

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 14th February, 2018

The House met at 10.04 a.m.

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

PRAYERS

Hon. Speaker: Hon. Members, am I bowing to an empty House? Where are the members? I am seeing only Hon. Maitha on the left side?

(Hon. Speaker consulted with the clerk at the Table)

Hon. Members, I am asking the Serjeant-at-Arms to ring the bell. Mr. Kiptum, can you ring the bell

(Quorum bell rung)

Hon. Speaker: Serjeant-at-Arms, we do have quorum so can you stop the bell please. Thank you. Mr. Clerk, proceed.

COMMUNICATIONS FROM THE CHAIR
STUDENTS OF NYAANI SECONDARY SCHOOL

Hon. Speaker: Hon. Members, on communication from the Chair, let me start by appreciating the presence of the students of Nyaani secondary school and welcome them to this session and Hon. Members, they are from Wamunyu ward. Who is the member of Wamunyu ward? Hon. Mutinda, yes. It would have been good if the students found him in the House, so we will pass word to him that the students visited and you are very much happy.

Hon. Mwikali comes from that area. Thank you very much; at least they have a representation. So, we welcome them and encourage them to work hard as citizens of this nation and thank you for the teachers who thought it fit to bring them here and it is hoped that they are going to emulate some of the good examples that will be exhibited by the members here in the order of the House that is at hand so that you give them inspiration and mentorship. Karibuni.

WELCOME FROM LONG RECESS

Hon. Members, on communication from the Chair, I have a number of communications to make. I am happy to welcome you all back to this second session of this House; you have had long recess. I trust that you have rested enough, that you have the energy now to start serving the electorates

effectively and that starts by keeping time for sittings of this plenary and also of all committees and I want to give an undertaking that we all need to pull up our socks particularly on time keeping so that the hours of business are known to all of us. So let us keep time.

UNITY OF MACHAKOS COUNTY FAMILY

I reiterate that as an Assembly we need to unite as Members of the Machakos County Family--

(Applause)

I am told this County Family was born yesterday. Is it a day old, just one day old? I think it is a very vibrant baby; it has a very bright future and it will go a long way into serving the people of Machakos County, and I remind you the provisions of Article 174 of the Constitution of Kenya on the principles of devolution.

We can only discharge the mandate as required by that provision of the constitution if we are united.

PENDING BUSINESS FOR SERVICE DELIVERY

Our plate is very full. In fact, it is overflowing and just to remind you we have the Finance Bill 2017. It was tabled sometimes last year and it needs to be expedited because the County can only raise revenue by having that law in place and that is the only way that we will be able to finance the 2017/2018 budget which we are implementing. So, we really need that law in place like yesterday.

There is also the issue of the CIDP which you are well aware of, and out of the CIDP we have the Annual Development Plan for 2018/2019 and then again we have several reports that are pending before the various committees on matters of great importance to the county and those reports needs to be brought as quickly as possible top this House for confirmation.

Then you know that our county, every day, is facing challenges. The people in the county are facing challenges on daily basis that call for your intervention through service delivery. I just want to give a few examples;

- a) The need to construct bridges to link wards of Muthesya and Ndithini with Masinga Central and this needs to be done across River Tana. Also Kibauni and Katangi wards across also the River Athi.
- b) We need to construct just it is, not that we are copying Makueni county. Yesterday I partook of quite juicy mangoes and I was just in praise to God of how much blessings he has given this county. Very sweet mangoes. So, we need also to think about looking for our mangoes and dairy factories; we should have been in the lead but we are going to catch up.

(Applause)

- c) And also we need to promote the tarmacking of roads;
- d) We also need to work on employment creation; the projects that if we put up will create jobs for the youth that needs these jobs and even people in the middle age and even relatively elderly people like myself and my Hon. Mueni, we also need jobs.

- e) We need to equip the youth polytechnics and we need the ECDs in place.
- f) We need to have health centers for good health, quality health for all of us.
- g) And of course we need clean water. There are so many needs so we have to do a lot of work.

Also, let me draw your attention to various report that are pending attention by this House; we have the Auditor General's report. Remember we received three reports from the Auditor General on 8th, 22nd and 25th January, 2018. I am informing you this because as at that time we not sitting. So, when you come on board, you find that you need to discuss those reports.

- a. The report of the Auditor General is generally on the Financial Statements of Machakos County Assembly Housing Scheme Fund for the year ended 30th June, 2016;
- b. Report of the Auditor General on the Financial Statements of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2016;
- c. Report of the Auditor General on the Financial Statements on the Mwala Water and Sanitation Company Limited for the year ended 30th June, 2016.

