

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 6th November, 2018

The House met at 11.34 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members. I apologize on behalf of the clerks for the late start of today's sitting this morning. There were logistical problems they were sorting and I just want to let you know and you know; it is never our habit to start this late. We hope we will be able to do the duties that are before us this morning. Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

MEMBERS OF KILIFI COUNTY ASSEMBLY IMPLEMENTATION COMMITTEE

Hon. Speaker: Hon. Members, under this Order, I have a communication to notify you that in the gallery we have treasured guests that are members of the Assembly from the Kilifi County Assembly implementation committee.

(Applause)

The Hon. Members are; Hon. Maitha Masha, Hon. Loise Ngari, Hon. Renson Kambi, Hon. Elina Mbaru, Hon. Thomas Chengo and it is not the Chengo of Ukambani but I know there are some brothers who went there and sisters many years and they changed K for C like he has done; welcome. Hon. Hassan Mohammed, Hon. Winfred Mwangome, Hon. Christopher Mwambire.

I am informed Hon. Members that the Hon. Members are accompanied by staff as follows; Ms. Charity Mwarumba, Mr. Silvester Nyule, Ms. Liz Tatu, Mr. Alfred Mumba, Mr. Stanley Karisa. Thank you very Much Hon. Member and staff of Kilifi County Assembly; feel very much welcome and again also excuse us we started a little late this morning. It is not in our habit to do this we are going to make sure we pay you back with some lunch if you stay up to 1 o'clock. *Karibuni sana, asanteni.*

(Applause)

Mr. Clerk, proceed.

PAPERS LAID

Hon. Speaker: Hon. Member, under this Order, we have three businesses by the Hon. Cosmus Masesi. Hon. Cosmus Masesi.

REPORT ON UNIVERSAL HEALTH CARE IN MAKUENI COUNTY

Hon. Masesi: Thank you, Madam Speaker. I beg to lay the following paper on the Table of the Assembly today, Tuesday, the 6th day of November, 2018. Madam Speaker, it is a report of health and emergency services committee on universal health care.

REPORT ON SHORTAGE OF DRUGS AND OTHER NON-PHARMACEUTICALS IN MACHAKOS LEVEL V HOSPITAL

Hon. Masesi: Madam Speaker, secondly, I would also wish and beg to lay the following paper on the table of the Assembly today, Tuesday, the 6th day of November, 2018. Madam Speaker, it is a report of Health and emergency services committee on shortage of drugs and other non-pharmaceuticals in Machakos Level V hospital Madam Speaker. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Masesi. Mr. Clerk, proceed.

NOTICES OF MOTION

Hon. Speaker: Hon. Members under this Order, we have four business again by the Hon. Cosmus Masesi; unless Hon. Masesi decides to share the big work that is upon him. Hon. Masesi.

Hon. Masesi: Yes, thank you, Madam Speaker. I will request I do two of the notices of motions and then my vice-chairperson who is Hon. Pauline Munguti does the rest, Madam Speaker. Madam Speaker, I start by (c) whereby I request my vice chairperson to do (a) and (b) then I do (c) and (d). Madam Speaker---

Hon. Speaker: Hon. Masesi, for purposes of the HANSARD and orderliness, then we start with Hon. Pauline who is going to do (a) and (b). Hon. Pauline?

REPORT ON UNIVERSAL HEALTH CARE IN MAKUENI COUNTY

Hon. (Ms.) Mene: Thank you, Madam Speaker.

Hon. Speaker, that aware that universal health is a health care system that provides health care and financial protection to all citizens of a particular county;

Hon. Speaker, aware that article 43(a) of the Constitution of Kenya 2010 which stipulates that every person has a right to the highest attainable standards of health which includes the right to health care services including reproductive health care;

Hon. Speaker, cognizant of the fact that a motion seeking the intervention of this Hon. House on its initiation and implementation of Universal health care scheme by the County Government was brought to this Hon. House;

Further aware that the motion was referred to the health and emergency services committee for investigation and reporting back;

Hon. Speaker, acknowledging the fact that the committee bench-marked with Makueni County Government with a view of learning on how the County was successfully implementing the universal health care program;
Hon. Speaker, I beg to give a notice of motion that this Hon. House discusses and approves the health and emergency services committee report on Universal health care.

REPORT ON STATUS OF SELECTED HEALTH FACILITIES IN THE COUNTY

Hon. (Ms.) Mene: The second notice of motion.

Hon. Speaker, that aware that Article 43 of the Constitution of Kenya 2010 stipulates that every person has a the right to the highest attainable standards of health which includes the right to health care services including reproductive health care;

Aware that the Fourth Schedule of the Constitution of Kenya 2010 confers counties with the under listed roles on matters of health;

- (a) County health facilities and pharmacies.
- (b) Ambulance services.
- (c) Promotion of primary health care.
- (d) Licensing and control of undertaking that sell food to the public.
- (e) Veterinary services excluding regulation of the profession.
- (f) Cemeteries, funeral parlors and crematoria, refuse removal, refuse dumps and solid waste disposal;

Hon. Speaker, cognizant of the fact that one of the functions of the sectoral committees pursuant to Standing Order 192(5)(e) shall be to investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as maybe referred to them by the Assembly;

Further aware that the committee on health and emergency services conducted site visits to investigate on status of selected health facilities in the County;

Hon. Speaker, I beg to give notice of motion that this Hon. House discusses and approves the health and emergency services committee report on status of selected health facilities in the county.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Pauline. Hon. Cosmus Masesi.

