

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th February, 2019

The House met at 2.49 p.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

Hon. Deputy Speaker: Good afternoon, Hon. Members. We have four Papers to be laid by Hon. Mbevi, Hon. Kisini, Hon. Kalumu and Hon. Betty Nzioki. I can't see Hon. Mbevi but the vice chair is here; Hon. Irene, proceed.

PAPERS LAID
REPORT ON COUNTY GRADERS

Hon. (Ms.) Mwende: Thank you Mr. Speaker and good afternoon to Members. Pursuant to Standing Order 190(5), I wish to lay the following Paper on the Table of the Assembly today, 20th February, 2019; the report of the Transport, Roads and Public Works Committee on County Graders. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Irene. Hon. Kisini.

ESTABLISHMENT OF FUNCTIONAL DUMPING SITES AND SUFFICIENT TOILETS

Hon. Robert Kisini: Good afternoon everybody. Mr. Speaker, pursuant to Standing Order 190(5), I wish to lay the following Paper on the Table of the Assembly today, 20th February, 2019; the report of the Environment, Lands, Energy and Natural Resources Committee of the Second Assembly on establishment of functional dumping sites and construction of sufficient toilets in the entire Machakos County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kisini. Hon. Agatha.

PETITION BY KENYA COUNTY GOVERNMENT WORKERS UNION

Hon. (Ms.) Mutunga: Thank you, Mr. Speaker. Pursuant to Standing Order 190(5), I wish to lay the following Paper on the Table of the Assembly today, 20th February, 2019; the

report of the Labour, Public Service and ICT Committee on the Petition by Kenya County Government Workers Union. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Agatha for stepping in for Hon. Kalumu. Hon. Betty Nzioki.

DEPARTMENTAL REPORT FOR CULTURE COMMITTEE

Hon. (Ms.) B. Nzioki: Thank you, Mr. Speaker. Pursuant to Standing Order 190(5), I wish to lay the following Paper on the Table of the Assembly today, 20th February, 2019; the report of Culture, Social Welfare and Tourism Committee on Departmental report for FY 2017/2018. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Betty.

NOTICES OF MOTIONS

Hon. Deputy Speaker: We have three notices of motion by Hon. Irene, Hon. Robert Kisini and Hon. Agatha; let us start with Hon. Irene.

REPORT ON COUNTY GRADERS

Hon. (Ms.) Mwende: Thank you, Mr. Speaker.

Hon. Speaker, that aware that transport is vital in the development of any area and aware that roads are the most common means of transport used across the County and the Country at large;

Mr. Speaker, appreciating that the Constitution of Kenya 2010 introduced the devolved system of Government which sought to bring services closer to the people and mostly aimed at equalizing development in all parts of the County;

Appreciating that Article 174(f) of the Constitution of Kenya, 2010, states that one of the objects of devolution is to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;

Further the Fourth Schedule of the Constitution mandates counties to deal with matters of County Transport including County roads;

Noting that many roads in the County have been upgraded in various wards in exclusion of others;

Acknowledging that the residents of Machakos County pay taxes and revenue to the County Government, Hon. Speaker, I wish to give notice of the motion that this Hon. House discusses the Transport, Roads and Public Works Committee Report on County Graders.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Irene. Hon. Robert.

ESTABLISHMENT OF FUNCTIONAL DUMPING SITES AND CONSTRUCTION OF SUFFICIENT TOILETS

Hon. Kisini:

Mr. Speaker, that aware that Article 42 of the constitution of Kenya provides that every person has a right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures;

Aware that Kenya vision 2030 recognizes that efficient and sustainable waste management systems are required as the country develops into a newly industrialized state by 2030;

Aware that in this regard, Machakos County needs to have a fully functional and compliant waste management system by developing strategies towards achieving sustainable waste management and clean healthy environment for all;

Hon. Speaker, Aware that in most wards there are no designated dumping sites resulting to garbage being dumped everywhere and anywhere contributing to a very unhealthy environment;

Further, informed that in June 2018, a Motion that the County Government of Machakos establishes functional dumping sites and constructs sufficient toilets in the entire county was tabled in this House by Hon. Betty Nzioki and the task was given to the Committee on Environment, Lands, Energy and Natural Resources for investigation and reporting back to this House;

Hon. Speaker, I wish to give notice of the motion that this Hon. House discusses and approves the Report of Environment, Lands, Energy and Natural Resources Committee of the Second Assembly on Establishment of functional dumping sites and construction of sufficient toilets in the entire Machakos County.

Hon. Deputy Speaker: Thank you, Hon. Robert. Hon. Agatha.

PETITION BY KENYA COUNTY GOVERNMENT WORKERS UNION

Hon. (Ms.) Mutunga: Thank you, Mr. Speaker.

Hon. Speaker, that aware that Section 15 of the County Governments Act, 2012 provides for a person's right to petition a County Assembly to consider any matter within its authority including enacting, amending or repealing any of its legislation;

Appreciating that the Kenya County Government Worker Union petitioned the County Assembly to address prayers contained therein;

Cognizant that the petition was committed to the Labour, Public Service and ICT committee pursuant to Standing Order 201(1) that provides that every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee;

Recognizing that the committee conducted investigations, inquired into the matter and prepared a report pursuant to Standing Order 192(5)(a)

Hon. Speaker, I wish to give notice of the Motion that this Hon. House discusses and approves the Labour, Public Service and ICT committee report on the Petition by Kenya County Government Workers Union.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Agatha.

STATEMENT

BUSINESS FOR THE HOUSE FOR 12TH TO 13TH MARCH, 2019

Hon. Deputy Speaker: We have one statement by Majority Leader or the Deputy; Hon. Justus Kiteng'u.

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

Hon. Speaker, the House Business Committee met on 19th February, 2019 and balloted business for the week of 12th to 13th March, 2019 pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 12th March, 2019

Morning at 10.00 a.m.

Report of Transport and Public Works Committee on County graders by Hon. Daniel Mbevi, Chairperson.

Afternoon at 2.30 p.m.

Report of Labour, Public Service and ICT Committee on Petition by Kenya County Government Workers Union by Hon. Francis Kalumu, Chairperson.

Wednesday, 13th March, 2019

Morning at 10.00 a.m.

Report of Culture, Social Welfare and Tourism Committee on Departmental Report for FY 2017/2018 by Hon. Betty Nzioki, Chairperson.

Afternoon at 2.30 p.m.

Report of Environment, Lands, Energy and Natural Resources Committee dumping sites and construction of toilets in all towns by Hon. Robert Kisini, Chairperson.

