

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 7th November, 2018

The House met at 10.10 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members. We are ascertaining quorum Hon. Members.

(Quorum Bell rung)

Serjeant-at-Arms stop the bell, I guess we have quorum now. You had indicated Mr. Clerk that we needed two Members. Since then about four Members entered the Chambers. Alright Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR
NOMINATION OF MUNICIPAL BOARD MEMBERS

Hon. Speaker: Hon. Members, under this Order, there is one communication and it is about the nomination of Municipal Board Members. Remember Hon. Members, you passed a Charter for Municipal Charters sometimes back and this is under Section 9(1) of the Urban Areas and Cities Act. Pursuant to those Charters Hon. Members, the County Assembly received communication from the Executive as follows;

Some nominees have been proposed to serve in the Municipality Charter as follows; Those who are said to have been competitively recruited include:

1. Dr. Thomas Katua Ngui.
2. Charles Muindi Mule
3. Malcolm Mwololo Kateta
4. Eric Kavivya Mutungi.

Under the Act, various stakeholders are also supposed to be represented in the Boards and they brought their proposals as follows:

1. Penina Ngina Mutuku - Professional Associations.

2. Steve Mutuku Peter - Private Sector.
3. Fridah Nzula Paul - Informal Sector.
4. Anaz Ali Abdallah - Neighborhood
5. Beatrice - Local Association Representing Urban Areas and Cities.

Hon. Members, that is for Machakos Charter.

Kangundo/Tala Municipality those who are said to have been competitively recruited include:

1. Lawrence Muthusi Musee.
2. Rosemary Mutindi Kitonga.
3. Cecilia Ndinda Mulinge.
4. Kimeu Esther Mwikali.

Hon. Members, the various organizations proposed the following Members for Tala/Kangundo Municipality:

1. Rebecca Nthenya Mutua - Professional Associations.
2. Hellen Muthoki Jonathan - Private Sector.
3. John Kilinge - Informal Sector.
4. Joshua Kitonga - Neighborhood
5. Joel Musyoka Wambua - Association representing Urban Areas and Cities.

Hon. Members, for Mavoko Municipality those who are said to have been competitively recruited are:

1. Stephen Muthiani Kivuva.
2. Urbanus Mutiva.
3. Florence Nzomo Loko.
4. Benedict Nzioki Muloki.

Hon. Members, the various organizations nominated the following; that is for Mavoko Municipality:

1. Shadrack Mbuta - Professional Associations.
2. Anthony Ngunga - Private Sector.
3. Jane Kavata - Informal Sector.
4. Juliet Wamiri - Neighborhood.
5. Caroline Ndung'u - Associations representing Urban areas and Cities.

Hon. Members, the above nominees are supposed to be vetted by Committees of this Assembly and I have apportioned the work on that nomination as follows;

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| Tala/Kangundo Municipality | - The nominees are to be vetted by the Trade, Economic Planning and Industrialization. |
| Machakos Municipality on Appointments. | - The nominees are to be vetted by the Committee on Appointments. |
| Mavoko Municipality | - The nominees are to be vetted by the Labour, Public Service and ICT. |

Hon. Members, it is important that those Committees observe the deadlines for reporting to this House on the outcome of the vetting processes. Thank you. Mr. Clerk, proceed.

MOTION

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

Hon. Speaker: Hon. Members, under this Order, we have one business as listed in the appendix by the Hon. Cosmus Masesi. Hon. Masesi. I request Hon. Members that we have minimal movements within the Chambers. That includes the Serjeant-at-Arms.

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, I wish to read my Motion. Hon. Speaker, that aware that under Articles 3(1) of the Constitution every person has an obligation to respect, uphold and defend the Constitution and that Article 260 defines a state officer to include a member of the county executive committee who is hence bound by the provisions of Article 73(a)(i), (ii), (iii) and (iv) to exercise the authority assigned to him/her in a manner that is respectively, consistent with the purpose and objects of the Constitution, demonstrates respect for the people, brings honor to the nation and dignity to the office and promotes public confidence in the integrity of the office; Further aware that Article 73(2) of the Constitution sets out the principles of leadership and integrity to include objectivity and impartiality in decision making, and in ensuring that the decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices; selfless service based solely on the public interest demonstrated by honesty in the execution of public duties and the declaration of any personal interest that may conflict with public duties; accountability to the public for decisions and actions; and discipline and commitment in service to the people; Further aware that Article 183 of the Constitution and Section 36 of the County Governments Act, 2012 provides for the functions and responsibilities of a County Executive Committee member; Hon. Speaker, further aware that Section 40(1) of the County Governments Act and Machakos County Assembly Standing Orders as amended by the Assembly resolutions of 24th October, 2018 the Assembly Standing Order 62 on removal of member of County Executive Committee provides for the removal from office of a member of County Executive Committee on any of the following grounds:

