

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Wednesday, 19th October, 2022

The House met at 11.13 a.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR
GOVERNOR'S MESSAGE ON NOMINEES
TO THE COUNTY EXECUTIVE COMMITTEE

Hon. Speaker: Hon Members, you recall that yesterday, Tuesday, the 18th day of October 2022, I did convey a message from Her Excellency Hon. Wavinya Ndeti on nominees to the County Executive Committee pursuant to Standing Order 39. However, I wish to make this correction that Ms. Catherine Mutanu Raphael is the nominee for the Department of Water, Irrigation, Environment and Climate Change and not Water, Irrigation and Climate Change.

VISITORS IN THE PUBLIC GALLERY

Hon. Members I wish to acknowledge the presence of Teachers and pupils of Kilungu Primary School in Matuu Ward who are here on a learning exercise. Hon. Judas Ndawa will get an opportunity to welcome them when he will be moving his motion.

(Applause)

On that account, I wish to really welcome the pupils of Kilungu primary school together with their teachers. The learners are 30 in number and I am happy to have you around here. I would like you to feel very much appreciated and welcome. I understand the Chief is also present; welcome the area Chief.

(Applause)

Thank you very much. So I would like to welcome you here and tell the pupils to learn to make use of this opportunity to learn what happens in the House, how we transact business here, how and then you learn you can also go back and use these skills for your debates back at school. Is that okay? Thank you. *So karibu sana.*

NOTICE OF MOTION
APPROVAL OF MEMBERS TO THE

POWERS AND PRIVILEGES COMMITTEE

Hon. Speaker: I wish to invite the Majority Leader to proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, that aware that the Committee on Powers and Privileges is established pursuant to Section 15(5) of the County Assemblies Powers and Privileges Act, 2017 and Standing Order 189(A); Further aware that the Committee comprises of the Speaker who shall be the Chairperson, Deputy Speaker and not more than three other Members nominated by Assembly parties and approved by the House at the commencement of every Session; Informed that pursuant to Section 15(4) of the County Assemblies Powers and Privileges Act, 2017 the Committee is mandated to inquire into the conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of Section 16 of the said Act; Aware that Assembly parties have nominated Members to serve in the Committee; Hon. Speaker, I wish to give notice of Motion THAT pursuant to Standing Order 189A this House approves the following members to the Powers and Privileges Committee in addition to the specific members provided under Standing Order 189A (a) and (b);

1. Hon. Nicholas Nzioka
2. Hon. Constance Nzioki
3. Hon. Mary Nthenya.

Thank you, Madam Speaker.

MOTIONS

CONFERMENT OF MATUU, KATHIANI, MASII,
MWALA AND MASINGA TOWNS TO MUNICIPALITIES

Hon. Speaker: Hon. Judas Ndawa, proceed and move your Motion.

Hon. Mbili Ndawa (Matuu, MCCP): Madam Speaker, before we move the motion, I will take this opportunity to welcome my pupils from Kilungu primary school together with the teachers. In the team I also have the ward manager who happens to be my PA Benjamin Mbithi, and in the team we have the area Chief Madam Susan King'oo.

Madam Speaker, in one minute I can read the names of the teachers so that they can also feel welcome. We have the Head Teacher, Robert Muindi, we have Charles Mbithi, we have Alphonse Malika who can claim ownership of this visit and I will tell you why. We have Edward Malelu, Schola Kyalo, Purity Mutuku, Alice Muendo, Jessica Muema, Angela Ndambuki, Benedict Sumbi, who is the chairperson of the PTA. We have Benjamin Mbithi who is my personal assistant and Jeremiah Kaluli used to be my campaign manager and he had to get this opportunity to be here. We have Francisca Mulei and John. John Ndiku.

Hon. Speaker, as we were campaigning, I happened to visit this school. In fact, I was you I was supplying water to the school because of the drought we have and the class teacher Mr. Malika requested me to talk to class eight pupils and he just gave me one topic; would you mind to tell this pupil what County Assembly is and that was the only assignment, Madam Speaker.

Hon. Speaker: Very important.

Hon. Mbili Ndawa (Matuu, MCCC): So just went to the class, I met the pupils, I told them what the County Assembly is, its roles and who sits in the County Assembly. Then from there, I told them because I have taught you, theoretically, I want you to see it practically and I promised if I will be elected, I will make sure you attend. You will come to Machakos County Assembly when the proceedings are ongoing so that you can be able to see for yourself. So that is the origin of the trip.

(Applause)

So I want to welcome them and advise them and I am very sure from the pupils who are seated here in the future, I can see legislators.