Hon. Deputy Speaker: Thank you, Hon. Justus Kiteng'u.

MOTION

Hon. Deputy Speaker: Hon. Members, we have two motions; the first is by Hon. Moffat Maitha, Chairperson Justice and Legal Affairs and Hon. Mark Muendo, the Majority Leader. Hon. Moffat, please proceed.

REVIEW OF BUNGE MASHINANI PROGRAMME

Hon. Maitha: Thank you, Mr. Speaker.

Mr. Speaker, that aware that Parliament is fundamental in the development and building of democratic governance since it provides checks on the excesses of the

Executive in addition to influencing governance by contributing to policy making process;

Further aware that, Article 196(1)(a) of the Constitution provides that a County Assembly shall conduct its business in an open manner and hold its sittings and those of committees in public;

Informed that on 17th October, 2018, the County Assembly of Machakos held *Bunge Mashinani* program in Kithimani Ward which was convened vide Gazette Notice No. 10513 dated 12th October, 2018;

Aware that on 23rd October, 2018, a motion to discuss disruptions that were witnessed during the *Bunge Mashinani* program held in Kithimani Ward on 17th October, 2018 was tabled in the Assembly by Hon. Cosmus Masesi;

Further aware that the motion was committed to Justice and Legal affairs for investigation and reporting;

Cognizant that the Justice and Legal Affairs committee is mandated to investigate, inquire and report on all matters related to its mandate pursuant to Standing Order 192(5)(a)

Mr. Speaker, I wish move the Motion that this Hon. House discusses and approves the report on review of *Bunge Mashinani* program held in Kithimani Ward on 17th October, 2018.

I wish to call Hon. Nyawira to second.

Hon. Deputy Speaker: Thank you, Hon. Moffat. Hon. Nyawira.

Hon. (Ms.) Nyawira: Thank you, Mr. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you. Hon. Moffat, you may now read the report.

Hon. Maitha: Thank you, Mr. Speaker.

INTRODUCTION

Mr. Speaker, in any democratic system, parliament is a central forum for political participation and democratization. Parliament is fundamental in the development and building of democratic governance since it provides checks on the excesses of the executive and the judiciary. Most significantly, parliament influences governance by contributing to the policy-making process.

After independence, Kenya adopted the Westminster model of government which upheld the principle of separation of powers. It is important to note that separation of parliament administratively from the executive arm enables it to control its calendar and therefore its own agenda, which further empowers the Parliament.

Further separation of powers seeks to cushion the Parliament from undue influence from the executive by providing for legislative authority over a substantial range of matters. This has again helped to open democratic space to push through their agenda as representatives of the people.

One major problem faced by many countries where Parliamentary democracy is developing, is lack of public knowledge and awareness about the functions of Parliaments and

their mode of operation. That lack of awareness is said to be accompanied by a general public opinion that Parliament is an opaque institution devoid of transparency and accountability.

It is from this background that the concept of mobile plenary sittings, dubbed *Bunge Mashinani* was born; the argument being that taking the County Assembly proceedings closer to the people. This will lead to greater public awareness and appreciation of the work of Parliament, better public attitude and perception towards parliament and involvement of the public more in Parliamentary debates, hence helping in making politicians more accountable.

A number of County Assemblies in Kenya have taken the Assembly closer to the people through mobile plenary sittings either at the Sub-County or Ward level. County Assemblies that have so far embraced *Bunge Mashinani* include Machakos, Kajiado, Kirinyaga, Laikipia, West Pokot, Nyamira and Isiolo County Assemblies.

COMMITTEE MANDATE

The committee on Justice and Legal Affairs is established pursuant to Second Schedule of Standing Orders and is mandated to deal with all matters related to Constitutional affairs, the administration of law and justice, including the elections, ethics, integrity, anti-corruption and human rights.

MEMBERSHIP

The committee comprises of the following Hon. Members;

- | | |
|--------------------------|------------|
| 1. Hon. Moffat Maitha | - Chairman |
| 2. Hon. Jane Nyawira | - V/Chair |
| 3. Hon. Eric Musembi | Member |
| 4. Hon. Alice Nzioka | “ |
| 5. Hon. Dominic Ndambuki | |
| 6. Hon. Francis Kalumu | |
| 7. Hon. Patrick Kituku | |
| 8. Hon. Mohammed Ali | |
| 9. Hon. Cosmus Masesi | |
| 10. Hon. Robert Kisini | |
| 11. Hon. Stephen Mwanthi | |
| 12. Hon. Tariq Mulatya | |
| 13. Hon. Winfred Mutua | |

BUNGE MASHINANI OUTLOOK

Venue

Mr. Speaker, under the theme “*Bunge laja nyumbani*,” the Assembly, with the help of a steering Committee and Members of the County Assembly successfully executed the programme in Kithimani Ward, Yatta Sub-County.

In deciding on the venue of the Bunge Mashinani, a team of officers of the Procedure and Committee Services department undertook a mapping exercise to identify suitable venues to hold plenary sittings outside the County Assembly precincts.

The team visited all the eight Sub-Counties with a view of recommending possible venues in each Sub-County that would be ideal for holding future plenary sitting as provided in Article 118(a) of the Constitution of Kenya.

Below is a schedule of the areas that were visited:-

	SUB-COUNTY	VENUE
1.	MATUNGULU	1. A.I.C TALA 2. KISUKIONI DC'S OFFICE COMPOUND
2.	MASINGA	1. AIC KIATINENI- NDITHINI 2. MASINGA MISSION CATHOLIC CHURCH HALL
3.	YATTA	1. MATUU MARKET 2. A.I.C KITHIMANI CHURCH 3. KITHIMANI STADIUM
4.	KANGUNDO	1. ABC KALIMANI HALL 2. KANGUNDO BUS PARK
5.	MWALA	1. TUMAINI SOCIAL HALL, MASII 2. MWALA MULTI-PURPOSE HALL
6.	KATHIANI	1. ABC CHURCH, KATHIANI 2. KATHIANI CHRISTIAN TECHNICAL COLLEGE
7.	MAVOKO	1. ATHI-RIVER ST. JUDE'S COMPUTER COLLEGE 2. ATHI-RIVER VOCATIONAL CENTER
8.	MACHAKOS	1. MACHAKOS STADIUM 2. SHARED OPEN GROUND BETWEEN KOLA TECHNICAL INSTITUTE AND CHRIST COMMUNITY CHAPEL, KOLA

After visiting the above-mentioned places, the Steering Committee recommended the venue for the first *Bunge Mashinani* to be at Kithimani Stadium. In arriving at this venue, the committee took into consideration the distance from the Assembly, proximity to the market, provincial administration offices and adequate space where a large number of participants can be hosted.

