

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 25th February, 2020

The House met at 4.06 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

APOLOGY FOR DELAY IN CONVENING THE AFTERNOON SITTING

Hon. Deputy Speaker: Hon. Members, under that Order, I just would like to, first and foremost, on behalf of the Chair to apologize in the delay in starting of this afternoon sitting that was necessitated by a meeting which the Chair was chairing in her board room and which involved some of the Hon. Members of this Assembly and which took longer than she anticipated.

So, she says she is very sorry and on her behalf, I also apologize very much and thank you for the patience you have shown in waiting until this time for us to be able to start the afternoon session shows the dedication you Hon. Members, have in serving your people. May God bless you.

PAPERS LAID

**REPORT OF ON FINANCIAL STATEMENTS OF MWALA WATER AND SEWERAGE COMPANY
FOR THE YEAR ENDED JUNE, 2017**

Hon. Deputy Speaker: Hon. Members, under this Order, we have two Papers to be laid; the first one is by the Hon. Musau Chair, PAIC and the other one is by Hon. Stephen Mwanthi, Chair Finance Committee. Hon. Musau.

Hon. Musau: Thank you, Mr. Speaker. Hon. Speaker, I wish to lay the following Paper on the floor of the House today, 25th February, 2020; the report of the Committee of Public Accounts and Investments Committee on Financial Statements of Mwala Water and Sewerage Company for the year ended June 2017. Thank you, Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Again, I will be requesting the Table Clerks to ensure that the Papers, which are going to be laid before this Hon. House, the Hon. Members, sign them before they are laid which means you prepare them before they come before the House. Hon. Musau, you may need to sign this document.

(Hon. Musau signed the Paper and laid it on the Table)

Okay, thank you, Hon. Musau. Hon. Mwanthi, you may continue.

REPORT ON THE NUMBER OF PAY BILLS IN THE COUNTY AND THE EXTENT OF THEIR
USE

Hon. Mwanthi: Thank you, Hon. Speaker. Hon. Speaker, I wish to lay on the Table of the Assembly today, Tuesday, the 25th day of February, 2020; the report of Finance and Revenue Collection Committee on the number of Paybills in the County and the extent of the use. Thank you, Hon. Speaker

Hon. Deputy Speaker: Thank you Hon. Steve.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Hon. Members, under this Order, we have two businesses; the first one again by the Hon. Joseph Musau and the second one by Hon. Stephen Mwanthi.

REPORT OF ON FINANCIAL STATEMENTS OF MWALA WATER AND SEWERAGE COMPANY
FOR THE YEAR ENDED JUNE, 2017

Hon. Musau: Thank you, Mr. Speaker.

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that ‘the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly;’

Cognizant that the report of Mwala Water and Sewerage company was received in the Assembly and committed to the committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that ‘the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts, and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;’

Informed the committee invited the Accounting Officer of the said company interrogated him and subsequently compiled a report.;

Mr. Speaker, I wish to give Notice of Motion that this House discusses and approves the report on Financial Statements of Mwala Water and Sewerage Company for the year ended June, 2017.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Musau. Hon. Stephen Mwanthi.

REPORT ON THE NUMBER OF PAY BILLS IN THE COUNTY AND THE EXTENT OF THEIR
USE

Hon. Mwanthi: Thank you, Hon. Speaker.

Hon. Speaker, that aware that Article 185(3) of the Constitution of Kenya provides that a County Assembly while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organ;

Further aware that Standing Order 190(5) provides functions of a sectoral committee to include among others studying, assessing and analyzing the relative success of the Departments as measured by results obtained as compared with the stated objectives and making reports and recommendations as often as possible including the recommendation of proposed legislation;

Noting that the Finance and Revenue Collection Committee undertook a study on the number of paybills in the County and the extent of their use to achieve the intended objectives;

Hon. Speaker, I wish to give notice of the motion THAT this Hon. House discusses and approves the report of Finance and Revenue Collection Committee on the number of Paybills in the County and the extent of the use.

Thank you, Hon. Speaker

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

STATEMENT REPLY

Hon. Deputy Speaker: Hon. Members, under this Order, we have a Statement response by the Hon. Moses Mitaa, Chairperson Agriculture Committee.

ACTION BY THE DEPARTMENT OF AGRICULTURE TO COUNTER LOCUST INVASION
IN THE COUNTY

Hon. Mitaa: Thank you, Hon. Speaker. I have a Statement response, Mr. Speaker. Hon. Speaker, pursuant to Standing Order 41, a response to a Statement on 'the action the Department of Agriculture has taken to counter locust invasion in the County and whether the County has set up an emergency fund to address such occurrence was sought in the House on 19th February, 2020.' The Statement was sought by Hon. Jeremiah Munguti and a response was received.

I hereby want to respond as follows:

That Machakos County is one of the Counties currently reported to have been invaded by locusts. That prior to the invasion, staff had been put on high alert following invasion in Kitui and Embu Counties which border Machakos. The preparedness for an eventual locust invasion was done through; the following means;

1. Training of all agricultural technical officers on positive identification of the pest, reporting and control throughout the county.
2. Sensitization of both county and national government administrators on identification and immediate reporting.

3. Liaising with Agriculture officials in the neighboring counties of Embu, Kitui, and Makueni in order to track inter-county locust migration and movement.
4. Upscaling surveillance and immediate reporting of the pest to the relevant authorities with reporting desks established in all wards, sub-counties and at the county headquarters.
5. Marking with coordinates, all sites that have been occupied by locusts and monitoring them in case eggs were laid which could lead to second-generation swarms.

Hon. Speaker, consultation has been done department of Agriculture, Food Security and Cooperatives Development and all relevant stakeholders who include the Ministry Agriculture, Livestock, Fisheries and Cooperative Development at the National level (Plant Protection Services Division).

