

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 3rd March, 2020

The House met at 10.33 a.m.

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

PRAYERS

Hon. Speaker: What did you say Mr. Clerk?

(Consultation)

Good morning, Hon. Members. I notice we have more than enough quorum to start this morning so I call upon the Clerk to proceed.

COMMUNICATIONS FROM THE CHAIR
COUNTY FISCAL STRATEGY PAPER 2020

Hon. Speaker: Members, you can try and be on my toes this time round. There is a communication, Hon. Members. First is on the County Fiscal Strategy Paper 2020. Section 117(1) of the Public Finance Management Act 2012 provides that the County Treasury shall prepare and submit to the county executive committee a County Fiscal Strategy Paper 2020 (CFSP) for approval and there after submit the approved Paper to the County Assembly by 28th of February each year.

Hon. Members, pursuant to this provision, the Assembly received the County Fiscal Strategy Paper 2020 as prepared by the county executive on 28th February, 2020; and that came from the County Treasury, Hon. Members. Standing Order 205(3) of this Assembly Standing Orders provides that upon being laid in the Assembly, the CFSP shall be deemed to have been committed to each sectoral committee without question being put and for each such committee is supposed to deliberate on the Paper and according to its respective mandate and then make recommendations to the budget and appropriations committee.

Further Hon. Members Standing Order 205(4) provides that in considering the CSFP the budget and appropriation committee shall consult each sectoral committee and table a report containing its recommendation on the statement to the Assembly for consideration and approval.

So, Hon. Members, pursuant to the above provisions and the Assembly Standing Orders, the Paper is here committed to the sectoral committees to interrogate their respective sectors and

to budget and appropriations committee for consideration and then tabling a report by the budget and appropriation committee before this House for approval. Within the shortest time, Hon. Members; this is the budgeting cycle and we need to get it right.

TRAINING ON INTEGRITY AND PHYSICAL DISCIPLINE

The second communication Hon. Members is on a training that the Hon. Members are going to undergo in the period of 3rd March to 7th of March, 2020. Hon. Members, the Assembly has organized a five-day training workshop for you Members starting 3rd March, 2020 to 7th of March, 2020.

The areas Hon. Members to be covered in the training include integrity and physical discipline as guided by the Ethics and Anti-corruption Commission and then trainers from the National Assembly will also come and train the members on processing of bills including the procedure for amendments of bills at the committee of the whole House.

Members will also go through three draft bills that have been originated by the following committees. They are as follows:

The Machakos County Village Polytechnic Bill 2019.

The Machakos County Health Services Bill 2019 and

The Machakos County Enterprise Development Fund Bill 2019.

Hon. Members, you are urged to take the training very seriously and to make sure you will avail yourselves on each day of the days indicated from 9 a.m. from 4th of March to Friday 6th March, 2020 at 4 p.m. That will be at the Flamingo beach resort in Mombasa. Thank you, Hon. Members. Mr. Clerk, proceed.

PAPER LAID

REPORT ON APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE POSITIONS OF CHAIRPERSON AND MEMBERS OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. Madam Speaker, I beg to lay the following paper on the Table of the Assembly today, Tuesday, 3rd March, 2020; the Committee on Appointments report on approval hearings of the nominees for appointment to the positions of Chairperson and members of the County Public Service Board. Thank you, Madam Speaker.

Hon. Speaker: I want to see the Paper, Hon. Majority Leader. Hon. Majority Leader, you are laying one paper but in two parts I thought there was an executive summary to this paper.

Hon. Muendo: Yes, Madam Speaker; that is what we agreed with the Clerk.

Hon. Speaker: Mr. Muange, where is the executive summary?

(The Clerk at the Table consulted with the Hon. Speaker)

I need to see that Paper Mr. Muange; remember I am part of this committee and I know what Papers we deal with. Thank you; so it is just one paper only that it is in two parts. The two Papers, which is one Paper as it were, is correctly laid on the Table of the House. Mr. Clerk, proceed.

NOTICE OF MOTION

REPORT ON APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE POSITIONS OF CHAIRPERSON AND MEMBERS OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, under this Order, we have one business by Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker. Notice of motion.

Hon. Speaker, that aware that Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law and aware that the County Secretary and Head of Public Service forwarded to the County Assembly notifications on nomination of the following three persons vide letter Ref: GMC/2/CS/CA/Vol. VI/1 dated 5th November, 2019 and received on 6th November, 2019 for consideration and subsequent approval by the County Assembly, for appointment as Chairperson and Members to Machakos County Public Service Board.

1. Mr. George Kioko Luka - Nominee, Chairperson, County Public Service Board.
2. Ms. Cecilia Mbinya Sereka - Nominee, Member, County Public Service Board.
3. Ms. Stellamarris Ndinda Muthoka - Nominee, Member, County Public Service Board.

Aware that Section 58(1)(a) and (b) of the same Act requires that the Chairperson, Secretary and members to the CPSB be nominated and appointed with the approval of the County Assembly;

Hon. Speaker, I wish to give notice of the motion that this Hon. House discusses and approves the committee's report on approval hearings of the nominees for appointment to the positions of Chairperson and members of the County Public Service Board.