The Broadcasting and Library committee later visited the Kithimani Stadium and the AIC Kithimani Church and also endorsed the stadium as the most appropriate venue for the *Bunge Mashinani*.

LEGAL PROVISIONS ON ACCESS OF MEMBERS OF THE PUBLIC TO ASSEMBLY MEETINGS

Mr. Speaker, Article 196(1) of the Constitution provides that a County Assembly shall:

- a. Conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- b. Facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees.

Article 196(2) also provides that a County Assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for doing so.

In exercise of the powers given in Section 14 and the Second Schedule to the County Governments Act, 17 of 2012, the County Assembly of Machakos developed the Machakos County Assembly Standing Orders to guide the conduct of its businesses.

According to Standing Order 178(1), all Committee proceedings shall be open to the public unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for the exclusion of the public.

Standing Order 218(1) also provides that except as may be expressly provided to the contrary, every person has access to the Assembly and its committees. Further Standing Order 218(2) provides that the Assembly or a committee may not exclude any person, or any media, from a sitting of the Assembly or of a committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

Section 2(f) on Interpretation of Speaker's Rules defines precincts of Assembly as the area of land and every building or part of a building under the Assembly's control including all other buildings or parts of a building provided or used in connection with the proceedings of an Assembly or its Committees including such premises as may be leased by an Assembly.

BACKGROUND INFORMATION ON BUNGE MASHINANI

Motion on disruption of Bunge Mashinani

Mr. Speaker, on 23rd October, 2018, a motion to discuss disruptions that were witnessed during the *Bunge Mashinani* program held in Kithimani Ward on 17th October 2018 was tabled in the Assembly by Hon. Cosmus Masesi and seconded by Hon. Moses Mitaa. In the motion, the mover of the motion stated that, at the time when the Assembly was undertaking its proceedings of *Bunge Mashinani*, there was sudden break down of the public address system which made the Speaker to suspend the proceedings for 30 minutes.

Further, during the interactive session, a choking substance was sprayed in the tent where Hon. Members were seated and which seriously affected some Hon. Members including Hon. Alex Kamitu, the Minority Leader and Hon. Paul Nyanzi. Thirdly, the same interactive session was marked by frequent yelling and shouting of some individuals who were seated at the tent reserved for members of the public.

The Assembly discussed the motion exhaustively after which the matter was committed to the committee on Justice and Legal Affairs for investigation and reporting to the House.

Constitutional provision of Bunge Mashinani

Mr. Speaker, the *Bunge Mashinani* program is informed by Article 174 of the Constitution of Kenya that provides for the objects of devolution such as promotion of democratic and accountable exercise of power; giving powers of self-governance to the people and enhancing participation of the people in the exercise of the powers of the State and in making decisions affecting them.

Article 196(1) of the Constitution of Kenya states that,

1) A county assembly shall--

- (a) Conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- (b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

Gazettement of Bunge Mashinani

Mr. Speaker, the *Bunge Mashinani* sitting was convened vide Gazette Notice No. 10513 dated 12th October, 2018. The Gazette Notice partly read; Notice is hereby given to all Members of the County Assembly of Machakos and the General Public that Pursuant to Article 196 (I) of the Constitution as read together with Sections 87(b), 91, 94(b), 98(1) and 99(2)(b) of the County Governments Act, the County Assembly of Machakos shall hold its regular sitting on 17th October, 2018 at Kithimani Stadium, near Cereals Board, next to Kithimani Catholic Church, at Kithimani Market, Yatta Sub-county, Machakos County.

The objective of the sitting was to ensure that the Assembly reaches people who are not able to travel to Machakos to observe their Members of Assembly articulate their concerns and see how business in the Assembly is conducted. Further, it was to accord all Members of the public an opportunity to share with the Members of the Assembly any matter that they would like the Assembly to undertake as their representatives.

REVIEW OF PROGRAM OF BUNGE MASHINANI

Mr. Speaker, a brief review of the day's program comprised of the following business

1. Communication from the Chair on setting up of County Assembly of Machakos Audit Committee.
2. Notice of Motion of report of Educational tour to Kilifi County Assembly -Hon. Jeremiah Munguti.
3. Notice of Motion of report on petition by Jemily Construction Company - Hon. Stephen Mwanthi.
4. Statement of House Business on 23rd and 24th October 2018 - Hon. Mark Muendo (Majority Leader).
5. Statement sought on amount of money spent on development projects and bursaries by Hon. Francis Kalumu.
6. Motion on Construction and rehabilitation of bus parks in Machakos County by Hon. Francis Kalumu.
7. Interactive session between Hon. Members and the general public.

COMMITTEE FIELD INVESTIGATION IN KITHIMANI WARD

Mr. Speaker, Standing Order 192(5)(e) states that "the functions of a Sectoral Committee shall be to investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the Assembly.

On 29th October, 2018, the Committee on Justice and Legal Affairs conducted a fact finding mission in Kithimani Ward specifically Kithimani Police Station where the committee was privileged to meet the OCS, Mr. Mbaka who after conducting a discussion with the committee provided the following submissions;

1. That he was aware of the chaotic incidents that occurred during the *Bunge Mashinani* initiative and that he had sent some police officers to provide security.
2. That he was aware that on the eve of the said event, a group of Inspectorate officers of Machakos County had a secret meeting to discuss on poor payment and that they planned to come and express their dissatisfaction to the Assembly in an effort to win Assembly intervention on their welfare.
3. That he had informed Hon. Judas Ndawa of the secret meeting so that he could report the matter to the Assembly.
4. That they arrested one culprit who caused disruption and booked him under OB No. 10/20/10/2018, 1208 HRS but later released him since no complainant came to record a statement with his office.
5. That the Deputy Governor, Eng. Francis Maliti on 19th October, 2018 toured Kithimani area and commented on the *Bunge Mashinani* saying that the Assembly acted unconstitutionally by conducting the said exercise. It seemed therefore that that there was some political interference and lack of good will from the Executive arm of County Government of Machakos.

COMMITTEE SITTINGS AND HEARINGS

Mr. Speaker, this exercise was informed by Section 18(1) of the County Assembly Powers and Privileges Act, 2017 that states that a county assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a county assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the Constitution.

Pursuant to Section 19(a) of County Assembly Powers and Privileges Act, 2017, four witnesses appeared before the committee and testified under oath.