- a. Incompetence;
- b. Abuse of office;
- c. Gross misconduct;
- d. Failure, without reasonable excuse, or written authority of the governor, to attend three consecutive meetings of the county executive committee;
- e. Physical or mental incapacity rendering the executive committee member incapable of performing the duties of that office;
- f. Gross violation of the Constitution or any other law;

Madam Speaker, further aware that Article 232(1)(g) provides for merit as being one of the basis for appointments and promotions on values and principles of public service and further aware that Section 35(3)(b) and (d) of the County Governments Act read with Section 8(c) and the Second Schedule to the Public Appointments (County Assemblies Approval) Act sets out the qualifications of a person to serve as a member of a County Executive Committee to include among others, education or training of at least a first degree from a university recognized in Kenya and knowledge, work experience and distinguished career of not less than five years relevant to the position;

Madam Speaker, I wish to move the motion that this House resolves that Hon. Eng. Francis Maliti be removed from the office of the Machakos County Executive Committee Member for the Department of Finance and Economic Planning pursuant to Section 40 of the County Governments Act, 2012 and the Machakos County Assembly Standing Orders as amended by the Assembly resolutions of 24th October, 2018.

Grounds thereof;

A. INCOMPETENCE

1. Madam Speaker, Hon. Eng. Francis Maliti is incompetent and therefore unsuitable to serve as member a of the Machakos County Executive Committee for Finance and Economic Planning as:
 - i. He does NOT hold at least a first degree from a recognized University in Kenya that is relevant to the portfolio of Finance and Economic Planning). This contravenes the relevant provisions of the Constitution and Section 35(3)(b) of the County Governments Act and Section 8(c) and the Second Schedule of the Public Appointments (County Assemblies Approval) Act.
 - ii. He does NOT have knowledge, experience, a distinguished career, abilities and qualities of not less than five years relevant to and that meet the needs of the portfolio of the County department of Finance and Economic Planning for which he is currently serving as member of the County Executive Committee. This is against the provisions of Section 35(3)(d) of the County Governments Act and Section 8(c) and the Second Schedule of the Public Appointments (County Assemblies Approval) Act.

B. GROSS VIOLATION OF THE CONSTITUTION AND LAW

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

- 1) Article 183(3) of the Constitution of Kenya, 2010, Section 124 of the County Governments Act, by refusing to submit documents lawfully requested for by the Assembly in the discharge of its oversight role over the Executive, namely, IFMIS account balances to the Budget and

Appropriations Committee as requested for by the Committee to assist it in the preparation of the Supplementary Budget 2017/18.

- 2) As head of the County Treasury, repeatedly failing to discharge within time the responsibilities vested in him under Chapter 12 of the Constitution and Part IV of the Public Finance Management Act, 2012, with respect to the management and control of public finance in the County;
- 3) Failing to comply with Section 104(1)(r) of the Public Finance Management Act which provides for regular reporting to the Assembly on the implementation of the annual county budget. Madam Speaker, this Assembly has never received any report from the County Treasury headed by Hon. Eng. Francis Maliti on the implementation of the County budget.
- 4) Failing to implement the County Bursary Fund established under Section 116(1) of the Public Finance Management Act as provided in the Machakos County (Bursary Fund) Regulations, 2014. This contravenes the provisions of Article 183(a) of the Constitution which requires the relevant County Executive Committee Member to implement County Legislation.
- 5) Failing to implement the Machakos County Health Management Fund Regulations, 2015 whose main objective is to ensure that all the funds collected in health facilities are ploughed back to the health facilities. This violates the provisions of Article 183(a) of the Constitution which requires the relevant County Executive Committee Member to implement County legislation.
- 6) Failing to implement the Assembly Resolutions by refusing to coordinate the implementation of the Machakos County Supplementary Appropriation Act of 2018 which outlined various projects to be undertaken at Ward level. This is in total breach of Section 104(1)(c) of the Public Finance Management Act and Articles 176(1) and 183(3) of the Constitution on the establishment of the Assembly and the Assembly's oversight role over the County Executive.
- 7) Failing to develop and submit to the Assembly and implement within time the various financial and economic planning policies in the County as stipulated in Sections 104(1)(a), 117, 118, 125 and 126, among others of the Public Finance Management Act.