Hon. Speaker: Thank you, Hon. Majority Leader. Mr. Clerk, proceed.

STATEMENT

BUSINESS FOR THE HOUSE FOR 3RD TO 11TH MARCH, 2020

Hon. Speaker: Thank you, Hon. Members, under this Order, we have two business; I know one is supposed to be by Hon. Caleb and that there are changes but it had already become the property of the House so if you can tell us why there is a change. But then there is also

another one by Hon. Majority Leader Mark Muendo. We can start with that one of Hon. Majority Leader.

Hon. Muendo: Madam Speaker, once again. 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 today, 3rd March, 2020 to review business already balloted and consider other urgent business pursuant to the provisions of the Standing Order 151. The Committee balloted business as follows:

Tuesday, 3rd March, 2020
Morning at 10.00 a.m.

1. Report of Committee on Appointments on vetting of CPSB members by Hon. Mark Muendo, Vice Chairperson.
2. Statement on preparedness of the County for Coronavirus by Hon. Caleb Mule, MCA, Muvuti/Kiima Kimwe.
3. Motion to adjourn House sittings from 3rd March, 2020 2.30 p.m. to resume on 10th March, 10.00 a.m.

Tuesday, 10th March, 2020
Morning at 10.00 a.m.

1. Report of Finance and Revenue Collection Committee on the number of Paybills in the County and the extent of their use by Hon. Stephen Mwanthi, Chairperson Finance and Revenue Collection Committee

Afternoon at 2.30 p.m.

1. Report of CASB on the Annual report of the County Assembly (Hon. Caleb Mule, Vice Chairperson CASB)

Wednesday, 11th March, 2020
Morning at 10.00 a.m.

1. Report of Trade, Economic Planning and Industrialization Committee on Machakos County Annual Development Plan for FY 2020/21 by Hon. Cosmas Kieti, Chairperson.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Majority Leader. Hon. Caleb Mule.

Hon. Mule: Thank you, Hon. Speaker. Article 43.....

Hon. Speaker: Hon. Caleb Mule you will allow me to make a comment. I received a call which I missed but then I got a text from Hon. Masesi the Chair of the health committee and he informed me that.....Hon. Masesi when the Chair is addressing you; yes that is better. So, Hon. Masesi informed the chair that on corona virus they had summoned CO or is it CEC? Who is it to appear before you on Tuesday?

Hon. Masesi: Madam Speaker, we had invited the CEC and both the Chief Officers in charge of medical services and public health and we agreed that they will give us the draft on the updates and more so on the rumors at Mavoko whereby we are hearing we have two cases of the same. We agreed that by Tuesday, next week we will have to table a report on the same to this House.

Hon. Speaker: Okay, that is it. The only thing Hon. Members we want to agree, when the matter has been listed as a Statement being sought before this House, remember you are the representatives of the people, you come from very different sectors and parts of Machakos. The issue may not be just Athi River; the other members may want to tell us what their experience from where they come from is.

Remembers members out there of the public would listen to the Assembly and seek to know what their member is saying about Corona virus even as you are expecting some response from the executive. Do you think that the fact that you are going to have that report would stop this Assembly from making comments from their perspective?

Yes, Hon. Maitha. I also want to know what you people want to do even within your precincts here; are you waiting for the executive to come and tell you what you need to do about guarding the issue of corona virus? Is it the executive that is coming to tell you to put sanitizers on the doors of the Assembly? I mean are you finished? Are you spent? The fact that the executive is coming next week, you do not have anything to say?

Hon. Maitha: Madam Speaker.

Hon. Speaker: Yes, Hon. Maitha; thank you.

Hon. Maitha: Madam Speaker, despite the fact that the executive representatives were here---

Hon. Speaker: They are coming; they are going to come.

Hon. Maitha: They will bring that Statement but I think it is important that these Hon. Members ventilate because it is a very serious matter because what we hear in Athi River and all over the county even Mombasa, this disease is serious. Let Hon. Members ventilate on it. Thank you, Madam Speaker.

Hon. Speaker: I would have imagined it should be the same way as Hon. Maitha is saying and after you ventilate, it will not result now to sending the Statement; it will result to the Chair presenting the concerns of the members to those members of the executive who are going to come before the health committee and then check whether the response they are bringing is

answering the concerns of this House.

Hon. Masesi: Agreed, Madam Speaker.

Hon. Speaker: So Hon. Caleb, you can proceed and seek the Statement.

STATEMENT SOUGHT

EXTENT OF COUNTY PREPAREDNESS TO HANDLE POSSIBLE CASES OF CORONA VIRUS

Hon. Mule: Hon. Speaker, Article 43(1)(a) of the Constitution of Kenya bestows to every person the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

Further, the fourth schedule of the Constitution of Kenya, 2010 provides for the distribution of functions between the National Government and the County Governments and noting that the County Governments are charged with County health services, including, in particular County health facilities and pharmacies; promotion of primary health care among others.