These reports are hereby now committed to the Public Accounts and Investments Committee for interrogation and for a report that must be filled in the House within three months that is in accordance with Article 229(8) of the Constitution.

Hon. Members, we also have a report of Controller of Budget; that report was served to the office of the Clerk and it has matters that pertain to the operations of the budget of this county just like for all other counties and also for the national government. That is a report that is supposed to be tabled before this House for consideration and passing of such resolutions as the House may deem fit. That is going to be done soon.

UPGRADED BIOMETRIC REGISTRATION

Hon. Members, we have a biometric registration system now in place. You remember we talked about it in the first session. Now it has been undergoing upgrade since 2017 but it is ready now. So, what is going to happen is that members will be using it both in this House and also in the committees. Why do we want it?

There are several reasons, the first one is accountability. You must be accountable for your actions as elected members; you have been given the privilege of exercising the sovereign power of the people on their behalf and you must be accountable to them. We want to know who comes to this sitting on time and who does not come at all.

We also want to know who is attending committee meetings on time and who does not attend at all. Then of course there is also the issue of keeping your records; at times you may forget to sign the books you are supposed to sign and the of course you may find that your entitlement may also be forgotten in the process. So, this is going to be for the benefit of the public and for your benefit. You will make use of it henceforth.

ROUND-TABLE MEETING WITH AHADI TEAM

There is a round table meeting that is scheduled between members of the House and Ahadi that is planned for tomorrow the 15th February, 2018 at 11 a.m. to 1 p.m. at the Gelian hotel in Machakos. It is a function that is funded by Ahadi and it is to present a report that was carried out on

urban cities. The biggest urban cities in Kenya and we must pride ourselves, Machakos is one of them.

(Applause)

There was Eldoret, Kisumu, Machakos, Mombasa, Nairobi, Nakuru. You see we are recognized amongst the big six. Okay. So, they are going to present to you this report and it is about public delivery in urban cities. It is about good governance, it is about provision of good conditions for investment. It is about amenities such as sanitation, provision of water and roads and all these are matters that are within your mandate.

So, Hon. Members, the communication from the Chair is that you avail yourselves tomorrow 11 a.m. at Gelian Hotel. They are going to provide for whatever costs that would make you comfortable in the hotel.

POSTPONEMENT OF TRAINING BY AHADI

The other communication from the Chair is about postponement of a training that was going to be on the 19th of February, 2018 of the House Members by Ahadi.

They are very stable partners of this House just like they are of other houses of other counties; they indicated to the Clerk yesterday that due to logistical constraints, they are not going to be able to start it off on 19th of February but they are arranging another date which is going to be communicated to the House as soon as possible.

Hon. Members, that is the Communication from the Chair for the time being. Mr. Clerk, proceed.

PAPER LAID

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF THE GOVERNOR

Hon. Speaker: Hon. Members, under this Order we have the business as listed in the appendix; it is in respect of the Governor's speech or address that was given yesterday and I call upon Hon. Minority Leader.

Hon. Kamitu: Thank you, very much Madam Speaker. Pursuant to Standing Order 24, I wish to lay on the Table of the House today, Wednesday, 14th February, 2018 the Governor's address to the assembly delivered on Tuesday, 13th February, 2018. Thank you, Madam Speaker.

Hon. Speaker: Thank you, proceed. Hon. Kamitu is the one proceeding.

Hon. Kamitu: Madam Speaker, I now lay the Paper. Thank you.

Hon. Speaker: Thank you. Hon. Members, you have the Paper before you we are going to give time to deliberate on the Paper and we are going to discuss this Paper Hon. Members, on the Speech by the Governor on the 14th February, 2018 that is today at 2.30 p.m. Mr. Clerk, proceed.

NOTICES OF MOTIONS

APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE FOR THE SECOND SESSION

Hon. Speaker: Hon. Members under this order we have three notices of motions as listed in the appendix and I call the movers of the motions.

Hon. Kamitu: Madam Speaker, notice of motion and this is as you said Madam Speaker, we are one House so on behalf of our Majority Leader who has some other official duties, I now give notice of motion that is Hon. Speaker, that aware that Standing Orders 151(1) provides that the House Business Committee should be appointed at the commencement of each session.

Aware that the committee is crucial in determining how business is debated in the house and in preparation of an assembly calendar.

Noting that the House Business Committee membership should reflect relative majorities of seats held by each of the assembly parties in the assembly.

Aware that the nomination should take into consideration of interests of independents and aware that parties have nominated members to serve in the House Business Committee.