THAT farmers are being encouraged to undertake close ground surveillance to locate the possible areas of invasion and report immediately to the reporting desks.

THAT Masinga airstrip was established as the base for control of desert locusts by the National team headed by Cabinet Secretary Ministry of Agriculture, Livestock, Fisheries and Cooperatives and equipped with one aircraft, personnel and chemicals to cater for Machakos, Embu, Kitui, Tana River, Tharaka Nithi and Makueni counties. Further, the Department has deployed one technical staff to assist the national team at the base.

THAT the Masaku swarm invaded the County on the afternoon of 27th January, 2020. This occurred when a swarm that had been in Embu County and moved into Machakos at Kamburu dam area. The swarm roosted at a village called Masaku in Kivaa sub-location of Kivaa ward.

THAT spraying by the aerial team based at Masinga airstrip was done on 28th January, 2020. The mortality rate was quite low and the swarm split and shifted to Katulye in Masinga Central and Iiani in Kivaa Ward.

THAT the second was Katulye swarm and before this swarm could be sprayed, it flew towards Muthesya and Ndithini wards in Masinga Sub County but did not roost anywhere in the County and it is suspected to have moved towards Murang'a County.

THAT the third was Mbiuni swarm and it was reported and confirmed on 29th January, 2020 in Kombe village of Mbiuni ward in Mwala Sub-County. Before this swarm could be sprayed and following continuous disturbance mainly noise by affected farmers, the swarm split and flew towards Matungulu and Masii respectively. The two swarms didn't roost in Machakos so the final destination couldn't be accurately established.

THAT the fourth was Iiani swarm and this swarm flew towards Kithyoko location and roosted in Ndungoni area. It was sprayed on 31st January, 2020 and flew across to Kitui County.

THAT the other was Mekilingi swarm and this was reported in Kyua area of Katangi ward. It was a small swarm roosting on a few trees. It wasn't sprayed and flew towards Kitui on continuous disturbance by affected farmers.

THAT we had Kathiani swarm which landed in Mukolongo village, Upper Kaewa ward on 8th February, 2020. It was sprayed and flew to an unknown destination following disturbance by the local community. Further, we had Kola swarm, which was reported in Mbusyani village, Kola ward on 11th February, 2020. About 70 farms were affected and it migrated to Makueni before it could be sprayed.

THAT the other was Kyanzave swarm, which was reported on the evening of 19th February, 2020. It measured about 2 km width and it roosted in Kyanzave coffee estate and neighboring areas. It later flew away towards Kilimambogo hills and no landing has yet been reported but monitoring is on-going. This swarm wasn't sprayed since the aircraft based at Masinga had technical issues still to be addressed.

THAT other incidents of very small groups of locusts were also reported in Makaa village in Kithimani, Kitui village in Wamunyu ward, Mwamba Thana in Ikombe ward and Voo village in Kibauni ward. The surveillance team established that these were strays that is from the swarm locusts and posed no threat to either crops or pastures. Farmers disturbed them through the noise and they migrated to unknown destinations.

Assessment on effects of the locust invasion

Hon. Speaker, the locust swarms mainly feed on natural vegetation like trees and they like acacia and so damage to crops has not been significant. An indirect negative effect is anticipated through loss and spoiled cereals and legumes harvested. This is due to the fact that some farmers panicked fearing that the locusts would consume their crops and harvested prematurely.

THAT the harvested crop if not dried properly this produce will become spoilt. THAT the Department is addressing this issue through post-harvest awareness campaigns through field days, demonstrations, group/individual farm visits and *barazas* and Surveillance is continuing in all the wards.

THAT three sites where the locusts roosted have been marked through coordinates and are being monitored in case they laid eggs.

THAT in case any nymphs are spotted in any of these sites like Masaku, Katulye, Kombe and Ndungoni, spraying with the Mursban chemical will be done to control the second-generation swarms. For the sites that experienced very small swarms, monitoring is being undertaken since with one locust laying 100 eggs, it is easy for the second-generation nymphs to develop into a large and destructive swarm.

The County has been partnering with National Government, Plant Protection Services which has established a base in Masinga and has been providing chemicals and spraying services.

That on 3rd February, the base received 80 litres of Mursban 480EC from Plant Protection Services for ground spray.

THAT other chemicals received on 13th February, 2020 are 1,400 litres of Sumithion 96ULV and 200 litres of Mursban 480EC.

THAT although these are to be used aerial spraying Machakos, Embu, Kitui, Tharaka Nithi and Makueni Counties, the County of Machakos requires its own chemicals as means of preparedness.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses Mitaa, for that response on the Statement which had earlier been sought before the House on the status of the locusts. In view of time, I will allow maybe two Members from each side who wish to comment on that Statement response so that we can be able to move on. We have started the Assembly a bit late so I will allow some few Members to comments as the custom to the House. Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. Speaker. I would like to congratulate the Chairman Agriculture who has just come out from the floor because of the quick response on issues of desert locusts.

Mr. Speaker, you will agree with me that desert locusts.....I will request this House we term it as an emergency and also something which is going to affect not even Machakos county but is going to affect the whole country in terms of food security and therefore I want to commend him for that good job that they have done with the committee of Agriculture but Mr. Speaker, I have learnt with a lot of concern that as I raised this statement, I had identified these locusts in my ward a place called Gamba sub-location in a village called Katulye and I have not even heard the Chair for Agriculture Committee raising the same concern where we had a stray swarm which came to my ward and that was the reason why I was agitated to bring this statement on this floor of the House.

At the same time, Mr. Speaker, I understand that where these locusts have invaded, majority of them were at the last stage and it is in this stage where they can lay eggs and in two weeks' time, they can start hatching. Therefore, Mr. Speaker, I have learnt that even in Garissa they have started, small nymphs have started hatching and it might be a menace to this county because in Masinga at Masaku Itee DC they have been identified there for several days.