Hon. Speaker, Noting that Corona virus disease has been a threat to the human life since its onset in 4th February, 2020, aware that Machakos County is a cosmopolitan County which is very close to Nairobi, the gateway to international destinations, Hon. Speaker, pursuant Standing Order 41(2), I wish to seek a statement from the Department of Health and Emergency Services on the following issues:

1. The extent of preparedness to handle possible cases of Corona virus in terms of medical personnel, medical equipment and quarantine facilities;
2. Action taken to create awareness of the deadly virus including ways of detecting the symptoms and preventive measures; and
3. The financial preparedness in case of attack by the said virus.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Caleb. Hon. Members, comments ventilating on this issue. Hon. Majority leader?

Hon. Muendo: Thank you, Hon. Speaker. Let me first applaud the Member who has come with this Statement. It is true Corona Virus is killing people and as we are all aware, this is a case whereby every town and every city have taken precautions and as the Member, the mover of the Statement has said, we are very close to Nairobi and we are also a cosmopolitan town. Madam Speaker, what I would like to say is that it is very important for the department of health in Machakos county to be also vigilant because this is a concern to our people.

The other issue, Madam Speaker, is when we heard that those people who came from China were brought to Athi River although I don't know where they are kept, we also got worried because what we understand by quarantine is whereby those people also get in touch they get into contact with the people who are giving them food, who are giving them water.

So, if it is our people really who are serving those people in that quarantine, they should also be having health kits because this Virus is lethal to human life. Madam Speaker, I think in Machakos County we should be, the department of health should be pushed very hard to have the

health kits maybe if we get one although we are not praying to have one in Machakos, then now they can address the matter.

Madam Speaker, as I conclude this is very important for the CEC Member and CO to confirm to this House by Tuesday through the committee of Health whether it is true those people are quarantined in Machakos County because our people are worried. Madam Speaker, as I conclude also I would also like to say this is something we should be careful about.

We should also advise our people how the nature of this disease is because we don't understand whether is flu, how it is and for our people to be noticing if somebody is having that kind of Virus and what I can advise the people of Machakos, now we can stop shaking hand; we can use our legs to shake because I understand the hands are the ones which are contaminating. Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Mark Muendo, thank you for that contribution. Hon. Kamitu Minority Leader.

Hon. Kamitu: Thank you, Madam Speaker. Again, I would also like to applaud Hon. Caleb who has sought this Statement. Madam Speaker, I will be very brief in the sense that now the Coronavirus has been announced all over and as an Assembly, as you said Madam Speaker, it is very important that we bring this awareness to people of Machakos County.

We would like also, through the committee of health, they should also be able to tell this House the collaboration they are going to do with the executive in regard to telling the Machakos community the preparedness they have done and more so the awareness in regard to what are the symptoms and what measures really the department is tackling. Because Madam Speaker as you normally say, prevention is better than cure.

So, we want to see what the preventive measures the Assembly and more so the executive are doing in case there are reports of people in Machakos who have been attacked. So, Madam Speaker, I just stand to echo the sentiments of the Hon. Member who has brought this Statement so that our people either through the vernacular radios, the executive should make a way of informing our members those preventive measures in case of any symptoms, where they are supposed to report and what they are supposed to do. Thank you, Madam Speaker.

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

Hon. Museku: Thank you, Madam Speaker, for giving me this opportunity. Madam Speaker again, I would like to applaud Hon. Caleb for coming up with this Statement on this issue, which is of national concern to everybody not only in Machakos County but also in Kenya as a whole. Madam Speaker, the things which he has pointed out here, the extent of preparedness in terms of being able to handle this are key and paramount of them is identification of the risk entry areas and what they are doing to ensure that they can be able to detect the virus as soon as it enters into our county.

By now, my belief should be that the ministry should have identified the key risk areas where they should be able to put monitoring and triggering devices so that people might be able to understand or to be able to capture this virus when it comes. One thing which is making me

uncomfortable is this so-called social media and information out there that Africans seem to be immune which will give us a false sense of safety.

The fact that when you look at the reporting of these things, there is very little which has been reported in Africa does not mean that we are immune to the coronavirus; we are humans just like any other human being who is out there. But people you know is looking like oh it has not yet come; it could even be here only that it has not been detected because the symptoms of this thing are normal like those ones of flu.

So, we should not get a false sense of security that all in all now and then we stop taking all the precautionary, measures which we should be taking to ensure that this thing does not come and hit us. When you look at the way China is responding to the virus, the way they are disinfecting, the kind of resources they are mobilizing to contain it, that should be warning enough to us that this is a very deadly thing.

They could not be doing that, a whole town a whole city of 60 million people under shutdown tells you the kind of seriousness this thing, the coronavirus is and should be taken with the seriousness it deserves. We saw we exported masks back into the China, what is the government doing to ensure that we replace them? Here in Machakos, do we have enough masks? Do we have those preventative things because again I said you are exporting them because of that false sense that we could be okay?

If they have utilized theirs and finished, then we make sure actually that one point which he has put here which is very important point number three on the financial preparedness in case of an attack by the said virus. Do we have the financial resources as Machakos County to be able to purchase drugs to be able to purchase the disinfectants, to be able to purchase the preventative items like masks and the rest?