(Applause)

One day, some of the pupils here who will sit in this Lancaster House (??) to deliberate issues of Machakos County so we need to nurture the youth. Allow me Madam Speaker to go to the main business.

Hon. Speaker, that aware that Article 184(1) of the Constitution of Kenya 2010 states that national legislation shall provide for the governance and management of urban areas and cities and shall, in particular establish criteria for classifying areas as urban areas and cities and establish the principles of governance and management of urban areas and cities and provide for participation by residents in the governance of urban areas and cities;

Aware that Section 37 of the County Governments Act provides for the role of the County Executive Committee in urban area and city planning;

Further aware that through its legislative role as enshrined in Article 185 of the Constitution, the Assembly approved a report on regional and integrated strategic urban development plans of 16 urban Centers;

Aware that in the aforementioned report, Matuu, Kathiani, Masii, Mwala and Masinga towns were recognized and approved as urban cities amongst other urban centers;

Noting that with the growing population, there is need to upgrade Matuu, Kathiani, Mwala and Masinga urban centers to municipalities;

Hon. Speaker, I wish to move the Motion THAT the County Executive Committee fast-tracks the conferment of Matuu, Kathiani, Masii, Mwala and Masinga towns to municipality status.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Mheshimiwa. You may call your seconder.

Hon. Mbili Ndawa (Masinga, MCCP): Thank you, Madam Speaker. I wish to call an Hon. Member who is interested also or affected but so Hon. Ndambuki from Kathiani because your town has been mentioned, kindly second the motion.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Hon. Speaker, I second.

(Question proposed)

Hon. Speaker: Thank you. I now invite members to debate this motion. It is your floor Members. Mheshimiwa Kavyu.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Madam Speaker, and to the members, the constituents of Matuu ward. Welcome to the County Assembly. Madam Speaker, I would like to support the motion that has been moved by the Hon. Member of Matuu Ward having come from a region that is a beneficiary of the municipal creation.

I want to indicate that if the request that has been made by the Hon Member is implemented fully, this will help spur economic growth in the regions of Matuu, Kathiani, Masii, Mwala and Masinga towns. This is going to ensure that the donor funding for Machakos County goes up and it will be an opportunity to improve the revenue collection for the County because having municipalities in those regions will mean closer administration at the grass-root level and create an opportunity for the regions to come up with creative ways that can generate more funds and be able to chart a future for those regions.

Secondly, implementation of the same will discourage the issue of rural-urban migration because once those areas are conferred to the status of municipalities, it means job opportunities and it will encourage people to start investing in those areas. That will be a plus to our County based on the agenda for the Governor that she is looking forward to see an empowered County of Machakos.

Lastly, Madam Speaker, this will also create opportunities for local produce that are produced in those regions especially Yatta and Masinga; are ahead in terms of farming, mining and for your information Madam Speaker, our people are being exploited by brokers. So having closer administration at the ground level will give the Members of the said areas an opportunity and direct control to ensure that they are able to source for markets for the products produced within those localities. On that note I support the motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Mheshimiwa Kavyu. More contributions.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I support the motion that those concerned should confer these towns. I have been in the Second Assembly and we had a similar motion that was passed and probably somebody did not do his or her duty to make sure these towns have been conferred into municipalities. It is a great loss because we understand the advantages that come with municipality status of towns and we call upon the new administration to fast track so that that we may have these municipalities in place.

Hon. Speaker in that motion, though it says Masinga town, I want to believe the town that is being referred to is Ekalakala that is where we have Masinga town, Madam Speaker.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Order, Madam Speaker.

Hon. Speaker: Yes Mheshimiwa.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I think the Deputy Speaker is not the mover of this motion and he wants to hijack and amend a motion which he has not sought for an amendment. So I think the Deputy Speaker is out of order.

Hon. Speaker: Thank you, Mheshimiwa. Deputy Speaker, restrict yourself to the motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Madam Speaker, I still want to insist because I happen to have been in the Second Assembly---

Hon. Speaker: I said restrict yourself to the motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I will; but for the reason that---

Hon. Mbili Ndawa (Matuu, MCCC): Point of information.

Hon. Speaker: Yes, mover of the motion.

Hon. Mbili Ndawa (Matuu, MCCC): For avoidance of doubt, Madam Speaker, when we talk of Masinga, Masinga town will take care of Masinga Sub-County. All the towns within Masinga Sub-County are taken care of.

Hon. Speaker: Which includes which wards?