Also in Matuu they were there, they were in Kathiani, they were in Kola. I was asking if the Agriculture committee had engaged the executive to know the measures which they have taken to mitigate this. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Munguti. I hope Chair Agriculture Committee has noted that concern on what the County Government is doing to mitigate the issue of the nymphs. Hon. Kisini.

Hon. Kisini: Thank you, Mr. Speaker. I want to thank the Chair for the quick action for the report which has shed light on what is happening. I think the report is self-explanatory, it has talked all the areas which have been affected, it has talked of the control which the Counties made, I think we should thank the Chairman and the committee for that quick action. If it was not for that quick action, I think the damage could have been very big and we have seen latest how now the locusts are doing at Western, I can confidently say that at Machakos the control was made even the damage was very low.

So, I want to say it is good to be alert, it is good to be aware, it is good now to know that these locusts can do damage to the society. We have seen the danger of people harvesting early and that is also another danger whereby the Chairman and its committee have gone out of their

way and tried to notify people that the harvested crops should be dried so that they can also not get toxic more especially the maize. So, I stand here to compliment the committee and to say it was the right step at the right time and it has acted so quickly. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini. Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. One, I would like to congratulate the committee for Agriculture and more so the Chairperson as a person, that is Hon. Moses. You remember the House was on recess but through the follow-up, we were getting communication from the Chair, from the Executive on what our Chairman and his committee were doing.

So, we are talking of locusts as very destructive type of insect and more so, I would also like to congratulate as I congratulate the Chair this House should also give a lot of honour to the Governor himself; he also went out through the media, informing his electorates that in case one or the community sights the locusts, he gave out his calls and through the administration, through our administrators in the Ward and the National Administrators were also informed of the importance of giving out the information in regard to the location of the locusts.

So, we are saying, the report that has been given here is quite elaborate, true to the point and to the areas that locusts were seen. So, it is on that strength we are also saying that now as a preventive action, they should also be on the alert in regard to controlling now in case of any hatching or in case of any insect on those areas that were cited and he is talking of those areas that may be the adult locusts might have laid the eggs as a preventive measure that is also now the area we should take our concern because prevention is better than cure.

Otherwise, congratulations and that should be the way forward where there is collaboration between the Assembly and the Executive. Otherwise, thank you very much, that should be continuity. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Musyimi.

Hon. Musyimi: Thank you, Mr. Speaker. I take this opportunity to thank the Chair, Agriculture Committee. Actually, the Chair and the committee did a very good job, they fought vigorously with those insects which were invading our County.

Hon. Munguti: Point of information.

Hon. Deputy Speaker: Point of information, Hon. Jeremiah.

Hon. Munguti: Thank you, Mr. Speaker. I would like to inform the Member that these are not insects but desert locusts.

Hon. Deputy Speaker: Hon. Member, be informed please but a desert locust is also an insect. You may continue, Hon. Member.

(Laughter)

Hon. Musyimi: Thank you, Mr. Speaker. I was ready also to tell him the same. Desert locusts are insects.

(Laughter)

Thank you, Mr. Speaker. So, I was congratulating the committee for that good job they have done already. I have a question on the report; the report mentioned the use of chemical which was used to kill the desert locusts, Mr. Speaker, I would like to question whether there could be any danger to human being later or before the use of the chemical which might cause side effects because of the chemical which was used because nowadays we have the case of cancer and other diseases which are affecting human nature.

Mr. Speaker, I would like to question or to ask, whether there could have been an elaboration of the chemical use whether it might affect human nature later. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Musyimi. Hon. Judas.

Hon. Ndawa: Thank you, Mr. Speaker, Sir. My concern is just on whatever my colleague has concluded. When the spraying was being done, we were also sprayed together with the desert locusts. Are we safe because when the aircraft is flying over, the locals are there so when they are spraying they are spraying the locusts together with the people in that area. So, I am asking, are we safe?

Hon. Deputy Speaker: Thank you and now I would like to request the Chair, Agriculture Committee to come and respond to those very pertinent issues raised by the Hon. Members. Hon. Moses.

Hon. Mitaa: Thank you, Hon. Speaker and thank you, Hon. Members for your concerns and issues and keen follow up on this issue. I will start with Hon. Jeremiah, he asked about an omission which it is well noted although one thing I want to inform this Hon. House, is that whenever there has been an invasion of those who are doing surveillance and monitoring, we have been creating coordinates; I think they heard me use that word co-ordinates,

It is like a GPRS, we establish where the locusts are because you cannot control a plane up there manually, you know how airplanes operate. Once we establish a co-ordinate GPRS the same thing will be used by the craft to establish the exact locality so this craft will come and it will hover around where the co-ordinate is as it sprays. So, that is how we have managed to successfully spray through the aerial process.

Secondly, he asked about the measures which we have taken and I want to inform this Hon. House that the work of the County Governments is to monitor and survey; the National Government, through FAO is the one which is doing the other things and Hon. Speaker, we have information that the National Government has trained 100 NYS Officers and they have been trained on how to spray the nymphs that is the small locusts.

They take a week before they grow wings to fly and our aim is at that stage once they hatch, we immediately start spraying when they are on the ground because they cannot run and they are not much destructive at that age. So, Hon. Speaker, that is the mitigation efforts which we have undertaken through the National Government and these Officers are based at Masinga airstrip.

For your information, that is now after Nanyuki it is Masinga and I have indicated that Masinga is in charge of the neighboring Counties even yesterday, the CECM, Kitui County and the Deputy Governor visited Masinga because at Chuso area now we have nymphs and you know it is at the border with Machakos.

Again, one thing I want to assure the Hon. Members is that we were monitoring these things as they grew, what might have passed through some wards were pink in colour and those were not at the production stage. So, our keen interest is where the yellow ones invaded because now at that stage when they are colour yellow that is when they are laying eggs. So, those were our interests and that is the point of our interest. I think that is a bit well taken care of.