Evidence from Hon. Cosmus Masesi

The above witness appeared before the committee on 8th November 2018 at 10.00 a.m. and his submissions were as follows;

1. That he attended the *Bunge Mashinani* held at Kithimani on the 17th October, 2018.
2. That the event was successful and beneficial to the residents of Kithimani ward and Machakos County.
3. That he was seated in front inside the member's tent when a gas smelling like pepper was felt by members of the Assembly.
4. That the choking substance inhaled originated from behind where the House Leadership sat and it was so strong that it seriously affected some members of the Assembly.
5. That he was of the opinion that the choking substance was sprayed by a member of this Hon. House but couldn't identify who the member was.
6. That he heard some individuals yelling during the interactive session which according to him were people who opposed the progress of the *Bunge Mashinani* event.
7. That he saw the police arresting some individuals who were causing chaos.

8. That the interruptions witnessed were well planned and that the choking substance was targeting the members of the Assembly in order to disrupt the planned business.
9. That he witnessed failure of sound equipment during the proceedings time which forced the Speaker to suspend the proceedings for some minutes
10. That Hon. Brian Kisila was heard saying that the Assembly proceedings will be in vain and he also applauded when the public address system failed.
11. That some pupils who had come to witness the Assembly proceedings were later called back to school because of suspected insecurity.
12. There was inadequate security reinforcement to assist the Serjeant at Arms to calm the crowd.

Evidence from Hon. Alex Kamitu

The stated Hon. Member appeared before the committee on 8th November, 2018 at 11.30 a.m. and his submissions were as follows;

1. That he attended the *Bunge Mashinani* held at Kithimani on the 17th October, 2018.
2. That he sat on one of the seats which had been reserved for the Assembly Leadership during the time of interactive session.
3. That at first all the Assembly proceedings went on well.
4. During the interactive session, a choking substance was sprayed around the place he was seated.
5. That the gas seriously affected him and that he had to seek aid from some of the Hon. Members who were seated next to him.
6. That he could not ascertain the source of the gas.
7. That he did not witness any member of the public being affected by the gas.
8. That he would not attend another *Bunge Mashinani* under such circumstances of insecurity.
9. That no disruptions were witnessed from the members of the public.
10. That he witnessed failure of sound system which forced the Speaker to suspend the proceedings for some time.

Evidence from Hon. Joseph Wambua

The above Hon. Member appeared before the Committee on 15th November, 2018 at 10.00 a.m. The Hon. Member submitted as follows;

1. That there were some individuals who had attended the event as supporters of the Executive and were determined to challenge anything said negative about the work of County Executive.
2. That some members of the public came to the event when drunk and were disorderly.
3. That the choking substance experienced was intended to disrupt the interactive session with the members of the public.
4. Security personnel tried their best to control the disruptions despite the low security personnel available.
5. That there is need to hire more security personnel to enforce security during similar events in future.

Evidence from Ms. Fiona Syokau

The above witness appeared before the committee on 18th November, 2018 at 10.00 a.m. The witness hails from Kithimani Ward and her submissions were as follows:

1. That she was an aspirant for the position of MCA Kithimani Ward in 2017 and that she had come with some of her supporters.
2. That she witnessed disruptions of the proceedings and police arresting some individuals from the shouting crowd.
3. That the Assembly was not talking positive of County Executive and that was one of the causes of disruptions.
4. That she identified some people she knew who are residents of Machakos and Masinga sub-counties present in the meeting.
5. That in her opinion, *Bunge Mashinani* initiative was not a priority to Machakos County.
6. That she was not aware of any pre-planned arrangements to counter progress of *Bunge Mashinani*.
7. That she witnessed disruptions of proceedings through use of choking substance and she was not aware of the source.

FINDINGS

Mr. Speaker, based on the submissions from the witnesses the committee noted that:

1. The *Bunge Mashinani* initiative was embraced by the members of public who were in attendance as a good idea as it endeavors to involve the public in understanding the affairs of the Assembly, making them conversant with its proceedings in addition to reaching out to the views of the public.
2. The citizens of Machakos County have insufficient information as regards the principle of separation of power as envisaged in Article 176. This was noted from the varied reactions of the citizens as they were being taken through the proceedings of the Assembly and during the interactive session.
3. Political rivalry witnessed on that day will end the time when residents of Machakos will understand the distinction between the roles of the Assembly and that of the Executive and this calls for continued civic education and political independence of people.
4. Security was provided by the Serjeant-at-Arms with the help of Administration Police who had been deployed to offer security by the County Commandant. However, the security personnel were not well capacitated to tackle the business of the day.
5. There was a big lapse in offering security checks. This was noted from the fact that a choking substance suspected to be pepper spray found its way through unidentified person to the Assembly precincts and specifically in the tent where Hon. Members were seated.
6. The victims who were seriously affected by the choking substance were mainly Hon. Members hence no doubt that unidentified Hon. Member with malicious reason of blocking proceedings availed the said substance in the House.

7. The malfunctioning of HANSARD system that led to suspending of Assembly proceedings for 30 minutes indicated insufficient preparedness in regards to fitness of the instruments used that day.
8. The heckling tendency and disruption that was witnessed from some youth members resulted from either a pre-planned tactic to disrupt the Assembly from doing its mandate or lack of sensitization of the public on required conduct while in the precincts of the Assembly.
9. During the time for Assembly proceedings, all the members of the public who were present were deemed to be in the public gallery but the members of public were not conversant with conduct expected while seated in the public gallery.
10. Despite the challenges witnessed, the Assembly of Machakos won support of other Counties in enlightening the public on the roles of County Assembly as provided in Article 185 of the Constitution. In attendance was the Speaker of Kajiado County Assembly, who is also the Chairperson of the County Assemblies Forum, Members of the Broadcasting Committee from Makueni County Assembly, staff of Kiambu County Assembly, representatives of the youth of Machakos County, a local primary school among others.
11. Through the *Bunge Mashinani* initiative, the Assembly achieved the requirements Section 9 of the County Governments Act, 2012 that states that; a member of a County Assembly shall maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly.