Hon. Mbili Ndawa (Matuu, MCCC): The Wards which will be captured are Ekalakala, Kivaa, Ndithini and Muthesya no! We have Masinga town, Ekalakala and Kivaa. For Yatta, Matuu will take care of Ikombe, Ndalani and Kithimani wards. For Kathiani, all the neighboring wards are taken care of. So Members should not be worried about what is in the Order Paper.

Hon. Speaker: Thank you, Mheshimiwa, for that clarification. Deputy Speaker, it is clarified.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Madam Speaker, for a town to be given municipality status there is a requirement, that number that needs to be there. Giving an example of Kangundo/Tala Municipality; those are two towns brought together so that they may achieve the required number of residents for them to qualify for that and that is why during that time we included those towns so that we may get such a number. It might be called Masinga and another town for it to acquire that number so that we may have it as a municipality. Masinga town alone may not qualify to get the number---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Order, Madam Speaker.

Hon. Speaker: Let the Hon. Member finish.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Madam Speaker, I do support the motion that whoever is concerned should fast track this motion so that those regions may get the advantages and the finances that come with the donors. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Deputy Speaker. Mheshimiwa Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, before I start my contribution to this motion, allow me to appreciate Kilungu Primary School which borders Masinga Central ward on the southern part of Masinga Central.

I also want to thank the mover of the motion, the Leader of Minority Mheshimiwa Judas Ndawa but not Judas Iscariot. I want to thank him because in his thinking and in his motion, he has included Masinga which borders Matuu. Madam Speaker, if allowed I will quote a Kikamba saying '*Mutui atumiaa ula ungi ndoo yiinyunga*'. Madam Speaker, upgrading of Masinga town, Matuu, Mwala, Kathiani and Masii, I can say is overdue.

Hon. Speaker: Hon. Members, kindly interpret what you have just said in another language because that is not the language of the Assembly.

Hon. Joshua Mwonga (Masinga Central, WDM-K): I have started by saying as a neighbor he has included; he has not mover the conferment of Matuu only to the status of Municipality but as a true neighbour, he has included Masinga. So that is what that Kikamba saying means. *Mutui atumiaa ula ungi ndoo yiinyunga*. I had not moved the motion, so he comes in as a good neighbor. Thank you, Madam Speaker

Hon. Speaker: Thank you.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I was saying, the conferment of these towns to municipalities is overdue. Under the old dispensation before the Constitution of 2010, Matuu and Kangundo were town councils. In Machakos which was formerly Machakos District, we had five local authorities namely Masaku County Council, Machakos Municipality, Mavoko Municipality, Kangundo town and last but not least we had Matuu town.

Madam Speaker, what was the criterion of upgrading those markets then? A market which was surrounded by four locations represented by Councilors automatically by that time became town councils. Were we were under the old constitution now; Masinga would be a town council. Madam Speaker, why I am giving this history is to tell these Members that we also borrow some things and charges and legal minds like you also rule some cases by giving examples or borrowing history which happened before.

Hon. Speaker: They are called precedents.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Precedents, Madam Speaker; you know I am not a legal mind but I am trying. Madam Speaker, in this, I do not want to say much but I am asking this House we move fast and approve this motion and the relevant authorities should move fast and implement and upgrade these towns into municipality status.

Finally, when Members are contributing, it is bad practice to move from the matter at hand and try to include other matters. Madam Speaker, I want to tell my Deputy Speaker that he does not work in the Ministry for Planning. He cannot be giving statistics on how much is the population of Masinga. Thank you.

Hon. Speaker: Let him give his point of order.

(Laughter)

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I want to believe the Hon. Member is trying to kill this motion. Immediately by excluding those other surrounding towns, Masinga will not be qualified because it is documented the number of residents in that town. So I request him to allow that motion as it is and the reason why we have Masinga town so that the town may get that number of 150,000. In fact, it used to be 250,000 residents of that town. Saying that we do not need Ekalakala and those other towns around will be killing the motion. Thank you, Madam Speaker.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I am still on the floor. I have not said we exclude Ekalakala and this House can bear me witness. I have not talked of Ekalakala and what I have said is you cannot say as a Hon. Member, Masinga does not qualify or it does not meet the threshold because you do not work in the ministry of planning. You cannot come here and start giving false statistics. Thank you, Madam Speaker.

Hon. Dominic Maitha (Muthwani, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Point of information Mheshimiwa.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker and the mover of this motion. I do not see why these Hon. Members ought to exchange as if the House has not adopted this motion and if need be and amendments have to be done, this motion is guided clearly by the Constitution of Kenya Article 184(1) and 185 and I do not want to go into further details. When you go to the County Governments Act Section 37; when you go in the devolution laws Volume 2 from Section 8(1)(2)(3) and (4) and Section 9(1)(2)(3) and (4); it clearly outlines the procedures of how municipalities are supposed to be created. So they do not have to exchange in the presence of learners who want to be future leaders in this Assembly. We only need to be informed that there are set out roles---

Hon. Speaker: Your point is taken Mheshimiwa.