There is an issue from Hon. Nzomo which has been taken by Hon. Ndawa on the chemical effects. Mr. Speaker, the chemicals which are being used have been certified as safe, we are not using knockdown chemicals to just to take care of the ecosystem; the chemical which is being used is like a slow killer and nit is becoming effective after 10 hours.

To be actually specific, when we sprayed at Hon. Ndawa's Ward, they flew and that is how they landed at Kyanzave and villagers there in the morning were saying these things have died and we have not seen people spraying them. They did not understand that they had already been sprayed it is only that the chemicals had not taken effect. So, Hon. Speaker, that issue is well addressed and on the effects, since it is certified, there is nothing much we can do we are following what has been satisfied internationally as safe.

The challenge which we faced is whenever an area has been identified for spraying, we inform the locals to remain indoors but you know much about curiosity; they would not want to wait, they would want to witness that aeroplane passing and how it sprays. So, you find it is hard to keep people indoors and that is why we have identified early in the morning we pass information that please remain indoors do not let children out so that spraying is effective and then later in the evening also once they settle but there is that minimal challenge from the curiosity of our people.

So, thank you, Mr. Speaker and I can assure Hon. Members things are okay and we are very much alert especially on the second generation. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. I think I have also heard the concerns of the two Hon. Members and one of the things which maybe if I was just to chip in my two cents worth is that, there is one of the drugs there it is called Sumithion; it has been sprayed in coffee for years and it has never had any hazardous effect both on the people who are spraying it or on but it kills the insects which are in the coffee plantations.

So, I think one of the key things which the Hon. Member maybe was trying to explain is that the type of drug to be used is selective, it is supposed to kill only the locusts and become poisonous to the locusts but cannot become poisonous to the dog which eats the dead locusts.

It cannot become dangerous to the bird which feeds on the dead locusts so, that is why you hear it is a special drug and being sprayed on they are called food-grade kit is targeting to kill the locusts but it is a food-grade. Smithion, is sprayed on coffee which is food so it kills the *wadudus* there but itself it is food..... unless you take it now as a poison, it cannot be able to affect you. So, I think that is the kind of the technology which is there and I think those are the drugs they were using. Mr. Clerk, you may proceed.

MOTION

REPORT ON ESTABLISHMENT OF OFFICES OF VILLAGE ADMINISTRATORS IN MACHAKOS COUNTY

Hon. Members, on this Order, we have one Motion or one business to be transacted by the Hon. Cosmas Kieti, Chairperson, Trade, Economic planning and Industrialization Committee. Hon. Cosmas.

Hon. Kieti: Thank you, Hon. Speaker, for giving me this chance.

Hon. Speaker, that aware that Section 52(1) of the County Governments Act, 2012 provides that there is established the Office of Village Administrator for each village unit established in a county;

Aware that Section 53(1) provides that there is established, for each village unit, a village council comprising:

- a. The village administrator who shall be the chairperson of the village council, and
- b. Not less than three and not more than five village elders competitively appointed by the village administrator with the approval of the county assembly, taking into account gender balance:

Acknowledging that among other mandate of the committee on Trade, Economic Planning is mandated to ensure effective delineation and management of decentralized units; and therefore, conducted a case study in four wards to ascertain the establishment of village Administrators' offices and their role in service delivery to the citizens of Machakos County;

Hon. Speaker, I wish to move the motion that this House discusses and approves the report of the Committee on Trade, Economic Planning and Industrialization on the establishment of village administrator's offices in Machakos County.

Thank you, Mr. Speaker. I call upon Hon. Mulu to second the Motion.

Hon. Deputy Speaker: Hon. Mulu.

Hon. Mulu: Thank you, Mr. Speaker. I beg to second the Motion.

Hon. Deputy Speaker: Thank you. Hon. Kieti, you may read the report.

Hon. Kieti: Thank you, Hon. Speaker. I wish to continue to read the report from the Committee on Trade, Economic Planning, and Industrialization on the establishment of village administrator's offices in Machakos County.

INTRODUCTION

Preface

Hon. Speaker, Section 52(1) of the County Governments Act, 2012 as read with Section 9 of the Machakos County Administrative Structures Act, 2015 provides that there is established the office of village administrator for each village unit established in a county. Sub-section (3) of the County Governments Act, 2012 provides that a village administrator shall coordinate, manage and supervise the general administrative functions in the village including

- (i) Ensuring and coordinating the participation of the village unit in governance; and

- (ii) Assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Section 53(b) the exercise of any functions and powers delegated by the County Public Service Board under section 86(4) and that is; a village administrator shall be responsible to the relevant Ward administrator.

Further, Section 53(1) provides that there is established, for each village unit, a village council comprising:-

- (a) The village administrator who shall be the chairperson of the village council;
- (b) Not less than three and not more than five village elders competitively appointed by the village administrator with the approval of the county assembly, taking into account gender balance.

Hon. Speaker, a village council shall be responsible for:

- (a) Ensuring and coordinating the participation of the village unit in governance;
- (b) Assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level;
- (c) Monitoring the implementation of policies at the village unit;
- (d) Advising the ward administrator and sub-county administrator on matters pertaining to the village; and
- (e) Any other function necessary for the better administration of the village unit.

Mandate of the Committee

Hon. Speaker, the Committee on Trade, Planning and Industrialization was established pursuant to the Second Schedule of the Machakos County Assembly Standing Orders with specific mandate on to all matters related to economic planning, tourism, trade development, regulation including markets; and outdoor advertising; trade licenses (excluding regulation of professions); fair trading practices and statistics and all matters relating to the delineation and management of decentralized units, urban areas and municipalities.

