

# MACHAKOS COUNTY ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 28<sup>th</sup> July, 2020**

The House met at 10.43 a.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members who are present, good morning?

**Hon. Members:** Good morning.

**Hon. Speaker:** I am being informed we may not be having a quorum; I am not sure how it is in the extended sitting of the House. Mr. Clerk, you can tell me whether in addition to the Members who are sitting in the extending sitting we still do not have quorum then I can give the guidance. We do? Thank you. We have quorum. Good morning Hon. Members. So, I will ask the Clerk that we start.

### COMMUNICATION FROM THE CHAIR REITERATION ON COVID-19 PRECAUTIONS

**Hon. Speaker:** In this Order, Hon. Members, I am inviting you again to this sitting, the 28th day of July, 2020. We still conduct the Assembly business still in the unusual circumstances of the COVID-19 and as we continue to discharge our mandate, we will still need to be very careful and make sure we observe strictly the public health protocols that have been in place since the outbreak of the pandemic in the Country in mid-March 2020.

Yesterday you witnessed the address by His Excellency the President to the Nation and you could feel the pain in him because Kenyans do not seem to be taking the regulations seriously and that is even in the midst of the threatening effect of this pandemic. He mentioned of Countries where burials are being done in a very scary manner and many of them. Of course, we have experienced some unusual style of burials but we have not gone to the numbers that the President talked about yesterday.

So, we just need to be careful because it is still in our hands to make sure that the health of the person next to you, the health of your family and the whole nation is in your hands. If we continue complying with the protocols that are in place, we will minimize the damage. That is the message that came from the President yesterday and I am just reiterating it here because we continue to interact in the abnormal circumstances. So, let us carry on Hon. Members with that in mind. Mr. Clerk, proceed.

### PAPERS LAID

**Hon. Speaker:** Hon. Members, under this we have the Papers that are to be laid as per the appendix and the first one is by the Hon. Paul. Museku, the DS. This is on the report of the House Business Committee.

#### REPORT ON CALENDAR OF THE ASSEMBLY FOR THE FOURTH SESSION

**Hon. Museku:** Thank you, Madam Speaker. I wish to lay on the Table of the Assembly today, Tuesday, the 28th day of July, 2020; the report of the House Business Committee on the Calendar of the Assembly of Machakos County for the year 2020 for the Fourth Session. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. The next Paper is by Hon. Joseph Musau. Hon. Musau. Any Member who is holding brief for Hon. Joseph Musau? He ought to be in the House. We agreed Hon. Members that any Member who has a Paper to lay or business to conduct should be facilitated to be within this Chamber because of the HANSARD. Hon. Deputy Whip Peter Mutiso I can see you are willing to assist. Hon. Mutiso, please go ahead on behalf of Hon. Musau.

#### REPORT ON FINANCIAL STATEMENTS OF COUNTY EXECUTIVE FOR THE YEAR ENDED JUNE, 2018

**Hon. P.J. Mutiso:** Hon. Speaker, I wish to lay on the Table of the Assembly, today Tuesday, the 28th day of July, 2020; the report of the Committee of Public Accounts and Investments on Financial Statements of County Executive of Machakos for the year ended June, 2018. Thank you, Madam Speaker.

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

#### NOTICES OF MOTION

**Hon. Speaker:** Hon. Members, under this Order, we have two notices of Motion, the first by Hon. Paul Museku and the second one by Hon. Musau. Hon. Paul Museku.

#### REPORT ON CALENDAR OF THE ASSEMBLY FOR THE FOURTH SESSION

**Hon. Museku:** Thank you, Madam Speaker. I would like to move a notice of motion.  
Hon. Speaker, that aware that the Calendar of the Assembly for the Fourth Session will guide the Assembly on when to sit and when to take a recess;  
Aware that Standing Order 151(5)(a) of the County Assembly of Machakos Standing Orders provides that the House Business Committee shall prepare and if necessary from time to time adjust the Assembly Calendar with approval of the House;  
Further, aware that the regular sessions of the Assembly should commence on the second Tuesday of February and terminate on the first Thursday of December except the session commencing immediately after General Elections;  
Noting that pursuant to Standing Order 24(2), the Assembly may by a resolution of the House alter the commencement and termination dates of a given Session;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time or to meet on any other time on a sitting day or to meet on any other day, in order to transact business;

Aware that the House Business Committee has drafted the calendar of the Assembly and made these provisions;

Hon. Speaker, I wish to give notice of the motion that pursuant to Standing Orders 25(1) and 151(5)(a), the Assembly approves the report of the House Business Committee on the Calendar of the Assembly of Machakos County for 2020 for the Fourth Session.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. P.J. Mutiso is still holding brief for Hon. Joseph Musau. Hon. P.J. Mutiso.

#### REPORT ON FINANCIAL STATEMENTS OF COUNTY EXECUTIVE FOR THE YEAR ENDED JUNE, 2018

**Hon. P.J Mutiso:** Thank you, Madam 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 Audit Report on Financial Statements of County Executive of Machakos for the year ended June 2018 was received in the Assembly;

Further aware that the report was 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 the 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 that the committee invited the Accounting Officer, interrogated him, and subsequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this House discusses and approves the report on Financial Statements of County Executive of Machakos for the year ended June, 2018.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. P.J. Mutiso for ably holding brief for Hon. Joseph Musau. Mr. Clerk, proceed.

#### STATEMENT

**Hon. Speaker:** Hon. Members, under this Order, we have, I believe two Statements; the first one is by Hon. Mark Muendo and I do not see the Hon. Majority Leader neither is the Deputy here

but we have the Deputy. A Member of the House Business Committee. Hon. Museku. We have Hon. Minority Leader. Thank you, very much.

#### BUSINESS FOR THE HOUSE FOR 28<sup>TH</sup> JULY, 2020

**Hon. Kamitu:** Thank you very much, Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour, a Member of the House Business Committee designated by the Committee for that purpose shall for not more than ten minutes, present and lay on the Table, a Statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on Monday, 27th July, 2020 to ballot business for the House pursuant to the provisions of Standing Order 151. The Committee balloted business as follows:

Tuesday, 28<sup>th</sup> July, 2020  
*Morning at 10.00 a.m.*

- a. The County Assembly Service Board operations report for the year 2018/2019 by Hon. Caleb Mule, Vice-Chairperson CASB.
- b. Approval of the Calendar of the Assembly for the Fourth Session by Hon. Paul Museku, Chairperson of Committees.

*Afternoon at 2.30 p.m.*

Report of the Auditor General on the Financial Statements of the County Executive for the year ended 30<sup>th</sup> June, 2018 by Hon. Joseph Musau, Chairperson Public Accounts and Investments Committee.

Thank you, Hon. Speaker.

#### STATEMENT SOUGHT

##### PROVISION OF MONTHLY INTEGRATED FINANCIAL MANAGEMENT INFORMATION SYSTEM (IFMIS) DETAILS TO THE ASSEMBLY

**Hon. Speaker:** Thank you, Hon. Minority Leader. The second Statement is by Hon. Moses Mitaa, the Majority Whip of the House.

**Hon. Mitaa:** Thank you, Hon. Speaker. Hon. Speaker, on 30th June, 2020, this Hon. House approved a report of Budget and Appropriations Committee on the Budget Estimates for the Fiscal Year 2020/2021 for the recurrent and development expenditure for all the departments in the County.

Aware that the Clerk of the Assembly vide letter REF: MKSCA/PAC/CMM/BAP/VOL.5/11 dated 6th July, 2020, forwarded the following to the Machakos County Treasury;

- a. Fiscal year 2020/2021 development and recurrent expenditure (itemized budget).
- b. Report of the Assembly's budget and Appropriations Committee on budget estimates for Financial Year 2020/2021
- c. HANSARD (Machakos County Assembly Official Report) of 30th June, 2020 on the consideration by the Assembly of the report under 'b' above.