Hon. Dominic Maitha (Muthwani, WDM-K): We need to pass this motion so that we can apply it---

Hon. Speaker: Are you supporting the motion?

Hon. Dominic Maitha (Muthwani, WDM-K): I am supporting the motion 100 per cent. We need to apply the set out rules and regulations in which our municipalities can be created, Madam Speaker.

Hon. Speaker: Point of order from the Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. The Hon. Member suggested that we are exchanging; we are not exchanging but we are debating for the benefit of the Assembly---

Hon. Speaker: Thank you for that.

(Applause)

Hon. Dominic Maitha (Muthwani, WDM-K): Point of information, Madam Speaker. Noted. I retrieve my arguments and all what I am saying is this is healthy debate. What I am saying is let us just invoke the law, the Standing Orders, the County Government volume 2 outlines clearly even the numbers---

Hon. Speaker: What Mheshimiwa is saying is that you used the word exchanging.

Hon. Dominic Maitha (Muthwani, WDM-K): I have already withdrawn, Madam Speaker and said are engaging in a healthy debate---

Hon. Speaker: Thank you.

Hon. Dominic Maitha (Muthwani, WDM-K): So what I am saying is let us pass this motion and invoke those set out regulations of conferring a town into a municipal status. It is clearly outlined in the law. It is there so I support the motion and say---

(A member spoke off record)

It was a point of information and with the grant of leave, Madam Speaker---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of order, Madam Speaker.

Hon. Dominic Maitha (Muthwani, WDM-K): Can you quote the Standing Order that I am out of order. Madam Speaker, allow me to proceed.

Hon. Speaker: You are out of order. You have supported.

Hon. Dominic Maitha (Muthwani, WDM-K): I have supported the motion. I just want to add something because---

Hon. Speaker: That is good enough. Thank you, Mheshimiwa.

Hon. Mbili Ndawa (Matuu, MCCP): Point of information.

Hon. Speaker: Is it point of information? To support? Are you supporting the motion? Support the motion. I am only taking supporters of the motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I rise to support---

Hon. Mbili Ndawa (Matuu, MCCP): Madam Speaker, would you allow me to give a small information so that Members are not lost.

Hon. Speaker: It is not necessary.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I am well informed Mheshimiwa.

Hon. Speaker: Not necessary; we are on course Mheshimiwa. Proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I want to support this motion for three reasons. Municipalities worldwide are known as engines of development. If you go to the US, they start the lowest level at the municipality level and that is where you can access government funding so they are very important. If you go Europe and especially England they call them boroughs and that is where development starts.

We have seen what Machakos Municipality, Kangundo/Tala municipality and Mavoko Municipality have been able to achieve in a short period that they have been in existence. There is a lot of work on our roads, on our parking and on our markets. So it would be unfair not to establish municipalities in other areas that miss the threshold so that we have development for our people.

Secondly, there are municipalities also sources of employment. If we create municipalities, we are also creating employment for our people because there is going to be establishment of municipal boards and also support staff for the same.

Finally, there are also going to be a source of revenue for our County because within the Municipality set up they are supposed to raise their own revenue, have their own budgets and spend it. Thank you, Madam Speaker. I support.

Hon. Speaker: Thank you. Let me make just one clarification. For this motion to have been brought here today, those thresholds had been looked at and found to be meeting the thresholds. So when we start discussing about the threshold, we are going back. So let us debate the motion that is before us by supporting or not supporting. I am only picking Members who are discussing the motion. Point of orders and other things that are wasting our time, I do not want to dwell on them. Mheshimwa Dee.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you, Madam Speaker. First I want to thank the mover of the motion who happens to be our senior Minority Leader for bringing Kilungu Primary School here.

(Applause)

If I am in order, am I allowed to greet them? Good morning pupils. Thank you, this is a good gesture and I think they will leave here motivated and I think it will earn you your third term if God so pleases.

I want to support the motion for upgrading the said markets into municipalities. Of course, it will spur growth, it will improve the livelihoods of the people living around the proposed municipalities but on the flip side those people should be ready now to start paying parking. The licenses will go up and I think they are prepared for that. As a County it will increase our revenue, it will increase creation of jobs and of course I think for our people it will be a positive note.

