praying and hoping that the Committee will not have work to do. Hon. Kamulu, if the committee will have no work to do, what will you do?

(Laughter)

I am wishing the committee all the best but I know that the Members here are not likely to give that committee work. So the committee will have to look for other work and not that of disciplining Members.

So, we proceed to the next motion and that is by Hon. Dominic Ndambuki. Hold on; let me just consult. No. 9.

APPROVAL OF THE REPORT ON MACHAKOS
COUNTY WATER POLICY 2018

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Robert Kisini.

Hon. Kisini: Madam Speaker, I want to read the motion on this Environment, Lands and Natural Committee.

Hon. Speaker, that aware that the mission of the department of environment and water, education is to facilitate the environment and natural resources protection, restoration and conservation and to contribute to county development by promoting and supporting water resource management to enable save water availability and accessibility for all;

Aware that the County Executive Committee Member in the department of water, irrigation, environment and natural resources submitted to the county assembly the Machakos County Government water policy 2018 for approval by the Assembly which was received at the Assembly on 23rd March 2020;

Cognizant that the policy is informed by the existing challenges in water resource, use and availability and devolution of water services management to counties as per the Fourth Schedule of the Constitution of Kenya 2010;

Noting that the committee interrogated the policy and also held several engagements with the Chief Officer in charge of water;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the report of the committee on environment on Machakos County water policy 2018.

Hon. Speaker: Hon. Kisini, who is seconding your motion?

Hon. Kisini: Thank you, Madam Speaker. Hon. Kamitu is a member of environment committee; I would request he seconds the motion.

Hon. Speaker: Hon. Kamitu?

Hon. Kamitu seconded.

Hon. Speaker: Thank you. It is already seconded Hon. Kisini maybe when you are there. Hon. Members have you read the report? Do you wish to have time to read it? I note...Hon. Kisini, just a moment please. I note the importance of the report and I am informed that the

Members may want to have time to go through it. How long is it Hon. Kisini? How many pages is it? 23? I am looking at what you are holding and it does not look very thick.

So Members there are two ways we can do it. If Hon. Kisini would just read like we read in the morning and we have been trained to do that; just the clauses and then we reserve debate for tomorrow or as balloted by the committee on House business. The other alternative is that Members go to read and then we ballot the reading. What is the thinking of Members? Hon. Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I think this is a very important report that Members need time to understand and read so that we can contribute effectively. So I would urge my fellow Members that we take a copy, get it through our cellphones or our iPads, read and be ready to debate it. Thank you.

Hon. Speaker: Hon. Mitaa, thank you.

Hon. Mitaa: Thank you, Hon. Speaker. I would suggest that Hon. Members are allowed time to go and read the report and then it can be balloted for our next sitting so that now we discuss on something which we have already gone through. Thank you.

Hon. Speaker: Indeed I have noted that it is 24 pages from the soft copy that has been given to me. This report is already the property of the House so what will happen is that because of the request by Members we will ballot it at the earliest because this is a very urgent report, urgent and important to the County so the House Business Committee will ballot it at the earliest opportunity so that you can come read.

In the meantime, you just look at the clauses you will not take the Members reading sentence by sentence but in the manner we have discussed in the past. So, in the meantime, the Members will read then when we come we just do the observations and recommendations then we debate. That is alright with you?

Hon. Kisini: Yes. Thank you, Madam Speaker. That is alright so that we can give Members ample time to go through it. It is an important document because it talks of water policy. So I agree.

Hon. Speaker: The extended chamber, are we are together on that? Thank you very much. So, Hon. Kisini, we will handle that at the earliest opportunity after the matter is balloted.

Hon. Kisini: Okay.

ADJOURNMENT

Hon. Speaker: Hon. Members, that being the last Order on the Paper, the sitting is adjourned to resume on the 24th day of February, 2021 at 10.00 a.m. Members that is tomorrow, remember so that we will meet tomorrow God willing. Good evening, thank you.

The House rose at 3.06 p.m.