Hon. Speaker, I wish to give notice of motion that pursuant to Standing Order 151 (1)(e) the House approves the appointment of the following members to the House Business Committee for the second session of Second Assembly of Machakos County in addition to those members specified under paragraph a, b, c and d.

Hon. Justus Kiteng'u
Hon. Tariq Mulatya
Hon. (Ms.) Jacqueline Nziva
Hon. Peter Mutiso
Hon. (Ms.) Betty Nzioki
Hon. (Ms.) Angela Munyasya
Hon. Francis Kalumu
Hon. Moffat Maitha
Hon. (Ms.) Annastaciah Mutuku
Hon. Joshua Muli
Hon. Judas Ndawa

Hon. Speaker: Thank you, Hon. Minority Alex Kamitu. I appreciate the spirit of teamwork that is what you must be embracing throughout as a House.

(Applause)

Next notice of motion.

CHANGE PLENARY SITTING DAYS FROM THURSDAY AFTERNOON TO TUESDAY MORNING

Hon. Kamitu: Thank you, Madam Speaker.

Hon. Speaker, that aware that Standing Orders 27(1) provides that the house will be sitting on Tuesdays on 2.30 pm Wednesdays at 10.00 a.m. and 2.30 p.m. and on Thursday at 2.30 p.m;

Aware that most of the Assembly business is carried out in committees which then report to the House and aware that committees need more time to interrogate reports, undertake site visits and compile reports for tabling in the House;

Noting that Standing Order 27(3)(c) provides that the House may resolve to meet on any other day in order to transact business other than those stated under Standing Order 27(1);

Hon. Speaker, I wish to give notice of the motion that pursuant to Standing Order 27(3)(c) this House changes hours of meeting under Standing Order 27(1) from Thursdays at 2.30 p.m. to Tuesdays at 10 a.m. for this session to create a whole day for committees to meet and transact their business for reporting in the House.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Alex Kamitu, we have the next notice of motion now by Hon. Alex Kamitu. You have been holding brief now it is your notice of motion.

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE
ADDRESS OF THE GOVERNOR

Hon. Kamitu: Thank you, Madam Speaker; notice of motion.

Madam Speaker, that aware that Standing Order 18(1) provides that the Governor shall address a special sitting of the assembly once every year and may address the Assembly at any other time;

Aware that His Excellency the Governor Dr. Alfred Mutua addressed the assembly on 13th February, 2018;

Noting that the Governor's address outlined key policies that the County Government of Machakos will undertake to ensure that the county realizes economic growth;

Aware that Standing Order 20 requires that the assembly debate the Governor's speech in not more than four sitting days;

Madam Speaker, I wish to give notice of the motion that pursuant to the provisions of Standing Order 20(5) the thanks of the assembly be recorded for the expositions of public policy contained in the address of the Governor during the special meeting of the assembly delivered on Tuesday, 13th February, 2018.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Alex Kamitu. Mr. Clerk, proceed.

Hon. Speaker: Hon. Members, we do have business under this order as listed in the appendix and it would appear that Hon. Minority Leader will continue to hold brief.

STATEMENT

BUSINESS FOR THE HOUSE FROM 13TH TO 14TH FEBRUARY, 2018

Hon. Kamitu: Thank you, once again Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the statement hour, a Member of the House Business Committee designated by the Committee for that purpose shall, every Thursday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the House of the business coming before the House in the following week.

Hon. Speaker, the House Business Committee met on Monday, 12th February, 2018 and pursuant to the provisions of the Standing Order 151 balloted business for this week as follows:-

Tuesday 13th February, 2018
Afternoon at 2.30 p.m.
Address of the Governor to the Assembly.

Wednesday 14th February, 2018
Morning at 10.00 a.m.
Machakos County Finance Bill, (Bill No. 4 of 2017), first reading by the Chairperson of Finance and Revenue Collection Committee Hon. Cosmus Masesi;
Motion to approve Membership of the House Business Committee;
Procedural Motion on change of hours of meetings on Standing Order 27; to change sitting days from Thursdays, 2.30 p.m. to Tuesdays, 10.00 a.m. by Majority Leader Hon. Francis Ngunga;
Motion that 'the thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Governor.'

Wednesday, 14th February, 2018
Afternoon at 2.30 p.m.
Motion that 'the thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Governor.'

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Alex Kamitu. Hon. Members, it is important that you note the schedule of the business of the House coming up on that schedule that is given. Of course the first one is already dealt with and then you consider number two and three for the last bullet as per the directions given by the Chair, which is a matter that is going to be taken up together with the first bullet on the fourth paragraph for this afternoon. Mr. Clerk, proceed.