So, Madam Speaker, I want to support and urge my Masinga brothers; there is a Kamba saying which says and I will say it in English because if I say it in Kikamba it might come out very bad. When two great dogs fight during the mating season, a lower grade dog might come in and---

(Laughter)

Hon. Speaker: Take advantage. Point taken.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you. So let them not fight and if they continue fighting Masinga might lose. Thank you. I support.

(Laughter)

Hon. Speaker: I would like to give the opportunity to debate this motion to Mheshimiwa Douglas then we go to Mheshimiwa who has not contributed. Mheshimiwa, after which I go to, Mheshimiwa Hellen; not this set. Who? Mheshimiwa Loyd in that order then I will pick another bunch.

Hon. Douglas Musyoka (Masii, MCCC): Thank you, Madam Speaker, for catching my eye. I wish to support this motion moved by our Minority Leader and I applaud him for including my hometown which is Masii. Madam Speaker, with these municipalities and conferring these towns to municipalities they come with a lot of development to our people. They also attract not only local but also international funding.

For instance, Madam Speaker, if you compare a town like Kangundo/Tala which was conferred to municipalities in the last regime, the kind of development in those areas is so big and bringing the same in our local towns, we are serving our people in the right direction. I know there are some cost implications. Our people will pay higher taxes; our people will pay more for licenses in those areas but also the kind of infrastructural development---

Hon. Speaker: Is it higher taxes or they will pay taxes? Is it higher or is it taxes.

Hon. Douglas Musyoka (Masii, MCCC): They will pay higher taxes. When you are running a kiosk in Machakos town you do not pay the same as a person having the same kiosk in Kibauni. That is what I mean so I am clear now. So I support the motion and it is my plea that we move with speed and confer these towns to municipality. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Mheshimiwa. Who was the second?

Hon. Jackson Ndaka (Tala, WDM-K): Thank you, Madam Speaker. I am here to support the motion and I am very happy now to inform the House that I am now seeing the fruits of having a municipality. I come from Tala where the municipality was started in the last regime. This is the way of bringing equality in all parts of the County. So what Hon. Ndawa has brought in this House is very much important because if we have a municipality in all those towns which I have been mentioned in this House, the investors will spread in all parts of Machakos County.

It is a way of creating employment for our youths so, Madam Speaker, I am here to support the motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Loyd after which Mheshimiwa Katiti.

Hon. Loyd Mutua (Nominated, MCCC): Thank you, Madam Speaker. I wish to support the motion but first I would like to thank my Minority Leader for bringing the pupils from his Ward. This is a good gesture for mentoring them for the future leaders. The conferment of municipalities or the legibility comes with various functions which should be met. Such functions come with job opportunities because of what should be met for a town to be conferred to a municipality.

This as our Majority Leader has said is an engine to the development or smooth delivery of services to the people of Machakos. Therefore I support this motion because it will bring benefits to our people and as much as these functions are coming, it will help those areas to qualify to get the donor funds to continue developing those areas. Thank you very much.

Hon. Speaker: Thank you. Mheshimiwa Katiti and from there Mheshimiwa Mbuva, Mheshimiwa Mathew, Maeke and then we conclude with Zora.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker I want to applaud Mheshimiwa from Matuu for factoring in Masii town because it neighbors my Ward Muthetheni. One of the advantages of municipality is that it will be just to meet those unmet needs. There will be clean water, health services will be nice, the roads will be accessible and everything that is required for municipalities will be met. The economic value of those municipalities will grow and will be enough for the people of Masii and its environs. Thank you. I support the motion.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Mbuva.

Hon. Charles Mbuva (Kangundo West, GDDP): Thank you, Madam Speaker, for the opportunity. I also stand to support the motion and thank the Hon. Minority Leader for

developing and presenting it in the House. The biggest object of the 2010 Constitution the biggest benefit to Kenyan people was devolution and this motion seeks to achieve the real objective of devolution by bringing services closer to wananchi in close villages. So this motion is very important and the cost benefit analysis have had also voices pointing what would be the implication in terms of increased rates and so forth but the benefits far much outweigh whatever cost may come with it.

(Applause)

The small increment that may arise in terms of licenses cannot be compared even to the value and price of properties in those areas. Wananchi who have property and plots in those towns the value of their properties will now have increased spontaneously. So it is a huge benefit because our communities own properties in those areas. Madam Speaker, I stand to support.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Mathew.

Hon. Mathew Ndunda (Kangundo North, IND): Thank you, Hon. Speaker. I do support this motion on basis of Millennium Development Goals (MDGs) and equally to the Vision 2030. By enhancing this will of the people basing on the matters of upgrading these towns, it will ensure that at least issues of road services, issues of market and also matters concerning holistic development are much advanced.