Noting that the above information has since been uploaded to the IFMIS system, Hon. Speaker, pursuant to Standing Order 41(1), I wish to seek a Statement that the County Treasury provides the IFMIS uploaded information forwarded to the County departments in relation to the implementation of the Fiscal Year 2020/2021 budget. Upon receiving the above information, all the County departments and the County Treasury to provide monthly IFMIS records to the Assembly. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mitaa. You have sought a Statement and normally the tradition Hon. Members is where there is a Statement sought on the floor of the House the Members have an opportunity to ventilate very briefly on the contents of the Statement before the House decides on what to do with the statement. Do we have any Member or Members who has any comments on this? Hon. Museku, your hand was up first but again also on a protocol for those who wish to comment, you can go ahead.

**Hon. Museku:** Thank you, Madam Speaker. First of all, I would like to congratulate and thank Hon. Moses Mitaa, the Majority Party Whip for the Statement he has sought before this House for the statement has come on a timely basis or it has come at a time when we really need it.

Madam Speaker, we are all aware that we passed the budget on 30th of June this year and that budget which we passed had various projects which were supposed to be executed by the County Government of Machakos and cognizant of the fact that we are already heading towards the end of July and up to now we have not yet had time to start and know where we are in as far as the projects are concerned, I am thanking the Hon. Member for requesting for this information to be provided to the House.

It is important that Madam Speaker, after we upload or after we pass a budget and the balances are uploaded in the system that the County Assembly of Machakos, in order to be able to perform its oversight role which is one of the key functions of this Assembly, gets to have or to be provided with the IFMIS uploaded information so that we can be able to ascertain that, that which was passed and approved by this Assembly is what has been uploaded into the IFMIS system and this is key because this House approved specific amounts of money for each department; transport, roads, water, health, in agriculture, DU, in energy and lands we allocated specific amounts and stated specific projects which need to be undertaken by those funds.

Therefore, it is important for us as an Assembly to ascertain that the funds which we allocated in that specific department have been uploaded in the specific department and in the specific vote which this Assembly approved for it to be allocated in.

We have had in the past Madam Speaker, issues whereby the various departmental heads and Accounting officers in the various departments come back later on and tell us you did not approve for us funds for A-B-C and we as an Assembly know very well that we actually went ahead and had approved funds for that. So, it appears like there could be some discrepancy in as far as the things which we approve here and what ends up in the system is concerned and that is the reason why I believe that this statement has come on time for us to be able to ascertain that the things which we approved here have been uploaded.

Once that is ascertained Madam Speaker, I would also request, through the House leadership, to arrange for an urgent meeting between the Hon. Members of this Assembly and the Accounting officers in each department so that we can be able to draw up an implementation schedule for the projects which have been approved by this Assembly.

Madam Speaker, that needs to be done as a matter of urgency to avoid scenarios you have seen before whereby the implementation of projects is not done and then we wait until March the coming year when we have brought a supplementary budget to hastily approve it and then we are told that there is no time to implement the budget.

So, as early as now we are just in July, as early as July, I will be requesting while this information is provided, we meet with each departmental head and draw out detailed implementation plans to ensure that the projects which have been approved and the funds which have been approved are put to proper use.

Finally, in as far as those projects are concerned, before I seat down, it is important to note that this Assembly approved both projects which are supposed to be executed.....all projects are executed by the executive but we went ahead and had the pioneer projects which the Assembly approved and the Assembly also approved ward-specific projects.

It is important that we follow up on both to ensure that the executive is executing on the pioneer projects and as well on the other projects and the only way to do that is to be able to get the report, sit down with them and be able to make sure that what we passed is what is being done on the ground. As I said previously we do not work on a cash accounting basis whereby now we need to sit down and wait until the treasury remits money into our accounts for us to do projects.

Machakos County is a going concern and being a going concern, so long as we have got an approved vote which has got funds in it, budgeted for it then there should be absolutely no reason whatsoever why we should not go to tender and be able to get people to go ahead and do those projects and it is now the cards, what they call the certificates which can be able to wait for funds to come but as far as the implementation of projects is concerned it needs to be done immediately because we do have in the various votes funds which have been approved by the Assembly. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Hellen.

**Hon. (Ms.) Ndeti:** Thank you, Madam Speaker. I also wish to congratulate *Mheshimiwa* Chief Majority Whip and further to what also my colleague the Deputy Speaker has said, I am of the opinion that once those reports are provided on time and the Assembly takes their time to verify, this will lead to minimal pending bills which have been a headache and a challenge to this County because if every project will be planned for and keyed into IFMIS, it means there will be a budget and if there is any delay it is just the normal delay that the Government allows a payment within 45 to 60 days.

So, as a County, we shall now be moving forward without carrying over pending bills for years. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Matei. Hon. Moffat Maitha.

**Hon. Maitha:** Thank you, Madam Speaker. I want to congratulate the Majority Whip for that bold step in demanding that the executive gives the Assembly that statement sought. Madam Speaker, it is very important for the County Government that the Appropriation Act is in place for them to provide the documents so that the Hon. Members who are here and the elected ones that they may see whether the projects they gave for implementation are still there.



**Hon. Speaker:** Can I correct you Hon. Maitha on that one? The elected Members and the Members who are specially elected, all have an interest in the execution of the projects.

*(Applause)*

So, it is not just the elected, including the specially elected, all the Members of this Assembly.

**Hon. Maitha:** Thank you, for the correction Madam Speaker.

**Hon. Speaker:** Alright.

**Hon. Maitha:** Madam Speaker, knowing that in the last Financial Year, no development; there were a few projects done but we would wish to see for all the Members that the projects which the Members proposed are still intact in that report and as the Deputy Speaker has said, we would also wish the Accounting Officers to come and give us their work plans the soonest so that the work on the ground can start immediately. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Moffat Maitha. I will come to you Hon. Ndawa because Hon. Minority Leader wishes to comment. Go ahead Hon. Minority Leader.

**Hon. Kamitu:** Thank you very much, Madam Speaker. Today's Statement which has been brought into the floor of this House by Hon. Majority Party Whip Hon. Moses, is a very important Statement that relates to our recent approval of the budget that we did. So, Madam Speaker, on a fact, it should not even be like there are any forces from outside because normally as a House we did our procedure, the normal procedure that we approve the budget in regard to the monetary allocations in every department.

So, Madam Speaker, my contribution is only to urge now the Hon. House and our secretariat plus the executive as a follow up because immediately the IFMIS is opened and they are downloaded, my humble contribution is that we should not waste time, the tendering procedures from the executive should start immediately so that the electorates will be able to see what was approved by the House is being implemented on the ground.

So, my contribution is that we should not waste time now, we should move ahead and see that things are put down as per the procedure Thank you, Madam Speaker.

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

**Hon. Ndawa:** Thank you, Madam Speaker. I want to also start by thanking Hon. Moses Mitaa for coming up with this Statement. If you look at the Statement, it is in line with what the Assembly is supposed to be doing because budgeting is a process, there is the beginning and we have the end. The time we passed the budget in this House, it is clear according to the Statement that the voting letter was written and it was forwarded to the Ministers or to the CECM Finance. So, what I would request is the executive to only share the information because it is also good for the Hon. House to compare whether what they passed is exactly what has been captured in the system.

Madam Speaker, the rank and file or the electorates want to know; what are the Hon. Members planning to give us? What are the projects that we as Hon. Members are planning to be done in their Wards because we saw the budget and we are the people who gave out the projects, we

are tempted to share with the electorates that this Financial Year we intend to do A-B-C-D. In case the A-B-C-D---

**Hon. Speaker:** Hon. Ndawa, there is nothing wrong with that because whatever development that is to be done should be predictable and should be known to the people and that is why the Public Finance Management Act, through the regulations, provided for itemized budget and remember that is a public document. So, the public knows what to expect even as you go to tell them it will be done.

**Hon. Ndawa:** Thank you, for the information and the guidance. Where I am heading to is, if we give those promises and at the end of the day we do not attain those promises, that one becomes a lie and these electorates or this rank and file will see us as if we are people who do not tell the truth. Madam Speaker, it is good we have information so that when I am sharing I have inside information that the project that I fronted is captured in the IFMIS so that I do not commit political suicide.