Hon. Speaker: Hon. Members, under this particular Order, we do have a Bill that is to be presented by the Chairperson, Finance and Revenue Collection, Hon. Cosmus Masesi.

BILL

First Reading

THE MACHAKOS COUNTY FINANCE BILL NO. 4 OF 2017

Hon. Masesi: Thank you, Madam Speaker, my fellow Hon. Members, Members of the Staff and our Guests, good morning everyone.

Madam Speaker, I want to say again that we are very happy with your act before I read the Bill and if you read the mood of the House, Madam Speaker, we are ready to work together and reason from one front. I was very keen Madam Speaker, when you were giving your communication but I missed to hear about the gym you promised us. I do not know whether it has to come as a Motion---

Hon. Speaker: Hon. Masesi, please stick to the business that is before the House.

(Laughter)

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, pursuant to Standing Order 119-

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Hon. Speaker: Point of order from Hon. Ndawa. Please resume your seat Hon. Masesi.

Hon. Ndawa: Hon. Members who are present here do not have the list of the record where the Hon. Member is reading from. So, we kindly request that we be provided with that.

Hon. Speaker: Point of information or point of order?

Hon. Ndawa: Point of information.

Hon. Speaker: Point of information. Hon. Masesi, you understand it?

Hon. Masesi: Yes, Madam Speaker, I wish the Clerk would advise. It is in the Order Paper and mine is just to read. I want to believe that it will come later, Madam Speaker.

Hon. Speaker: Hon. Members, this is just the first reading of this Bill and he only reads the short title. Do you need any list for that? Hon. Cosmus Masesi, proceed.

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, pursuant to Standing Order 119, I would like to present the Machakos County Finance Bill No. 4 of 2017 to this Hon. House for the first reading. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Hon. Members, this Bill, it is a voluminous document and this is the one you need to work on like yesterday, is hereby committed to the Finance and Revenue Collection Committee and that Committee must make a report before this House because of the urgency of the matter on the 7th, March, 2018 at 2.30 p.m. Mr. Clerk, proceed.

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Sectoral Committee)

MOTIONS

APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE FOR THE SECOND SESSION

Hon. Speaker: Hon. Members, under this order we have three Motions which are as per the appendix and I believe that Hon. Alex Kamitu will continue to hold brief. I believe you have sufficient instructions to proceed with the brief. Hon. Alex Kamitu.

Hon. Kamitu: Thank you, Madam Speaker.

That aware that Standing Order 151(1) provides that the House Business Committee should be appointed at the commencement of each session;

Aware that the Committee is crucial in determining how business is debated in the House and in preparation of an Assembly calendar;

Noting that the House Business Committee membership should reflect relative majorities of seats held by each of the Assembly parties in the Assembly;

Aware that the nominations should take into consideration of interests of independents and aware that parties have nominated members to serve in the House Business Committee.

Hon. Speaker, I wish to move the Motion that, pursuant to Standing Order 151(1)(e), the House approves the appointment of the following Members to the House Business Committee for the second session of Second Assembly of Machakos County in addition to those Members specified under paragraph (a),(b),(c) and (d):-

1. Hon. Justus Kiteng'u
2. Hon. Tariq Mulatya.
3. Hon. (Ms.) Jacqueline Nziva.
4. Hon. Peter Mutiso.
5. Hon. (Ms.) Betty Nzioki.
6. Hon. (Ms.) Angela Munyasya.
7. Hon. Francis Kalumu.
8. Hon. Moffat Maitha.
9. Hon. (Ms.) Annastaciah Mutuku.
10. Hon. Joshua Muli.
11. Hon. Judas Ndawa.

I wish to call Hon. Cosmos to second the Motion. Thank you, Madam Speaker.

Hon. Masesi: Thank you, Madam Speaker. I stand to support the Motion read by the Minority Leader on behalf of the Majority Leader that, this House considers and approves the nomination of Members of the House Business Committee as given on the list. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Alex Kamitu and Hon. Cosmos Masesi.

(Question proposed)

Hon. Members, I invite debate on this particular Motion. Hon. Margaret.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I stand to support and endorse these wonderful names of Hon. Members to take up the task of the House Business Committee. Madam Speaker, they are fully qualified and I am sure they are up to the task of having this House get enough business and expound on every aspect of this great County. Madam Speaker, I support.

Hon. Speaker: Thank you, Hon. Margaret Mwikali. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I support the motion which has been tabled by Hon. Minority Leader, owing to the fact that, the House Business Committee is the engine of the House because it is the one which decides what is going to be done during the sittings. It is my humble time

to say this thing ought to have been approved even by yesterday. So, I support the Motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa.