REPORT ON THE SHORTAGE OF DRUGS AND NON-PHARMACEUTICALS IN MACHAKOS LEVEL V HOSPITAL

Hon. Masesi: Thank you, Madam Speaker. I wish to move the notice of motion
Madam Speaker.

Madam Speaker, that aware that health services is a devolved function of the County Government set out in part two of the Fourth Schedule and aware that Article 43(1)(a) of the constitution of Kenya 2010 says that every person has the right to the highest attainable standard of health which includes the health care services including reproductive health care;

Madam Speaker, aware that health care provision involves curative, rehabilitative and preventive care and both the curative and preventive care involve the use of medicine and medical supplies in order to provide effective treatment essential medicines and medical supplies must be available at the

health facilities since medicines are not the most significant means to prevent, alleviate and cure diseases;

Further aware that the health society depends on the status of the public health facilities in terms of availability of essential drugs;

Concerned that the public health facilities in the county lacks essential medicines both in quality and quantity per diseases prevalence in different corners of the county;

Madam Speaker, I wish to give notice of motion that this House approves the health and emergency committee report on the shortage of drugs and non-pharmaceuticals in Machakos Level V hospital.

REMOVAL OF HON. ENG. FRANCIS MALITI FROM THE OFFICE OF THE
MACHAKOS COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE AND
ECONOMIC PLANNING

Hon. Masesi:

Madam Speaker, my last notice of motion where I am putting a lot of emphasis Madam Speaker, I wish to give notice of motion that this House resolves that Hon. Engineer Francis Maliti be removed from the office of Machakos County Executive Committee member for the department of finance and economic planning pursuant to Section 40 of the County Governments Act and, as amended, the Machakos County Assembly Standing Orders by the Assembly resolution of 24th October, 2018, the County Assembly Standing Orders 62 on the grounds of; (a) in competence---

(Applause)

Madam Speaker---

Hon. Speaker: I just to understand Hon. Cosmus Masesi before you proceed; on the first paragraph of that notice of motion, you mentioned the County Governments Act and then you say 'as amended.' Did the Assembly amend the County Governments Act? What was amended; was it the County Governments Act or the Standing orders?

Hon. Masesi: Madam Speaker, I have read very well; I have said and Machakos Assembly Standing Orders as amended by the Assembly resolution of---

Hon. Speaker: My paper says otherwise. Usually---

Hon. Masesi: I noticed that error and I rectified.

Hon. Speaker: So just correct it on the record.

Hon. Masesi: Read it correctly on the record for purposes of the HANSARD.

Hon. Masesi: Madam Speaker. I request to start again.

Madam Speaker, I wish to give notice of motion that this House resolves that Hon. Engineer Francis Maliti be removed from the office of Machakos County Executive Committee member for the department of finance and economic planning pursuant to section 40 of the County Governments Act 2012 and The Machakos County Assembly Standing Orders as amended by the Assembly

resolution of 24th October, 2018 under the following grounds, Madam Speaker.

(a) Incompetence.

Madam Speaker, Hon. Eng. Francis Maliti is incompetent and therefore unsuitable to serve as the member of Machakos County Executive Committee for Finance and economic planning as;

1. He does not hold at least a first degree from a recognized University in Kenya that is relevant to the portfolio of finance and economic planning.

(Applause)

Madam Speaker, this contravenes the relevant provisions of the constitution and Section 35(3)(b) of the County Governments Act and Section 8(c) and the Second Schedule of the Public Appointment (County Assemblies Approval) Act.

2. Madam Speaker, he does not have knowledge experience, a distinguished career, abilities and qualities of not less than five years relevant to and that met the needs of the portfolio of the county department of finance and economic planning for which he is currently serving as member of the County Executive Committee.

Madam Speaker, this is against the provisions of section 35(3)(d) of the County Governments Act on Section 8(c) and the Second Schedule of Public Appointments (County Assemblies Approval) Act.

(b) Gross violation of the constitution and the law.

Madam Speaker, Hon. Eng. Francis Maliti has contravened the following constitutional and legal provisions:

1. Article 183(3) of the Constitution of Kenya 2010, Section 124 of County Governments Act by refusing to submit documents lawfully requested by the Assembly in the discharge of its oversight role over the executive namely, IFMIS Account, balances to the budget and appropriations committee as requested by the committee to assist it in their preparation of the supplementary budget 2017/2018.
2. Gross violation of the constitution is as the head of the County Treasury repeatedly failing to discharge, within time, the responsibilities vested in him under Chapter 12 of the Constitution and P IV of the Public Finance Management Act 2012 with respect to the management and control of public finance in the County, Madam Speaker.
3. On gross violation is failing to comply with Section 104(1)(r) of the Public Finance Management Act which provides for regular reporting to the Assembly on the implementation of the annual county budget.

Madam Speaker, this Assembly has never received any report from the County Treasury headed by Hon. Eng. Francis Maliti of the implementation of the County Budget.