If you tell people that we are going to do A-B-C-D and we fail to do, that is a political suicide that we are making. I believe the Statement is sought in good faith and I am very sure when we had a meeting with the Governor we agreed that we must work together so that we can deliver to our electorates. Remember Madam Speaker, because of this animal called pending bills, nothing much was done last financial year and so we expect to do something this year and maybe compensate for the year that we lost. So, the Statement is valid and I do support. Thank you, Madam Speaker.

**Hon. Ndawa:** Thank you, Hon. Ndawa. Hon. Members, we have an extended sitting in the extended Chamber. We have Hon. Cosmus Masesi. Hon. Cosmus Masesi, go ahead.

**Hon. Masesi:** Thank you, Madam Speaker. I would like to appreciate the mover of the Statement who is the Majority Whip of the House. It is true we are waiting for a lot of development, we pass some monies to the departments we have within the County Assembly. We are aware that, some of the amounts which we allocated in some of the departments might not be the real figures which were approved during the assenting of the budget.

It will be very good for us that whatever we pass in terms of approving the budget, I will be happy if the Executive approves the same and we are expecting a lot in far as these departments are concerned. We had the leadership of the Assembly to fast track the supplementary budget projects and make sure that at least we are doing something in the grassroots. Otherwise, Madam Speaker, as requested by the Mover, we will be expecting to get the updates as to what was accorded to the budget by the executive. Thank you.

**Hon. Speaker:** Thank you, Hon. Cosmus Masesi. We have also Hon. Justus Katumo in the extended sitting. Hon. Justus Katumo, as you start your submissions. Hon. Katumo!

**Hon. Katumo:** Yes, Madam Speaker.

**Hon. Speaker:** You and Hon. Jacinta will be sitting in the Chamber. Sometimes we must do affirmative action Hon. Members, because I notice we have quite a number of empty seats here and it is not fair that Hon. Katumo will be sitting there in that uncomfortable seat when we have some seats which are relatively comfortable here. So, Hon. Members and especially the Party Whip, make sure that Hon. Katumo and Hon. Jacinta in every plenary they are seated in this Chamber. Hon. Katumo, proceed.



*(Applause)*

**Hon. Katumo:** Thank you, Madam Speaker, for that directive I think it is in order that we are comfortable you know our status that we deliver when we are comfortable.

*(Laughter)*

Madam Speaker, I want to contribute and give my input on the Statement sought by the Majority Whip. It is important for us, as a House, to defuse the confusion that has been there between the Assembly and the Accounting Officers in the departments.

Actually, we have been seeking for the status of our projects and we find that most of them are saying they have not seen the money and it is important that we monitor how much money was allocated, whether it found its way into the departments and how much has been used. It has been very hard for us as an Assembly to monitor what we have approved and I believe that it is not enough that we approved a budget and that was it. It is important for us to follow the budget throughout the process to make sure that we get what we approved for and the money is used for the intended purposes. So, I support, Madam Speaker. Thank you.

**Hon. Speaker:** Thank you, Hon. Justus Katumo. Hon. Members, all your sentiments have been recorded and I believe you are representing every other Member even those who have not expressed their views and so the Statement is committed to the Budget and Appropriations Committee, I note that the Chairperson, Hon. Ndambuki is here and because of the urgency of the matter, remember we say that we need to start planning on the implementation of the budget from day one.

So, because of the urgency of the matter, Hon. Chairperson, Budget and Appropriations Committee, let the report come back within 14 days to this House, of course, you do the necessary interaction with the County Treasury and that is not later than 11th of August, 2020. That is 14 days. Thank you. Mr. Clerk, proceed.

## **MOTIONS**

REPORT ON OPERATIONS OF THE COUNTY ASSEMBLY SERVICE BOARD FOR 2018/2019

*(Hon. Mule on 02.07.2020)*

*(Resumption of Debate on the Motion tabled on 29.06.2020)*

Hon. Members, on this Order we have two businesses; the first one is by Hon. Caleb Mule and you remember Members we had reached a point where we had started on this Motion and then we adjourned because Members wanted to first read the report. The Table Clerk, remind me of where to start from here on this Motion? Had we proposed the question? Please check on the records it is a while back; if we had proposed to make the business may be owned by the House.

**Hon. Ndawa:** Point of information Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I think on that Motion you had already proposed the question---

**Hon. Speaker:** Just to be on the safe side we start all over again. Can we agree?

**Hon. Ndawa:** It is okay, Madam Speaker.

**Hon. Speaker:** In the interest of time, what do you think Hon. Members?

**Hon. Museku:** Madam Speaker!

**Hon. Speaker:** Yes, Hon. Museku.

**Hon. Museku:** I do believe that the Hon. Vice-Chairman of CASB, Hon. Caleb Mule had read the report to the conclusion and the question had been proposed and Members had requested for time to go through the report after it had already been read by the Hon. Member. So, my recommendation would be, if you have now read and he had already read it, I would suggest we do not start at the beginning rather he reads maybe the introductory part of it then we propose the question again then we debate instead of reading the whole report again.

**Hon. Speaker:** All right. Thank you, Hon. Museku. Hon. Members, I remember Hon. Caleb had an executive summary, isn't it. If we can have him read the Executive summary and then I will propose the question because that will have now reminded the Members of the report and including the reading you have done on the report then we can debate. I think that is the best way of doing it. Hon. Caleb.

**Hon. Mule:** Thank you, Hon. Speaker. I am going to read the executive summary. This report is prepared in accordance with the provisions of Section 36 of the County Assembly Services Act, 2017, which requires the County Assembly Service Board to prepare and submit a report on its operations and activities to the County Assembly at the end of each financial year. The Report outlines the performance of the Board on its mandate as from 1st July, 2018 to 30th June, 2019.

During the financial year 2018/19, the County Assembly was allocated a total of Ksh. 1,230,776,339 from the exchequer which comprised of the recurrent budget of Ksh. 851,776,339, development budget Ksh. 294,000,000, other recurrent transfers (loans) budget estimates of Ksh. 85,000,000. The recurrent budget estimates covered personnel emoluments of Ksh. 354,795,858 and Operations and Maintenance of Ksh. 496,980,481.

During the financial year 2018/19, the County Assembly was allocated a total of Ksh. 1,230,776,339 from the exchequer which comprised of recurrent budget of Ksh. 851,776,339 Development Ksh. 294,000,000, other recurrent transfers (loans) budget estimates of Ksh. 85,000,000. The recurrent budget estimates covered Personnel Emoluments of Ksh. 354,795,858 and Operations and Maintenance of Ksh. 496,980,481.

During this period, absorption rate was 100 per- cent for the recurrent budget while under the development budget only Ksh. 24,327,540 was received from County Treasury translating to an absorption level of 8.2 per cent. Under other recurrent transfers, Ksh. 85,000,000 was released to the Assembly translating to absorption level of 100 per cent. Overall, the Assembly total budget

estimates were Ksh. 1,230,776,339 and Ksh. 941,103,879 was released resulting to absorption level of 76.5 per cent.

A conducive work environment and employee welfare programs are prerequisite for enhanced organizational and individual performance and productivity. The County Assembly has put in place the provision of adequate office space through construction of the new office block, provision of both medical and general insurance, ensuring engagement of the Assembly in the CASA games, provision of the cafeteria services and ensuring all staff proceed on their annual leave and are paid their leave allowance.

In line with reporting on the extent to which the values and principles of public service have been adhered to, the CASB developed 10 thematic areas to enable adequate reporting. Interventions towards ensuring higher levels of compliance with the values and principles of public service include promoting high standards of professionalism, ensuring efficiency and effectiveness in service delivery and extending good governance practices among other initiatives.

In the discharge of its mandate, the Board faced a number of challenges key among them being delays in exchequer releases, inadequate funding occasioned by the County Executive not honoring cash flow releases, shortage of staff, lack of a staff scheme of service as no approval of the proposed county's schemes of service has been granted by SRC among others.

To enhance productivity in the County Assembly Service, the Board will pay attention on the following key interventions so as to improve on its mandate:

- a) Review the organogram of the County Assembly to ensure it is aligned to Board's mandate and guarantee that the Service is optimally staffed for effective service delivery.
- b) Human Resource Management policies and guidelines will be consolidated and aligned to the Constitution and other legislative frameworks and impact assessment on policies and guidelines issued to the County Assembly Service will also be done.
- c) To provide feedback on the implementation of the Board's function in the County Assembly, an elaborate monitoring and evaluation framework will be implemented while strategies to ensure the County Assembly Service reviews and complies with the County Assembly Citizen Delivery Service Charter will be carried out.
- d) In order to promote and comply with values and principles in Articles 10 and 232, capacity building on the same will be undertaken.