(Question put and agreed to)

(Hon. Ngunga walked in)

Hon. Members, we proceed with the second Motion and Hon. Alex Kamitu continues to kindly hold brief as the mover of the Motion takes a breather.

CHANGE PLENARY SITTING DAYS FROM THURSDAY AFTERNOON TO TUESDAY MORNING

Hon. Kamitu: Thank you, Madam Speaker. On the same spirit, the motion by Hon. Majority Leader who has come but I am taking charge of it.

Hon. Speaker, aware that Standing Order 7(1) provides that the House will be sitting on Tuesdays at 2.30 p.m, Wednesdays at 10.00 a.m. and 2.30 p.m. and on Thursdays at 2.30 p.m;

Aware that most of the Assembly business is carried out in committees which then report to the House and aware that committees need more time to interrogate reports, undertake site visits and compile report for tabling in the House;

Noting that Standing Order 27(3)(c), provides that the House may resolve to meet on any other day in order to transact business other than those stated under Standing Order 27(1);

Hon. Speaker, I wish to move the motion that pursuant to Standing Order 27(3)(c), this House changes hours of meeting under Standing Order 27(1) from Thursdays at 2.30 p.m. to Tuesdays at 10.00 a.m. for this session to create a whole day for the committees to meet and transact their businesses for reporting in the House.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamitu. You have a seconder?

Hon. Kamitu: I call upon Hon. Beatrice Nzioki to second. Thank you, Madam Speaker.

Hon. Speaker: Hon. Beatrice Nzioki means Hon. Betty Nzioki?

Hon. Kamitu: Yes.

(Laughter)

Hon. Speaker: Thank you.

Hon. (Ms) B. Nzioki: Thank you, Madam Speaker. I support the motion.

Hon. Speaker: Thank you, Hon. Kamitu and Hon. Betty Nzioki.

(Question proposed)

Hon. Members, I invite a debate on this matter. Hon. Musau.

Hon. Wambua: Thank you, Madam Speaker. I support the motion since a House in Committee is a House in business and creating more time in committees, means we shall have ample time to transact more as mandated by the electorates. Thank you, Madam Speaker.

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

Hon. Kalumu: Thank you, Madam Speaker. I would like to support the motion and also request to spare Mondays to be for those elected to be in our offices in the ward level so that---

Hon. Speaker: Hon. Francis Kalumu, you are an experienced Member of this House, stick to the business on the table.

Hon. Kalumu: I would like to support the motion that we change from Thursday 2.30 p.m. to Tuesdays 10.00 a.m. so that we can have enough hours on Thursdays to be in committees whereby we can deliberate on issues affecting our County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu.

(Loud consultations)

There are Hon. Members who are consulting very loudly. Consult under the table if you must consult. Sorry about that break.

(Question put and agreed to)

(Applause)

Hon. Members, on the next motion, I am going to invite the mover just to move the motion before this House and I know the speech has been put in the Members pigeonholes so that immediately from here, you go and take the address of the Governor in this House in this House yesterday, you read it so that we can deliberate it today at 2.30 p.m. Hon. Alex Kamitu.

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE
ADDRESS OF THE GOVERNOR

Hon. Kamitu: Thank you very much, Madam Speaker.

That aware that Standing Order 18(1) provides that the Governor shall a special sitting of the Assembly once every year and may address assembly at any other time;

Aware that His Excellency the Governor Dr. Alfred Mutua addressed the Assembly on 13th February, 2018;

Noting that the Governors address outlined key policies that the county Government of Machakos will undertake to ensure the County realizes high economic growth;

Aware that Standing Order 20(5) requires that the Assembly debates the Governor's speech in not more than four sittings;

Madam Speaker, I wish to move the motion that pursuant to the provision of Standing Order 20(5), the thanks of the Assembly be recorded for the exposition of public policy contained in the address of the Governor during the special meeting of the Assembly delivered on Tuesday, 13th February, 2018.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamitu. Do you have a seconder?

Hon. Kamitu: I now call upon Hon. Kaloki to second.

Hon. Speaker: Hon. Titus Kaloki.

Hon. Kaloki: Thank you, Madam Speaker. I support the Motion.

Hon. Speaker: Thank you, Hon. Titus Kaloki.

ADJOURNMENT

Hon. Speaker: Hon. Members, we will adjourn at this point to resume sitting at 2.30 p.m. on 14th February, 2018 and members are reminded to go to your pigeonholes and pick the Address that is going to be the first business when we resume the sitting as indicated.

House rose at 10.58 a.m.