4. Of gross violation is failing to implement County Bursary Fund established under Section 116(1) of the public finance management

- act as provided in Machakos County Bursary Fund Regulations, 2014. Madam Speaker, this contravenes the provisions of Article 183(a) of the constitution which requires the relevant County Executive Committee Member to implement County Legislation.
5. In gross violation of the law is failing to implement the Machakos County Health Management Fund Regulations 2015 whose main objective is to ensure that all the funds collected in all the facilities are ploughed back to the health facilities. Madam Speaker, this violates the provision of Article 183(a) of the constitution which requires the relevant County Executive Committee Member to implement County legislation.
 6. On gross violation is failing to implement the Assemblies resolution by refusing to co-ordinate the implementation of Machakos County Supplementary Appropriation Act of 2018 which outlined various projects to be undertaken at ward level. Madam Speaker, this is in total breach of section 104(1)(c) of the Public Finance Management Act and Articles 176(1) and 183(3) of the Constitution on the establishment of the Assembly and the Assemblies oversight role over the County Executive.
 7. On the gross violation is failing to develop and submit to the Assembly and implement within time the various financial and economic planning policies in the County as stipulated in sections 104(1)(a), 117, 118, 125 and 126 among others of the Public Finance Management Act, Madam Speaker.

Madam Speaker, this notice of motion is supported by the Members who have appended their full names, National Identification numbers, signatures and dates.

Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Cosmus Masesi.

STATEMENTS

BUSINESS FOR THE HOUSE FOR 6TH TO 7TH NOVEMBER, 2018

Hon. Speaker: We have two businesses by Hon. Kiteng'u and Hon. Nyawira. Hon. Kitneg'u.

Hon. Kiteng'u: Thank you, 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 6th November, 2018 and balloted business for this week pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 6th November, 2018
Morning at 10.00 a.m.

- a Notice of Motion on removal of County Executive Committee Member for Finance and Economic Planning, Hon. Eng. Francis Maliti by Hon. Cosmus Masesi, MCA Matungulu East.
- b Motion by Hon. Paul Museku (MCA – Mumbuni Ward/Chairperson of Committees); **THAT** this House discusses and resolves to limit the number of Chief Officers to be appointed to serve in the County Government of Machakos to a maximum of thirteen members.

Afternoon at 2.30 p.m.

Report of Health and Emergency Services on Universal Health Care by Hon. Cosmus Masesi – Chairperson, health committee.

Wednesday, 7th November, 2018

Morning at 10.00 a.m.

Motion on the Removal of County Executive Committee Member for Finance and Economic Planning Hon. Eng. Francis Maliti by Hon. Cosmus Masesi – MCA Matungulu East.

Afternoon at 2.30 p.m.

Report of Health and Emergency Services shortage of drugs and other non – pharmaceuticals in Machakos Level V Hospital by Hon. Cosmus Masesi –Chairperson, health committee.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. Nyawira.

EXTENSION OF TIME FOR REPORT ON DISRUPTION OF BUNGE MASHINANI SITTING

(Applause)

You are being discriminatory; how come you did not clap as much for Hon. Kiteng'u?

(Laughter)

Hon. Dominic, what is the answer.

Hon. Ndambuki: She is making her maiden speech.

Hon. Speaker: No, she has been here before.

Hon. Ndambuki: Yeah, in submitting in her new portfolio, Madam Speaker.

Hon. Speaker: Oh, in a new portfolio. Alright, go ahead Hon. Nyawira.

Hon. (Ms.) Nyawira: Thank you, Madam Speaker, thank you Members. I am the vice-chairperson of justice and legal affairs committee. On 23rd October, 2018, a motion to discuss disruptions which were witnessed during the *Bunge Mashinani* program held in Kithimani ward on 17th October, 2018 was tabled in this Assembly by Hon. Cosmus Masesi. After, the Assembly exhaustively discussed the motion and it was directed to the committee

of Justice and Legal affairs for investigation and reporting to the House on or before 6th November, 2018.

Madam Speaker the immediately took up the task and on 29th October 2018, it visited Kithimani ward with a view of collecting data related to the data assigned. On 5th November, 2018, the committee began its hearings where it interviewed three Members. Madam Speaker for the whole of last week, 30th October to 2nd November, 2018, the committee was unable to transact any more business owing to the public participation event on finance Bill.

The committee is scheduled to invite hearing of other six witnesses where three are Members of this Assembly and the rest are outsiders who were present during the *Bunge Mashinani* program after which it will compile a report. Madam Speaker, I am therefore requesting for extension of time to enable the committee to do thorough investigations to necessitate report writing. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Nyawira. Hon. Members, you remember that this matter that committee is investigating touches the very core of the independence of this Assembly. There was a sitting outside the Assembly in the spirit of devolution at Kithimani and attempts were made to disrupt the sitting. The Assembly felt that an investigation needed to be done so that the matter can be addressed and the necessary action taken against any person found to have participated in that attempt.

I am well aware of the activities the Assembly has been engaged in the last two and half weeks and that means the committee did not have time to finalize on the report. The report is still needed urgently before this Assembly and so the committee is given an extension of time by the Assembly, through the Speaker, and they must report before this Assembly on 20th November, 2018. Thank you, Hon. Members.

MOTION

LIMITATION OF CHIEF OFFICERS TO A MAXIMUM OF 13

Hon. Speaker: Hon. Members we have one business by Hon. Museku.

Hon. Museku: Thank you, Madam Speaker.

