

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd July, 2019

The House met at 2.52 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. I have been up about so many things running up and down and trying to catch a breath to guide the Assembly accordingly. So you will bear with me. Mr. Clerk, let us start the sitting this afternoon.

COMMUNICATIONS FROM THE CHAIR
DISCUSSIONS WITH COUNTY COMMISSIONER ON LAND FOR WARD OFFICES

Hon. Speaker: Hon. Members, I have communication in two respects this afternoon. The first one is you recall in the morning I indicated that we are going to see the County Commissioner on the availability of land. I was able to go there in the company of the Majority Leader and the Clerk; we had a lengthy discussion with the County Commissioner and she told us that, it is not that she is refusing to give land but it is instructions from above and so we sought to know where the instructions come from. She said it is her bosses and we agreed that we will go and have a discussion with the CS, Dr. Matiang'i.

(Applause)

Our argument is that all land under the Constitution is vested in County Governments to be used for the benefit of the people in that area of the County Governments but it is administered by the National Land Commission. Administration means if it is the issuance of title deeds and so on but principally the land is to be used for the benefit of the people in the area.

Most of the land where the Offices of Chiefs are were even donated by the Communities and it is the same communities that are asking to have offices of the MCA in the area for service; they want a one-stop shop so that they see the Chief, they can see their MCA, they can see like Ward Administrator and so on. So, we are going to pass the same information to the CS Matiang'i. I have already instructed the Clerk to write a letter asking for an appointment and if we pursue it, we will notify you.

So, in the meanwhile, where we do not have problems on the construction of the Ward offices, the works will continue but we may anticipate problems where even those Members who had

already been given this information that the County Commissioner cannot allow. It means that the Chief who had allowed you will retract. So, where we do not have progress we will continue but we will see CS Matiang'i the soonest possible so that, that matter can be resolved in one way or another. Thank you.

AD HOC COMMITTEE TO STEER CASA GAMES PREPARATIONS

The second communication Hon. Members, is regarding the CASA games 2019, the Committee of this House that is supposed to plan for those games and this one I have written it in the following manner;

Hon. Members, in the sitting of the House held on 18th of June, 2019 during the Morning sitting, I communicated to the House on the oncoming 2019 CASA games and notified the leadership of both the Majority and the Minority Assembly Parties to have their respective sides provide names for Hon. Members who are to form an *ad hoc* Committee to organize the Assembly's preparations and eventual participation in the CASA games for this year.

The two sides of the House were notified to share the positions in the *ad hoc* committee as stated below which reflects the party strength in the House:

1. Majority Party – 4 Members
2. Minority Party – 3 Members

On 25th of June, 2019 during the Afternoon sitting, a further communication was made for purposes of reporting what the names had been given from the two sides of the House and the names were as follows:

From the Majority party side:

- (a) Hon. Paul Museku
- (b) Hon. Fredrick Muthoka
- (c) Hon. Betty Nzioki
- (d) Hon. Daniel Kiilu

From the Minority party side:

- (a) Hon. Johana Munyao
- (b) Hon. Judas Ndawa
- (c) Hon. Irene Mbivya

In the course of that communication, you recall Hon. Members, Hon. Francis Ngunga sought to address the Chair in the middle of the communication in what he stated to be a point of order, stating among others, that the names as read above had not been properly arrived at.

This prompted a few other Members notably Hon. Geoffrey Kamulu and Hon. Daniel Kiilu, to make more or less similar remarks and yet Hon. Members, a few other Members made remarks in support of the names and the ones who were making remarks in support of the names were claiming that the team or the Members of this House who organized the 2018 CASA games had not properly discharged the work and there were many shortcomings and failures in the participation of the Assembly, the facilitation and so they were agitating for a committee comprised of new Members. So to speak; to put in fresh blood in CASA games.

In the face of the above Hon. Members, the Chair suspended the communication and reserved the guidance of the Chair on the issue for a later date and the reason for this communication now. Hon. Members, this now is the considered communication of the Chair on the matter of the *ad hoc* Committee that is to organize the Assembly 2019 CASA games:

Foremost, Hon. Members, it is important that you be reminded of the provisions of Standing Order 98 of this House. It says this; whenever the Speaker or the Chairperson of Committee rises, any

Member then speaking, or offering to speak, shall resume his or her seat and the House or the Committee shall be silent, so that the Speaker or the Chairperson of Committees may be heard without interruption.

Further, Hon. Members, you are reminded of the provisions of Standing Order 79 which provides for points of Order being raised by a Member on a speech of another Member. Clearly what that Standing Order provides for, is that a point of order can only be raised by a Member against a speech of another Member and never the speech of the Speaker or the Chair.

(Applause)

Hon. Members, it therefore follows that, all the Members who offered to speak whether against or in support of those names that were read out in the communication by the Chair were doing it breaching the Standing Orders. It is a conduct that is dishonorable and that brings disrepute to the authority of you Members sitting in this House. If the Chair or the Speaker will be interrupted in her speech by Members purporting to do points of order, then that is an attack on your own authority as an Assembly.

Going forward, Hon. Members, that is a conduct that the Chair is not going to condone at all. It is not the first time that, that happened and even as late as this morning when the Chair rose to leave the House. Even before the Mace is lifted from the Table and the Chair has just finished bowing to both sides of the House, some Members had already started conversing and actually shouting when the Speaker is still in the precincts of the Chamber.

Hon. Members, you are requested and indeed advised to observe the provisions of the Standing Order that requires you to maintain complete silence when the Chair is addressing the House until the Chair has requested you to address the House. You are also requested to observe the Standing Orders that require as long as the Chair is in the House or a Chairperson of the Committees is in the Committee, please maintain silence. Otherwise, you will be opening yourselves to possibility of punishment under the Standing Orders and also the Powers and Privileges Act.

Hon. Members, on the matter of Committee systems of the House, Section 14 of the County Governments Act gives the County Assembly powers to establish committees subject to its Standing Orders and the Committees have for such general or special purposes intended by the Assembly and that is for purposes of discharging the business of the Assembly.