Therefore, by upgrading the very said towns, it will at least focus on the ideology of wananchi because now for example, I was in Masinga the other day and you will find that by upgrading the very town, it will make sure that as Hon. Members have said at least there will be great development in matters of lands, in matters of healthcare and also social services whereby our people will be in a position to get what they deserve at a closer point.

For example, like issues of getting services of County, it will make sure that at least our people they do not go far in getting such kind of services and therefore ensuring that development is much achieved in the right way. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Mheshimiwa Maeke.

Hon. Eng. Musyimi Maeke (Kalama, CCU): Thank you very much, Madam Speaker. I stand on this floor to support that motion that the Minority Leader has brought to the House and also uphold him for bringing the future leaders and bringing the students from Kilungu primary to come to the House and learn from us. That motion is one of the motions that all of us should embrace and support it holistically because if it were in our position and in our legislation abilities, the whole of Machakos County could be put into those small clusters because it is something that comes with a lot of benefits.

My prayer is after these towns have been conferred because where I come from we had the same opportunity. Kalama and Kola lie under Machakos municipality but unfortunately all those benefits we have not benefited from them. So, on top of getting Masinga all those towns conferred to be, I pray that this House will come up with a follow up mechanism so that it is not a Municipality on paper like for us we have been paying high rates in Kimutwa, a town which is here in Muumandu where a lot of people are there and even in the old setup of municipalities we were in Machakos Municipality but we were not enjoying those services.

So I pray even after conferring these towns, let there be a way the people if it is in the committee of planning and development whatever committee is concerned we unsure that those things come to happen and my prayer is that they do budget for this also they consider our towns Kimutwa, Kola, Kyangala because we are under Machakos municipality. So I stand---

Hon. Speaker: Are you supporting the motion?

Hon. Maeke: So I stand to support the motion. Thank you.

Hon. Speaker: Thank you. Have I finished; Hon. Zora then Mheshimiwa then Mheshimiwa Ndeti you are the last. Hon. Dominic, you really want to say something? Okay then you will be the very last.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. I am really happy and honored to see the pupils from Kilungu primary school; as the Chair of Education Committee, I am really happy for you to be here so feel most welcome. I really support this motion having seen the benefits of a municipality the Kangundo/Tala municipality. We have seen the growth in our county reason being we have the local controls which means we bring services closer to our people which has been the greatest challenge in the people of Machakos getting services that we know are in dire need for their day to day work.

The other thing of course municipality will help us achieve the long term goals as a county and also as a nation and also one of the things of course will reduce the rural-urban movement by attracting more opportunities for investors for our people. Either their land or their businesses which they are doing will attract more opportunities for them.

The other thing of course they will increase the revenue collection which will be able to help our people and also our County and generally our nation at large. We will also definitely attract investors. So I do support this motion, it does not just benefit those towns but also it benefits the whole people of Machakos. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you. Who was the next? Proceed.

Member for Muthesya (Hon. Daniel Muindi, WDM-K): Thank you, Madam Speaker. Mine is to talk about Muthesya so I want to support the motion because---

Hon. Speaker: Introduce yourself.

Member for Muthesya (Hon. Daniel Muindi, WDM-K): My name is Daniel Muindi, Hon. Member from Muthesya. First I thank the people of Muthesya who elected me as their leader. Again, I support the motion because there is a very big advantage to Masinga people and Mheshimiwa Mwonga, I want Muthesya to be included in Masinga to be beneficiary of Masinga because municipality comes with a lot of advantage so I want my people to be included in that municipality of Masinga. Thank you. I support the motion.

(Applause)

Hon. Speaker: Thank you, Hon. Muindi. Mheshimiwa Kitaka, proceed.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. I want to support the motion that for the creation of the municipalities. When you refer to the existing towns that are mentioned or included, the municipality will help a lot even in terms of town planning. In the neighboring lands and locations around there, you find that people have been allocating market centers without the planning so this will assist in the planning of the towns and also bringing services like water, sewerage and also fire engines closer the people in those areas. So I rise to support. Thank you.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Ndeti then finally Mheshimiwa Dominic; although you supported the motion but I will give you an opportunity to say something.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I stand to support this motion; fortunately I happened to be in the committee of lands, energy and environment and this is a committee that worked on this municipality status for this cities or towns within our county. While almost everything has been mentioned, I still feel that I should mention that land in Kenya is becoming scarce. If you look at Nairobi City, development is going outside of the city because land is very expensive and even to get enough to put up a factory is an issue.