Do we have the finances to be able to do that so that we can be able to respond quickly to it in the event that it comes to us? So, those are key issues and again I thank the member; this is a very important Item. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. I will come to you Hon. Cosmus; most likely should be the last because all eyes are on you as they were on Hon. Mitaa on the locusts issue so, I will come to you. Hon. Kisini.

Hon. Kisini: Thank you Madam Speaker for also giving me this time to give my points of this very special Statement. I want first to thank the Hon. Member, Hon. Caleb for bringing this attention this Statement to us. Madam Speaker, this virus is a threat to the world, to the nation and to everything. I want to say as a county, it is very important we be prepared; we don't want to be caught unawares and as we were prepared for the locusts---

(Hon. Kisini's cellphone rung)

I am sorry, Madam Speaker, I did not know that it has come when I am on, so sorry for that.

So I want we were prepared for the locusts and as a county, I think we did good to contain that so we are requesting the county government, we are requesting the committee on health to take care, to be cautious enough and to handle this menace. It is last week when it was reported as people having been quarantined at Athi River and it is very true they were

quarantined at an estate called Sidai and some other four people at Sabaki. So you see we are not far from it.

The minister of health said that every Level V hospital should be prepared to handle these cases. So it is the high time we need to know if it attacks Machakos, if we are prepared, if we can handle it and the concerns raised by the Hon. Member, the five of them are very noble.

So Madam Speaker, I am saying that let us be prepared to let us sensitize our people and is also good we have kept quiet more especially the Assembly of Machakos we have not spoken about it; I think our people outside there can see us now discussing about it trying to see how we can take care of them. So I want to say let us be prepared, let us try to handle this animal and let us try to sensitize our people.

At Athi River, we have a lot of Chinese investors; it is almost surrounded by investors from China and I would ask the Hon. Members to pray for us because there is a lot of interaction because of that kind of business investment which is there. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I think we all have the same opinion that we need to be prepared, we need to look at the capacity of our Level V hospital and even our Level IVs and then sensitizing the people. We are in agreement on that; I think those who watched the news last night 7 p.m. in Citizen, Nakuru County has already set up an isolation ward and they are already going out to sensitize the people, so you are right members thinking in similar terms.

I just want to hear from you Members, one or two, what would you want the Assembly now to do because you cannot just talk of the executive and remember here you congregate and you are many of you. What are your thoughts about addressing the issue here as a community in the Assembly? Hon. Masesi.

Hon. Masesi: Thank you, Madam Speaker. Sincerely, I am worried as a chairman because in Kenya as a nation we don't know the position. We had a press release which was signed by the Government Spokesman Cyrus Ogunu saying that the audio which was going round is a rumor and a fake one. So, Madam Speaker, as at today, the position of the government is that in Kenya we don't have a reported official case of the same.

Madam Speaker, since January we have had 86,000 cases that have been reported across the world whereby we want to believe we have 60 countries that are being affected with over 3,000 cases of deaths. Madam Speaker, when you come to Africa, we have three countries that have officially recorded cases of COVID-19 which were Egypt, one case, Algeria one case, Nigeria one case with no death in Africa.

Madam Speaker, when I am going across the media, I have noted that the common symptoms of this disease are pneumonia with a dry cough, so running nose might not be the case whereby medics are telling us even when you have the running nose that may be just a common cold.

Hon. Speaker: Point of Information, Hon. Majority Leader.

Hon. Muendo: Madam Speaker, I don't know whether I will be right maybe the Chair is telling us about the signs of this coronavirus. I don't think he is an expert. This is what we are reading in the news, social media; let us be serious and Madam Speaker we want that statement to come from Dr. Kituku himself. Thank you, Madam Speaker.

Hon. Speaker: Hon. Majority Leader, I will also inform you that all those who have spoken here are not experts on coronavirus and they are putting a rider that that is what is being said and Hon. Cosmus Masesi said this is what is reported. So that is his view, let us hear from him and then we will now go and tell him to bring now the expert information. It is all right; proceed, Hon. Cosmus.

Hon. Masesi: Thank you, Madam Speaker. We are learning on a daily basis and Madam Speaker, I am sure I can report something and I said I am getting it from the experts. That was my comment and I said today we had invited, in fact, in the morning from 8.30 a.m. we were here with the CECM health and both the two Chief Officers and Madam Speaker, that was our main agenda which we tried to address with him and assured us that by Monday, I will have a report which will find its ways into this House on Tuesday.

So, Madam Speaker, I was just giving a report from where I sit assuring this House that I will give an informed position of this menace on Tuesday. Otherwise, I want to believe we should all remain clean and wash our hands all through since we know that those coats, when they come into contact with the wood or metals, one can be infected from just having a touch with those coats. So, Madam Speaker, without much ado, I want to believe and assure this House that I will give an informed position on Tuesday next week. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Caleb, can I have you last because it is your Statement as we finalize because we all have similar views members. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. I also want to congratulate the Hon. Member for bringing to attention this important notice about this virus, Madam Speaker. Madam Speaker, this is a very dangerous disease because what we are hearing even in America, some people have died because of it. In China Madam Speaker, almost every part of China is infected with that virus.