Hon. Speaker, that aware that Article 179(3)(b) of the Constitution of Kenya provides for the appointment of ten County Executive Committee Members for a County with 30 or more Members of the County Assembly;

Aware that this number defines the number of Departments a County shall have and aware that Machakos County should have ten departments as per this provision of the Constitution thus an equal number of Chief Officers;

Further aware that section 45(3) of the County Governments Act, 2017 states that a County Chief Officer shall be responsible to the respective County Executive Committee Member for the Administration of a County Department;

Aware that Governor of Machakos forwarded a list of 23 nominees for vetting and approval for appointment as County Secretary and Chief Officers pursuant to sections 44 and 45 of the County Governments Act;

Aware that the Governor appointed four other Chief Officers directly hence bringing the total of including County Secretary to be 27;

Aware that the number of Departments as per the list of Chief Officers does not tally with the number of Departments as per the list submitted during the nomination of CECs;

Noting that during a meeting between the Assembly General Oversight Committee and the County Public Service Board, the Board informed the Committee that the County had a bloated wage bill;

Further aware that the County Public Service Board acknowledged that no staff audit had been done to date;

Acknowledging that there has been an outcry from the public that they need development; aware that such a high number of Senior Officers in the County Executive will increase recurrent expenditure hence reduce funds for development;

Hon. Speaker, I beg to move the motion that this House discusses and resolves to limit the number of Chief Officers to be appointed to serve in the County Government of Machakos to a maximum of thirteen.

Thank you, Madam Speaker. I call Hon. Peter Mutiso to second my motion.

(Applause)

Hon. P.J. Mutiso: Thank you, Madam Speaker. I second the motion.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Speaker: Point of order from Hon. Musau. To who because both of them have sat down?

Hon. Wambua: It is a procedural order, Madam Speaker.

Hon. Speaker: Go ahead, let us hear it.

Hon. Wambua: Thank you, Madam Speaker. As per Standing Order 27(2) provides that the House shall terminate business at 12.30 p.m. on Tuesday and Standing Order 27(3)(a) provides that the House may resolve to extend its sitting time; Madam Speaker, I wish to move the motion that the House resolves to extend the sitting time until the business is complete. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, that is a procedural motion; there will be no voting but it is also wise to have the feeling of the Members. Just a few interjections on that request, Hon. Ndambuki.

Hon. Ndambuki: Thank you, Madam Speaker. Looking at it that we have a motion before us that is to be debated which has been presented by Hon. Museku, it is important that we observe the extension of debate time past 12.30 p.m. so that we can give an allowance for Members to express their ideas in the debate and also noting that we started our sitting a little bit late; it is also important that we also extend. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Katumo.

Hon. Katumo: Thank you Madam Speaker. I stand to support the extension of time because what is before us is very important. It is a peeling motion that we need to streamline operations in Machakos County and time is just a factor; it is a variable and cannot hinder us from working. We came here to work and I think we should finish the business at hand and then we continue with other issues. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Katumo. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the motion brought by the Mheshimiwa of Mbiuni, because we are not here permanently; we have to use the time and do the best for the County of Machakos. Let us be serious about the time. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members. From the views expressed by the mover of the motion and the Members who have spoken in support, the Chair is convinced that it is necessary to extend time so that this business at hand can be dealt with and concluded. So the sitting of the House is extended. Thank you, Hon. Members.

(The House resumed debate on the Motion in the Order Paper)

Hon. Museku, you had gotten a seconder of your motion.

(Question proposed)

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

Point of order on amendment of the Motion; tell the Standing Order that gives you that power.

Hon. Mulatya: Standing Order 52(2); despite paragraph one---

Hon. Speaker: Hon. Mulatya, let me get my sight first. Standing Order 52(2); amendments to be in writing?

Hon. Mulatya: Standing Order 52(2); despite paragraph one the Speaker may in exceptional circumstances allow Member to move amendment to a motion before the House at any time during consideration of that motion. Madam Speaker, I am trying to move this amendment guided by Article 179(3)(b), of the Constitution of Kenya 2010---

Hon. Speaker: Slowly.

Hon. Mulatya: Am I too fast?

Hon. Speaker: Yes you are too fast. Every time you refer to the law, particularly the constitution, it is good that we go together.

Hon. Mulatya: Article 179(3)(b) of the Constitution provides that for the appointment of only ten County Executive Committee Members for a county with 30 or more Members of the County Assembly....which applies in our case.

Hon. Speaker: How many are you?

Hon. Mulatya: We are 59 plus the Speaker 60; so in our county I think according to the constitution we need ten Chief Officers not 13. I also have my seconder.

Hon. Speaker: Who is your seconder?

Hon. Mulatya: Hon. Joseph Musau.

Hon. Speaker: Is it an ambush just because he is your neighbor?

(Laughter)

Hon. Wambua: Thank you, Madam Speaker. It is not an ambush; it is a call of duty. I would wish to second such an amendment given that *punda amechoka*. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Musau. Hon. Mulatya, you notice under Standing Order 52(1), amendments to motions are supposed to be in writing but under (2) in exceptional circumstances, an allowance can be made to move it not in writing. What are the exceptional circumstances; can you address the House on that aspect?

Hon. Mulatya: I am quoting the Constitution of Kenya and you know as always, the constitution comes first. So I think since the law is very clear, you can allow this amendment, Madam Speaker.

Hon. Speaker: So you are supporting yourself on the Constitution?

Hon. Mulatya: Yes, Madam Speaker and it is very clear that we have only ten in a county where we have 30 or more Members of the County Assembly.