You know very well Hon. Members that this Assembly has select committees and sectoral committees. Select Committees are special and attached to the Assembly. Sectoral Committees mirror the departments of the Executive and this is the same arrangement for the National Assembly.

Standing Orders Hon. Members, particularly Standing Order 163 provides that, a select committee may establish such sub-committees as it may deem necessary for proper discharge of its functions. It is important Hon. Members that you note we are talking about sub-committees. What does a subcommittee mean just in ordinary English language? A “sub” is part of a larger item. So, a sub-committee is a part of the larger committee. This therefore refers only to Members of the Select Committee who may form a sub-committee of the select committee depending on the mandate of the committee. The select committee therefore under our Standing Orders is formed by the Chairperson of the Committee.

Remember, however, Hon. Members, we have sectoral Committees and one of the sectoral committees that we have mirroring the departments in the executive arm of the County Government, is one that deals with matters of women, PWDs, Youth and Sports. If Hon. Members, you look at the National Assembly factsheet No. 22 on The Committee System of the National Assembly, it

defines an *ad hoc* committee in the following manner; that it is a committee that is temporarily formed for a specific purpose whenever there is need for a specific task to be undertaken and it is to deal with only particular issue which is assigned to it and it lasts for a limited period and after the period is over it is dissolved.

An *ad hoc* committee Hon. Members, in practice, is formed by the House, it can be by the Majority and the Minority Assembly parties represented, it can be by resolutions of the House, it can also be even by the request and guidance of the Speaker or Chair depending on the purpose.

Consequently Hon. Members, when the Majority and the Minority parties presented the office of the Speaker names which they proposed to form the *ad hoc* committee for planning the 2019 CASA games, it was incumbent upon the chair to communicate the names of those Members to the House. Remember Hon. Members, the Speaker does not and should not involve themselves in the Assembly Party matters when it comes particularly to selecting such names as they were guided.

The Chair would not have knowledge as to how the two sides of the House arrived at those two names. Further, in fact, it has not been alleged that any of the proposed names do not represent the Assembly Parties which they are signed to. It is also not been alleged that those names of the people comprise of people who are incapable of delivering the mandate that the House wants them to deliver.

The Chair therefore concludes the communication which the Chair had started on 25th June, 2019 as follows. The Majority Party Assembly provided the names of:

- (a) Hon. Paul Museku
- (b) Hon. Fredrick Muthoka
- (c) Hon. Betty Nzioki
- (d) Hon. Daniel Kiilu

And the Minority Assembly Party gave the names of:

- (a) Hon. Johana Munyao
- (b) Hon. Judas Ndawa
- (c) Hon. Irene Mbivya

To serve in the *ad hoc* committee to organize the Assembly in the 2019 CASA games and they will proceed to so serve the Assembly in that respect.

(Applause)

Hon. Members, the Chair has also noted that, two of those Members notably, Hon. Fredrick Muthoka and Hon. Irene Mbivya are indeed Members of the Youth, Women, PWDs and Sports Committee and so they will be representing that Committee which deals with the Sports and for purposes of this House leads in the CASA games and so they will be representing not only the Majority and Minority Parties who have nominated them but they also represent that particular Committee.

So the Chair directs that this *ad hoc* Committee should immediately commence the specific purpose for which it has been set and proceed to organize the 2019 CASA games. It should be guided by the rules of procedure that guide the Assembly committees in their operations and it should prepare a workplan and a budget and it is required to report to the Assembly Service Board. It is so ordered Hon. Members.

(Applause)

Mr. Clerk, proceed.

PAPERS LAID

REPORT ON THREE QUARTERS EXPENDITURE BY THE DEPARTMENT OF LABOUR, PUBLIC SERVICE AND ICT FOR 2018/19

Hon. Speaker: Hon. Members, under this Order we have two businesses; the first one by Hon. Francis Kalumu and the second one by Hon. Daniel Kiilu. Hon. Francis Kalumu.

Hon. Kalumu: Thank you Madam Speaker for granting me the chance to lay the paper on committee of Labour, Public Services and ICT committee on the budget report for three quarters of 2018/19 financial year. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today Tuesday 2nd July, 2019; report of labour, public service and ICT committee on 1st, 2nd and 3rd quarter expenditure for department of labour, public service and ICT for the year 2018/2019. Thank you, Hon. Speaker.

Hon. Speaker: Alright, proceed. Next is Hon. Daniel Kiilu.

REPORT ON SCHOOL-FEEDING PROGRAMME IN ECDE CENTERS

Hon. Kiilu: Thank you, Madam Speaker. I am Hon. Daniel Kiilu, representing the people of Muthesya. Madam Speaker, I beg to lay the following Paper on the Table of the Assembly to today Wednesday 3rd July, 2019; education committee report on initiation and implementation of school feeding program in all early childhood education centers within the county. Thank you, Madam Speaker.

Hon. Speaker: This Paper is not signed. Hon. Kiilu, do we have a Paper that is signed because if a report is not signed then it is not a Report. The signature of the Chairperson the committee is sufficient. Mr. Clerk, proceed.

NOTICES OF MOTIONS

Hon. Speaker: Hon. Members, under this Order, we have two business; the first is again by the Hon. Francis Kalumu and the second one by the Hon. Daniel Kiilu. Hon. Francis Kalumu.

REPORT ON THREE QUARTERS EXPENDITURE BY THE DEPARTMENT OF LABOUR, PUBLIC SERVICE AND ICT FOR 2018/19

Hon. Kalumu: Thank you, Madam Speaker.

Hon. Speaker, that aware that Article 183(3) of the Constitution of Kenya 2010, states that the County Executive Committee Members shall provide the County Assembly with full and regular on all full matters relating to the county;

Further aware that pursued to Section 39(2) of the County Governments Act 2012 which states that a committee of the County Assembly may require a Member of the Executive to attend or appear before the committee and answer any question letting to the Member's responsibility; Appreciating that the labour committee invited the Chief Officer, Labour Public Service and ICT to a committee meeting to discuss the

departmental report on 3rd June, 2019 and consequently, compiled a report on the same;

Hon. Speaker, I wish to give a notice of motion that this Hon. House discusses and approves the report of the labour, public service and ICT committee on 1st, 2nd and 3rd quarter expenditure for department of labour public service and ICT for the year 2018/2019.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Francis Kalumu. Hon. Daniel Kiilu.