To meet the expectations of stakeholders and address emerging issues, the Board will continue to work closely with Members, staff and other key stakeholders of the County Assembly.

## *II. Membership of the Committee*

Hon. Speaker, the County Public Service Board comprises the following Members:

1. Hon. Florence Muoti Mwangangi - Speaker (Chairperson)
2. Hon. Caleb Mule - Vice Chairperson/ Minority Party Representative
3. Hon. Peter Joseph Mutiso - Majority Party Representative

4. Mr. Alex Kitili - Member
5. Ms. Janet Kimeu - Member
6. Mr. Mbiuki F. G - Secretary

### *III. Acknowledgement*

Hon. Speaker, I take this opportunity to thank all the Members of the Board for their dedication, undivided attention and contributions during the entire report writing exercise. The Committee also appreciates the Office of the Hon. Speaker and that of the Clerk to the County Assembly for the administrative support accorded to it during the exercise.

On behalf of the Board and pursuant to the provision of Section 36 of the County Assembly Service Act, it is my pleasure and duty to present to this Hon. House the County Assembly Service Board Report on County Assembly's annual report for the Financial Year 2018/19. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Caleb.

*(Question proposed)*

Hon. Members the motion is open for debate. Hon. Museku.

**Hon. Museku:** Thank you, Hon. Speaker. Hon. Speaker, first of all I would like to thank the Vice Chair for reading the report ably twice now before this House and to thank the Chair of the entire committee of the County Assembly Service Board for the report which they have been able to prepare and present before the Hon. House. Hon. Speaker, we know that this is the first report which we have ever received from the Service Board before this plenary and we appreciate the amount of transparency and hard work which has gone into preparation of this report so that the issues which are handled at the County Assembly Service Board level are brought to the attention of the Hon. Members of this Assembly.

Hon. Speaker, looking at the finances of the year under review we can see that the absorption rate was at 76 percent and largely this was because of the non-absorption of the development budget. If we look at the development budget for that year, whereas we had approved an amount of almost Ksh. 294 million, we only absorbed 8.2 percent of that and that was a very small absorption considering that if you have been given Ksh. 294 million and we do not absorb it then we have denied another project money which should have been allocated to it.

I know this was as a result of the chamber at that time which was shelved and not implemented during that financial year but we should have been wiser, I believe and looked at another alternative project to be able to do with the funds which had already been allocated at that time. So mine is to urge the Board that if there is money which has been planned for and set aside for some specific project and that project for one reason or another is not approved or the priorities of the Assembly changes, then the Board needs to change also its priorities in its planning and reallocate or bring alternative projects so we can be able to utilize the funds which have been given here fully.

It is always critical to utilize funds especially development budget funds fully because by the time we were been given this money somebody else somewhere was denied money. So the Assembly

got Ksh. 294 million from the entire development fund and maybe the department of water would have wished to have gotten this money and construct three dams with it but because the Assembly had said they were going to use this money here we were allocated the funds.

Now if we do not use the money you need to look at it as a double effect that what we said we were going to do has not been done and then the three dams which could have been constructed have also not been constructed. So on development funds we need to be extra careful with and ensure that once we are allocated those funds, the Board utilizes them optimally.

I am impressed to see that going forward the Board has put in place or is looking at specific enhancements including review including the organogram of the County Assembly to ensure it is aligned to the Board's mandate and guarantee the service is optimally staffed for effective service delivery. Madam Speaker, I know there is the issue of the ongoing or what would have been the ongoing recruitment process to be able to bridge the gap on the staffing on this Assembly.

I saw there was like there was a postponement on the issue of doing the interviews. Madam Speaker, I would urge the Board to look at how we can be able to finalize on those interviews within the restrictions which are there because corona is here to stay with us. Corona will take a long time with us here and therefore, if for example, the directions which are given there is that we have a maximum of four people meeting and so the Board needs to look at how can it work around that---

**Hon. Speaker:** Hon. Museku, can I just answer you and the House on that point?

**Hon. Museku:** Yes, Madam Speaker.

**Hon. Speaker:** Yes, we were to commence on Monday but then there were issues that came up especially on public gatherings. Remember that one is not as this Assembly, because it will be difficult to stop the Assembly business through sittings of the plenary like this or committees but since then I have asked the Clerk to re-advertise; we are going to commence next week.

**Hon. Museku:** Thank you, Madam Speaker. I am glad to hear that because it is important for the gaps which are there especially in as far as staffing is concerned to be bridged. You tend to find that we are short on things like Clerk Assistants and therefore committees cannot be able to effectively do their work because we are short on Clerk Assistants so therefore the recruitment of more staff will be able to give the Board the resources they need to ensure that the services which Hon. Members require and staff of this assembly are done without any interference whatsoever. I am glad to hear that Madam Speaker, the exercise is going to be completed soon.

I have also seen here you have written 'to provide feedback on the implementation of the Board's function to the County Assembly, something which has not been there before. Again I am thanking you for that because in previous Boards, we have not had any opportunity to see reports on how the Board has been performing and implementing its functions and now we can see that you have put that mechanism in place to ensure that it is done.

In order to comply with values and principles in Article 10 and 32, capacity building on the same will be undertaken to both the Hon. Members here which includes training, retreats which includes all these other add-ons which go with it as a Hon. Member of this Assembly I thank the Board for the hard work they have done. I know the report is very detailed but I have just summarized on the key issues which I have seen and I would like to congratulate you and tell you to keep on doing the god job you are doing for the Assembly. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Nziva.

**Hon. (Ms.) Nziva:** Thank you, Madam Speaker and Hon. Members present. I wish to thank Hon. Caleb for bringing a report of the County Assembly Service Board. Really this is the first report since 2013 so let me applaud the committee led by our Hon. Speaker. You realize that as our Hon. Deputy Speaker has said when they review the organogram for effective delivery, I think that surely services will be done effectively and also in any organization if monitoring and evaluation work plan is done, I think there will be always smooth delivery of services.

I wish also to thank them because they have enhanced capacity building to equip both staff and Hon. Members because learning is really a process. So I wish to thank the board for such a good report. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Nziva. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I will start by congratulating the Board for giving us a good report which is self-explanatory. Madam Speaker, I know the Board has a lot of work because it is the one which drives the Assembly because everything we do in this Assembly has to be approved by that County Assembly Service Board---

**Hon. Speaker:** Not everything Hon. Ndawa. It is actually the Assembly which approves almost everything. The Board approves some of the things.

**Hon. Ndawa:** Okay, thank you, Madam Speaker. I am saying most of the things that we do especially when it comes to welfare, yes, when it comes to welfare of the staff and also Members it has to go or it has to be approved by the County Assembly Service Board. I want to commend you for the good job you are doing and maybe request, in future, you pull up your socks so that instead of getting 76 percent consumption...76 percent means there was a lacuna somewhere.

We ought to have spent everything because we requested that money and I believe before we had requested for the money we had specific project that was to be done using that money. So that we request, in future, let us try our level best to ensure that we spend all what we request for. That is recommendation number one.

Recommendation No. 2 Madam Speaker, we have not heard whether the Assembly has pending bills like the executive. It is not clear in this report. I have seen from page 59 I have seen some payments made, item No. 1 on the women category, I have seen Ksh. 600,000 paid, going downward paid. You go to the other page you will find that Pakita General Agencies have some amounts which are not paid. That is on page 60 there is an amount of Ksh. 585,000 which is not paid.

Go downward there is Ksh. 710,600 which is also not paid; you have said payment is on the process. Then you go downward there is Ksh. 60,340 not paid, Ksh. 210,000 not paid. If you go to the other page, there are some unpaid bills so my concern is, are we terming these unpaid bills as pending bills or we are giving them which name because if you give a certain project to be undertaken and the work is complete and a certificate is issued, it means that the person who gave the job need to pay.