Madam Speaker, this motion is supported by the members, who have appended their full names, National Identification numbers, signatures and date. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Masesi. Do you have a seconder for your Motion?

Hon. Masesi: Madam Speaker, I wish to call Hon. Mitaa to second this Motion.

Hon. Mitaa: Thank you, Madam Speaker. I second the Motion.

Hon. Speaker: Thank you, Hon. Mitaa and Hon. Cosmus Masesi. Hon. Members before I propose the question, I just want to point out a few things to you. It is not every day that you have the kind of a Motion that you have before you. It is about the removal of a County Chief Executive Committee Member and it is important that you understand the legal basis of what you are just about to embark on.

I want to draw your attention to Section 40 of the County Governments Act and that Section 40 has given mandatory duties on the Speaker to satisfy himself or herself as to the propriety to the Motion that is before the House now and that Section 40 is replicated in the House Standing Orders as amended by the Assembly resolution of 24th October, 2018.

I have looked at Section 40(2) of the County Governments Act which I am looking against Standing Order 62(3) that the Speaker has to be satisfied that the Motion is supported by at least one third of all the Members. The Motion that is before you, I see an attachment of Members and for purposes of the record, the Members who have signed in support of the Motion and who have put their signatures, who have put there ID numbers and who have put their addresses as required in the Standing Order 62(3) as follows;

1. Hon. Mark Muendo
2. Hon. Paul Museku
3. Hon. Anthony K Mulu
4. Hon. Justus M. Kiteng'u
5. Hon. Betty Nzioki
6. Hon. Justus Katumo
7. Hon. Kioko Kalumu
8. Hon. Josephat M. Kasyoki
9. Hon. Robert Kisini
10. Hon. Thomas Mutinda
11. Hon. Tariq Mulatya Muema
12. Hon. Dominic Ndambuki
13. Hon. Christine Koki
14. Hon. Margaret Mwikali
15. Hon. Agatha Mutunga
16. Hon. Cosmas Kieti
17. Hon. Moses Mitaa
18. Hon. Joseph W. Musau
19. Hon. Jacinta N. Luka
20. Hon. Daniel Kiilu
21. Hon. Rozina Kanini
22. Hon. Cosmus Ngula Masesi
23. Hon. Mutiso Peter
24. Hon. Fredrick Muthoka
25. Hon. George King'ori
26. Hon. Irene Mbivya
27. Hon. Geoffrey Kamulu.
28. Hon. Benedette Musyoka

For purposes of the Speaker satisfying.....I am reading what is written here Hon. Hellen please do not interfere. I am reading what is on the Motion. And so that is a total of 27 Hon. Members and for purposes of Section 40(2), of the County Governments Act and Standing Order 62(3), the purpose is satisfied of supporting the Motion by at least one-third.

(Applause)

From that basis, Hon. Members, I now propose the question.

(Question proposed and agreed)

Hon. Members, the Motion is open for debate. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. The Motion is very clear; Hon. Masesi has read it and you have repeated. So, I think Madam Speaker, you can put the question we remove the---

(Laughter)

Hon. Speaker: Hon. Mueni, what normally happens and you know very well; this is your second time serving in the Assembly, Members must have a say. So, I do not put the question before the Members say what they want to on the Motion.

Hon. (Ms.) Mueni: Yes, Madam Speaker. Mine is to say that Maliti, the Deputy Governor, cannot hold two offices. So he has to hold one which does not have the qualifications of being an accountant and you can see the way it has gone badly, he cannot bring us the reports of the money on the way they have been used, so, Madam Speaker, I think we have to remove this person so that we can breath and Members have to be very strong so that we can go through this thing.

It is not easy the way they might be thinking because the man is using our money, the money of our County to bribe the Members not to come to the Assembly and they are paid for that. Thank you, Madam Speaker.

(Applause)

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

Hon. Museku: Thank you, Madam Speaker. Madam Speaker first and foremost I would like to thank the Member Hon. Cosmus Masesi, Chair Health and Emergency Services committee for having brought out this very key and important Motion to this House. Madam Speaker, when we talk about issues pertaining to governance, issues pertaining to administration, then we talk about serious issues because these issues affect the very lives of the people of Machakos.

When somebody is made a CEC in charge of a docket, then all the functionalities related to that docket, fall under that person and the entire County depends on that specific individual for the execution of the things befalling that docket. Madam Speaker, among the most important

docket we have, is the docket of Finance because that is the docket which lays the foundation for all other Departments to function.