REPORT ON SCHOOL-FEEDING PROGRAMME IN ECDE CENTERS

Hon. Kiilu: Thank you, Madam Speaker.

Madam Speaker, aware that Article 43(1)(f) of the constitution of Kenya provides that every person has the right to education and that aware that Part 2(9) of the Fourth Schedule converse to county government the responsibility to provide pre-primary education and child care services and such services are collectively encapsulated in the phrase Early Childhood Development and Education (ECDE) which is the holistic development of a child's social, emotional, cognitive, linguistic and well-being; Aware that a motion seeking for introduction of feeding program in all public Early Childhood Education Centers within the county was discussed and approved by this Hon. House which was later committed to the committee on education to investigate and report back to the Assembly;

Aware that most of the children enrolled in ECDE centers within the county are from disadvantaged households and that they suffer from hunger and malnutrition and that aware that the Early Childhood Development Education (ECDE) is the bedrock and foundation of all learning and personality development in the life of any child which cannot be gainsaid;

I wish to give the notice of motion that this Hon. House discusses and approves the committee report on initiation and implementation of school feeding program in all public Early Childhood Education Centers within the county.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Daniel Kiilu. Mr. Clerk, proceed.

MOTIONS

REPORT ON MACHAKOS COUNTY INTEGRATED DEVELOPMENT PLAN 2018-2022

(Hon. Kieti on 03.07.2019)

(Resumption of Debate on the Motion tabled on 03.07.2019 Morning Sitting)

Hon. Speaker: Hon. Members, under this Order we have business by the Hon. Cosmas Kieti, chairperson committee on Trade Economic Planning and Industrialization. Remember it is a continuation of a debate; I proposed the question in the morning before we broke for some discussions on the report. Hon. Kieti. I know I had proposed the question, so we want to know whether, because we asked you to have some discussion, you were to tell the House what you come up with. It can also come from any other Member because this is the business of the House. It ceased being the committee's business.

Hon. Kieti: Thank you for giving me this chance. Madam Speaker, we were left and after lengthy discussion, we settled at that we go through the report and we pass it with amendments. It is good that we give Members a chance to contribute. Thank you, Madam Speaker.

Hon. Speaker: Okay. We proceed with the debate. Hon. Ndawa.

Hon. Ndawa: Thank you Madam Speaker for giving me this chance. That silence within the House means that people have agreed that we do not have to take a lot of time with in this matter. We pass the report then with amendments we can amend it but we have it first. Thank you, Madam Speaker.

Hon. Speaker: Okay. Hon. Majority Leader.

Hon. Muendo: Thank you, Madam Speaker. I have no problem with the passing of this document, Madam Speaker. We have agreed to pass the document but to me this document has a lot of amendments which require---

Hon. Speaker: Hon. Majority Leader, we have two documents now; we have the draft CIDP and we have the report so refer to the document, which of the two?

Hon. Muendo: I am talking about the draft CIDP, Madam Speaker. Like especially in my ward and most of the wards, there are major amendments. In this report, the money we had allocated for the three municipalities, is not covered anywhere here. Madam Speaker, the other thing and as far as I am concerned I have no problem with the CIDP but I will urge the Members, since there is no hurry, let us scrutinize this document well with no hurry because we are in agreement that we are going to pass the CIDP, but I do not want us Madam Speaker, we pass a document which is half-baked.

I belong to the committee of trade, maybe I was not there but I have not seen this draft in the committee and if it was presented to the committee, let us have the minutes which were written that time on this draft. When the committee Madam Speaker has not adopted a draft first, it cannot be a property of this House.

I will urge the Members, since we have no problem passing it, this is because we are not forced by anybody and we do not want anything. Let us put our document in order, let us go back to the committee, let us present ourselves every Hon. Member to take his/her complain or projects and be documented well, that could be on Monday then on Tuesday in the afternoon we pass the document.

Madam Speaker, the way it is, sorry to say, I do not know why the Members are in hurry to pass the amendment. We have no deadline; this is a document which is going to last up to 2022. Why can't we have a decent document which is well organized and if I pass on and somebody comes to Kinanie, he or she will see the document and the projects I proposed up to 2022 are okay.

Madam Speaker, what I am saying, there is nobody in opposition to this but if the document can go back to the committee then it is presented, then now we can do amendment at the committee level. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Majority Leader Mark Muendo. Hon. Francis Kalumu.

Hon. Kalumu: Thank you, Madam Speaker, I would like to say that it is true that the document has some limitations because it does not have all the projects that are needed and some of the wards like mine are affected. Passing it with amendments could be a good procedure through your guidance because our main problem, me as the representative of Kithimani ward, is to see whatever Kithimani ward people suggested.

It is included in this document so what I would request the Members present today is that if it is possible we pass it with amendments which means, maybe this ward Madam Speaker it is not going well with some of us. Everyone here represents its own ward, I represent Kithimani ward and what I want to put forward is my projects are not there, having passed it with amendment means that later I will bring those projects which are not included and then our work will be simple. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kalumu. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. Madam Speaker, I have no problem as indicated before with the CIDP only that some things have been left out; we have witnessed that there are some wards which completely have nothing starting with the Tala ward. It was left out on a lot of projects without any indication of anything.

But Madam Speaker, I really conquer with the Hon. Member who said we pass with amendment then Hon. Members will have time to bring their projects and also the ones who are affected with the municipalities, we can clearly see that there is no indication of any projects here from the municipalities. So passing with amendment and also waiting until a later date, I think we are speaking about the same thing but just different language. We can just pass it and give a room of amendment then we can save time for other businesses, Madam Speaker. Thank you.

Hon. Speaker: I just want to pose a question. The amendments which you would want included, do you have them here in the House? When you say pass with amendments, where are you going to get amendments because they are supposed to be tabled here. A Member says I want 1-2-3; you remember the way we do even the Bill? Clause 1, clause 2, clause 3 so that you produce the HANSARD then you give the Executive, then they will now do a CIDP based on that HANSARD with those amendments.