Committee Composition

Hon. Speaker, the committee has 13 Members as follows:

1. Hon. Cosmas Kieti Muia Chairperson
2. Hon. Anthony Mulu Vice - Chairperson
3. Hon. Joseph Wambua
4. Hon. Betty Nzioki
5. Hon. Christine Koki
6. Hon. Annastacia Mutuku
7. Hon. Brian Kisila
8. Hon. Josephat Kasyoki
9. Hon. Pauline Munguti
10. Hon. Mark Muendo
11. Hon. Mohammed Ali
12. Hon. Peter Mutiso
13. Hon. Winfred Mutua

Scope of the task by the Committee

Hon. Speaker, the committee is mandated to ensure effective delineation and management of decentralized units among other mandate. In view of this, the committee resolved to conduct case study in four wards to ascertain the establishment of village Administrators and their role in service delivery to the citizens of Machakos County. The committee visited Matuu, Kivaa, Lower Kaewa and Mavoko wards.

The scope of the task was as follows

1. Ascertain the establishment of the village administrators' offices and their terms of employment.
2. Ascertain the establishment of village councils and whether they were approved by the County Assemblies as stipulated in Section 53(1) of the County Governments Act, 2012.
3. The role of the village administrators.
4. The Challenges faced in these offices and ways of mitigating them.

Committee Findings

Hon. Speaker, the following were the findings of the Committee:

1. The village administrators were employed in September, 2018 and their job groups differ depending on their qualifications. All of them have similar job description despite the disparity in job group. Others are deputy village administrators according to the appointment letters. Most of them are employed on permanent and pensionable terms but do not have personal numbers and they have not been confirmed yet.
2. The village councils have not yet been established.
3. Some of the roles of the village administrators as informed to the committee are as follows:
 - (a) They oversee and supervise all county projects in the sub-locations after which they do monthly reports on the progress of the projects and forward to the Ward administrators.
 - (b) They mobilize public *barazas* and conduct civic education. For instance, they teach the public on the importance of public participation.
 - (c) They mobilize people to attend public participation meetings regarding to county upcoming programmes and projects, gather their views and forward their views to the ward administrators who in turn report back to the relevant offices. Members were informed that public participation for the Annual Development Plan 2020/21 was done at the ward level.
 - (d) They assist village units to develop the administration and know how the administration works. They hold meetings with the Chiefs and the Assistant Chiefs and teach them on how the devolved units work. The Chiefs and Assistant Chiefs assist in calling *barazas*.

Challenges Faced by the Village administrators

Hon. Speaker, the village administrators cited the following challenges faced during their line of duty:

- a. Some villages are extensive hence some parts are in accessible due to poor terrains and long distances. Members were informed that the village administrators and also the ward administrators are not facilitated in any way and therefore end up using their own money to cater for transport and airtime expenses.
- b. They have no offices and therefore end up seeking office space at either education offices, sub- county offices or even at the MCAs offices. They also have to compile their quarterly reports in cyber cafes at their own cost.
- c. Some villages within various wards lack village administrators.
- d. Since the village administrators were employed in July to September, 2018, they have never been trained. Members were informed that the administrators attended an induction forum which was carried out at the Youth Center but no training was done after that.
- e. In their line of duty to mobilize the public to attend public meetings, the public demand handouts to cater for their transport to the venue. The residents also strongly express dissatisfaction in the deliberations during the exercise itself because it is largely controlled by leaders and they play a passive role.

This has led to anger and disenchantment among the public while the Members of County Assembly (MCAs) blame lack of sufficient funds as the major constraint to effective public participation.

They further indicated that poor infrastructure contributed to the low turnout in public forums. For example, all weather roads limit them from moving from their homes to the venues to attend meetings during the rainy season. Other reasons presented by the residents for not participating in the process include lack of awareness of how the process works and the information on pending forums is sent late or it is not received at all. Many residents say that the process is political and that it doesn't address their needs.

- f. Hon. Speaker, fostering policy and institutional coherence is a great challenge. There is poor coordination and corporation between the village administrators, ward and sub-county administrators in some wards. A case cited whereby harassment of the public by the County Inspectorates in their line of duty has become rampant in most of the wards especially during Fees and Charges collection from traders.

The Village Administrators are often clashing with their senior officers while trying to demand fare treatment to the citizens. It was noted that some Sub-County Administrators are not dealing with the issue as expected.

Meeting with the Chief Officer

The Committee met with the Chief Officer, decentralized Units and County Administration; on 29th October, 2019 and commented as follows:

1. A one-week induction course was done to all the village administrators at the Youth Center.
2. The discrepancy in job group levels for the village administrators was as a result of different levels of education. He informed Members that the Village Administrator III had a lower level of education as compared to Village Administrator I.
3. The Department deployed village administrators from various Departments in the County Government. The employees were not enough as compared to the number of villages within the County and hence some villages lack village administrators. The Department is unable to appoint new employees due to the ballooning wage bill.

However, in order to mitigate this issue, the chief Officer said that the Department is in the process of evenly distributing the already available Village Administrators depending on their place of residence since a village administrator should come from the locality.

4. The Budget for the Department is usually too small to cater for allowances for all the Village Administrators. Asked on whether he has forwarded a proposal of the needed budget to the Assembly, he responded that the Department prepares an adequate budget to cater for all its expenses after which it is forwarded to Finance Department for further realignment and approval and then to the Assembly. The report forwarded to the Assembly is never the actual report forwarded to the Finance Department as the budget is usually half-way slashed.
5. That the case of the Inspectorates harassing traders will be followed up to the letter and a report will be forwarded to the committee. He also informed Members that he will ensure that there is a good coordination and corporation between the village administrators, ward and sub-county administrators in all the wards.
6. The Chief Officer confirmed that the Ward and Village administrators did not have offices. Some Sub County Administrators did not have offices too. Asked on the way forward, he responded that plans were underway to construct ward offices first in phases. The Department plans to construct 12 offices only due budget constraints, in the FY 2020/21 as per the Annual Development Plan.