There is no Department which can be able to function without being financed, there is no Department which can be able to function without seeking financial advice. What this means therefore Madam Speaker, is that the person heading that Institution is the person who is actually heading the entire executive in terms of execution, in terms of sourcing of funds, in terms of execution of projects.

Madam Speaker, the people who prepare the Constitution, we the people of Kenya when we prepare this Constitution, we put specific criteria for specific office holders in specific portfolios. Specifically, Madam Speaker, one of the requirements which were made was that a CEC heading a specific docket must have at least a first degree; I want to emphasize the word 'first degree.'

The Constitution did not say should have a degree. The constitution should have said should have a degree if it required any degree for someone to have. But the Constitution was very clear, you must have a first degree in the relevant field which you are holding.

(Applause)

The purpose of that Madam Speaker, was to ensure that this person who is going to heading that docket has received training both in classroom training, has been examined, trained and examined to a level of a degree in that field so that any challenges which he is going to come across will be things he can be able to handle because he has been trained and questioned. Madam Speaker, Eng. Francis Maliti is an Engineer right from his title; he is an Engineer. Since when did an Engineer get to have a first degree in Finance?

(Applause)

Eng. Maliti does not have a first degree in Finance and I am speaking this as an authority, having qualified from the University of Nairobi with a Bachelor of Commerce Degree, Accounting option way back in 1991 when B.Com was B.Com. So, now Madam Speaker, what I am trying to say here, is that, that provision, Section 35(3)(b), was very clear in terms of this person having a first degree.

Let us go to item number two; just to ensure that this person knows what he is doing, the law went further and says, this person must have the knowledge, experience, a distinguished career; underline the word distinguished career in that field which he want to hold of not less than five years. Those are very weighty words which have been put in the law. You must have knowledge, you must have experience and you must have a distinguished career.

Distinguished career means that a flawless career whereby you have been able to handle challenges in life, experience in life, real life items concerning to the portfolio you want to do. Eng. Francis Maliti has never held any portfolio in Finance and he has never had a distinguished career in finance so how does he become a CEC in charge of Finance?

(Applause)

Madam Speaker, people might wonder why such obvious requirements have not been met yet somebody Hon. Eng. Francis Maliti who is the Deputy Governor is sitting in that

portfolio. The public might ask, how comes he is sitting in that portfolio? Madam Speaker, it is because as usual through impunity, he was appointed directly by the Governor without passing through the Assembly for vetting and nomination.

(Applause)

Madam Speaker, had that been done, obviously this Hon. House would not have been able to pass somebody who does not have a degree. You remember Hon. Members, we were brought five names of Chief Executive Officers on our first year here to vet and they all failed because they did not have a first degree in the relevant field they were being nominated to.

So, Eng. Maliti would have had the same ruling done by this House because he does not have those qualifications. It is the high time that we started running the County Government of Machakos professionally as if we are running a Government and not running a personal enterprise at home.

(Applause)

We are dealing with weighty issues here, issues concerning the lives of people. When you look at the report which we got from the Controller of Budget on the performance of last year, you will be able to see the incompetence in the person who is running that department by the way the report looks like, Madam Speaker.

(Applause)

Yesterday when we were in this Assembly, we had a Statement which was brought before the Assembly whereby, one department, Department of Public Service, ICT, overshot its budget by Ksh. 4 billion. They had a budgeted figure of Ksh. 468 million and they ended up spending Ksh. 4.5 billion. If you have somebody who has got a first degree in accounting, forget about the experience, he would not allow such a blatant misallocation of resources.

(Applause)

Therefore, as I conclude Madam Speaker, I am sure because we also hear from the gravine that somebody somewhere sought advice from the office of the Attorney General before they appointed that person to the position which they are in. That letter, Madam Speaker, if it brought before this House, you will find that the question which was put before the Attorney General was, is it possible for a Deputy Governor to hold a position of a CEC? Obviously the answer was yes but if they say to hold the position of a CEC, Finance, they would have been told, No!

(Applause)

So, we are living a lie; people are living a lie! The County is being managed through a lie and it is the high time this Hon. House corrected that; let Eng. Maliti concentrate on being the Deputy Governor and leave matters of finance to people who are experienced in matters of finance in this County. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Museku. Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I stand to support the Motion. I personally feel that our Deputy Governor who is also the CEC, Finance has failed in his duties. As we speak now, County Assembly staff, Members of the County Assembly have not received their salaries.

(Applause)

Why is he the CEC, Finance? I think he is in that office illegally, he is incompetent and---

Hon. Speaker: Hon. Matee, I have looked at the petition which I read out and I did not see that issue as a ground in the Motion.