When you say pass with amendments, are you going to bring the details now? If you bring them, well and good. I think it is good so that then we will be doing... Remember this is the House business now and nobody will do it for you. So what will stop anyone saying pass with amendments, today have brought this, tomorrow I bring another one, another day I bring another one, do you see they anomaly? I just want to hear your thoughts, pass with amendments; which one? So that we can have them now we can sit up to midnight today so that we have all those amendments. Hon. Museku.

Hon. Museku: Thank you Madam Speaker for giving me this chance. Madam Speaker, it is always prudent for us to look at things from an objective point of view. This document before us is a document which is going to govern the county of Machakos for the next five years. It is a document from which going forward, all annual development plans are going to be synchronized to this document and all future budgets are going to be synchronized to this document. Hon. Members---

Hon. Speaker: Just to cut you short, we had a discussion yesterday, Hon. Museku, with the Governor when he was assenting to the Appropriation Act and the report by Hon. Kieti and it is good he captured, there is a shortfall on the budget to implement this plan of proposed Ksh. 16 billion; so it is not little money. The proposal from the Executive officer who attended is that there is going to be borrowing and we talked about it yesterday, so anytime soon the Executive may bring soon something for the Assembly to approve to borrow. That is good because we want money to develop.

So the development partners or the people you are going to borrow money from will start by looking at this document and if there is any project which you will have left out, and you are telling them we want money to do that project, then we will be in trouble. We need to take the document very seriously; it is everything that we have.

We will also show it even to PPPs, those who want to partner with us, taking loans, partnering with private people; this is now our Bible. So we need to be sure what goes in to it and that is why I am saying; if it can take even up to midnight today and bring all the changes we want and remember the World Bank will want the HANSARD from the discussion of this document.

They will ask for it because they are our benefactors and we want more money from them. So let us just think of what it is we are committing to; let us get it clear when we print the HANSARD and we will give them. Hon. Museku, was still on his feet.

Hon. Museku: Thank you Madam Speaker for the guidance. So it is not a document that needs to be taken lightly. I know we are talking about annexure and items which you have included in this document under annexure but Hon. Members, a CIDP is not just about the annexures; there are more serious things we have there by department showing the KPIs, the program, the Key Performance Indicators and the outcomes.

We need to go through each and every of the KPIs indicated here; you need to understand the outcomes so that you end up not getting the kind of report which we got today from the Chair when he was reading the provided to from the other side.

For example, Members, you heard the chair in the report saying we had planned for 1-2-3-4-5; we had planned to increase output of agriculture. What we were given here as an output is we provided 25,246,000 kilograms of seeds. Is that an outcome? Is that what was intended because in a document like this you need to be saying, you gave 256,000 kilograms of seeds and increase local production from this tonnage to this tonnage.

So, when you talk about a document of this magnitude, it is not something which we can say that we are going with annexures; there is a whole document here which makes it be called the CIDP. Yes, I know we have changes, I know there is a perceived deadline for Friday, but remember Hon. Members, we have been having this document since 2018. Let us now make sure there is completeness of the document before we pass it so that once we pass it, we shall not revisit it again in the next five years unless a significant item comes up.

Whatever pressures we are facing, let us seat back and say; it is a document which is going to guide us for the next five years, it is a document we need to internalize as a House so that by the time we pass it and have the final document done, you are sure you are ready to live with that document for the next five years.

A material thing I have pointed out, if you look at those KPIs, you will find out they are very vague. If those are the guidelines which are going to guide the World Bank and any other financiers to provide funds and you give them a document whose objectives and KPIs are not in tandem with what you intended to achieve, then you will be failing from that area and we might not be able to raise the funds to get this document done.

Madam Speaker, my suggestion would be, if we could be given a little bit more time so that each of us as a Member can internalize this document in the areas affecting their area and the county in your own sectors. What I mean is the chairman of Agriculture, Hon. Mitaa, need to go through this document and look at the agricultural sector and look whether the KPIs which have been put there are in tandem with what the Hon. Members wanted and therefore sign it off and each and every other committee.

So that if we give ourselves one or two weeks to go through this document, then we are saying when we bring this document before the House we will all quite comfortable with the issues in the document and we will say Machakos has given a CIDP. One or two weeks might not be a long time Hon. Members; let us think about it and see whether we can be able to make those adjustments first because it is the property of the House---

Hon. Speaker: Point of information from Hon. Ndawa; Hon. Museku, briefly resume your seat.

Hon. Ndawa: Thank you, Madam Speaker. I want to inform the Hon. Member for Mumbuni North that the two documents we have; this is one is not owned by the committee of trade and planning but this is what they came up with and nobody is saying it has loopholes. The only document which has loopholes is this one not this one.

(Hon. Ndawa lifted the draft CIDP and the annexure report)

Hon. Muendo: Can I inform the Member, Madam Speaker?

Hon. Speaker: Hon. Ndawa, you can see Hon. Kiilu is smiling with a lot of knowledge; maybe he may want to share. Hon. Museku, was proceeding but we will hear from the others. You can see the response. Hon. Museku, proceed.

Hon. Museku: Thank you for the information but to give you information, what you have here is an annexure, this is not a CIDP. This is annexure one, it is even a printout. Hon. Speaker, it is important to allow the Member to understand that the projects which have been put there from page 162 onward, if you look at them are numbered and that number is unique to a project and we will be quoting a specific number for a specific project in the ADP and in the budget. So these ones---

(Laughter)

So, Madam Speaker...

Hon. Speaker: Hon. Museku, please resume your seat.

Hon. Museku: Thank you, Madam Speaker.

Hon. Speaker: Just rise up.

(Hon. Ndawa stood in his place)

The County Assembly Service Board has paid so much money to train this Assembly on the CIDP, ADP and we have even been taught what the contents are of the CIDP, which will include monitoring and evaluation, sources of funds and the chairman of the committee he read a very long report which took in to account different aspects of the CIDP; so is this a CIDP?

Hon. Ndawa: Madam Speaker, what I said I said this is what the committee recommends or recommended. This was a draft from the Executive side; so when they came up with this, these are findings of the committee on Planning Committee.