So, Madam Speaker, we also need to get clear interpretation of the pending bills. At what stage does a debt turn from a debt to a pending bill? What is the period specified in the Constitution?



**Hon. Speaker:** Hon. Ndawa, can I respond to you and the Members? If you notice this is 2018/2019 financial year report so the situation on the pending bills obviously has changed and it is going to be captured in the current report which will be 2019/2020. So this is historical but it is a good concern that you have raised it because we should not be having pending bills. So the message you are delivering is correct only that the period has passed and payments have been effected only they cannot be captured in this one because this is a report for that period. Are we together? Go ahead.

**Hon. Ndawa:** Thank you, Madam Speaker. I do agree with you and I strongly believe that some of the issues raised in this report have since been overtaken by events because by the time of compiling the report, if the payment was in process and it has been paid so it means it has been sorted out.

So, Madam Speaker, the other concern that I had I was asking myself, the amounts paid if you look at the list you have provided, you will find that the highest figures are the ones which are paid and these small figures are not paid. I do not know if the other members have seen what I have seen; I do not know whether the Vice Chair because the one who has given us the report has also seen the same. Most of the payments are the high amounts.

These small amounts are not paid so it is my advice Madam Speaker, that a debt is a debt no matter how small it is. If somebody supplies the Assembly with biro pens worth Ksh. 20 or Ksh. 10 that is a debt and it needs to be paid so let us pay all the debts. Let us not pay the higher amounts and leave---

**Hon. Speaker:** Even those small ones have been paid Hon. Ndawa but I appreciate the same so it does not look like only the big ones are paid and the small ones; a debt is a debt and must be sorted out thank you.

**Hon. Ndawa:** Thank you, Madam Speaker. The other thing which is not captured in the report is we have talked about the CASA games and what a view. Madam Speaker, during the CASA games some items were not supplied to the teams which were playing during the CASA games and we are not shown in this report the amounts for the items which were not supplied because I believe some teams went without uniform and some other teams like tug-of-war did not participate because we did not have uniform. I believe football also had the same problem and other teams. So why is the committee not showing us where the money for that uniform is? It is not shown in the list and if it is there maybe we can be advised on which page so that we can go through.

Then my final issue, Madam Speaker, is about capacity building of members of staff and Members of this Assembly. Madam Speaker, we do agree everybody knows we have Covid-19 pandemic with us and Madam Speaker, we humbly requesting since there is assurance that we are going to be out of this pandemic soon, we need to be trained on how to behave with this Covid-19. I know Madam Speaker, in every workplace if there is change; members of that particular institution are taken through training so that they can be able to cope with the situation.

Madam Speaker, we were discharging our mandate before Covid-19 so after the introduction of Covid-19 the way we were behaving that time is not exactly how we are behaving today. So, Madam Speaker, I am humbly requesting the County Assembly Service Board to also consider because we had a budget for this and I believe in this financial year we also have a budget for that we are requesting the County Assembly Service Board to also consider taking the members through training.

It is not a must we travel all the way to Mombasa or to Nairobi; we can have training even within our County so that at least we can be advised by experts on this issue of Covid-19, Madam Speaker. I do not want to talk much I want to say the report is good and request the Hon. Members, since we have given our recommendations and others are going to give their recommendations, let us approve the report. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa. I will come to you Hon. BAC Chair, Hon. Katumo.

**Hon. Katumo:** Thank you, Madam Speaker. Thank you, Madam Speaker. As you can see I am now inside, I feel more comfortable and actually my mind is rekindled and I am thinking well. Thank you very much for your directions and immediate implementation of the same. I have been going through the report, it is good actually it is well balanced and I think we are becoming professional in terms of how we present our reports in this House actually we have really improved so much and it becomes one of the indicators of good performance is how these reports are presented and I think we are doing very well.

I have gone through the report but I want just to zero in within my constituency when you go to page...especially---

#### **PROCEDURAL MOTION EXTENSION OF TIME**

**Hon. Mitaa:** Point of order, Madam Speaker.

**Hon. Speaker:** Point of order Hon. Whip? Hon. Katumo just sit briefly.

**Hon. Mitaa:** Thank you, Hon. Speaker. I stand on a point of order under Standing Order 27 to request extension of time.

Hon. Speaker, that aware that Standing Order 27(2) provides that the Speaker, shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27(4) requires motion to extend sitting time to be moved at least 30 minutes before the time appointed of adjournment;

Hon. Speaker, I beg to move the motion that the House resolves to extend its sitting time until the business in the Order Paper is complete.

Thank you, Madam Speaker. I request Hon. Ndambuki to second my request.

**Hon. Speaker:** Thank you, Hon. Mitaa. Hon. Ndambuki.

**Hon. Ndambuki:** Thank you, Hon. Speaker. I second the motion.

**Hon. Speaker:** Thank you, Hon. Ndambuki. Hon. Members this is a procedural motion we usually do not debate but it is good that the feel of the House is felt. Do we extend or do we not extend?

**Hon. Members:** Yes.

**Hon. Speaker:** Thank you, very much. Thank you; so Hon. Katumo, carry on. The decision of the House is that we extend time so it is granted. Let us continue, Hon. Katumo.

**Hon. Katumo:** Thank you, Madam Speaker. I was saying I wanted to zero in on my constituency; when you go to page 59 of the report Section B, it gives all contractors or to the targeted groups and that is women, youth and PWDs for that period ending June, 2019 and the categories have been well stipulated down there. When you go to the women, we do not know where the youth starts but women goes 60, 59, 61 then 62. Then on top of 63 it is when you are finding that my category where people with disabilities only two contractors contracts were given these marginalized group.

Madam Speaker, I am wondering if the report has not given the challenges where we had only two contracts given to this special group; I hope to see why we had so few. Is it because they did not tender or what was the problem and of course, I believe devolution came specially to target certain groups that have been forgotten or left behind in society. It is not my wish that we leave some people behind as we move forward and therefore I would wish to understand why my constituency has been left behind so much.

With two of these companies or groups of people being given and you look at the first one, this is Cherena contractors supply of drinking water at Ksh. 175,000 then Bamwajo that is Ksh. 760,000 in the whole year, that is less than a million and I think something should be done having being given an explanation why we have that so that I can encourage my people.

Then of course when you go to the way forward on page 67 there is a way forward and I think it is well crafted for this Assembly. It begins by saying, Hon. Speaker, in order to transform the Assembly to be professional, ethical, efficient and effective in service delivery the Assembly will *inter alia* focus on the following intervention and I want to focus on No. 8 especially special employment opportunities. I think this is very key and should come very fast.

However, Madam Speaker, and the Hon. House you find we have been conducting our sittings on YouTube; I think we all watch news and we see what happens. We have an interpreter somewhere trying to communicate to a certain group of my constituency and I think this Assembly should also be well-constituted legally to make sure that we also communicate to them. So much so that we are not leaving people behind in our society---

**Hon. Speaker:** Hon. Katumo, I answer questions which I can answer immediately. Firstly, we have a provision in the ongoing interviews; Hon. Caleb we do? For sign language interpreter? We do, I want to believe we do but at the same time you know we are also constrained on space because we usually need a special position elevated for that sign interpreter. Sign language and we have made serious provision for that in the chamber that is under construction and the plan of the CASB is that that chamber should be completed when you are still here and you should debate in that chamber.

So it is a hope that is going to pass especially when we are through with that construction. The problem with the restriction of the chamber we are in but at the same time we also have in mind that we need that particular service.

**Hon. Katumo:** Thank you, Madam Speaker. In addition to what we are saying, actually the interpreter does not need to be raised. He needs somewhere where he can hear what we are saying and then of course he can interpret and then he can be focused in our cameras then that one will be seen from the other side. Actually here we do not need...nobody needs that interpretation but out

there they need it. That is okay but I think we should have especially because we go out for forums for public participation.

Then of course it says the County Assembly will make provisions for special employment opportunities for the unrepresented and the underrepresented marginalized groups like the deaf during the public participation forum and so on and so forth. Therefore, Madam Speaker, my plea and my request we target to make sure we have these people on board and there is a special provision where we do not just send application people should apply then you wait for the application; these are targeted groups and I think the Assembly should rise to the occasion and make sure you target, of course you provide and you set a side certain positions.