Hon. (Ms.) Ndeti: I withdraw. Anyway, as far as I am concerned and after listening and reading the Motion, I think he does not have what it takes to be a CEC, Finance, he lacks Public Finance Management skills because he does not have the required qualifications. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Matee. Hon. Patrick Kituku.

Hon. Kituku: Thank you, Madam Speaker. Madam Speaker, I am in support of this Motion that is before this House simply because the Deputy Governor is overloaded that is why some of these duties he is unable to perform diligently. For instance, the issue of implementation of the supplementary budget, I remember he was very much active when we were preparing the supplementary budget and he even asked us to write some letters to him addressing some of the roads that we think they should be maintained and this one was simply because we had allocated funds to the roads in the supplementary budget but a number of issues have not been addressed.

Implementation has been a problem, the funds have not been ploughed back to the hospitals and we the Machakos residents and Hon. Members you know that we have great challenges in the hospitals and the funds are there. Bursary is an issue, like now there are forms going round everywhere and nobody is aware of the amount that is likely to be distributed. Some are saying it is Ksh. 400,000, others Ksh. 1 million and we budgeted for Ksh. 2 million for bursaries but some are saying that, it is Ksh. 400,000 that is to be issued and that is very little amount. Where are these funds going?

(Applause)

Possibly because he is incompetent, he is an engineer, probably he is not able to follow up where the deficits are. So, I support that we impeach him completely and he holds one office that is of Deputy Governor or else he can relinquish the Deputy Governor and become the.....I

do not know because even the CEC, Finance he is not able since he does not have a relevant degree.

He can become maybe.....I do not know. But let him hold only the Deputy Governor's post because that is what he is able so that our Machakos County can go on well. Otherwise, thank you, Madam Speaker.

Hon. Speaker: Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker for this opportunity. I want to begin by applauding the mover of this Motion, Hon. Masesi Ngula for the bold move even to bring this important Motion to this Hon. House. Madam Speaker, it reaches a time when we have to separate boys from men to make sure that, we take the courage to do the right thing for the people who sent us here.

Madam Speaker, for the one year and some months that we have been in this Assembly, we have experienced a lot of mess and it is because we have never had very competent people in office. One Eng. Maliti who is the Deputy Governor for Machakos County, holds the portfolio for CEC, Finance and for the last year that he has been holding that office, he has demonstrated that he is not fit for that position.

Going by the principles competence, prudence and good governance, Madam Speaker and the Hon. Members, you can attest that there has been a lot of confusion and a lot of mess in our County in terms of finance. Why? Because we have heard demonstrations of people who are not being paid, workers who have not received salaries for the last several months and nothing is done.

(Applause)

One thing we cannot allow in this Machakos County as Hon. Members, is that we cannot have somebody playing politics with our money. It is not possible for a person in office play politics with our money. Somebody who does not know where exactly to sign, when and how. You see this person has no background in finance and therefore he does not know where to sign. Is it at the back, is it at the front? You know it is very difficult to have such kind of a person in office.

Madam Speaker, you see when we came to this Assembly, we were requested even to submit our CVs, our academic credentials to show our strengths and that was not the requirement for us to become MCAs Hon. Members but it is important as you serve in public office to know your academic background.

(Applause)

Now, how come engineers are becoming accountants? It is only in Kinanie Ward where we have a watchman who has become a doctor.

(Laughter)

Very funny because we are not serious serving our people and Madam Speaker, lack of this requisite knowledge of Finance and Finance Management at the level of that docket, this Hon. Maliti cannot continue to serve us because he is doing it illegally.

(Applause)

I have really done a research overnight to know the portfolios the academic background of other Counties. In Makueni even the CEC, Finance has a Masters, in Kitui the same---

(Applause)

Now, who is an engineer Hon. Members? Somebody working with mechanics, somebody working with wires, you see....where is money there, my friend? We are talking about billions of money being transacted in a County like Machakos. Madam Speaker, we will never see money where it goes and my friend Hon. Members you are waiting for money from an engineer, I tell you, you will wait for a longer period.

(Applause)

Madam Speaker, some of the incompetencies that we have seen, is that we can also conclude to say that capacity for Hon. Maliti, even to act independently as a requirement as an accounting officer. You know we have heard that unless he is given a direction, Madam Speaker, he cannot work, he cannot do his work. Madam Speaker, even I do not give too much direction to my wife or children because they know what they are supposed to do.

Even before they wake up they know they are supposed to go to school, they are supposed to do one, two things, I must find tea on the table but if you have somebody in the office as a accounting officer who is waiting for directions from below, from across, from above; Madam Speaker, I think he has no capacity to hold that office.