Hon. Speaker: So this is an annexure to the report of the committee?

Hon. Ndawa: Yes.

(Hon. Ndawa resumed his seat)

Hon. Speaker: Let Hon. Museku finish.

Hon. Museku: Madam Speaker, as I conclude, I will urge us to step back a bit from the pressures, move back one step and look at something from a distance and say what are we doing; how much more time do we do. We can be given one week and make a lasting impression of the document or we can say we pass it here and remember when the House adopts a report it adopts as at a particular date.

You have passed the CIDP as at the time the question was put and we vote, once that is done it is done. That is why Madam Speaker is saying; if we had the amendments with us here and we could sit and put a computer here and capture all the amendments from all 40 wards and put them in the report even if it is by midnight, then the Hon. Speaker will be putting the question when the amendments are already captured. So that when we say 'ayes' we know we are saying 'ayes' for amendments which we have already stated. Thank you, Madam Speaker, let me take a rest.

Hon. Kiilu: Point of information.

Hon. Speaker: I will let you Hon. Kiilu just address the House; you are free to contribute.

Hon. Kiilu: Thank you, Madam Speaker. Sometimes when you comment when I am looking you straight in the eyes, I like to get the right information and actually there is a point I wanted to remind him; he was driving to an important point of the numbering in the book. Please can you allow him to take us through; there is a point he has missed.

Hon. Speaker: You want him to address first the numbering.

Hon. Kiilu: The importance of the numbering in the book.

Hon. Speaker: It is good when you are talking look at somebody right in the eyes; that is how you communicate

Hon. Kiilu: But when I look at you; you complain.

(Laughter)

Hon. Speaker: I don't complain Hon. Kiilu. Let us just proceed, that was on a light note.

Hon. Museku: Thank you, Madam Speaker. I wanted to inform the Members that the projects which we have there, for example if you are holding the book go to page 162; you have agriculture and cooperative development annexure (1). Under that sector, you have from number one and each number has a unique project attached to it all the way to the end of agriculture which will go all the way up to page 171.

So the final project according to this is project No. 339; Kisiiki livestock market at Kisiiki, procure land for livestock market at Kisiiki. So when we are dealing with the ADP, consequently, going forward and we want to indicate the projects which we want done in our budgets, we will be quoting a specific number in a specific sector which we can be able to track all the way down to the CIDP itself. That way, the Controller of Budget can be able to say this item is No. 339 in the CIDP; it has been quoted in the ADP and it has been included in the budget. So there is that consistency.

If you go to the other sector you will again find numbering from one to the end; those are the projects numbers which will not change in the entire five years and if your project is not in that numbering, then it will be very difficult for you to justify a project to be done which is not included here and it does not have a reference number in the CIDP. Thank you, Madam Speaker

(Applause)

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

Hon. Kisini: Thank you, Madam Speaker for giving me time also to share in this report. It is very good and I would request for your guidance in this matter; just a minute ago you had guided us on the report of the *ad hoc* committee. There is a feeling that and that was said by a Member in the morning, that we want to unlock a lock which is somewhere; so I might not know; is there a danger, or a deadline on this CIDP whereby if we don't pass it, we are going to lose anything and is it okay, we allow for more time so that we can debate and do the right things so that either way we don't lose. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini; I have heard you. Hon. Stephen Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. My observation is that it is true this document needs some amendment but also we need some coordination. In the morning we were here debating over the same issue; we adjourned the House to come to a conclusion, something that seems not to have happened as at now and now we are back again to square one, something which we could have agreed.

Madam Speaker, I remember when we were passing our supplementary budget, Members of various wards gave their projects just here and they were all captured at the chamber; I thought if we had utilized time and did the same since morning we could have finished with this document or may be late today in the evening. My feeling is, it must be amended but we need to come with a formula and an immediate one rather than repeating the same thing that we could have agreed.

When you left and that is what was in my mind that we had agreed that we are going to pass this document with amendments; so in this session if we could have started inserting those projects because for me, it is one department that was not included; right now we could be in ward number 10 moving on and could show some progress in the document. Otherwise, thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi. Hon. Kamitu.

Hon. Kamitu: Thank you, Hon. Speaker. You gave instructions and we adjourned so that we may resume again at 2.30 and I took time and went through this CIDP and as the Chief Whip has talked about Tala ward; the two documents, the annexure is where some of the projects were missing but going through in to the various departments now with the documents that we have from page 162, I found that Tala ward, most of the projects given during public participation were captured.

As per the instructions, when we were leaving here on the support of what Hon. Stephen has said, it is true; as Alex Kamitu, I compared these two documents; the annexure and the CIDP and I was able to capture those items that are in the CIDP and those missing from the annexure. Almost three quarter are in this CIDP so what I am saying is that most of the items were captured and it would have been very simple and easy way for us and for example, when I went through the annexure, that those items and projects that were missing in my ward, I was able to capture them---

Hon. Muendo: Point of information, Madam Speaker.

Hon. Speaker: Point of information Hon. Kamitu.

Hon. Muendo: Thank you, Madam Speaker. I would like to inform the Minority Leader; he has done his projects when I was engaged elsewhere. My projects are many, I cannot do in hours so I cannot do it within an hour or two. Maybe if they pass it, well but as we agree, those projects unless they are captured in the HANSARD Madam Speaker, we will be doing business out of business.

Madam Speaker, further information; as you said World Bank and any donor would like to have the HANSARD of the projects that have been passed by this House. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kamitu.

Hon. Kamitu: Madam Speaker, I am well informed by the Majority Leader and I am not in dispute, Madam Speaker. I had not even concluded my statement. In line with what the Majority Leader is saying, they are very relevant my contributions are also very relevant I was just giving out an example of what I did and I am not saying all the wards their projects are captured in the County Integrated Development Plan but I was giving out an example that us as members we should put some seriousness in it so that you may now compare as I did the two documents; the County Integrated Development Plan which of course the Deputy Speaker, explained very well, well elaborated and I gave out an example of what I did during the afternoon hours that is why you did not see me I mean I did not accompany you because I thought this is a very important document so that if the CIDP is passed, sincerely we should be walking in the same tone that the same impact is going to be felt on the ground.