Madam Speaker I also want to congratulate the Kenya Airways employee who took the video of the Chinese airline landing in Nairobi. Madam Speaker were it not for that person, we might not know whether that aeroplane had landed in Kenya.

Madam Speaker when we come to our county, our county might not be all that prepared because a few minutes ago we were with the CECM Finance and when we were talking about the locusts, they even told us that the county had no money to fight the locust; they were trying to go around to see how they can get money because they have no regulations to get money for emergency funds.

Therefore, Madam Speaker, even if this virus gets into our County it might also be difficult for the executive to get money to fight it because they have not brought regulations so that we can regularize for them to get the emergency funds. Madam Speaker, I am asking the executive to do what is important that we regularize how we can get emergency funds to fight things like this virus. I thank you, Madam Speaker.

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

Hon. Mule: Thank you, Madam Speaker. Aware that this world is a global world..... Madam Speaker, I feel like I am bending too much.

Hon. Speaker: I thought it was easier you go to where you started. Why did you want to change?

(Laughter)

Hon. Speaker: Go ahead, Hon. Caleb.

Hon. Mule: Madam Speaker, aware that this is a global world, we are not very far from this virus; we have planes flying from other countries to Kenya, we have planes flying from the USA to Kenya and we might get this virus anyway. I watched yesterday's news and I saw a German citizen in Mombasa where we are going from here and they said that this German citizen was from a hotel in Nyali where we are going and---

Hon. Speaker: Are you proposing we adjourn going there?

Hon. Mule: Madam Speaker, I am not proposing that we adjourn, I am saying that we be careful.

Hon. Speaker: Alright.

Hon. Mule: It is not confirmed that this German citizen has been found with coronavirus but all symptoms as of yesterday, were leading to this German citizen who has coronavirus but when it comes to us just within us here we should also be careful and prepared. One, we should have sanitizers at the gate; everyone coming into the Assembly should sanitize his hands.

(Applause)

We should also have sanitizers at the canteen; we should also have a sitting or a conference with all the employees of the Assembly and the Members of the Assembly to be educated on how this virus spreads so that we can be prepared. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Caleb. Hon. Members, with the sentiments that have been expressed on the floor of this House, Hon. Masesi, Chair, Health will take up the matter and as he receives the report from the health department, CEC and COs, then he will merge with the comments of the Members here and obviously those being the experts then they will now enrich the report we are going to bring back to this House and you said when are you meeting them?

Hon. Masesi: Madam Speaker, we met this morning and agreed they give us a report by Monday.

Hon. Speaker: On Monday. So, you are able to table that report on the 10th of February.

Hon. Masesi: Yes, Madam Speaker.

Hon. Speaker: 10th of March, 2020, that is Tuesday.

Hon. Masesi: Yes, Madam Speaker.

Hon. Speaker: Thank you, Hon. Masesi and Hon. Members. Mr. Clerk, proceed. Sorry, Hon. Members, before Mr. Clerk proceeds, at the point of Statements, there are some two matters that are not on the Order Paper and they ought to have been. I notice that there was a report that was to be brought by the House Business Committee and that report is not here and particularly the NASA.

Hon. Majority Leader, the NASA Party was supposed to bring a report on House Business Committee and the last sitting was on Wednesday, was it? When it sought an extension to today, was it an extension to today or when?

Hon. Muendo: Thank you, Madam Speaker. The extension through a letter written by the Whip was for the report to be tabled tomorrow on Wednesday and I understand it is like tomorrow there is no sitting so, I will ask your indulgence on this then maybe you guide the House. Thank you, Madam Speaker.

Hon. Speaker: I will guide after the next issue. There was also a response that was to be brought by the CEC, Roads on a statement sought by Hon. Betty Nzioki on the state of County roads. What is the position of that response? I also do not see it and it was supposed to come to the floor of the House this morning.

Hon. Muendo: Thank you, Madam Speaker. I understand there is a letter which was written and it is in the Clerk's office for the CECM says that he will not be available because he will be accompanying the Governor somewhere in Wamunyu for inspection of roads and I think there could be a letter if the Clerk can elaborate on that then you can inform us what to do.

Hon. Speaker: So, the Table Clerks, one of you go and get the letter if there is a letter in the office of the Clerk to the Assembly and then we will address it once that letter comes and the House Business Committee report which was to come from the NASA House Party; it is indeed a requirement that if an extension has been sought and seems to fall through, an official request be made. Up to now the Chair does not have an official request so let it be a notice to every party. You have a report, Hon. Kamitu?

Hon. Kamitu: Madam Speaker, on a frank note and as the representative of the Government---

Hon. Speaker: I am addressing the issue of NASA Party.

Hon. Kamitu: No. On the letter---

Hon. Speaker: Letter from House Business representatives by the NASA Party. Hon. Kamitu, let us be together because now I am addressing the issue of the NASA Party representatives to the House.