Madam Speaker, it is my wish that we should have somebody at the gate where we have Madam Frida there; we should have somebody who understands the language of the disabled people so that they can also be compliment to the one doing the other thing. We should have the same on the other side. In the Assembly everywhere and therefore, this is a targeted group we should not just say let us apply; we should target them.

**Hon. Speaker:** Hon. Katumo again I respond to you. Have I contacted you personally about persons living with disabilities on the impending recruitment? Have we talked about it? Thank you, so then don't you finish?

**Hon. Katumo:** Yes, Madam Speaker. I wanted just to make the point and therefore, of course we have talked and I think going forward I will be a happy man and my constituency will be part and parcel of the Machakos County Government and especially in the County Assembly. Thank you, Madam Speaker. I support the report.

**Hon. Speaker:** Thank you, Hon. Katumo. Hon. Moffat Maitha as we go to the extended sitting.

**Hon. Maitha:** Thank you, Hon. Speaker. Madam Speaker, I want to applaud the board it has done very commendable work but I have two points which I wish to make. First, I want to thank them for the lifts which were installed in the new building but Madam Speaker, one time I used the lifts and went to the fourth floor but on coming back, it did not work. It was stuck; I was wondering such a new lift, what was wrong? Supposing someone got stuck in side and it is new that would be a very bad image, Madam Speaker.

**Hon. Speaker:** Can I take you Hon. Maitha on that one. The information that we have on the Board is that it is because of power fluctuation in the town. The power that is available from the Kenya Power is not enough to drive that lift continuously and there is a technical report that is being made by the project implementation committee which includes a public infrastructure officer. We have done a letter to Kenya Power and Lighting to come and give us an advice because they said there is a gadget that is supposed to be purchased so that it is installed then it controls the power fluctuations.

In fact, the lift is not supposed to be in use as we are talking and we have said this severally in the Board so *Mheshimiwa* Caleb you need to check on that. I would hate to have any member stuck in that lift so that we finalize we install that gadget and then it is commissioned. It has not even been commissioned by the person who installed. So that is the problem.

**Hon. Maitha:** Thank you, Madam Speaker. Madam Speaker, point number two I am requesting the Board if it is possible to put the committee rooms in the new building with the HANSARD equipment so that the proceedings of the committees can be recorded for posterity.

**Hon. Speaker:** Hon. Maitha, I sit in an awkward position that I am here as a Speaker, and chair of that board so it is good I also answer on that particular one. It is already in the process of procurement. All committee rooms must have HANSARD recording equipment. That is a project that is one of the projects that is to be implemented by the Assembly; we appreciate the records must be kept for posterity just like we do here. It is also makes the discussions easier when you have HANSARD recording equipment. So the committee rooms are in the process of being installed with HANSARD recording equipment, of course, through the procurement process.

**Hon. Maitha:** Madam Speaker, and thank you, so much for that information. Lastly, about CASA games Madam Speaker, as Hon. Ndawa has said we missed uniforms the other time when we had games. I also missed shoes because they said mine were not available so I would also wish them to also provide my shoes because I did not get them. Although we are not going for the games, Madam Speaker, we still need the uniform as we can do games in our areas because there was a provision for uniforms. So we would wish to also get the uniform. I thank you, Hon. Speaker, and the Hon. Members of the Board. Thank you.

**Hon. Speaker:** Thank you, Hon. Maitha. The issue of CASA games we have heard and we will go back because of completeness of the reporting on CASA games. You know the CASA games have committees; you appreciate that which oversee the implementation and purchase of uniform and so on. Yes, we will go back to it and find out more information that can come to the House. Yes, we agree socks must be pulled up everywhere. Hon. Dominic.

**Hon. Ndambuki:** Thank you, Madam Speaker. I wish to thank the Board that you lead for the good report and first for the openness in the reporting. If I were to quote what Hon. Nziva has said that this is the first of its kind since the inception of the devolved units since 2013 and we congratulate you for that, Madam Speaker. Madam Speaker, I wish to comment on a few issues that I have picked from the report and the first one is openness on the part of reporting especially where we have contractors.

That shows that CASB is open to public scrutiny and whatever they do they do it with all fairness, Madam Speaker. Secondly, I will touch on the well-being of this family that is Machakos County Assembly family. Madam Speaker, I would wish to recommend that going forward we see more of team building so that we can enhance cohesion between the Hon. Members and members of staff for synergy and team work, Madam Speaker.

Thirdly, we have noted challenges that have befallen our Assembly and not only Machakos County Assembly but also all other County Assemblies across the country. How I wish and pray that under your leadership and as the Vice Chair of County Assemblies Forum (CAF) that we push and get to see the autonomy of all County Assemblies realized so that we can draw funds directly from the Treasury and be able to run programs of the Assemblies independently so that we can be able to play our oversight role well.

**Hon. Speaker:** Hon. Ndambuki, allow me to reply because I also happen to wear that hat of the Vice Chairperson CAF. That is a matter that we talk, sleep and eat, we think, we dream every

moment and we had an engagement about two weeks ago with the Speaker of the National Assembly and we narrated to him again and we have written many memoranda and actually he was appalled.

I moved the motion on the financial autonomy of County Assemblies because you need to be given that independence so that your funds can come directly to your operations account and the Clerk can be the accounting officer to the Auditor General. So that you do not go begging the Executive for your funds because you know when you 'do not agree' then you are denied your funds.

So that is a matter that the Speaker of the National Assembly is aware of and he took notice and said they are going to look in to the matter. We also engaged the Speaker of the Senate on the same thing this month of July; the two Speakers we have had engagements with them. We have also raised the matter even with the highest offices in the land and we have raised it with the respective Committees of the Senate and the National Assembly.

So, that is a matter that is very well within us and we are being told it is being looked into; we will not relent and we believe that someday we will be able to have proper oversight by County Assemblies, because that is the goal. So thank you, very much it is also within you.

**Hon. Ndambuki:** Thank you, Hon. Speaker for that and I am sure that once we get that autonomy we will be able to play our oversight role effectively. Lastly, as I conclude I would also wish to request and recommend that since Covid-19 is here with us and we do not know when it will end, we look in to new ways of conducting public participation and look in to how we can interact well with Members of the public as we used to do in our *Bunge Mashinani* forums. We also look at new ways of conducting *Bunge Mashinani*. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Ndambuki; you are very much on point. Hon. Members, we have the extended sitting, Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. Mine is to say that this is the first report since 2013 so I congratulate Hon. Speaker because of your openness and nothing could be brought here without the authority of the Speaker but you have done so. So, I ask the Members; when money is given to the Assembly, to do something not to be bringing a lot of politics because in that, we will now be sitting in the new chamber and not feeling the cold we are feeling here.

So, I also ask CASB because of this Corona, to find money for the Members to go to the ground to teach people about it; in fact they do not know. They say Corona is for the rich and those from Nairobi. So, I wish the 40 wards be taken through civic education. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mueni. I call upon the mover of the motion to reply, Hon. Caleb.

**Hon. Mule:** Thank you, Hon. Speaker, thank you Members for showing faith with the Board. We will continue being honest, open and serving you. Just to answer a few of the questions about the functions of the Board, Hon. Ndawa talked about the small and big bills which we answered well Madam Speaker, which need to be paid.

On CASA games equipment that were not supplied, Hon. Ndawa, the ones that were not supplied were not paid for because we have Inspection and Acceptance Committee which inspects all the equipment that come in and pay what is delivered.

Hon. Katumo talked about his ward of people living with disabilities. Hon. Members, the Board was keen and takes care of your ward. For example, the secretary is aware that all the



procurable items, a certain percentage should go to your ward of women, youth and PWDs. So I would encourage you Hon. Katumo to encourage your ward to pre-qualify so that they can participate in these tenders because there is a certain percentage that is usually kept aside for that ward.

On employment opportunities for the ward, Madam Speaker thank you, you have answered very well. In the upcoming chamber that we are building, there is a certain space for sign interpreter where we will be recruiting the same in this current recruitment.