Secondly, Madam Speaker, you must understand that, we have professional ethics and that a company, our work portfolio. Madam Speaker, we have universal suffrage where rights are to be observed. Now, if you learn professional ethics requirements of the job that you are holding, it means you will do things for the sake of it. For example, you say, today we are not going to pay so and so, tomorrow we are not going to pay so and so, we are not going to pay this contractor because you lack professional ethics and if you do not belong to that profession, then you have no professional ethics.

Madam Speaker, we cannot continue. I think Machakos is huge....we have very many people who have gone to school. Actually, I am told even the Inspectorate Department, we have people working as askaris with Masters in B.Com. I am also told even these ECDE tutors, we have one with Masters working as a tutor for these young ones and then here we have somebody holding a big office which is very crucial having no requisite knowledge to do that.

Madam Speaker as I conclude because this is a very express Motion, that I would request we release Hon. Eng. Maliti to go do what he does best. That is to go and do engineering jobs, to also go do his politics as a Deputy Governor; he can go and do that but as matters concerning finance of Machakos County, we say no.

(Applause)

Therefore, I support this Motion in earnest; Eng. Maliti should have gone yesterday, should have gone last year because the mess he has created, I do not know how we are going to resolve it. Thank you, Madam Speaker.

(Applause)

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

Hon. Mwanthi: Thank you, Madam Speaker. Madam Speaker, I do support the Motion that, the Deputy Governor of Machakos County should be removed from the office of being a CEC, Finance citing number two of gross violation of the Constitution Madam Speaker; you will find that, the just-concluded Finance Bill public participation, that was a crucial document and when we were at Ekalakala with you Madam Speaker, you even overheard a Member of the public saying that, that document was late.

You saw I submitted the same document on 28th of September yet it was supposed to have been passed on 31st of September. That makes the Assembly to be working to some extent in an illegality because we ought to have finished that long time ago.

(Applause)

When the Deputy Governor read the budget here in July that is the time when he was supposed to have submitted that document to the assembly. So you see we have been working on late throughout on documents, we have been submitting some crucial documents when they are late Madam Speaker. It is the same person who have been always been chased throughout officials accounting officials just to sign some crucial documents from the executive and sometimes from the Assembly because as a Deputy Governor, he is a politician and has been moving around.

Sometimes in Kithimani, sometimes Ekalakala and as a finance officer he is supposed to sign those documents for the county to move on. No wonder that has caused now the county not to receive some funds like the bursaries for the youth polytechnics. I was going through this Controller of Budget report and if you go to Makueni, you will find that the report---

Hon. Speaker: A report of which year?

Hon. Mwanthi: Of this year 2017-2018, Madam Speaker. You will find that Makueni they already gave out the youth polytechnic funds to all wards; the report is here they already gave their trainees those funds. In our case, because he has been moving around and around that is why you will see our children being chased away from school because the man is not in office, Madam Speaker. You will find sometimes he is in the USA, after three days he is in Tanzania yet there some crucial documents that needs to be signed.

Madam Speaker, the same CEC has never been available even to meet with the committee of finance leaving the committee only to deal with the Chief Officers who sometimes cannot answer some crucial questions. Madam Speaker, I do support that this assembly still resolves that we remove the Deputy Governor from holding that office, in fact, even citing the already concluded court case, Case No. 12 of 2017; Madam Speaker the High Court Judge

confirmed that the requirements for such an office or for one to be CEC in the county must have a first degree of at least five years experience in the same docket.

(Applause)

So, if they have one to the court and the court as already told them, why do we keep on emphasizing on things? Even when they went to the Attorney General, Madam Speaker, the report was that the man has been in an acting capacity as CEC finance; if he has been acting, now it is one plus years, for how long should he act? Is it that we do not have able children from the county who can hold that office?

It is unfortunate when one person is holding two offices when we have so many learned friends around who can hold such an office, Madam Speaker.

Hon. Speaker: Learned friends are usually lawyers and they cannot be accountants; they can't hold that position.

(Laughter)

Hon. Mwanthi: Educated, Madam Speaker. I am sorry; we have educated brothers and sisters in the county who can hold that office so Madam Speaker, I do support the motion that the Deputy Governor should be removed from holding that that finance docket. Thank you, Madam Speaker.