The offices to be constructed are as follows:

No	Project	Location
1.	Renovation of sub-county office	Machakos
2.	Construction of sub-county office	Mwala
3.	Construction of sub-county office	Kathiani
4.	Construction of sub-county office	Kalama
5.	Construction of ward Office	Muthwani

6.	Construction of ward Office	Mua
7.	Construction of ward Office	Mitaboni
8.	Construction of ward Office	Kyeleni
9.	Construction of ward Office	Kangundo East
10.	Construction of ward Office	Kibauni
11.	Construction of ward Office	Ndalani
12.	Construction of ward Office	Muthesya

Committee recommendations

1. Hon. Speaker, there is need for frequent capacity building for the Ward administrators and the Village administrators. Capacity-building includes coaching and training and creating ownership for policy and institutional coherence, both within governments and in relation to stakeholders. Empowerment is about mandating people to work together across or beyond departments and levels, which is a precondition to changing mind-sets and “teaching silos to dance” (Niestroy & Meuleman 2016). The County Government should therefore introduce a program to addresses key capacity gaps to make devolution respond to citizens’ needs through strengthened institutions, improved service delivery and citizen engagement at all levels.
2. The County Government should introduce facilitation package for the officers as provided for by SRC regulations. It is worth noting that the village administrators have not been facilitated in any way hence end up using their own moneys. The officers are entitled to get their allowances as per the SRC regulations. The Chief Officer should therefore ensure that he comes up with a breakdown of all the village administrators at the ground, do a budget and present it to the cabinet; after which he should report back to the Assembly on the progress.
3. Vehicles or motorcycles should be availed to the Officers. In the next budget cycle, the Department should plan to procure a motor cycle for each village administrator and one Land Cruiser vehicles be provided in every Ward Office to enhance mobility.
4. The County Government should fast track the Construction and equipping Ward and Village offices.
5. Lack of cohesion can result in governance failure with high social, economic and environmental costs. There should be collaboration between administrative layers. This is important because one government level not functioning properly can block a whole implementation chain. In view of this, the Department of Decentralized Units and Public Administration should investigate the complaints brought forth by the village and ward administrators in their line of duty.

These complaints include the County Inspectorate Officers who are alleged to harass innocent citizens during their line of duty. Such harassment includes forcing them to pay for taxes or trade licenses. The Department should therefore ensure cohesion in the hierarchy of the administration through:

- a) Checking whether management systems in place are functioning well, or not.
 - b) Coming up with mechanisms that will ensure all officers abide by the legal and policy frameworks within which they are supposed to operate.
6. One of the roles of the village administrators is to mobilize the public to attend public *barazas* and also to conduct civic education. The 2010 constitution stipulates public participation in the law making process at the county level and all bills that are passed and implemented must be subjected to a public participation process to ensure inclusivity and ensure that the bill addresses the challenges of the constituents.

The County Government should ensure that the Public participation is taken near to the people, up to village level. This will ensure that the Public will not have to look for transport to get into the venues at Ward Level. All county projects should also be subjected to Public Participation since sovereign power belongs to the people. Implementation of projects after public participation should be evident to the people and the involvement of village council in the process should be certain.

Hon. Speaker, in view of the above and pursuant to Section 53(1) of the County Governments Act which provides that each village council shall establish Village Council comprising of:

- (a) The village administrator who shall be the chairperson of the village council.
- (b) Not less than three and not more than five village elders competitively appointed by the village administrator with the approval of the County Assembly, taking into account gender balance.

The Committee recommends that the establishment of village council offices be fast-tracked and the report brought to the Assembly for approval as provided by this law.

Conclusion

Hon. Speaker, the objectives of devolution essentially outline the sovereign reasons why Kenyans overwhelmingly voted for the new constitution whose major highlight was devolution promises and commitments.

These objectives among others include, giving powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them, to recognize the right of communities to manage their own affairs and to further their development; and to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya.

In view of this, the Committee therefore encourages the Executive to pay a particular attention in fully establishing and effectively managing all the administrative units as provided by Law, as the services they are expected to provide in a transformed system affect the daily lives of all citizens of Machakos County.

Acknowledgement

Hon. Speaker, the Trade, Economic Planning and Industrialization Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for facilitating the committee to undertake its mandate. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report.

Hon. Speaker, it is therefore my privilege, on behalf of the Trade, Economic Planning and Industrialization Committee to table the report on the status of the establishment of Village Administrators' Offices in this Hon. House for consideration and adoption. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Cosmas Kieti for that report well read

(Question proposed)

Hon. Members, you may debate on the motion, Hon. Judas Ndawa

Hon. Ndawa: Thank you, Mr. Speaker, Sir. I want to congratulate the Chairperson together with the committee for tabling this report. Looking at the time, I know some of the Members are somehow exhausted. I may request that we just adopt the report as it is because what has been tabled by the Chair is exactly what is on the ground. The only issue that I would request is that the recommendations which are given here; as a House, let us make sure that they are implemented because these is the only cure for the problems we are facing in our areas.

Mr. Speaker, you remember sometimes back I brought a Statement here concerning some inspectorate officers harassing and beating people in my ward. Mr. Speaker, since the committee went round and collected this report, the same thing has recurred again in my ward. One of the officers, I may not remember the name, went and harassed a trader and threatened to kick him out of that town because he is a Kikuyu.

Some words should not be heard in this era because the Constitution of Kenya allows everyone to conduct business everywhere he or she wishes to conduct business. Mr. Speaker, I talked to the Chief Officer in charge and he promised to transfer that officer to Ikombe.

(Laughter)

Hon. Deputy Speaker: Hon. Member are you looking for trouble because; you are out of order to say you have requested somebody whom you do not like in your ward to be transferred to another Member's ward. The best you can do is to request them to transfer that person but you do not tell them where to. Can you withdraw that statement please?