RECOMMENDATIONS

Mr. Speaker, from the general findings the committee recommends as follows;

1. The County Assembly of Machakos should develop a regular programme of *Bunge Mashinani* as proposed by the steering committee, targeting residents of all Wards in Machakos County aimed at informing the public on how the Assembly functions and this will reduce the misconceptions with people, hence reduce political rivalry that was witnessed.
2. When doing future programs of *Bunge Mashinani*, the Assembly should conduct a pre-session briefing to the public on the roles of the Assembly and that of the Executive to avoid varied reactions of people during discussion since this is caused by lack of proper knowledge.
3. The Assembly of Machakos should amend the current Standing Orders to provide for mobile sessions of the Assembly. This will strengthen the legal framework governing proceedings done outside the Assembly.
4. There is need for County Government of Machakos to conduct serious civic education as provided in the County Governments Act, 2012 Part X, that states that there shall be established a national design and framework of civic education, including determining the content of the curriculum. Further, Section 99(1) of the County Governments Act no 17 of 2012 that states that the purpose of civic education under this Act is to have an informed citizenry that actively participates in governance.
5. The Assembly should include a section in the Speakers rules that addresses admittance of non-members to the precincts of the Assembly and requiring the withdrawal of any non-member from any part of such precincts whenever any

kind of misconduct is noticed. Standing Order 218(3), provides that the Speaker may, from time to time, issue rules governing public access to the Assembly and its committees.

6. Section 26(1) (d) of County Assemblies powers and privileges Act 2017 states that a person shall not, while a County Assembly or a committee is sitting, create or take part in any unlawful disturbance which interrupts or is likely to interrupt the proceedings of a County Assembly or any committee while a County Assembly or the committee is sitting.
7. In future and for purposes of future sittings of the Assembly, whenever a victim of such disturbance is noted, provisions of Section 26(2) of the said Act should be invoked. It states that a person, including a member who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding Ksh. 500,000 or to a term of imprisonment not exceeding two years or to both.
8. The Assembly should in future, while conducting similar sessions, designate some specific entry points manned by security personnel preferably police officers to conduct strict security checks of all persons attending the event. Standing Order 95 states that a Member shall be subjected to a security check or screening before entering the Chamber. Standing Order 96 further states that No Member shall bring a firearm or any offensive weapon into the Chamber and any such weapon must be deposited with the Serjeant-at-Arms for safe custody before entering the Chamber, and collected at the time of leaving the Chamber.

CONCLUSION

Mr. Speaker, the 21st century is the information age and the world is driven by knowledge economy. However, the largest part of the population still has limited access to quality, timely and accurate information to enable them participate in political and economic processes that affect their lives. Information on governance is a national resource and neither the government of the day, nor public officials create information for their own benefit; the greater the access to information by the citizens, the greater the responsiveness of the Government to community needs.

It is therefore my privilege and pleasure, to table before this Hon. House, the report of the Sectoral Committee of Justice and Legal Affairs on review of the *Bunge Mashinani* program held in Kithimani Ward on 17th October 2018 for discussion and adoption.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Moffat Maitha for the report diligently read.

(Question proposed)

Hon. Members, you may debate on the motion. Hon. Musau.

Hon. Musau: Thank you, Mr. Speaker, Sir. Mr. Speaker, I would wish to say that the issue of *Bunge Mashinani* Kithimani on itself is regret to these members because it endangered their lives, Mr. Speaker. It was so sad to see members suffocating; actually I remember the pathetic situation of one Hon. Kamitu who had to be given first aid Mr. Speaker. *Bunge Mashinani* Mr. Speaker, is a noble idea and it is constitutional; what happened there was not

expected but according to me it was imminent given the high temperatures which were at boiling points between the two divides of the County Government of Machakos, that is the Assembly and the Executive.

Mr. Speaker, if you do remember very well there was an anticipated election and the public, as we know very well, is ever divided politically so Mr. Speaker, this ought to have occurred. But Mr. Speaker, given the lowering temperatures between the two arms of government in this great County of ours, I can see Mr. Speaker, a brighter future and some light at the end of the tunnel where in the next *Bunge Mashinani* shall be very peaceful Mr. Speaker, especially given the grand handshake to happen tomorrow, Mr. Speaker.

I do realize harmony will prevail in future, no election hence the public will not be divided and it shall be a total success, Mr. Speaker. I look forward to attending all *Bunge Mashinani* and I am very sure I will be a witness and will attest they have all been successes. Thank you, Mr. Speaker and Waheshimiwa.

Hon. Deputy Speaker: Thank you, Hon. Musau. Hon. Nyanzi.

Hon. Nyanzi: Kabla hatujaendelea sana nataka kusema mimi na msheshimiwa na Minority Leader, ambao sisi ni wazee sana hapa tungekufia hapo.

(Laughter)

Na Mungu ametusaidia tuko hai. Nataka kuuliza mimi hiyo *ndulu* imeniharibu mwili yangu.

(Laughter)

Wakati mimi ninalala usiku, silali; mwili wote unauma kila pahali ata kichwa kinauma. Nataka kuuliza hivi, kuna *insurance* ambayo itatulipa sisi ambao tuliumia kabisa hapo? Hio ndio kitu ambayo nataka kwanza mzungumzie juu ya maisha yetu. Na mimi niseme nilikua naendelea vizuri na ikiwa mnasema hapa ni MCA amefanya hii, si kitu mzuri katika hii dunia yetu. Asante.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Nyanzi. Hon. Alice?

Hon. (Ms.) Nzioka: Asante, namshukuru msheshimiwa Moffat ambaye ni mwenyekiti wa kamati ya sheria kwa utafiti mzuri ama ripoti ambayo ameleta kuhusu Bunge Mashinani. Kumbuka Bw. Spika, Bunge Mashinani ni sehemu moja ya kazi yetu ambayo tunapaswa kufanya kama waheshimiwa. Sisi tuna majukumu kabisa ya kuwajulisha wanchi wa Machakos kazi ambayo tunafanya katika bunge. Watu wote hawajajaliwa kuja katika bunge kusikiza mienendo yetu na kazi yetu ambayo tunafanya bunge.

Aliyekuja na wazo la bunge mashinani ni wazo nzuri nalinapaswa kuendelea. Lakini Bw. Spika, tunamipanga mingine ya kwenda mbele ilikuendelesha bunge mashinani; maoni yangu ni kwamba usalama wetu kama wabunge na wananchi uimarishwe zaidi. Sababu kazi ambayo ilitendeka hiyo siku ilionyesha hatari kubwa ya usalama wetu sisi kama wabunge na wananchi

wa Machakos. Ni maoni yangu kwamba ile sehemu tutaenda tena kua na bunge mashinani kuwe na ukaguzi mkali kuona kwamba kila mtu anaye kuja hapo hahatarishi usalama.