But my question as I said I did not conclude, Madam Speaker; we need your guidance in regard to the time factor. Is there any deadline because if there are no deadlines fine but if there is any deadline we can pass this one through amendments and as you said if people are to be serious even if it is a question of working up to midnight for us to meet the deadline, we have no problem.

If then there is no danger about, okay fine for those people who want to be given up to Wednesday or something we are not in dispute so I am also telling my brother Majority Leader that we are talking on the same tone, our objectives are the same, so now Madam Speaker, we need your guidance on the timeline. If we are going to be given timeline there is no problem I totally agree with Majority Leader because we cannot just hurry things up and we miss the objective of this because this is a very important document.

But if there is any time factor Hon. Speaker, we need to move on and be given even if it is a question of running up to midnight oil so we make sure we have covered what is supposed to be covered then we move on by tomorrow this important document should be ready for us to proceed on. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Johana. I will come back to this side.

Hon. Munyao: Thank you, Madam Speaker. Madam Speaker, if the CIDP is supposed to inform the projects to be done in the various wards, this is a very important document and how I wish we had enough time before the document could be tabled in this House. I have gone through the document and I am sorry to say that there are departments which are missing especially for my ward.

Hon. Speaker: Which document are you referring to Hon. Johana?

Hon. Munyao: The CIDP draft. So if this is going to inform the projects which are supposed to be done in my ward and there are departments which are missing out yet during our public participation forums we had the same departments being represented and issues raised which were supposed to be addressed in the CIDP, I would wish to say that as much as we would wish to pass the document and as much as we would wish to have the issues under amendments voiced during this sitting, it would be done again in a hurry because I am sure not everybody has been able to scrutinize the document and therefore Madam Speaker, I would suggest that we are given some days even if it is up to Sunday and then we submit our proposals and amendments maybe for consideration at committee level and then the document comes back to us maybe in the next sitting. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Johana. Hon. Betty; I will still come back to the members who have something to say.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. Madam Speaker, I want to thank you for the opportunity. My concern is Madam Speaker, the document we are talking about is very important; it really matters to the lives of our electorates down there and Madam Speaker, those people have very high expectations from us as the Assembly. Madam Speaker, I stand on behalf of Masii ward whereby I want to talk of this document, the County Integrated Development Plan.

Madam Speaker, many of the projects are not captured in the document so through your guidance Madam Speaker, as much as we need to pass this document, it is a matter of to me I can say it is between life and death. We may do it in a hurry and we mess up ourselves but it is my humble

request through your guidance Madam Speaker, that you give us the best guidance for us to be on the safe side and we make sure that all our projects for the rest of those years remaining are captured so that they can be done to our people.

So, Madam Speaker, personally I do not want to sacrifice the people of Masii; I would request to be given time at least even if the way we used to do as we were giving the projects, Madam Speaker, there was a tent that was outside there. We used to have Clerk Assistants for each department and each Hon. Member would go out there you sit down and give your projects as per departments depending on the public participation that we have done.

So, Madam Speaker, with your guidance please I do seek a guidance on this issue because it is a thorn in the flesh. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Betty. I would wish to give the guidance; Hon. Kieti you still wish to say something?

Hon. Kieti: Thank you, Madam Speaker. As the Chair of the trade committee, I want to point out a few issues that the Members have raised. One, what we have at the moment is not the CIDP; it is a draft that came from the executive and the committee noted that there were projects that were missing and when we went for the public participation, when you look at our recommendation No. 1, on page 26 we have started citing the Articles of the constitution that guide on public participation and the involvement of the public in matters concerning development in their areas.

Our conclusion was that from the public participation that was conducted by the County Assembly from 4th to 7th September, 2018 be included in the CIDP 2018-2022 and then we have put into brackets proposed projects attached. So members should be addressing those projects that are contained within the annex. If there are projects that are missing, if a Hon. Member did not update the list because from the public participation, we had a tent as Hon. Betty has cited, we had a tent outside there where members were able to update their lists.

We also convened we went for a retreat at Weston Hotel where members also had a chance to update their lists and since Hon. Speaker, this is the time when political temperatures were very high and I have even heard some members say that they did not even see the draft the CIDP draft yet every member had a copy and during the public participation all the Clerk Assistants who came for public participation came with that document.

So, I think some issues were affected by the political temperatures that were on during that time. So with the committee, we noted that some projects are missing and that is why we have arrived at the conclusion that we can amend the annexure so that those projects that are missing be included. We have an issue which Hon. Museku and those who belong to the municipalities raised and when you look at page 25 we looked at the budget and we saw that---

Hon. Speaker: 25 of the report?

Hon. Kieti: Page 25 of the report; when we looked at the projected budget starting from page 24 of the report 12.7 resource gap, we noted that for the five year period we needed Ksh. 71.2 billion so that the County can function for the five years. Out of that we noted that the only money the County Government can be able to raise and access by that time is Ksh. 54.6 billion which brought about a variance of Ksh. 16.5 billion.

The committee noted that when you look on the same page (a) on the variance we noted that there are some avenues where money can be gotten from and one of the avenues is from those

partners who are willing to partner with the County Government to assist in bridging the gap in the budget and at the same time we have donors like No. (b); we have talked about the department will also look for donors and one of the donors is the Word Bank which has given a grant to the County Government.

During this time when the CIDP was prepared, maybe the grant was not there but I note with concern as the Chair that those Hon. Members who belong to the municipalities can do their amendments and then they are included within the annexure because during this time the issue about the municipalities was not captured within the draft CIDP. Otherwise, the report is the property of the committee and the draft CIDP came from the executive. Thank you, Madam Speaker. I just wanted to make those clarifications.

Hon. Speaker: Thank you, Hon. Members. Let me give the guidance because it is always good that I first hear those Members who wish to say something or have to say then I give the guidance. Hon. Members, the starting point on the CIDP is Article 220(2) of the Constitution which provides that national legislation shall prescribe:

- a. The structure of the development plans and budgets of counties.
- b. When the plans and budgets of the county shall be tabled in the county assemblies.
- c. The form and manner of consultation between the National Government and the County Governments in the process of preparing plans and budgets.