Hon. Ngunga: Point of inquiry, Madam Speaker.

Hon. Speaker: Inquiry?

Hon. Ngunga: Yes, Madam Speaker.

Hon. Speaker: On that particular issue?

Hon. Ngunga: Particularly, yes.

Hon. Speaker: On the issue of the House Business Committee?

Hon. Ngunga: Yes, Madam.

Hon. Speaker: Alright, go ahead.

Hon. Ngunga: Madam Speaker, thank you for giving me this opportunity and as a father, one of the founding fathers of this House in fact the second one, I am still worried when we refer to House Parties here as NASA, when you are aware that this House is comprised of two Parties both Majority and Minority, Majority being Wiper and Minority being the Chapchap---

Hon. Speaker: Hon. Ngunga, let me inform you. From the Registrar of Political Parties, the communication.....Hon. Ngunga, resume your seat. The communication from the Registrar of Political Parties is that, there is a coalition in this House called NASA and unless and until we get a chance to the communication, that remains the position. We are not going to take any information which is outside of the communication of the Party and also of the office that has the authority to communicate.

That is the position and so I finalize by saying, I have finished Hon.....not on that issue. I am finalizing because the matter is not even here; it is the Chair that brought it. I am saying that report is needed before this House so that we can conclude the formation of the House Business Committee by that Party so that we need that report to be here Hon. Majority Leader by the 10th of March, 2020 and that is next Tuesday.

Hon. Muendo: Thank you. Most obliged.

Hon. Speaker: In the meanwhile, the House Business Committee continues as formed to ballot business for this House. Mr. Clerk, you proceed as we wait for the latter that we are waiting for.

MOTION

REPORT ON APPROVAL HEARINGS OF THE NOMINEES FOR APPOINTMENT TO THE POSITIONS OF CHAIRPERSON AND MEMBERS OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, on this Order, we have one business by the Hon. Mark Muendo. Hon. Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker.

Hon. Speaker, that aware that Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law and aware that the County Secretary and Head of Public Service forwarded to the County Assembly notifications on the nomination of the following three (3) persons vide letter Ref: GMC/2/CS/CA/Vol. VI/1 dated 5th November 2019 and received on 6th November 2019 for consideration and subsequent approval by the County Assembly, for appointment as Chairperson and Members to Machakos County Public Service Board.

1. Mr. George Kioko Luka - Nominee, Chairperson, County Public Service Board.
2. Ms. Cecilia Mbinya Sereka - Nominee, Member, County Public Service Board, and
3. Ms. Stellamarris Ndinda Muthoka - Nominee, Member, County Public Service Board.

Aware that Section 58(1)(a) and (b) of the same Act requires that the Chairperson, Secretary and members to the CPSB be nominated and appointed with the approval of the County Assembly;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the committee's report on approval hearings of the nominees for appointment to the positions of Chairperson and members of the County Public Service Board.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. Who is seconding your Motion?

Hon. Muendo: Thank you, Madam Speaker. I request Hon. Kisila to second my Motion.

Hon. Kisila: Thank you, Madam Speaker. I stand here to second.

Hon. Speaker: Thank you, Hon. Kisila. Hon. Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker, I want to lay and read the report on approval hearings of the nominees for appointment to the position of Chairperson, Members of the County Public Service Board. Madam Speaker, I request if I can do it in the executive summary form that is my request if I can read the report---

Hon. Speaker: Do the Members have the full report and you have the executive summary?

Hon. Muendo: Yes, Hon. Speaker.

Hon. Speaker: Proceed.

Hon. Muendo: Thank you, Hon. Speaker. This is an executive summary of the details.

Report of the Committee on Appointments on Approval Hearings of Nominees for Appointment to the Positions of Chairperson and Members to the County Public Service Board

PREFACE

The Committee on Appointments

Hon. Speaker, the Committee on Appointments is established pursuant to the Machakos County Assembly Standing Orders 184 (1). The Committee comprises the following Members:

1. Hon. Florence Muoti Mwangangi - Speaker (Chairperson)
2. Hon. Mark Kimanthi Muendo - Leader of the Majority Party
3. Hon. Alex Peter Kamitu - Leader of the Minority Party
4. Hon. John Brian Kioko Kisila -Member
5. Hon. Tariq Mulatya Muema -Member
6. Hon. Winfred Syonindi Mutua -Member

Message from Office of the County Secretary, Machakos County

Hon. Speaker, pursuant to Section 58(1)(a) and (b) of the County Governments Act No. 17 of 2012, the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the Assembly notifications on nomination of the following three persons vide letter Ref: GMC/2/CS/CA/Vol. VI/1 dated 5th November, 2019 for consideration and subsequent approval by the Assembly, for appointment as Chairperson and Members to Machakos County Public Service Board.

1. Mr. George Kioko Luka – Nominee, Chairperson, County Public Service Board.
2. Ms. Cecilia Mbinya Sereka – Nominee, Member, County Public Service Board, and
3. Ms. Stellamarris Ndinda Muthoka – Nominee, Member, County Public Service Board.