Pia ni maoni yangu kuona kabla hatujaanza bunge mashinani, Bi. Spika aeleze wananchi kwamba mahali ambapo tuko ni mahali pa sheria na kwamba wajue wako kwenye buge. Ndio maana wakifanya mambo yote ambayo wanafanya wajue kuna sheria. Pia nashukuru uchunguzi wa kamati walisema kama utafanya mambo ambayo sio mazuri kwenye bunge mashinani, kuna kifungo ufungwe ama faini utoe. Hio itafanya kila mtu awajibike kuona kuwa ni bunge na kuna sheria.

Sisi kama wabunge hapa wote tukiwa sitini ni mandugu, mandugu na madada; ebu angalia ukimtesa mwenzako kama hio pilipili ambayo ilisemekana ilitoa arufu kama pilipili, ungekua sawa kama kunambunge mwenzako angekufa? Ingekuwa aje sisi na sifa ya Machakos ingekuwaaje.

Ni kwa maana kuna uchunguzi unaonyesha sio mwananchi ambaye alibeba hiyo pilipili. Ni kwa nini? Ni kwasababu arufu yenyewe ilitokea kwenye hema ambayo wabunge walikua wameketi. Nauliza tuwe na urafiki na pia ujali mwenzako sababu ukiwa na hiyo fikira wewe ni muuaji. Ebu kumbuka Mheshimiwa Kamitu leo vile aliteseka, afya yake na pia tumemsikiza Mheshimiwa Nyanzi na uzee wake kwamba ako na madhara. Sasa sisi kama wabunge tuangalie na tudumisha heshima za bunge letu.

Kwa hivyo Bw. Spika, hiyo kamati imefanya huo utafiti ningeseema tukiwa na bunge mashinani tena, tuonyeshe umaarufu wetu kama bunge, tuonyeshe heshima yetu kama bunge na kunatakiwa masomo ya kimsingi ya watu wetu wa Machakos kuelewa kwamba zile kazi ambazo mheshimiwa anapaswa kufanya na zile kazi ambazo Gavana wa Machakos na serikali ya Machakos wanapaswa kufanya. Hiyo inatofautisha kazi zetu maana wananchi wetu inaonyesha asilimia themanini kwamba hawana ufahamu wa kazi ambazo zinapaswa kufanyika. Asante Bw. Spika kwa kunipa nafasi.

Hon. Deputy Speaker: Thank you, very much Hon. Alice. Hon. Nick?

Hon. Muia: Thank you, Mr. Speaker. I want to commend the issue of *Bunge Mashinani* because it is a very noble idea but the most important thing is to care or to take care of the security of the Hon. Members because if there were fatalities or there were serious injuries, who could have been held responsible? So, as the County Assembly of Machakos whenever we are planning to go for this *Bunge Mashinani*, I urge we take security very seriously as there were also rumors that some Hon. Members were to be hijacked on the way to the Assembly or when we were coming back to the Assembly.

So, let us not take it lightly it might end up being catastrophic. So, I urge to put our safety and our security as the number one paramount key. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member. Hon. Kalumu?

Hon. Kalumu: Thank you, Mr. Speaker. From the presentation or the information I have got from several members who have spoken is that security is paramount. Yes, it is and no one is against that but owing to the fact that we are also human beings and the people who elected us are also human beings, we need to also take care of the security of the people who will be coming to those *Bunge Mashinani* sittings.

Above all, Mr. Speaker, it is the most paramount thing is not security; if we want to finish this and make issues clear, we need to disseminate information to heal everybody in the county. How, Mr. Speaker? The report has said that the crowd or the people of Machakos do not know the separation of power, who does this and who does that. That is one.

Our people do not know what the work of the MCA is, our people do not know what you call executive they only know the Governor and quite a good number of people are friends and they elected the Governor. Another thing I will tell you is the political temperatures are brought high by non-performance of the executive and not the MCA and that is what resulted actually to the disruption because we were holding our Assembly the way we do it in Kithimani ward and everything went as usual.

What lacked is information in three ways; the public were not informed that was not a political movement and that they could have been told prior by the broadcasting committee by going and tell the people this will be an Assembly and it will not be a political rally and that is why you saw people and public come try to mock members, try to mock the Speaker. Why? Because they did not have information that there are rules which govern an Assembly when it is sitting somewhere. That is one piece of information that lacked.

The other information which lacked Mr. Speaker, is can an Assembly sit in another place rather than where it sits here? Yes, according to the law the Assembly was within the law but the public did not know that we can sit in another place rather than here in the Assembly. That is why you could hear a lot of stories; we have spent Ksh. 20 million. Where on earth can a sitting spend Ksh. 20 million?

Mr. Speaker, we need to involve our people in what we do and that is within the law. We need to tell our people that whatever is done by this Assembly is within the budget of the Assembly and any budget that is done for this County, there are two budgets with one for the Assembly and one for the Executive so that...because when you start saying our security is paramount, our security...our people are lacking information. That, Mr. Speaker, is the information of priorities. This is a House which sets priorities.

I have read this document and some of the people who were called here were saying that *Bunge Mashinani* was not a priority to the people of Machakos. The most important thing that we need to prioritize is to educate our people in Machakos County so that they should know the facts of devolution and the mandate of devolution. If we do that then in future we will interact very well with the public.

The security mishap was caused by lack of information, lack of preparedness on the side of the Assembly because the Assembly precinct should be a secured place and according to the law it should.....everyone who is entering the Assembly should be checked. No one was checked on that very day, no one. We are blaming the public, oh what first we did not tell them the procedures and secondly no one was checked; we endangered our own lives because even here when we enter this chamber we are checked.

Yes when we enter this chamber we are checked but on that very day no one was checked. So who is to blame? The blame is on us because, one, security was not paramount on that day; why is it that security is paramount here and it was not paramount on that day in Kithimani?

It is a noble idea Mr. Speaker, to go and sit in another place and involve our electorate so that they can know very well what we do but arrangements and good arrangements Mr. Speaker, should be there. Political temperatures are always there and if we knew very well and everyone

knew that political temperatures were high, yes, they were high; so what should have done to prevent security mishaps happening? It is to be keen.

Provision of security officers at the gate, they are also here they are here at the gate on that day they were around us but here we are checked no one was checked on that day. What we need to do Mr. Speaker, is also to talk with our members here and know that if we are not going to speak in unison, we will achieve nothing because that day what was shown was a rivalry between the two sides of the House. Words were coming from this side another from the other side; if you say that somebody comes from this side and says another thing...we went to the public unprepared.