Hon. Speaker: I just want to engage you further Hon. Mulatya. Under Article 179 and allow me time to get there; Article 179(3)(b) which you cited, its talking of the CECs up to ten where the Assembly or more Members. You said this Assembly has 59 plus the Speaker, 60. So how do you relate the CECs to the COs. Can you clarify that particular point?

Hon. Mulatya: Because of the departments across in the Executive, Madam Speaker.

Hon. Speaker: The Departments they were to be headed by the CECs?

Hon. Mulatya: Yes. Because you find in this kind of a situation when we were vetting the Madam Speaker, there are some departments whereby they are trying to split very little Departments to make them two or three which is also coming back to affect our wage Bill, Madam Speaker.

Hon. Speaker: Alright. So, Hon. Members, the proposal is to amend to a maximum of ten from thirteen on the Motion?

Hon. Mulatya: Yes. The Motion is suggesting 13 but the law says 10. So amendments are to make them 10. I propose to propose the question first Hon. Minority Leader.

Hon. Speaker: To make them 10 from 13.

Hon. Mulatya: From 13 to 10.

Hon. Speaker: Hon. Members, the amendments is allowed by the Chair. So, what is going to happen, I will propose the question again pursuant to that amendment?

(Question of amendment proposed)

Hon. Members, the Motion is now open for debate as amended. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, I stand to support the Motion as amended. Madam Speaker, in the view that we all know that as per today, the recurrent expenditure Madam Speaker, we are paying at around Ksh. 400 million per month which translates to Ksh. 4 billion per year which is almost a half of the County's budget Madam Speaker.

Again, the Motion is very clear there is a time we had the General Oversight Committee where we had invited the County Public Service Board and the Board confirmed that, despite continuous request by the County Assembly on requesting the audit off the employees within the County Government of Machakos, since 2016, the County Public Service Board has not been able to submit the same to this Assembly. Madam Speaker, in the view of the departments we have and on the basis that the Chief Officer is an Accounting Officer heading a Department, in my view I want to support the number to 10 for each Chief Officer to head a Department.

Madam Speaker, this number which we were given by the Governor, 26 is on over the side. These Chief Officers again will increase the recurrent budget; you realize the outcry by the public has been that they need development and again they are questioning us what we are doing on the same, Madam Speaker. We have been pushing for this audit report on the employees to no avail. I support the number to be reduced to 10 and again urge the Assembly to push harder for us to get the report on the audit of the employees. Thank you, I stand to support.

Hon. Speaker: Thank you, Hon. Masesi. Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. Madam Speaker, as a practice and as per the law, we have only one President and one Deputy President. As per the practice in the National Government, we have one CEC and one PS. It will be an excess of many---

Hon. Speaker: Can I seek a clarification, Hon. Kalumu.

Hon. Kalumu: Yes, Madam Speaker.

Hon. Speaker: In the National Government, did you say we have one CEC?

Hon. Kalumu: Yes.

Hon. Speaker: In the National Government? We have what?

Hon. Kalumu: CS.

Hon. Speaker: CS not CEC.

Hon. Kalumu: Yes.

Hon. Speaker: Alright, that is the correction I wanted to hear.

Hon. Kalumu: Thank you for the correction. As per Department we have one CS per Department.

Hon. Speaker: And in the National Government we have Ministries not Departments.

Hon. Kalumu: Yes. Ministries which are also equal to the Departments in the County Government.

Hon. Speaker: Alright.

Hon. Kalumu: Having that in the National Government, we have no one PS or several PSs reporting to one CS. In the fact of Machakos County, we have several according to what the Governor brought to this House. He brought several COs reporting to one CEC which will bring some overlapping of duties and according to what is there, according to the labour practices, anything which is overlapping needs to be dealt with; it makes one of those people redundant because we cannot have two COs reporting or doing the same job yet our wage bill is very high.

If we allow the Governor to have 27 COs, then we shall be allowing an increase of the wage bill yet it is still beyond our budget. So, it is my support that, I will say the mover of the Motion, it is timely and that we reduce the number of COs to 10 so that it can conform to the number of Departments in Machakos County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Christine Koki.

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I am on my feet to support the Motion on the floor of the House, in the sense that, Machakos County, we have always been talking about the ballooning wage bill. It does not make sense to have so many officers who are being paid using taxpayers money and they are doing almost a similar job as the other.

Secondly, Madam Speaker, this is a Hon. House, a legislative House and our role and duty is to protect the law and to see to it that the law is followed to the letter. We are not going to stand by and watch our noble constitution being violated because it is very clear as the mover of the Motion has indicated, it is very clear that we are supposed to have not more than 10 COs. Therefore, Madam Speaker, I urge every Hon. Member that we support this Motion so that our Constitution does not get violated under our watch. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Koki. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker. Madam Speaker, I stand by to support the Motion which was reading to reduce the COs to 13 but was amended and the same number be reduced to 10. I do support fully. Madam Speaker, you realize that, we were given names of only 23 COs and there were others who were nominated directly by the Governor, giving us a sum total of the 27 Chief Officers.

Madam Speaker, we have only 10 Departments in our Machakos County and noting that all these Chief Officers will also have the staff and you remember Madam Speaker, recently this Hon. House complained of the Government employing Ward Administrators directly and when we complained on the same, they were arguing on the ballooning wage bill

but now Madam Speaker, they are trying to reduce the wage bill and again they add from other Departments.