Hon. Ndawa: Thank you, Mr. Speaker for the correction. I just requested the Chief Officer to take action of that particular officer and later I came to understand that he was transferred from Matuu to Ikombe. But I believe he just landed in Ikombe and came back---

Hon. Deputy Speaker: Point of order from Hon. Jacqueline Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker and Hon. Members present. I rise on a point of order to ask Hon. Ndawa because the previous Member who was on the floor whether Ikombe is a trashing zone for those people who have failed in their jobs. So, I do not think Ikombe is a dumping site for workers because Ikombe is one of the best wards in Yatta; not even Yatta but in the country Kenya because we have very beautiful scenery, we have a stadium, we have everything in Ikombe and we do not want any staff who has failed in their job to be dumped in Ikombe. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nziva. Hon. Judas Ndawa, you may conclude with that information.

Hon. Ndawa: Thank you. The information is 100 percent valid. In fact, Ikombe is also Yatta and I have a lot of interest in Yatta. Mr. Speaker, what I would say the gentleman is known by the name Maundu and I do not know the other name. That person requires very close supervision; he should not be left alone to do work. He needs to be brought to the headquarters and maybe be assigned some duty to do there because he is somebody of questionable character and should not be allowed anywhere and if we transfer him to another ward it means we are transferring a problem to another area.

So Mr. Speaker, I kindly request that this recommendations be adhered to and I am very sure we will have solved the problems. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you. Hon. Nyanzi.

Hon. Nyanzi: Ile ilitengeneza hio mpango, huo mpango ulichelewa sana umekuja kwa wakati mzuri. Vile mheshimiwa wa Yatta amesema ni kitu ya maana sana juu ya hawa wafanyi kazi. Juu wakipelekwa *training* watakuwa watu wa zuri. Kwangu chairman alikuwako katika public participation. Mmoja alisimama *Deputy wa administrator* wa Kalama wakati tumemaliza akasema ‘kunakitu nataka kusema hapa. Nilitumwa na *senior administrator*.’

Nikambiwa ‘MCA tumempatia watu kumi wa kupatia *bursary* na tutampatia kwa hivyo hizo zingine ni sisi *administrator* ni sisi tutapeana.’ So hawa watu hawajafundishwa vizuri na tena karibu wote ni wanawake sijui wale walikuwa wakipatiana *transfer* ama wakiwajiri ni kama nani. Hio inatakiwa iongezwe hapo na iangaliwe ni nini ilikua inaendelea.

Hon. Deputy Speaker: Thank you, Hon. Nyanzi. Hon. Cosmos Ngula Masesi.

Hon. Masesi: Thank you, Mr. Speaker. Mr. Speaker, I would like to appreciate the report by trade committee chaired by Hon. Cosmos Kieti and Mr. Speaker, I am just asking myself having in place the MCAs office, the ward administrator office and again here comes the village administrator's office Mr. Speaker, I do not think whether there is some valuable money in this case whereby Mr. Speaker, I was thinking the village administrators can share the same office with the ward administrator and again Mr. Speaker, I have never seen the names for the same come to this House for approval as it is mentioned in Section 53 whereby the village administrator with the approval of the county assembly will appoint the village council.

Mr. Speaker, these employees should not worry much the MCAs Mr. Speaker, having in mind the handshake has empowered us MCAs. Mr. Speaker, I urge Members to take charge of these issues to do with the bursaries even the graders programs Mr. Speaker, we have been

empowered fully by the handshake and so Mr. Speaker, we need to take charge as elected Members to represent these people within our wards.

Otherwise Mr. Speaker, I support fully the Chair of the Committee and if they saw it fit Mr. Speaker, I have no objection. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Musau.

Hon. Musau: Thank you, Mr. Speaker. I do belong to that committee and I would like to thank our chairman for that elaborate reporting; he reported as we had agreed. Mr. Speaker, it is true the Hon. Members in this House are not the way they were before. They are very effective because of the many trainings we have had Mr. Speaker. We are getting better daily because this world is full of learning.

Mr. Speaker, It is full of learning Mr. Speaker, it is fresh in our minds that the recruitment of these administrators especially the village administrators, owe its credit to political activism. Therefore, Mr. Speaker, it is good these administrators are now trained to have a different mindset from political activism to administration such that they may serve our people better, Mr. Speaker.

Mr. Speaker, I do agree we are facing financial challenges but Mr. Speaker, unless we have capacity building for these people they will not have a different state of mind, Mr. Speaker. We need their services but they cannot serve with the previous mind they had where they would often fight the MCAs for no good reason. It is now the time they trained, they are enabled to come to terms that they are non-partisan administrators Mr. Speaker.

That way they will serve all the people whether they supported the MCA or not, whether they supported the Governor or they did not and that will bring sanity in their service, Mr. Speaker.

Again, Mr. Speaker, when I check the salaries they get and you see one village administrator traversing two or three sub-locations discharging his or her duties Mr. Speaker, you pity their situation because they have to use motor bikes, he travels with 200 kilometres on a one way journey going and coming back is 400 kilometres so there is a need for the country to look for more resources and if possible, if it has reached its maximum on employing, see the sectors where there is duplication of roles by county officers just to have enough village administrators such that every village administrator just the way we used to call the provincial administration where Assistant Chief serves in his sub location now the village administrators can serve best in his sub-location where he or she is best acquainted with what happens in that sub-location Mr. Speaker.

By doing so such an administrator will have enough time to concentrate and deliver to the best in his or her sub-location. Mr. Speaker, let us agree on the issue of offices Mr. Speaker, This County may take very long time to have an office for every village administrator. I get the case with our sub chiefs since the initiation of the sub chiefs it is now so many years back some are getting their offices. Most of them do not have and that shall remain a teething problem with all the counties not Machakos only.