We went to fight before the public; we need to have one voice. We need to agree on certain issues and it is true we were reading from different scripts but now it has been said we are going for a grand handshake. I do not know whether it is true or it is just talk or it is just a meeting. Well, it is what you call it; I am in for it. I do not know the achievements, maybe it will heal and maybe in the future Mr. Speaker, we shall have a good *Bunge Mashinani* and those things that I have mentioned like security and information should be at the forefront. We should not go there and arrange and plan in two weeks. It should be something done and everything in good order.

So, with those few remarks, I want to tell the House on importance unity of purpose; the reason as to why devolution came it could have called one Hon. Ndawa devolution so go and work for the people but it brought together several minds so that they could work together for the betterment of the lives of the people of Machakos County and every other County. But now what is happening? Failure of someone should be told on the eyes and do not cover the truth if you want to go far.

If you cover the truth, that would be what happens when we go to *Mashinani* so let us come together if it is tomorrow or today and then the ground is very hostile because somebody somewhere is not doing something including us; truth be said because unison and strength of this House is paramount. Division among ourselves brings something to divide us so with due respect to this House let us come together for the purpose of mwananchi. Thank you so much.

Hon. Deputy Speaker: Thank you, Hon. Kalumu. I am only going to allow one member from this side and another member from the other side so that we can be able to.....because we still have more to process. Hon. Justus.

Hon. Kiteng'u: Thank you, Hon. Speaker. I witnessed the entire procedure of *Bunge Mashinani* and I can attest that it is unfortunate that six years down the line our people do not know the separation of power between the Assembly and the Executive. Hon. Speaker, I find this report neutral not giving out the correct information. One, it is just trying to neutralize what happened during the *Bunge Mashinani* at Kithimani.

The committee has given us a statement whereby everyone witnessed people being arrested; again every member also witnessed the goons who were planted to make some noise to the Hon. Members due to the political temperatures. Hon. Speaker, my view is, I would have expected the report to state very clearly that we found so and so had planted the goons we found. So and so was the one who had the pepper spray.

Those guys who were arrested they could have given the committee the information because we understand that everything came from this House. The pepper spray was sprayed by a member from this house because it all occurred from where the Hon. Members were seated and

Hon. Speaker, if any member can be able to do the same to fellow Hon. Members then Hon. Members we have members here who can poison each other.

Hon. Speaker, it is my plea to the committee to whoever is concerned, executive and the Assembly that we tame the political temperatures because this is a Hon. House and doing *Bunge Mashinani* is our duty. I was questioned by my people when I went back to my ward that was it a political rally or was a sitting going on at Kithimani? Then I had tough time to answer them because they witnessed Hon. Members crying like Hon. Kamitu, we have Hon. Nyanzi because of the pepper spray. So, in my view, as I finish Hon. Speaker, that the report to me is not complete. Thank you.

Hon. Deputy Speaker: Hon. Peter Mutiso.

Hon. P.J. Mutiso: Thank you, Mr. Speaker. Mine is just a small thing that I wanted to highlight and Mr. Speaker what I want to say is that *Bunge Mashinani* is educative to our people; people can learn more, members of the public.

One, Mr. Speaker I was privileged to go to Kajiado whereby the first *Bunge Mashinani* was done in the year 2015. And yesterday, they had a *Bunge Mashinani* which was so successful. It was conducted well. They had a big tent whereby the arrangements of sittings it was done there. Members of the public were seated there.

So, what we need first of all Mr. Speaker is to have a good budget for the same because even the members of County Assembly of that area could do something for his people. One, he was given Ksh. 100,000 for preparation of food whereby, if I can remember well, Kalumu had some amount but it was less, it was Ksh. 40,000, I think so but it was not enough. So, I request because we are on the procession of the formation of budget, budget is a process, if I request the members of this Assembly if they would be able to support and we get enough money for *Bunge Mashinani* because as far you are complaining about security, we need also money for security. Our Serjeant at Arms, I think they are not enough to provide security.

So, we need some plainclothes policemen among others so that they may be able to identify what was happening because we could, Mr. Speaker if you can remember we could access some information on our way to Kithimani because we have many friends on the way. So, they could tell us what is happening on the ground because during that day, we should not bury our heads in the sand; during that day, members of the executive were all over in Kithimani at night. So there was sabotage, there were planning for sabotage. I should not hide anything, I must say the truth because I know my able Minority Leader is aware about security and also information; information is power.

What I want to say is that Mr. Speaker, if I can give you a brief of that place; the Members of the Assembly were all having something unique. You could hear them pursuing their things together; the minority team and the majority. I heard them talking about bursaries whereby a member from the Minority side was questioning for bursary at the same place and you know minority people there they are the government. So, it better for us to come together, we unite, we request for what can benefit our people because even the members of the public were asking the same.

About public participation, we had a public participation Mr. Speaker, sometimes back. It is also *Bunge Mashinani* because it was a success there and our people ask us. But you could hear people asking, members of the public, 'what happened we had public participation because

we are expecting to get some projects and they are not there?' So, members let us come together and unite so that we may benefit and also give our people projects.

Finally, Mr. Speaker, what I want to say is that, what we need to do is, as I echo Hon. Kalumu what he said; we need to be prepared earlier before we go to the said venue and with that it will be successful. I also request my able Hon. Member from Tala/Kangundo so that he may be able also to assist us because he knows more about security and he can identify some places where there are problems. I know he is able. So Mr. Speaker, I learned a lot so we need to have the benchmarking in different counties so that we may learn more on *Bunge Mashinani*. Thank you, I rest my case.

Hon. Deputy Speaker: Thank you Hon. Peter Mutiso. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. Mine is to ask the Waheshimiwa to be friends because we are not getting the truth because we were the ones who were killing one another. So we cannot get the answer of that. When we go to *mashinani*, we are educating our people by giving them civic education to know the difference between the MCA and the side of Governor.

The people there outside don't know the work of the MCA, they don't know whether you don't get even a single cent to go and do anything for them. You just give the executive money and you give them the projects to go and work for them. So, if we seat here and start killing ourselves, inside ourselves, we will not teach our people about the civic education.

When we say that the MCA of the opposition and the MCA of the other side, the people there outside there do not know and you can know from the other regime; they took all the people home, the MCAs, whether you belong to where or whether you belong to where. So, be careful of yourself and know your work and when we are here we are friends. When we go there outside be friends. You will not know whether an MCA or what, understand the commandments of God that you love one another and if you cannot love somebody who.....cannot love ourselves here we are only 60 and we be enemies that we can kill Mheshimiwa like Kamitu.

If he dies, what can you do? Are you going to eat him or what are you going to do?

(Laughter)

Be very careful of what you are doing; that will be done to you on another day. So, Mr. Speaker, just make these people of ours, MCAs, understand their work so that they can be going there outside to do it. Thank you.