Committal to the Committee on Appointments

Hon. Speaker, in a sitting of the Assembly held on 20th November, 2019, the Hon. Speaker communicated to the House the message from the County Secretary, the notification on the nominations. Pursuant to Standing Order 42(1) the matter was committed to the Committee on Appointments on the same day. The Committee was directed to report to the House within 21 sitting days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

Approval hearings

The committee held approval hearings of all the nominees on 24th February 2020. The hearings were held at the County Assembly Chambers and were open to the public in line with provisions of Article 196(1)(a) and (b) of the Constitution. The public had been invited to participate in the hearing vide a notification placed by the Assembly in the daily Nation newspaper of 4th February, 2020 pursuant to Section 7(6) and 7(7) of the Public Appointments (County Assemblies Approval) Act 2017. All the three nominees were heard in public.

Recommendations

Hon. Speaker, the assessment of the nominees was guided by Chapter Six and Articles 124(4), 195, 196 and 232 of the Constitution, Sections 58 and 8(1)(a) of the County Governments Act No. 17 of 2012 and Sections 7, 8, 9, 10 and Second Schedule of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. The Committee set the pass mark for assessment at 75 percent.

The Committee therefore recommended as follows:

1. George Kioko Luka, scored 95.3 per cent and is therefore recommended for appointment as Chairperson, Machakos County Public Service Board.
2. Cecilia Mbinya Sereka, scored 90.3 per cent and is therefore recommended for appointment as member, Machakos County Public Service Board.
3. Stellamarris Ndinda Muthoka, scored 95.6 per cent and is therefore recommended for appointment member, Machakos County Public Service Board.

Thank you, Hon. Speaker.

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

(Question proposed)

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

Hon. Mitaa: Thank you, Hon. Speaker. First, I want to congratulate the committee on appointments led by you for the job well done. It is true that issues to do with CPSB are of great importance currently because as you aware, we have not had such a board for a while and we have so many pending issues related to this board, Madam Speaker. It is in this Hon. House that last week I talked about the challenges we are facing in extension officers in our agriculture department and this board holds the solution to such a challenge, Madam Speaker.

Going through the report, I have seen that all the candidates; Mr. George Kioko Luka, chairperson nominee, Ms. Cecilia Mbinya Sereka, nominee member and Ms. Stellamaris Ndinda Muthoka, nominee member, have the qualifications to serve in this board and it is my belief due to that urgency Madam Speaker, this House can adopt this report so that our county government can get out of this quagmire concerning our staff or workers or employees, Madam Speaker. So, I support the report. Thank you.

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

Hon. Kaloki: Thank you, Madam Speaker. I want to say that this is a very good report from the committee I think you have a done a good job. It is high time we discuss and pass this report which I highly support considering that for a long time, we have never had a service board. Since we were elected we found a very chaotic service board which was divided into three groups. Whenever they came in to this House, they could not speak from the same page; we have always been told about bloated wage bill and we have never been told the exact numbers.

When I look at this report, I find this is a serious team of professionals combined with the other team which we passed the other day and I think it is a team which can steer this county to the next level.

Madam Speaker if you look at the time remaining, we have two and half years and when we were campaigning other than promising people services on issues of development, we also promised to secure a few jobs for our people. Madam Speaker we want a team that can come to this Assembly and tell us that we have vacancies in this area, there are those who have retired, there are those who have probably exited the service and there are these number of probably available vacancies so that we can also support our jobless young professionals who have been looking for employment for a very long time.

The other thing, I think this Board, as Hon. Mitaa said, will address some of the challenges we have been facing. If you look at the department of water, we have had plumbers who have been working on contract and most of them their contracts have expired. We have been unable to get such services for quite some time now; the operators of our graders most of them have been employed on contract basis and some of them there have expired.

So it is the high time we discuss and adopt this report soonest possible so that we can get the team down to business and enable them sort out some of the challenges we are facing as a county. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ikusya. Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Hon. Speaker. Madam Speaker, I want to start by congratulating the Committee on Appointments for the report they have just presented in the House and giving it full support owing to the fact that it is now almost five or six months since the last service board which was in fact chaotic and their term expired and now with the fact that you see county employees who are not getting even promotions, we have been having the contracted employees whom I believe still their contracts have also expired and no one could renew them or get others.

I believe through that the committee had to come and pass the names although I have realized one of the commissioners is now 71 years meaning the contract will retire when he is 77 years. I believe that doesn't mean that he is not active but next time we need to check on that because we still have our young and energetic youth who are also looking for these positions. Thank you, Madam Speaker.

(Hon. Maitha spoke off record)

Hon. Speaker: Hon. Cosmos, finally. I heard a Member say something there, Hon. Maitha, it was your voice; don't interfere with the debate.

Hon. Masesi: Thank you, Madam Speaker. First and foremost, I would like to appreciate the report by the Appointments committee. This is one of the reports where I found most of the experienced candidates; looking at the nominee for the chairperson, I have seen that he attained his first degree in 1973 when some of us had not even been born. Madam Speaker, this shows that this nominee has a lot of experience in terms of leadership.