If possible, Mr. Speaker, where we have existing sub-county offices like in our case Mwala Sub-County we have an existing office in Masii; I believe that office can serve the Sub county administrator momentarily, serve the ward administrator there and probably, for the time being, serve the village administrators as we look for funds in order to have offices in the ward

level for every ward administrator to accommodate the administrator and his or her village administrators, Mr. Speaker.

On the aspect of village council, I believe now that is where the challenge came from since it is constitutional and there is a provision of that such council must be appointed with the approval of this Assembly it is now where the challenge came in.

Mr. Speaker, it is good to fast track that we have these ward councils it is good we fast track so that because with approval of this House these people will work to the dot. These people will be the closest eyes to the project implementation Mr. Speaker, and to an extent will make the work of implementation committee a bit cheaper. Thank you, Mr. Speaker, thank you Hon. Member.

Hon. Deputy Speaker: Thank you, Hon. Musau. Hon. Kisini.

Hon. Kisini: Thank you, Mr. Speaker. I also want to stand up and speak in loud voice and say the committee the chairman has done and it committee has done a commendable job and more especially he has tried to analyze what the duties expected to be done by these village administrators. I want to say it is very clear now we also know their scope of their duty.

Mr. Speaker, I want to say that the report is self-speaking, it shows the boundaries and I want to repeat and echo the chairman of Kalama Hon. Nyanzi that some of them came with a set mind may be they did not know their scope. You could hear them as if you were trying to say what it should be done and they also want to say what should be done more especially during the time of the tractors. When you say the tractors or give the work plan of the tractor you might hear him saying something else. Even at the time of bursaries some of them had to come with set minds this is what we want we are the representatives of the Governor and whatever and so forth.

So, let them know their size, let them not be as Hon. Member for Mbiuni has said; let them know their scope so that you do not meet in areas of their duty. Of recent, I had to intervene and control one of the village administrators saying that he is coming to control the bursaries of Athi River as if he was to say what was to be done but then I brought him to size and he had to know where he belongs and what should happen.

So, Mr. Speaker, on the Athi River offices as proposed by the chairman. I do not think they are enough because the sub county offices of Athi River are already filled up and the ward administrators are held in an office whereby it is expected something else to be done in that house. So I do not know if it was not submitted that Athi River sub-county should be in that list of the ones that need offices. Mr. Speaker, I want to say the report is balanced, the report has spoken for itself. Thank you.

Hon. Deputy Speaker: May I request the mover of the motion to respond please?

Hon. Kieti: Than you, Mr. Speaker. Hon. Chair, I want to thank the Members for supporting and also putting light on this report on areas that are very important as concerns the administrators. Mr. Chair, I want to respond to a request by Hon. Kisini on the establishment of the offices. When we talked with the Chief Officer in the engagement he told us he had only identified areas which did not have any office in existence due to the budget that they had, they cannot build offices all at once but they will do them in phases.

So they are very much aware about areas where offices are needed and also the situation on the ground. So I request Hon. Kisini to just bear with the situation; it is a matter of budget but

if in future I know offices will be built in all the wards and more so in all the sub-counties. Mr. Speaker, it is very disheartening as we are talking now Kathiani sub-county offices have been closed by landlord due to rent arrears; I do not know they are stretching for how many years. So with such kind of situations when the administrators are working along the roads and in the villages then you find service delivery is wanting.

At the same time, Hon. Speaker, I want to say that we also need to fast track as Hon. Members have said the issue about village councils because this is something that is in the County Governments Act Section 53(1)(b) where it is very clear that village councils have to be established and they have also cited that the number of the elders who will belong to that council and how they will be identified by the village administrator with the approval of the County Assembly.

So, Mr. Speaker, I request this House to follow up the issue about village administrators so that they have them on the ground so that they can put a check on the implementation of the projects on the ground.

At the same time, I want to say that the issue raised by Hon. Nyanzi about the gender balance which is also mentioned in that Section 53(1); gender balance was not well addressed when recruiting these officers and you find about over 90 percent of them are one gender. I do not want to mention the gender because it is obvious according to how Members responded to the report.

So, we also need dome balancing during recruitment and we also noted that in some wards like Muthetheni ward there are 11 sub-locations which are equivalent to the villages and they have only three village administrators which is a very big challenge in service delivery. So, Hon. Speaker, I therefore take this opportunity to thank the Members and also thank you for giving me this chance to present this report to this Hon. House. Thank you, Mr. Speaker.

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

(Question put and agreed to)

Hon. Members, I just have one comment to make and we break. I think this is on the issue of the staff in the wards and the bursary issues. I think budget policy is quite clear on who handles bursaries and I am quite shocked to hear some of you saying that the village administrators were actually directing on who should get bursary and who should not get bursary.

You are the one you is supposed to be in charge and ensure your people whom know get bursary evenly across the ward based on the criteria that are set. I think in my ward they only came to request to be given a slot or two but they did not even mention or have idea that they can contribute to the idea of them providing bursaries to the people because they do not know the people it is only a Member who knows the people so you need to take charge of that.

One thing that has also disturbed me is the issue of rent; how do we have sub-county offices being closed because of non-payment of rent? That is the unit that is supposed to be representing the government at the sub-county level. So, I think the relevant committee needs to take up that issue very seriously with the executive to ensure that all rents for all the offices which they might have rented especially those in *mashinani* are actually paid for to ensure that service delivery to *wananchi* is flawless.

The Hon. Member has said they are now operating from the roads and on the streets of Lower Kaewa instead of serving people who they are supposed to be serving. So I think it is something which maybe the senior people who are involved in this might not even be aware.

This issues need to be brought to the attention of the Chief Officer, the CEC of decentralized units so that they can be able to ensure that those units are actually paid for rent to avoid such disruption service delivery to the people.

ADJOURNMENT

Hon. Deputy Speaker: With that, Hon. Members, the House is adjourned to Wednesday the 26th day of February, 2020 at 10 a.m. Enjoy your evening.

The House rose at 5.40 p.m.