If you look at Mavoko Municipality we have very many factories coming up and land is also becoming more scarce and more expensive so with the conferment of this towns of Matuu, Masinga and Kathiani and so forth I see an area where foreign investors who want to bring their factories into this country so that they can produce goods and re-export them to other parts of the world. I see roads in that area and that as a result will create employment and bring foreign exchange to our country. So it is important that we support this motion and let it be passed immediately. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Mheshimiwa Dominic.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Kathiani Central ward is one of the areas that is proposed to be covered by the proposed municipalities. Hon. Speaker, it goes without say that money follows factories therefore by creating these new municipalities we will be injecting money into these areas and we will be growing the economies.

I will allude to what Hon. Kitaka said that the value of property in those areas will go up and therefore Madam Speaker, we will be capacity building our people that we represent in this Hon. House. Thank you, Hon. Speaker. I support.

Hon. Speaker: Thank you, Members I now wish to put the question that the county executive---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Order, Madam Speaker; mover of the motion.

Hon. Speaker: I call upon the mover of the motion to reply.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I will start by thanking the Hon. Members for the contribution that they have given. In fact, at some point one of the Hon. Members was seeing as if he was being attacked by the other one but that is how debates are conducted in our Assemblies including the National Assemblies so nobody went outside. Hon. Speaker, the matter before the House was also discussed here in the last regime and this House approved the same business and at some point it is as if somebody slept on his or her job because the business was committed to the County Secretary who was supposed to report back within 14 days.

The County Secretary was supposed to work with the committee which is handling the issues of land and up to date Madam Speaker there is no report which has reached this Assembly. So that is why I decided to bring it back here. The Standing Orders are very clear; the business can be brought back after six months and since we deliberated on this matter, it is over one year so it was worthy to re-introduce the business again.

Hon. Speaker I want to clarify some of the issues which were being raised here by the Members. There is the issue of threshold. Hon. Speaker, Section 9(3) of Urban and Cities Act 2011 had set a very big population. The threshold was between 70,000 and 249,000 residents, but in 2019, an amendment was done to the same regulation and that amendment was signed by His Excellency the President on 19th March, 2019 which reduced the threshold between 70,000 to 50,000 so the number was brought down.

So, Madam Speaker, the towns we are proposing here qualify and when I was moving the motion, I said this House approved 16 towns. It is this town and others; we can bring all towns to be approved on the same day. So this is phase one, we will come with phase two, so in case your town or your ward is not mentioned worry not my dear brother and my dear sister. Madam Speaker, the difference between minutes and notes and also resolution is implementation. If you pass or you take some minutes for some issues to be done and they are not implemented those minutes turn to be notes.

If we pass resolutions here in this House and they are not implemented, the resolutions turn to be notes. We are not going to be taking notes here, Madam Speaker, and let it go on record this is the first assignment we are giving our most able Governor Hon. Wavinya. We brought this business here, it was discussed but the County Secretary who was supposed to handle the matter did not do her part and that is why we are here debating the same matter.

So I am requesting the Committee that is going to be assigned this business together with the Implementation Committee; we want this thing to be concluded as soon as possible so that we can have these municipalities in place.

Hon. Speaker, what are the benefits of these municipalities we are talking about? Madam Speaker, the County has only two ways of getting finances, the equitable shares from the National Government and the own source revenue. The other little money we get is from donors. Madam Speaker, if we approve this motion and have these municipalities in place, this is going to be another source of income.

I want to cite an example of the existing municipalities; the last financial year, Madam Speaker, the county got over Ksh. 1 billion which was distributed between the three

municipalities. Machakos town received Ksh. 300 million, Mavoko received Ksh. 274 Million, Tala/Kangundo got Ksh. 441 million. If you tabulate all that you will get over one Billion and I want to demonstrate what Ksh. 1 billion and it is not little money. This is money that can be spent by a child from day one and sustain him up to the 30th anniversary with each day spending Ksh. 100,000. So if we get this Ksh. 1 billion, most of the problems affecting our wards will be solved by this.

Madam Speaker, you are aware when the President of the superpower America Barack Obama; when he visited Kenya, there is one word he told us. He said we are living in a world of limited resources. If America which is a super power is feeling that we have limited resources, what about our country Kenya and our county of Machakos. We need to come up with ways of getting resources so that we can be able to reduce even if we cannot complete all the problems, we can reduce them to somewhere.

So, Madam Speaker, there is a saying in Kiswahili which says *pema usijapo pema, ukipema si pema tena*.

Hon. Speaker: Shorten your reply.

Hon. Mbili Ndawa (Matuu, MCCP): *Pema pasipo pema si pema tena*. So this is the high time we should *pema* this. Thank you very much, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Mheshimiwa.