Hon. Moffat for the lift; thank you, Hon. Chair again, because you have answered very well. There is usually a power surge and there is a certain gadget and the Secretary reported to the Board to stabilize the power we needed a certain gadget and the Board authorized for the purchase. So, immediately the gadget is purchased, the power will be stabilized and the lift will be usable. Thank you, Hon. Speaker and the House for showing faith in the Board.

**Hon. Speaker:** Thank you, Hon. Caleb.

*(Question put and agreed to)*

Hon. Members, just to thank you because of the kind sentiments that you have expressed on the report. I take it very positively and I can assure you that this kind of interaction opens our eyes also because we are humans. There is always room for improvement and we promise that we are going to improve and address the concerns which you have raised which have not been answered on the floor of this House.

I am assuring you in the next financial report, it is going to be timely because we are appreciate that these ones were historical. We are going to be on time on the report of the just-ended financial year and bring forward and the issue you have raised will continue being addressed.

Any criticism is welcome, whether negative or positive; we must have a big heart when you are in leadership so that you can absorb even negative criticism and from that I believe there is something one can learn. So, it is not always the positive criticism that we will take. I will ask Hon. Museku to move the next motion that is order number nine, Mr. Clerk.

#### REPORT ON CALENDAR OF THE ASSEMBLY FOR THE FOURTH SESSION

**Hon. Speaker:** Yes, thank you, Hon. Museku please move order No. 9.

**Hon. Museku:** Thank you, Madam Speaker.

Hon. Speaker, that aware that the Calendar of the Assembly for the Fourth session will guide the Assembly on when to sit and when to take a recess;

Aware that Standing Order 151(5)(a) of the County Assembly of Machakos Standing Orders provides that the House Business Committee shall prepare and if necessary from time to time adjust the Assembly Calendar with approval of the House;

Further, aware that the regular sessions of the Assembly should commence on the second Tuesday of February and terminate on the first Thursday of December except the session commencing immediately after general election;

Noting that pursuant to Standing Order 24(2), the Assembly may by a resolution of the House alter the commencement and termination dates of a given Session;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time or to meet on any other time on a sitting day or to meet on any other day, in order to transact business;

Aware that the House Business Committee has drafted the calendar of the Assembly and made these provisions;

Hon. Speaker, I wish to move the motion THAT pursuant to Standing Orders 25(1) and 151(5)(a), the Assembly approves the report of the House Business Committee on the Calendar of the Assembly of Machakos County for 2020 for the Fourth Session.

I call upon Hon. Judas Ndawa to second my motion.

**Hon. Speaker:** Thank you, Hon. Museku. Hon. Judas Ndawa.

**Hon. Ndawa** seconded.

**Hon. Speaker:** Thank you, Hon. Ndawa. He has seconded and he has reserved his comments for later.

**Hon. Museku:** Thank you, Madam Speaker, thank you Hon. Judas. I am going to through the report of the House Business Committee.

## *INTRODUCTION*

### *PREFACE*

Hon. Speaker, the Assembly Calendar provides for periods in which the Assembly is to transact business during a Session and is informed by the Constitution, the County Governments Act, the Assembly Standing Orders and other relevant laws and the traditions and practices of legislatures world over.

The Calendar enables the Assembly to plan the execution of its business and it sets out a schedule of days for the House sittings and days of recess.

Standing Order 24(1) provides that the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December. Standing Order 24(2) provides that the Assembly may by a resolution of the House alter the commencement and termination dates of a given Session.

Further, Standing Order 24(3) states that the Assembly shall continue to be in Session and may adjourn for such a number of days as it may determine in the Calendar while Standing Order 24(4) requires that a period of three months shall not intervene between the last sitting day of the Assembly in one Session and the first sitting of the next Session.

Hon. Speaker, Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly. In addition, Standing Order 25 (2) provides that once the Calendar of the Assembly is approved by the House it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation.

Further, Standing Order 27(1) provides for the hours of meeting of the House as Tuesdays and Wednesdays at 10.00 a.m. for morning and 2.30 p.m. for afternoon Sittings in both days. Standing Order 27(3) provides that the House may resolve to extend its sitting time or to meet on any other time on a sitting day or to meet on any other day, in order to transact business.

## *MANDATE OF THE COMMITTEE*

Hon. Speaker, the mandate of the House Business Committee is stated under Standing Order 151(5) and includes the following:

- a. Preparation and, if necessary, from time to time, to adjust the Assembly Calendar with the approval of the House;
- b. Monitoring and overseeing the implementation of the House Business and programs;
- c. Implementing the Standing Orders respecting the scheduling or programming of the business of the Assembly and the functioning of the Committees of the House;
- d. Determining the order in which the reports of Committees shall be debated in the House;
- e. Taking decisions and issuing directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and
- f. Considering such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.

#### *COMMITTEE COMPOSITION*

Hon. Speaker, the Membership of the House Business Committee as provided for in Standing Order 151(1) includes the following:

1. Hon. Florence M. Mwangangi- Speaker and Chairperson
2. Hon. Paul Museku
3. Hon. Mark Muendo
4. Hon. Alex Kamitu
5. Hon. Moses Mitaa
6. Hon. Jacqueline Nziva
7. Hon. Patrick Kituku
8. Hon. Fredrick Muthoka
9. Hon. Annastacia Mutuku
10. Hon. Joshua Muli
11. Hon. Judas Ndawa
12. Hon. George King'ori
13. Hon. Justus Katumo
14. Hon. Hellen Ndeti
15. Hon. Rozina Kanini

#### *CALENDAR OF THE ASSEMBLY*

##### *The Fourth Session of the Assembly*

Hon. Speaker, the Fourth Session of the Assembly was to commence on 11th February, 2020 but was postponed to 18th February, 2020 when 11th February, 2020 was declared a public holiday following the passing on of the second President of the Republic of Kenya, H.E Daniel arap Moi.

In addition, the session suffered an interruption in March 2020 as a result of outbreak of Covid-19 pandemic in the Country at a time when the Calendar of the Assembly was in the drafting stage. Following the reporting of the first case of Covid-19 in the Country on 13th March, 2020, the Assembly adjourned *sine die* in line with the Presidential directive that all public and private institution employees work from home to contain further spread.

During the period of *sine die*, the House met through special sittings when there was an urgent business to be transacted. This delayed the drafting of the Assembly calendar which was only possible after the resumption of ordinary sittings on 21st July 2020.

*Observations on the Calendar of the Assembly for the Fourth Session*

Hon. Speaker, in coming up with the Calendar, the Committee was guided by Standing Order 24 (1), (3) and (4) and considered the following:

- a. The period between 11th February, 2020 and 16th March, 2020 was considered as the first part of the Calendar whereby the Assembly was meeting on Tuesdays and Wednesdays.
- b. During the period between 16th March, 2020 and 20th July, 2020, Committees held sittings where Members sat for eight (8) sittings per week using the virtual meeting system.
- c. In coming up with the calendar, the Committee considered the Calendar of the Senate where it noted the Senate had 132 sitting. Guided by these sittings, the Committee then optimized plenary sittings for the Assembly by shortening recesses to two weeks and extending the date for adjourning for long recess to 15th December 2020 instead of 3rd December, 2020.
- d. The Committee also proposed that Committee sittings for Fifth Session resume early in the second week of January 2021 that is on 11th January 2021.
- e. The Ministry of Health guidelines on Covid-19 and especially the need to have three days between one sitting of the Assembly and the next to give room for fumigation of the Chamber.

*Recommendations on the Calendar of the Assembly for the Fourth Session*

The committee makes the following recommendations for the Calendar of the Assembly in the Fourth Session:

- i. The Session commenced on 11th February 2020 and terminates on 15th December, 2020.
- ii. The Fourth Session be divided into four parts whereby the House will take four recess. (see annex of the calendar).
- iii. The House seats on Tuesdays and Wednesdays at 10.00 a.m. for the morning sitting and 2.30 p.m. for the afternoon sitting for part I of the calendar.
- iv. The House will be convening on Tuesdays at 10.00 a.m. for the morning sittings and at 2.30 p.m. for the afternoon sittings for parts II – IV of the calendar.
- v. The First part runs from Tuesday, 11th February, 2020 to Monday, 16th March, 2020.
- vi. The Second part runs from Tuesday, 21st July, 2020 up to Tuesday, 25th August, 2020. The House will take a short recess of 12 days starting from Wednesday, 26th August, 2020 to Monday, 7th September, 2020.
- vii. The Third part will begin on Tuesday, 8th September, 2020 and end on Tuesday, 28th October, 2020. The House will then take a short Recess of 12 days starting from Wednesday, 28th October, 2020 to Monday, 9th November, 2020.