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

Hon. Kiilu: Thank you, Madam Speaker. One thing, allow me to actually thank the Hon. Member Masesi for bringing forth this motion. I strongly to support the motion and allow me to say the following; actually, as we deliberate about our Deputy Governor Eng. Maliti, one thing when I went to school and I was taught and taught well, I was given to understand that leadership is not given and leadership as our Deputy Speaker has said, for one to be a good leader, you have to be trained and you have to be examined.

I think that is what is lacking in our Deputy Governor. One thing I was taught to make some evaluation, Madam Speaker and that was my work; when I stand and do the evaluation of our Deputy Governor, Madam Speaker, he has some serious issues not to mention the issues concerning the bursaries. Actually last night, I was so surprised when I engaged members from Kilifi and I tried to consult how they operate in Kilifi. I am sorry to say that I even commented that they are coming to bench mark in the wrong county.

(Applause)

One thing I learned that before the Governor, not the Deputy Governor does anything, he has to consult them and that is what we call leadership. A leader is someone who seriously consults before taking action and a leader is a person who is seriously engages his members; all the stake holders and for that matter we are a major stakeholder in this county and you can realize most of the times we are ignored. We are very important in this county Madam Speaker.

One thing is that leaders are supposed to act and not only acting but acting timely. We are lacking somebody as the Deputy Governor who cannot act and act---

Hon. Speaker: Hon. Kiilu, can I tell you that you are not discussing Hon. Eng. Maliti in his capacity as a Deputy Governor; you are discussing about his being a CEC member, finance and economic planning. Distinguish the two.

Hon. Kiilu: Thank you, Madam Speaker, but I was trying to relate his position and what he is supposed to do and where he is missing out.

Hon. Speaker: Please look at the motion and rely on the motion and talk about matters finance under the CEC finance and economic planning.

Hon. Kiilu: Advised, Madam Speaker, but let me say that---

Hon. Speaker: No you do not say 'but.' If I advise you, you have to take the advice.

Hon. Kiilu: I withdraw.

Hon. Speaker: If you say 'but' you have not taken it.

Hon. Kiilu: I withdraw. So, Madam Speaker, our Deputy Governor, actually has misled this County Assembly.

Hon. Speaker: I may have to tell you to sit down Hon. Kiilu because you keep on talking of your Deputy Governor; we are not discussing the Deputy Governor.

Hon. Kiilu: Oh, sorry the CEC finance; I am advised. Madam Speaker, the CEC finance actually has misled this Assembly because when we were here we passed supplementary budget including the bursaries. To come to the bursary issue, Madam Speaker, it has become a thorn in the flesh. I am told and sources has it that he is the brianchild of what is happening in the wards.

He took the forms and handed over the forms to the sub-county administrators who later handed over the forms to the ward administrators and the Chiefs and the chiefs are training (??) on these forms; they are charging for the forms as they hand them over and we have the evidence. So, Madam Speaker---

Hon. Speaker: Where is the evidence? You have it here.

Hon. Kiilu: We have some members who can give evidence; as we proceed you will hear, Madam Speaker, we have good evidence from the Assembly.

Hon. Speaker: So let us hear that from the members who have the evidence.

Hon. Kiilu: After I complete or I sit and---

(Laughter)

Hon. Speaker: No after you complete.

Hon. Kiilu: It is okay, Madam Speaker; on the way. Therefore, Madam Speaker, it is my plea to this Assembly that my feeling is that we should and we should agree that we must impeach the Deputy Governor from that office of the CEC finance that is. Thank you Madam Speaker.

(Applause)

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

Hon. (Ms.) Kanini: Thank you, Madam Speaker. I stand to support the impeachment of Eng. Maliti. Madam Speaker, you will agree with me that Machakos county is not short of competent and qualified staff for somebody to hold two dockets at a time and for smooth running of services in Machakos county, number one Maliti must go, number two Maliti must go. For the Assembly to play its oversight role, efficiently and competently, Maliti must go and as a nominated MCA Rozina Kanini, I say Maliti must quit that docket. Thank you, Madam Speaker.

Hon. Speaker: Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Madam Speaker. Let me first congratulate Hon. Masesi for bringing this motion which actually it has been overdue. Madam Speaker, these laws which we follow in this House are the laws which are laid there for the CECs; they are not our laws. Madam Speaker, when you look on this motion, it is talking about the acts which have been contravened by directly appointing CEC finance Eng. Maliti.

Madam Speaker, I support this motion strongly on the point that when we say first degree, relevant portfolio; that completes everything. We do not need to move anywhere else. It is like when you go to a garage or you go to a hospital, you find pour local mechanic he is the one holding the needle to give you injection. It is very pathetic, Madam Speaker, when we have an engineer in the docket of finance.