Hon. Deputy Speaker: Hon. Kamitu.

Hon. Kamitu: Thank you very much Hon. Speaker. Mr. Speaker taking through this report, the committee of Justice and Legal Affairs Committee and the review of the *Bunge Mashinani* that was carried out on the 17th October, 2018. I stand here Mr. Speaker to say that I was a victim of the sequence of events that happened. In fact, you have seen the report that I made to the committee because I came before the committee and actually at the start of everything, Mr. Speaker, the *Bunge Mashinani* event went quite well but during the interaction, it is clearly indicated that there was this toxic sort of gas that was thrown by an unknown person.

The big question is; was our security guaranteed in the place we were at Kithimani because Hon. Speaker, they sensed the essence of an Assembly is where Hon. Members are given time to contribute in a very harmonious atmosphere, in the normal ways that we do here. It should also have happened in Kithimani so I am talking of the sequence of events. The precaution that is supposed to be taken when we enter now the Assembly should have been the same precaution that would have been carried on that particular day.

So, I am standing here to say, the sense of *Bunge Mashinani* was a very noble idea but when it touches the interference of debates and they were not carried out the way they are supposed to be carried and the sitting was also disrupted for about 30 minutes when the PA system was not working. So, what I am saying and what I would stress to the Hon. Members that, this is a very Hon. House whether within the Assembly premises or when we go out; it is equally the same.

So, I would request anytime we shall go to *Bunge Mashinani*, lives of these Hon. Members, safety of these Hon. Members is paramount. So that is one of the things that we must ensure that security, the procedures of this Hon. House are put in place because Hon. Speaker, you have heard members saying that people were not checked, even the members of the public who were around in the place were not also secured.

So, we are saying, all the sequence of events that are carried out when we are in the Assembly should also be carried out when we go to any *Mashinani*. It is a noble idea but then it will not be of benefit to Hon. Members if one among us is injured and we have also heard Hon. Members they have mentioned and Hon. Kamitu is now speaking, but in the sense I was affected because that toxic gas was thrown where I was seated and I was not able because I was relaxed thinking that our normal procedures were on.

So, I am saying the safety of these members is paramount. Let me rest my case and argue this House that in future, those precautions should be taken. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kamitu. May I call the mover of the motion to respond? Hon. Moffat.

Hon. Maitha: Thank you Hon. Speaker. I will not take a lot of time because all the members have discussed what is pertinent to this issue at hand. I want to thank all the Hon. Members for debating the report of the Justice and Legal Affairs Committee. Mr. Speaker, we could not name anybody because when we were investigating, no member of the public or of this House brought any name to the committee to purport this is the person who sprayed the pepper spray. So we could not just as a committee name someone when we have not been given that information.

Therefore, we were just working but not going through the rumors. So, I am saying Mr. Speaker, if we take recommendation No. 7, first of all to check everybody on entry and to make sure that everybody including the Members of this Hon. House are checked, I know, no substance of that nature will be brought in the future events. I also want to thank the Hon. Members of the committee for the work they did in compiling this report and also the Clerk Assistant for the research and compiling of the report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moffat.

(Question put and agreed on)

Hon. Members, I think just giving one comment on this, you debated exhaustively on this issue; security has been brought out as key. Personally, I would advise the Serjeants at Arms and the local security team here should engage the local security of the place where we are going. Engage the OCS of the police station of where we are so that they have their full security team available for protecting the Hon. Members and they put all the necessary security checks as it has been suggested by Hon. Members here.

People cannot just walk into for example here; we have all the checks from the gate, checks all the way to here and if we are having a *Bunge Mashinani*, then my expectations would be that we have similar checks even there. The area should be cordoned off and should have specific entry points as the report has recommended.

Civic education on public is key; we should not leave this executive alone. Even ourselves during all the public participation we do, let us do civic education to our people. During public barazas, which we held, let us do civic education to our people for them to understand the distinction the functions of the Assembly and the functions of the executive so they can be able to appreciate when you wake up and say, 'the executive has not done 1-2-3-4-5,' they don't take that to be a political statement but understands that you are actually doing your work of oversight and ensuring them you put the necessary checks and balances to the public.

Also one important point here which has been brought out to me is one of the Speaker advising the people who will be present in that place of the repercussions and the law of the dangers of disrupting the Assembly because you face a lengthy imprisonment term. Once people are aware and advised, especially to the ones who will have gained access to the *Bunge Mashinani* venue, then they will be able to abide by it because ignorance will be no defence for them. Thank you, Hon. Members. Mr. Clerk, proceed.

PROCEDURAL MOTION

ADJOURNMENT SITTINGS TO FACILITATE APPROVAL HEARINGS OF MEMBERS OF MUNICIPALITY BOARDS

Hon. Deputy Speaker: Hon. Members, under this Order, we have one motion by Hon. Justus Kiteng'u.

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

Hon. Speaker, that aware that section 4 and 5 of the Urban Areas and Cities Act 2011 establishes urban areas and cities;

Further aware that section 13 and 14 of the same act, establishes boards of cities and municipalities some of whom shall be appointed through competitive process by the county executive committee with the approval of the County Assembly; Acknowledging that the Assembly is in receipt of nominees of boards of municipality and their vetting process is scheduled to run from 25th to 27th February, 2019;

Hon. Speaker, further aware that the devolution conference whose major objective is to acknowledge the promulgation of the constitution of Kenya 2010 which brought about the devolved government and noting this year's theme of the devolution conference is to 'Transform, Measure, and Remain Accountable;'

Cognizant of the fact that the devolution conference is scheduled from 4th to 8th March, 2019 in Kirinyaga County and Members of this Assembly have been invited to attend by the Council of Governors;

Hon. Speaker, I wish to move the motion that this Hon. House adjourns the sitting of the assembly on 26th and 27th February, 5th and 6th March, 2019 to allow the committees conduct vetting for the nominees of municipality boards and later members to attend devolution conference.

Thank you, Hon. Speaker. I wish to call upon Hon. Peter to member of Machakos Central to second the motion. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Justus. Hon. Peter Joseph Mutiso.

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

(Question proposed)

Hon. Deputy Speaker: Members, you may have one or two comments on this from the members. Is there anybody has a comment on the same? I think this being a procedural motion and I can see most members.....silence means they are in an agreement to it. Therefore, the Speaker obliges.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: This House now adjourns to Tuesday, the 12th day of March, 2019 at 10.00 a.m. Thank you, Hon. Members and enjoys the rest of your week.

The House rose at 4.34 p.m.