- viii. The fourth part runs from on Tuesday, 10th November, 2020 up to Tuesday, 15th December, 2020. The House will adjourn for a long recess of 8 weeks starting from Wednesday, 16th December, 2020 to Monday, 8th February, 2021.
- ix. Committee sittings for the Fifth Session will resume on 11th January, 2021.

Hon. Speaker, the House may resolve to meet at any other time as provided in Standing Order 27(3)(b) and (c).

### *Conclusion*

Hon. Speaker, the calendar of the Assembly once approved shall be published in the Kenya Gazette, the Assembly Website and at least in two newspapers of National circulation pursuant to Standing Order 25(2). This will enable the County Assembly stakeholders such as the Executive, Senate, Development Partners, Civil Societies, and the Public among others to participate in Assembly activities accordingly.

I urge this Hon. House to approve the Calendar for the smooth operations of the Assembly in the discharge of its Constitutional and Statutory mandate. Hon. Speaker, I am grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the deliberations and preparation of the proposed Calendar tabled before this House.

I wish also to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of the Calendar. Hon. Speaker, it is therefore my duty and privilege to present this Calendar of the Assembly to this Honorable House for consideration and approval. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Museku.

*(Question proposed)*

Hon. Members, the motion is open for debate. Hon. Majority Whip.

**Hon. Mitaa:** Thank you, Hon. Speaker. First is to thank the Deputy Speaker Hon. Paul Museku for taking us through the report and as it's the norm, we have to have a calendar to undertake our duties because all the programs are drawn from that calendar. Hon. Speaker, for a while there has been some sought of complaints from Hon. Members that we have had so many recess sessions and there has been a cry that we need to reduce them and since we are here to work, we ensure that we have the opportunity to work.

So, one thing which the Committee has taken care of is ensuring that as much as we have sessions for rest, we also have other sessions for us being here at the Assembly undertaking our mandate and especially there is one which I would not fail to mention on the recommendations.

The last one; Committee sittings for the Fifth Session will resume on 11th January, 2021. Hon. Speaker, as everyone is aware, we have been forced to wait until almost the end of January to start preparing for the businesses for that year but here, it has now been put in order, that on January 11th we will be at work preparing for upcoming businesses so that Hon. Members and this Assembly remains active. Thank you, Hon. Speaker, I support the report.

**Hon. Speaker:** Thank you, Hon. Mitaa. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I would like to start by congratulating the Committee and more so the Deputy Speaker who chaired the session when we were coming up with the calendar. Madam Speaker, I think this is the best calendar that we have ever come with since we came to Machakos Second Assembly. Madam Speaker, before I give my sentiments I will start by requesting the Assembly parties in this House to ensure that they give their Members to the HBC so that we can have calendar in good time.

Madam Speaker, this calendar ought to have been passed by February when we resumed and you can see we are now passing the calendar almost at the end of July. So let every Assembly party ensure that they solve their issues in time and give out their Members so that the work of the Assembly can proceed as per the Standing Orders of this House.

Coming to the report, the issues that the Members used to complain about have all been addressed in this report. For sure, in the previous calendars, we had so many adjournments which were not called for, if I may say. One of the reasons why we were having this many adjournments was lack of business. Madam Speaker, in this calendar we have given these committees ample time to sit and come up with business for this Assembly.

Madam Speaker, as you are aware most of the time when we are on recess other Assemblies are on including the National Assembly. In most cases we say our calendar is in tandem with the National Assembly but we find ourselves at home when the National Assembly is on. We have now come up with a calendar which is going to ensure that we are going to be engaged throughout. Madam Speaker, once we break for this long recess, we do it so early; the second week, by 10th or 12th we are at home and we come back February.

Madam Speaker, this time round we have said we are not going to break the first or the second week and in fact, we proposed in the report that once we adjourn the following week towards Christmas, we retreat to prepare business that will be tabled in this House in the following year. So we want to be working until the last two days to Christmas so that we can be able to at least as Members be stable.

Madam Speaker, the issue of welfare of the Members has been taken care of by this calendar. Resuming January, last time we resumed end of the second week of February, this time we are coming early, we are proposing to be starting our Committees by 11th of January. So we have just given ourselves few days after the 1st of January; Members will take their kids to school and immediately by 11th we are supposed to be doing what we have been mandated by electorates to do.

Madam Speaker, it is very unfair for a House to lack business to transact; it means there is a lacuna but and that is going to be addressed by this committee. The short recess that are provided for in the Standing Orders of this Assembly, they are not short, to me they are most equivalent to the long recess because we can see the House breaking for more than one month, that cannot be a short recess but this calendar has reduced the short recess to either 11 or 12 days and not more. So the Members are going to be engaged throughout.

Madam Speaker, I would request the Members to agree with their committee and pass this report so that it can take care of the electorates. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndawa. In the extended sitting we have Members who wish to contribute. Hon. Kisini.

**Hon. Kisini:** Thank you, Madam Speaker. I support the report. We have been taken through the report and I support the Committee for doing a noble and good work. We have not been busy and



now we have been given the chronology of events as from today unto December and next year. I want to request that there will be no interruptions during this time as it was before because of the Covid-19 as from March.

Madam Speaker, I am requesting during this short recess we have said, we be attached to do the Covid-19 sensitization in our wards. That is to be financed so that we can reach the people and we also be busy in sensitizing them. We have heard all what it entails as from today up to January and I request that we stick to that calendar which is very noble and I think as from today, there will be no disruptions from the public health and Members are going to be busy.

Madam Speaker, it is good to note that we are approaching the end of the time and Members need to be busy and need to be seen contributing and working for the Assembly as much as working in the wards. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Kisini. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. I support the calendar by saying that when the Members are going home, I beg the Members to be given food to take to their people and masks so that they can be having a difference with the other people. You know this time, is the last for the Members to be showing what they have been doing so I beg you with CASB to set money aside to help the Members. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mueni. Can I call upon the mover of the motion to reply?

**Hon. Museku:** Thank you, Madam Speaker. I would like to thankful the Hon, Members who have contributed to support that we go ahead and approve this calendar as it has been proposed by the HBC. The only thing I would like to add is that, even as we draw this schedule and look at how tight it is, with very limited recess periods and many sitting days, mine would be to urge Hon. Members as leaders, we must ensure we keep the regulations as they have been given the guidelines by the ministry of health and World Health Organization (WHO) in order to curb COVID-19 and take care of one another and our electorates.

We need to make sure that we wash our hands regularly, wear masks properly and also social distancing during this period when we shall be having our plenary sittings and also as we interact with our electorates during the recess periods which have been put in this calendar. Those guidelines have been kept for our own good and I believe that if we keep on emphasizing on them and following them as leaders, we shall set good example and be able to keep Covid-19 out of our Assembly.

Remember this calendar will be interrupted in the event that any one of us tests positive for Covid-19 because obvious the facility will have to go under quarantine therefore for us to be able to maintain this calendar going as it is, we must take care of each other and follow the guidelines as given. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, you now have your calendar and I like the desire to work within that calendar; it has come at a time which is challenging and I liked the ending remarks of the Deputy Speaker who presented the report that we must be extra careful so that we take care of ourselves, our families and the general public particularly within the county so that we do not run into problems with the public health protocols which are aimed at protecting us.

We will be able to run the calendar God-willing and God help us and of course with our willingness to comply with what you have set in the calendar.

### **ADJOURNMENT**

**Hon. Speaker:** At this point Members we shall adjourn the sitting; the sitting will continue at 2.30 p.m. on 28th July, 2020. Thank you.

The House rose at 12.56 p.m.