Madam Speaker, this House, if we go ahead and pass the same 27 Chief Officers, like for example the Department of Finance, we will not be able to know who is responsible whenever this House wants to note or wants a report from the Finance Department.

(Applause)

Madam Speaker, we request that this House supports and makes sure that these Chief Officers are fully reduced to 10 so that we can have each Department having an Accounting Officer who is responsible and who can be able to be answerable to this Hon. House. Madam Speaker, you understand like the Department of the Deputy Governor, I am a finance Committee Member, I understand that Department does not exist but we have a Chief Officer we tried to vet but he could even know his work or the duties he will be undertaking in the office of the Deputy Governor.

(Applause)

So, Madam Speaker, it is the high time this House stamps authority and the at the same time knows that this Hon. House needs to be respected and every Member in Machakos County needs to be put on oversight so that all the monies and all the revenue go direct to the *mwananchi*. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker, I stand to support the Motion because we should as MCAs of Machakos ensure that the Governor does not go for popularity contest by over-employing members of the County without following due process.

Secondly, we are all crying about finances. As Members of this County Assembly, our interest is to ensure that every single shilling that comes to this County is used to bring development to our people not to continue to encourage a big wage bill. So, I fully support the Motion.

Hon. Speaker: Thank you, Hon. Ndeti. Hon. King'ori.

Hon. King'ori: Thank you, Madam Speaker. I am happy today to join the queue of supporting this noble Motion which was brought by Hon. Museku because there are poor services brought about by competitive COs. That is what they do; they usually compete on seniority instead of bringing services to the people.

(Applause)

So, I think it is for the interest of the people of Machakos that we have one so that we can have who is answerable to the people of Machakos instead of having so many of them only to sit in office with no duty and redundant because the work they are doing is too little that most of the times they are on their phones talking to their girlfriends or boyfriends.

(Laughter)

Hon. Speaker: Hon. King'ori, they do not talk to their wives and husbands; they talk to their girlfriends and boyfriends? Is that not discriminatory?

Hon. King'ori: I think we were all once boyfriends and girlfriends before we married.

(Laughter)

So, I think my wife once called me 'my boyfriend.'

(Laughter)

Hon. Speaker: That is a better clarification. That is much better.

Hon. King'ori: On a lighter note, time is money and money is time and what do I talk about when I say time is money? People should not go to office just to sit and wait for time to elapse; they should go to work and work. That is why I will support this Motion so that each person should be held accountable as the County CO of each Department he or she is given instead of so many divisions at work. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. King'ori. Hon. Margaret.

Hon. (Ms.) Mwikali: Thank you, Hon. Speaker. I appreciate that you have noted this side of the Minority.

(Laughter)

Madam Speaker, I wish to add my voice to support the Motion as amended and congratulate and thank the Mover of this Motion, Mheshimiwa Museku for one just simple reason that the Constitution of Kenya gives us directions on how to legislate and it is superior. Therefore the Constitution dictates that, the maximum for a House like ours should be 10. Therefore, I support for one single reason, that each CEC should have one Accounting Officer known as the Chief Officer.

This will not only reduce the ballooning wage bill but will also be very important because it will be showing people who are accountable and transparent. Each Department will be able to be manned properly and therefore Madam Speaker, since it is the responsibility and onus of this House to legislate not only is it important to our electorates but also what is important for them is to reduce on the payment of these irrelevant officers. I therefore support very strongly, Madam Speaker. Thank you.

Hon. Speaker: Thank you, Hon. Mwikali. Hon. Pauline.

Hon. (Ms.) Mene: Thank you, Madam Speaker for this opportunity to contribute to the Motion. Madam Speaker, 27 going by any standards is a very high number considering the ballooning wage bill. Madam Speaker, I noted you did not give us time to debate on the amendment. I still feel we need to have 13 COs, of course 27 is high but 13 is reasonable. My reason for saying this is because, in the National Government structure, the Ministry of Health, Ministry of Transport usually has the two Departments.

In the ministry of Health, it usually has clinical services and public health; in ministry of Transport, there is Transport and Infrastructure, Housing and Urban Development. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Pauline. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I also want to add my voice and thank the Hon. Member who has brought this Motion and then further, the amendment brought by Hon. Member, Hon. Mulatya. It is time this House stamps authority and gets to serious business to check and to oversee the misdeeds of the Governor. When I try to calculate 27 less 10, he has over stated those people who are not supposed to be there or those CECs who are not supposed to be there by 17. That is almost thrice the number needed.

(Applause)

So, I want to say this House is here to tell the Governor that, there are controls, he is not there to do what he thinks or what he wants to do, he is not there to reward his cronies because by increasing this number, it is as if he wants to reward his cronies who supported him.

We should follow the law, we should go by 10 because the extra number is too high and people from our wards are suffering; we will just pay salaries while our people are suffering there in our wards on various issues. So, Madam Speaker, I do support the amendment that let us reduce the number to 10 and let us tell the Governor that he should follow the law, this is a House of honor and he should not think that to be doing what he thinks he should be doing without us counter checking him. Thank you, Madam Speaker.

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

Hon. Mwanthi: Thank you, Madam Speaker. I do support that motion that we need to reduce the number of Chief Officers noting that we already have Directorates and I think with the number that we have, some of these are just Directorates that has been changed to be called departments and Madam Speaker as per Section 45(3) of the County Governments Act, it states that, 'a county Chief Officer shall be responsible to the respective County Executive Committee member for the administration of a County Department.'