So, the beginning point of the CIDP is the Constitution Article 220 (2).

Parliament, after being given powers by the constitution to legislate on CIDP, passed the County Governments Act and the County Governments Act of 2012 provides in Sections 107 and 108 as follows:

Types and purposes of County Plans

- (1) To guide, harmonize and facilitate development within each county there shall be the following plans—
 - (a) County integrated development plan;
 - (b) County sectoral plans;
 - (c) County spatial plan; and
 - (d) Cities and Urban areas plans as provided for under the Urban Areas

and Cities Act (No. 13 of 2011).

Section 8 of the County Governments Act provides as follows and please listen carefully it is about the County Integrated Development Plan.

There shall be a five year County Integrated Development Plan for each County which shall have each County Integrated development Plan at least identify; these are the contents of the CIDP

- (a) The institutional framework which shall include an organization chart required for

- (1) The implementation of the Integrated Development Plan and
- (2) Addressing the County's internal transformation needs.

- (b) As informed by the strategies and programs set out in the plan

- (i) Any investment initiatives in the County

(ii) Any development initiatives in the county including infrastructure physical, social, economic and institutional development.

(iii) All known projects, plans and programs to be implemented within the County by any organ of state and

- (iv) The key performance indicators set out by the county.

(3) An integrated Development Plan shall

(a) Have attached to it maps statistics and other appropriate documents or

(b) refer to maps, statistics and other appropriate documents that are not attached but held in GIS data based system provided that the plans under paragraph (a) and (b) are open for public inspection at the offices of the County in question.

(4) A resource mobilization and management framework shall be reflected in a county's Integrated Development Plan and shall at least

(i) Include the budget projection required under the law governing County Governments financial management.

(ii) Indicate the financial resources that are available for capital project developments and operational expenditure and

(iii) Include a financial strategy that define sound financial management and expenditure control as well as ways and means of increasing revenues and external funding for the County and its development priorities and objectives which strategy may address the following :

(i) Revenue raising strategy

(ii) Asset management strategies

(iii) Financial management strategies

(iv) Capital financing strategies

(v) Operational financial strategies and

(vi) Strategies that could enhance cost effectiveness.

Hon. Members, I have gone through the provisions of the constitution, the County Governments Act, The Public Finance Management Act trying to find out on the issue of amending the CIDP after you have passed. I had limited time and I did not want to take time to come and read another opinion but so far I have not found one. For purposes of amending after you have passed I have not come across it.

I have been liaising with the Clerk at the Table, I have been liaising with my Personal Assistant, the advocate and up to now I have not got one provision on amendment. I dont want to guide you that we will amend it after we have passed.

Now, the timelines that we are running against; I had the occasion on Monday to go to the office of the Controller of Budget with the Clerk because we were pursuing the purchase of the Assembly vehicles. The vehicle that the Speaker is using is not very well functional; it is having mechanical problems, on the road, locking the steering system and that is a mechanical defect which is very dangerous.

We also need vehicles for Assembly administration; when you have functions that you can be taken comfortably to functions of the Assembly. I found that at one point the Assembly sold the vehicles that you had because they were not in good shape and we wanted to replace them; that wish has always been there but now then the budget for the purchase of the vehicles you had done it under development.

I am talking of financial year 2018/2019 the one that ended on the 30th of June 2019 and so we were seeking the indulgence of the Controller of Budget to enable us purchase those vehicles still under development but she guided us that vehicle purchase unless it is assigned to a particular program is to be treated as recurrent.

So, then we asked her' what then do we do? She said even if I told you know what to do you will also have another problem; Machakos county you don't have a CIDP, you have been accessing 50 per cent of the development funds on advice of the Attorney General because you don't have a

CIDP and it is possible that the county has exhausted its 50 per cent development for 2018/2019 please get me clear.

We are in a new financial year but for 2018/2019, she said there is a possibility we have exceeded and so she is not willing to give authority for spending any other money over and above the 50 per cent but please get it right; we are talking of any balances, if any, if you have any for development for 2018/2019 and then we look at the time we are in now. Of course, the systems have closed, haven't they? But there was a possibility that the National Treasury may allow some transactions up to Friday the day after tomorrow but only those who have balances from the past financial year. So the only hurry on this document is if you have balances that you want to spend on development for the financial year 2018/2019.

The financial year 2019/2020 has just started and you know that the period of July and August, the systems are closed so development projects or payments may only start towards end of August 2019. So the hope that this CIDP would pass before Friday was in case we have balances for 2019/2019 which we want to spend for development. If you don't have any balances, then you can continue waiting for the CIDP to pass but make sure it passes before the systems start being in operation so that all the monies for development can be accessed for 2019/2020.

The other thing you could do the monies which are left for 2018/2019, you can still spend them but under now supplementary budget; the time you do a supplementary budget and we asked the Controller of Budget; how early? She said even as early as August; it makes no sense to do a supplementary budget in July when systems are not even working.

So there isn't going to be anything which is going to make things difficult for the county to operate on development if you don't do this CIDP today and it pays even if it means to take one two days to make sure that it is proper before you pass it in this House. I listened to many of you including even Mheshimiwa Kieti; he has said yes, the municipality charters programs are not here so they can be brought in, he also said this list the annexure the members whose list are not complete they can still bring them

Why then don't you do that? Take a day, have the committee, have a desk somewhere, get all the programs that you have in mind and actually be on HANSARD even as you are submitting your programs so that when it comes to now including and for wading this draft to the executive, you have a guidance also for them they know what you want included. So, what the directive the Chair is going to give is going to give is that the committee which presented the report today, committee on trade, as fast as possible, sits down with you members and please members make the work easier for that committee and the directive is coming now from the House because the report is the business of the House so that every member who feel their list is not complete even as per this annexure prepares a complete report and gives it to the committee on trade and you read out your project so that it is captured and so that when we come back we are not going to read that report again we will say the report was read and the amendment are as per the HANSARD recording of the committee and we now pass the CIDP.