I tried to look on how he addressed the issue of the wage bill and this House has been following on the audit of employees within this county with no fruits at all. It clearly states, there

is need to evaluate the workforce in fear of the bloated wage bill and look at the ghosts, in the department of health, we are taking almost 33 percent of the main budget and when you go on the ground you find that we still don't have enough staff.

Madam Speaker, this indicates that we have got a lot of ghost workers within the payroll which needs to be worked on very urgently. Madam Speaker, I have seen the nominee for chairperson proposes that within one to two years after his appointment, he will give a full report and this issue of staff and make sure that at least most of the county funds go to development rather than recurrent which is taking a lot of our money, Madam Speaker.

Again it is noted that most of the workers where inherited from the county councils and again we employed other staff on the same and I would like to agree with the report that this will give enough quorum to the Board and have the wheels running, Madam Speaker. Thank you.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Majority Leader, the mover, please respond.

Hon. Muendo: Thank you, Madam Speaker. I want to thank the committee under your leadership for the qualities you have shown when we were looking at these candidates. Madam Speaker, it is high time now since we have the board my only special request through the relevant committee which is Labour it is very important to the new members to come and first know the Members of this Assembly because most of them are new, they don't even know the Members to have that kind of induction and also these Members to put across what they think has been pressing; there are some serious issues of employment in this county.

So I don't want to waste a lot of time and I wish to thank the Members and ask them to pass this committee report because as we understand there are no health caretakers because the CPSB has not been there, the agriculture extension officers, so I think it is very important we pass it and then they get in to their offices and move to do the work. Thank you, Madam Speaker.

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

(Question put and agreed to)

Thank you, Hon. Members. Hon. Members, before we get to the last business, I want to hear a very quick comment from Hon. Kamitu on the issue that we deferred. Do you have a letter from the CEC roads?

STATEMENT REPLY

RESPONSE ON STATUS OF MAINTENANCE OF COUNTY ROADS

Hon. Kamitu: Madam Speaker, positively I have the letter.

Hon. Speaker: What does it say briefly?

Hon. Kamitu: Briefly, there is a letter from this Assembly from the Clerk; there is a letter he had written to the---

Hon. Speaker: In the interest of time Hon. Minority Leader, I am looking at the clock we may have to extend time but I am seeking Members that we do not need to extend the time. What has the CEC roads said because he was supposed to appear before this House; is he coming or is he not coming?

Hon. Kamitu: Madam Speaker, for today he is not coming but there is an official letter he has written to---

Hon. Speaker: Says he will come when?

Hon. Kamitu: He will come next week. Can I read the letter, Madam Speaker?

Hon. Speaker: No, we trust you. You said he will come when?

Hon. Kamitu: By next week.

Hon. Speaker: Hon. Kamitu, thank you very much. Hon. Members, the CEC roads will be required to appear before this House on 11th March, 2020 at 11.30 a.m. to respond to the Statement that was sought by Hon. Betty Nzioki on the status of county roads. Thank you Hon. Members. Mr. Clerk Proceed

PROCEDURAL MOTION

ADJOURNMENT TO ATTEND TRAINING ON PROCESSING OF BILLS

Hon. Speaker: Hon. Members, we have one business by Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker once again

Hon. Speaker, that aware that this Second Assembly commenced its session on 11th February, 2020;

Further aware that from that time the House has transacted crucial business including approval of various committee reports and invitation of CECs and Chief Officers to committees to respond to various issues as provided in Article 183(3); Cognizant that in November, 2019, the Assembly received and subsequently committed three Bills to the respective sectoral committees for scrutiny before exposing them to public participation as provided in Standing Order 120;

Informed that committees are units to which in-depth review of matters are undertaken and they increase the efficacy of Assemblies in discharge of their mandate by representing diversity and reconciling divergent opinions in view to adopt harmonized resolutions;

Aware that to achieve this objective there is need to equip the committees with specialized knowledge depending on the scope of the mandate of that committee;

Further aware that Hon. Members of this Assembly are scheduled to attend training on Bills from 3rd to 7th March, 2020;

Hon. Speaker, I wish to move the motion that this Hon. House adjourns its sittings from today, 3rd March, 2020 to attend the said training and resume on Tuesday, 10th March, 2020 at 10.00 a.m.

Thank you, Madam Speaker.

Hon. Speaker: Who is seconding your motion Hon. Majority?

Hon. Muendo: I ask Minority Leader Hon. Kamitu to second my motion.

Hon. Speaker: Hon. Minority Leader.

Hon. Kamitu: Thank you, Madam Speaker. I second the motion. Thank you.

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

(Question proposed)

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

Hon. Mitaa: Thank you, Hon. Speaker. I congratulate our Majority and Minority Leaders on the same and the mood of the House Hon. Speaker is yes. Thank you, Hon. Speaker.

Hon. Speaker: You have spoken on behalf of the whole House?

Hon. Members: Yes.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the sitting of the House adjourns and it will resume on 10th March 2020 at 10 am.

The House rose at 11.59 a.m.