What does that tell us? It tells us that a Chief Officer will head a Department; in this case like in the finance department, we were given names of four Chief Officers, one for revenue collection, another one in the Office of the Deputy Governor. How do we call Office of Governor a Department yet there is no even allocation in that office?

(Applause)

What will that person be doing if there is no that allocation? I am trying to imagine maybe the Assembly calling that person or interrogating such a Chief Officer; what will he/she be doing in that office? We have resource mobilization, it is a department that we cannot to some extent define 'resource mobilization' what it means and why we should have a person being paid to just to mobilize funds.

Then four, in that same department, we have in charge of treasury; Madam Speaker, that is wastage of public funds and I think we just need to be serious and have just one Chief Officer in that department so that, that person may be liable in that department. We will have the others as Directorates whereby they will be assisting that one Chief Officer. Thank you,

Madam Speaker.

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

Hon. Mitaa: Thank you, Madam Speaker. I stand here to support the motion by our Deputy Speaker and as amended by our Majority Chief Whip that 27 is too high for our County. Madam Speaker, to be specific, it is like from the onset, the Governor was on a mission to reward these friends and political losers in the last elections from his---

(Applause)

Hon. Speaker: Hon. Mitaa, even as the Assembly is applauding really, are you able to substantiate that Statement?

Hon. Mitaa: Yes, Madam Speaker. There is one chief officer by the name Carlos; he was running under Maendeleo Chap Chap Party as a Senator. So, Madam Speaker, I can substantiate.

Hon. Speaker: Where is that one, where is it, where you read that name? I am talking to Hon. Mitaa.

Hon. Mitaa: Madam Speaker, records are there, this gentleman was a Maendeleo Chap Chap senatorial candidate in the last elections and his name was read in this Hon. House as an appointee for youth and sports, if I am nit wrong, Madam Speaker.

Hon. Speaker: You are saying he is one of the nominees?

Hon. Mitaa: Yes Madam Speaker.

Hon. Speaker: Is it a crime to run for a political seat and then lose?

Hon. Mitaa: Not really, Madam Speaker; my argument is it is like the Governor was out to reward political losers from his party.

Hon. Kamulu: Point of clarification, Madam Speaker.

Hon. Speaker: Proceed and make your finalization. Hon. Kamulu, let us leave the matter at that; let the Hon. Member finalize his submissions.

Hon. Mitaa: Thank you, Madam Speaker. So, to my view it is like if we allow 27 to proceed, we will be creating so much idling in offices and Madam Speaker I think our wish is to have a lean cabinet and Chief Officers who are effective. Madam Speaker, to elaborate on the disadvantage of having a large number of Chief Officers, I would want to go through calculations. Assuming each Chief Officer is paid Ksh. 124,000 per month, it would mean it would cost our county Ksh. 3.4 million per month.

Hon. Speaker: Hon. Mitaa, the minute you mention figures, expect a question from the Chair; where did you get Ksh. 124, 000 from?

Hon. Mitaa: I said assuming, Madam Speaker; that is the word I used.

Hon. Speaker: Assuming?

Hon. Mitaa: Yes.

Hon. Speaker: I would imagine that the salaries of public servants is a common knowledge, so perhaps you will tell me that you googled somewhere and you have found something similar.

Hon. Mitaa: Madam Speaker, the last time I checked SRC schedule, I think a Chief Officer was to be paid Ksh. 124,000.

Hon. Speaker: SRC circular?

Hon. Mitaa: Yes, Madam Speaker.

Hon. Speaker: Proceed.

Hon. Mitaa: Thank you.

Hon. Masesi: Point of information.

Hon. Speaker: On the same point, Hon. Cosmus? Allow yourself to be informed Hon. Mitaa.

Hon. Masesi: Thank you Madam Speaker for giving me this chance to inform my best friend Hon. Mitaa. In fact, I want to confirm the figure that when we were vetting the acting Chief Officer Ngarachu, their monthly pay is Ksh. 124,000.

Hon. Speaker: So you confirmed?

Hon. Masesi: Yes, Madam Speaker.

Hon. Speaker: Thank you. It is good to proceed on information which you can clarify and verify. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker, thank you, Hon, Masesi for that clarification. Madam Speaker, my argument is this will total to Ksh. 40 Million per year. Employing 10 it will cost us Ksh. 1.2 million per month which totals to roughly Ksh. 15 million per year; that would mean we save our people at least Ksh. 25 million per year and Madam Speaker, this my calculations actually does not involve supporting staff who are supposed to be employed in these offices. So, Madam Speaker, I support the motion as amended in totality. Thank you.

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

Hon. Muthoka: Thank you, Madam Speaker. Welcome Kilifi County. I stand here to support this motion strongly as my colleague Hon. Mitaa is saying, when we were vetting Ngarachu, she declared last year she received over Ksh. 2.2 million from Machakos County for salaries and allowances. So multiply by 27 and that is Ksh. 54 million; it means also leave alone the 27 Chief Executive Officers, we will have another 27 Directors, another 27 Drivers,

another 27 vehicles another---

(Applause)

Let our Governor be serious *Bwana*; his work is not only employing.

Hon. Speaker: Hon. Muthoka, you started in English; if you want to go into Kiswahili you can do it now.