We can do that as soon as next Tuesday, that is the next sitting of the Assembly. I just want to have an undertaking because now it is the Assembly that is guiding the committee; Hon. Kieti when are you able to sit and receive the proposals by the members?

I know there is a training the Assembly is going to undertake from later today in the evening that takes tomorrow and Friday out, so can we talk of Monday; all members to present their amended list to the committee on planning here in this chamber and covered on the HANSARD; each member to read their list to be captured and then after that, that is on Monday, the same matter will come to

the House Business Committee for balloting, for discussion and resolution on Tuesday. That is okay? Now, if any member fails to do that on Monday, the CIDP will just pass without your participation.

(Applause)

We will not keep on coming and going so it is upon each member to work as quickly as possible, refer to the proposals of your electorates in the public participation and also your experience because you will also guide them and let us have complete list.

On Monday this matter will be finalized; I will organize for the House Business Committee to sit later on Monday so that I give time for the committee to receive those reports on Monday, morning hours and so Members, you are accordingly guided. Thank you very much.

(Applause)

Mr. Clerk, proceed.

FINANCIAL STATEMENTS OF YATTA WATER AND SEWERAGE COMPANY FOR THE YEAR
ENDED 30 JUNE, 2016

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Joseph Musau,

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

Hon. Kasyoki: Madam Speaker, I am standing in for chairman public accounts committee. Madam Speaker, that aware that Article 229(7)---

Hon. Speaker: Hon. Kasyoki you are holding brief for Hon. Musau,

Hon. Kasyoki: Yes.

Hon. Speaker: Just please resume your seat. Hon. Members on the earlier matter the one that I concluded the guidance remains but I just want to notify you that my attention has been drawn just now by the Clerk at the Table that there is a provision under section 112 of the County Governments Act for amendment of a CIDP but please note that this is to come from the County Executive Committee. So, now we are in the process of making the County Integrated Development Plan do it now, if it comes to amendment from the executive side they want to do it they will do it and they will bring it still here for your approval.

So, the directions I gave earlier remain but I felt I needed to notify you under section 112; there can be that amendment 112 of the County Governments Act. Thank you. Hon. Kasyoki, proceed.

Hon. Kasyoki: Madam Speaker, that aware that Article 229(7) of the Constitution states that "audit Reports shall be submitted to Parliament or the relevant County Assembly. Further aware that pursuant to Article 229(8) of the Constitution, within three months after receiving an audit report, the Parliament or the County Assembly shall debate and consider the report and take appropriate action.

Cognizant that the Committee on Public Accounts and Investments is established pursuant to Standing Order 185 and is mandated to examine reports, accounts and workings of the County Public Investments. Remembering that in February 2019, the Committee undertook interrogation exercise of the Audit Report on Financial Statements of Yatta Water and Sewerage Company for the year ended 30 June, 2016 and subsequently compiled a report.

Madam Speaker, I wish to move the Motion that this Hon. House discusses and approves the Report of Auditor General on the Financial Statements of Yatta Water and Sewerage Company for the year ended 30 June, 2016. Thank you, Madam Speaker. I now call upon Hon. Johana Munyao who is a member of that committee to second the motion.

Hon. Speaker: Thank you, Hon. Kasyoki. Hon. Johana.

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

Hon. Speaker: Hon. Museku, your hand is up? You are putting up your hand?

Hon. Museku: Point of order, Madam Speaker, I just wanted to highlight on a few issues one of them being that the motion which has just been seconded and needs to be read is a report which I think has come to the attention of this House only this afternoon and most of the Members have not seen the report and I was seeking, if it would be possible, because the report has now been posted in the website for members to be able to access and go through the report.

Madam Speaker, this in consideration and also the fact that some of the Members are travelling today and I am very sure that they have not had time to go through this report. So, I was requesting if I could move a motion for the reading of the report and the debate on it on the proposed to be done next week when we shall have membership in the House and also when the members will have had time to go through the report. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. Point of order move a motion.

Hon. Museku: Madam Speaker, I wanted to move a motion for adjournment for deferment of the reading of the report and the debating on the report to next week and I would---

Hon. Speaker: Did you want to or you are moving?

Hon. Museku: I am moving and I'm requesting Hon. Kamitu to second my motion, Hon. Kamitu please.

(Laughter)

Hon. Kamitu: Thank you very much, Madam Speaker. I stand here to second the motion.

Hon. Speaker: Hon. Mitaa, what do you say about the motion?

Hon. Mitaa: Thank you, Hon. Speaker. My view is that the issues raised by our Deputy Speaker and Hon. Kamitu are worth; we need to go through the report, understand it and also as you can see most of our colleagues have already left, so it would be unfair to proceed with the motion

when I know our colleagues would have wanted to be here when the discussion is ongoing. Thank you, Madam Speaker.

Hon. Speaker: Why did they leave?

Hon. Mitaa: Madam Speaker, they are in official engagements. Thank you.

(Applause)

Hon. Speaker: Hon. Members, I do feel the mood in this House at the moment is that reading of the report be suspended; the reason that has been given by Hon. Museku foremost is that the Members had no time to read the report; they have just accessed it shortly back on their iPads. I want to know whether they have been given the same in hard copy; no. That is the only reason why the Chair would allow the House to suspend the reading of that report.

The Chair would not allow a suspension of the reading of the report on grounds of some travelling by the Members, if the members want to travel, they do it after 6.30 p.m. Remember you are to sit in an afternoon sitting from 2.30 p.m. to 6.30 p.m. What you do after 6.30 p.m. is okay outside of the sitting of this House.

So, for the reason only that the Members have not had time because they were given the report very late in the day, the reading of the report will be suspended and the report will go back to the House Business Committee for re-balloting so that it can come back to the house and the we start from where Hon. Kasyoki had reached. I want to thank Hon. Kasyoki who had taken the mandate to carry on with the report; we will do it soonest once the house business committee does the re-balloting.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point, the sitting of the House is adjourned. It is going to resume on the 9th July, 2019.

(Hon. Members sat in their places)

The sitting of the House is adjourned!

(Hon. Members stood in their places)

It is going to resume on the 9th July, 2019 at 10.00 a.m. Have a good evening.

The House rose at 4.33 p.m.