(Question put and agreed to)

(Applause)

APPROVAL OF MEMBERS TO PROCEDURE
AND HOUSE RULES COMMITTEE

Hon. Speaker: May I call upon Hon. Majority Leader to move that motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that the Procedure and House Rules Committee as established under Standing Order 187 comprises of the Speaker as the Chairperson, the Deputy Speaker, Members of the Speakers Panel and not more than three other Members;

Informed that the said Committee is tasked with the mandate of proposing amendments to Standing Orders and that Standing Orders is a crucial guide in determining how business in the Assembly is conducted and how members behave;

Aware that the three Assembly parties namely Wiper Democratic Movement, Maendeleo Chap Chap Party and United Development Alliance have nominated Members to serve in the Committee;

Hon. Speaker, I wish to move the Motion THAT pursuant to the provisions of

Standing Order 187, this House approves the following members to Procedure and House Rules Committee in addition to those specific members provided under Standing Order 187(2).

1. Hon. Jackson Ndaka
2. Hon. Brian Kisila
3. Hon. Boniface Katiti

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. Kindly call your seconder of the motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you Madam Speaker. I wish to call upon the minority Leader to second the motion.

Hon. Speaker: Minority Leader proceed

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I second the motion on the following grounds; in any institution, there must be a team which is responsible for addressing matters which need to be addressed and for this Assembly, we know we are about 60 and sometimes somebody can go against another one. This committee when in place will be able to address the matters and I am sure the distribution of membership is well balanced. So I support the motion.

Hon. Speaker: Thank you, Mheshimiwa.

(Question proposed)

I now invite the Members to debate this motion. It is a straightforward motion and we do not really need to belabor on it. I invite only two Members to do that; Mheshimiwa Mwonga and Mheshimiwa Ndeti.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, the Minority Leader is warning me not to oppose the motion and I do not know why he is telling me so but, looking at the composition of this Committee, it lacks the two-thirds gender rule. However, Madam Speaker, I am not in any way disapproving this motion; I am supporting it 100 per cent.

Madam Speaker, looking at the composition of the committee, we have the Speaker herself who will sit in that committee, the Deputy Speaker and if my mind serves me well, I know the composition of the Members of the Speakers Panel where we had only one Member who is a lady.

(Applause)

Madam Speaker, here three names of Hon. Male gender have been brought to this House for approval. I just wanted it to go on record that Hon. Mwonga raised that issue but I am supporting. Thank you.

Hon. Speaker: Thank you, Hon. Mwonga. Mheshimiwa Ndeti.

Hon. Helen Ndeti (Nominated- WDM-K): Madam Speaker, I stand to oppose because of the same reason that Mheshimiwa Mwonga has brought. It is good to consider the two-thirds gender rule.

Hon. Mbili Ndawa (Matuu, MCCP): Point of information.

Hon. Speaker: Point of information Mheshimiwa

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I want to inform my dear friend Mheshimiwa that when we were distributing Members to Committees, we had to balance and make sure each and every Member gets at least four committees. So there was no way we would say we distribute two men, two ladies when other Members do not have even three committees. The reason for coming up with this list is to ensure there is equity in the distribution of the committees. Thank you, Madam Speaker.

Hon. Speaker: Thank you.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you for the information. I understand now; I did not know where you were coming from but when I looked at the composition of the Members, I got concerned that women are not being considered. Two-thirds gender rule must be considered in this House. Thank you.

Hon. Speaker: Mheshimiwa Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you Madam Speaker. I support that motion that the three Members be approved by this House. The issue being raised of gender I think all Members have been put in various committees equally and on that same aspect. If you go to the committee of Broadcasting you will only find one man in that committee and the Speaker and the rest are ladies so to some extent, that area of gender has been taken care of. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Deputy Speaker, for that clarification. I wish to invite the mover of the motion to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I wish to reiterate that we took a lot of consideration on the two-third gender rule. We should not look at the Procedure and House Rules committee singularly but we may need to look at all committees and you will see that the two-third gender rule has largely been taken care of. However, I want to thank Members for supporting the three proposed Members.

Hon. Speaker: Thank you, Members.

(Applause)

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, I would like to have some little interaction with the pupils and the teachers of Kilungu Primary School after this so that we can mingle and interact and have a feel of each other and maybe take a photo. The Hon. Member for that ward can join us and any other Hon. Member who would wish to be with us. At this moment I would like to adjourn the House to Wednesday, 19th October, 2022 at 2.30 p.m.

The House rose at 12.27 p.m.