Hon. Muthoka: Okay; in quotes.

Hon. Speaker: I think *Bwana* is a Kiswahili word.

Hon. Muthoka: His work is not only employing; I think he is best in employing, employing; ward admin, deputy admin, village manager, village manager II, III, IV. What are we doing *Bwana*. This is the high time this Assembly stamps its authority and we say no is a no. Not No-yes-no; a no is a no and we are going to implement this as the chairman of implementation and anybody who will get salary, let him know we are going to surcharge them all. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Muthoka. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. My own is to remind the Members that we are supposed to amend and pass this motion as quickly as possible because we have time frame, so that at least this House does its work before the time for vetting these Chief Executive Officers elapses. Remember last time there was a lot of friction about the Chief Executive Officers; so this Hon. House should look at this motion pass it so that at least we can come up with 10 Chief Officers because Madam Speaker, I think Kitui has 11, Makueni has at least 13, but these counties they do not have wage bill problem like Machakos.

Let us solve our wage bill problem first and then we will go to point two if we will have like 13. But for now I strongly urge members by only 10 because Machakos is known now and it is a shame the way we are taking our county, no development as my counterpart Hon. Mbuva has said; we are only good in employing, we are employing people, no development, we are just filling offices with people who will be sitting in those offices idle. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the motion by saying that these people are employed on the road or on the way but they have no papers; even the ministry they are given they do not belong there. You can see we are not having salary because we are not having a minister for that, we have nobody who we can go and ask. So, Madam Speaker, I think you can put the question and we make---

Hon. Speaker: Point of information from Hon. Steve Mwanthi, Hon. Mueni.

Hon. Mwanthi: Yes, Madam Speaker. I think we have Chief Executive Officer finance who can sign for the salaries as at now. Thank you.

Hon. Speaker: Thank you. Hon. Mueni, please proceed and finalize.

Hon. (Ms.) Mueni: Yes but Madam Speaker, I think the Member is asleep or is having more money in the account because me I have not been paid what because what I know is that we have no Chief Executive Officer for finance.

(Laughter)

So, Madam Speaker, I think you can put this question we pass this motion because you know the time we were vetting those people, they were not having papers for what they are employed for. You can see somebody has done medicine and is in water; he has studied something that like engineering and is in medical, so what are we doing? Madam Speaker, I think the person who is there even himself he does not have the right degree for what he is doing so we can do without him and make the county of Machakos better. Thank you.

(Applause)

Hon. Speaker: Thank you, Hon Mueni. Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. Service delivery is key to this county. I want to say that the public will judge us so harshly if we will just sit back and watch the mess in Machakos County's ballooning wage bill. I want to inform the Governor that the public will just judge him by the number of development he initiates but not how big the cabinet is. As a nominated MCA, I want to support the number to be 10 and the rest I may call them joy riders or ghost workers. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, allow me to call the mover of the motion to reply.

Hon. Museku: Thank you, Madam Speaker for giving me this opportunity to respond to this motion. First and foremost, Hon. Members, thanking you all very much for the active way which you have participated in support of this very important motion for Machakos County and Hon. Members, just to touch a few of the issues which have come up; first and foremost, the person who made the constitution, we the people who made the constitution as Kenyans and promulgated it, were not wrong when in Article 179(3)(b) limited CECs and departments to 10.

The Constitution knew very well that if this aspect is left free flow for everybody to decide on what they want to put, we could even be having, I remember, Madam Speaker, during the time of President arap Moi, there is the time we had 36 ministries with more than 72 assistant ministers. So, one of the reasons why Article 179(3)(b) does this limitation to 10 is to enable us to control the wage bill in as far as those positions are concerned.

Madam Speaker, going by the mathematics which Hon. Cosmus Masesi has said here; the Public Finance Management Act and the Constitution are clear that for development funds we should allocate at least 30 per cent of the total budget, but for personal wages and emoluments it should be at most 35 per cent. Considering the kind of wage bill we have right now, Machakos is operating between 40 and 50 per cent on personnel emoluments; salaries and wages way above what has been allowed by the law.

Knowing this Hon. House, it would be a disgrace to us to go ahead again and approve to have 27 Chief Officers while we only have 10 CECs and purport that we are actually doing service to the people of Machakos. If we reduce this wage bill, we will be able to save like Hon. Mitaa has said Ksh. 25 million; this Kshs, 25 Million can be able to give each ward Ksh. 625,000, more bursaries to get our children to go to school.

Do we need our children to go to school or do we need people to be called Chief Officers and to be employed for secretaries and to be given vehicles and those other things? I think this county requires more children in school and not more officers in offices.

Madam Speaker, I think I would urge, as I conclude, that the committees in this Hon. House do pass this motion, the committees to quickly go ahead and vet as the Whip has said and come out with one the best Chief Officers for each department so that we can be able to meet the deadline of 21 sitting days which we have for the time of vetting and the time of submission of the report so that we can be able to give the county government of Machakos 10 Chief Officers whom they can be able to utilize in performing important trust.

I therefore thank you all of you and request you to support my motion when the question is put. Thank you, Hon. Members; thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the House is adjourned to resume on the 6th day of November, 2018 at 2.30 p.m. That is today this afternoon. I believe that you will also have occasion to join our visitors for lunch and also to show them around if they had not been shown around as yet. Thank you very much.

The House rose at 12.55 p.m.