Secondly, Madam Speaker, when you look at this motion, everywhere it is the law being followed but I am saying Madam Speaker in our county we have different management team which does not follow the law and even the executive does not even follow the law, the impunity is very high because Madam Speaker, as one of the members has said; when you are a Deputy Governor, you are a politician and some of the documents like when you talk about finance need a lot of concentration.

I think CEC finance Eng. Maliti sometimes he normally signs some documents without knowing what he is signing.

(Applause)

He is never in the office; he is never and has never been competent in finance docket. Madam Speaker, I do not want to waste a lot of time because to me this motion I can see the acts are.....actually the question here is the appointment was actually not even correct. There is no way you can appoint somebody who has been your running mate to be a CEC for finance.

(Applause)

Actually, that CEC will be loyal to you to the appointing authority that is why we have the law saying the CECs must be vetted and approved by the Assembly to separate that royalty from executive, Madam Speaker. Madam Speaker, let me say Maliti could have gone even the day he was appointed; I want to thank this House and also the mover of the motion to have seen these because this is where actually our mess is coming from this county.

You can see the finances; like now we understand the Chiefs are giving out forms for bursaries; the administrators are giving out forms for bursaries. When you look, Eng Maliti sees these documents and when is he going to verify and know they have gone to the right people? Madam Speaker, this impunity in Machakos we must stop it, we must stop it.

(Applause)

How can somebody who has no knowledge or accounts supervise a Ksh. 12 billion budget in a year, Madam Speaker? We are talking about Ksh. 12 billion to be managed by an Engineer; it is not possible and Madam Speaker you have seen even when we vetted the first five CECs who were dropped because these laws were there. The same Maliti should be actually leave that office immediately because we have now a case which was delivered this week on Monday that very clear if you do not have what it takes according to the law, you should go home. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader. I will come to you Hon. Kitengu. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. First and foremost, I want to applaud Hon. Masesi for bringing this critical motion to this Hon. House, and to congratulate him, also as the Whip of the House; the member, he has been doing very well to put the executive on the check. Madam Speaker I will start by saying the CEC finance is not serving the Machakos county people and that he is serving a master and his master we all very well know that his master is eyeing the big seat in this country, of which to my observations, he cannot get.

Hon. Speaker: Hon Mulatya, please stick to the motion.

Hon. Mulatya: I withdraw that statement.

(Laughter)

Madam Speaker, as one of the members has said; yesterday we met with Kilifi county Hon. Members and their staff. I was with Hon. Kiteng'u, Hon. Mitaa, and the chair implementation Hon. Mbuva; it was a shame on us when we met them. We thought we were doing something that they have not done but they told us they were sorry that they wasted their fuel, their time to come and learn from us and we are very, very far from them when it comes to

implementation but they congratulated this House because we were with them in the House they really congratulated the way we articulate our things inside this Hon. House. So, Members, feel appreciated by those Hon. Members.

Madam Speaker, you will bear me witness that when we went to.....I will take you a little bit back to when we went or our public participation in *Mashinani* in Kithimani; we came to learn because one of the boy who was disturbing that *Bunge Mashinani* is from my ward and the master was the CEC finance trying to interrupt. He had paid them to come and interrupt important issues of this county.

Hon. Speaker: Hon. Mulatya, you are able to produce the evidence on that?

Hon. Mulatya: Yes.

Hon. Speaker: Right now?

Hon. Mulatya: Not right now but I have a audio; I can bring to the House later when I was talking to the boy. Madam Speaker, if you allow me to continue you will find out that the CEC finance is organizing useless meetings. Right now he has meeting with the minority members of this House spending public funds so that he can kill quorum in this House; that shows you how incompetent this CEC finance is. CEC finance Hon. Maliti is dying to be the next Governor of this county.

Hon. Speaker: Hon. Mulatya, for what you have said that there are members of the Assembly who are not here?

Hon. Mulatya: Yes.

Hon. Speaker: Who are the members?

Hon. Mulatya: They are together; yesterday they were in Hilton Garden.

Hon. Speaker: Which members of the Assembly?

Hon. Mulatya: All the minority side led; Maendeleo Chap Chap Party Members led by their leader Hon. Kamitu.

(Applause)

And then yesterday they were in Hilton Garden where they were given money of which this Hon. House believes that it is public money.

(Applause)

Madam Speaker, the CEC finance is very rude; he is frustrating our Clerk, frustrating officials from this Assembly. For example, he frustrated one of our officials by the name Mercy

when she went all the way to Kithimani and this Clerk is pregnant; she was disturbed all the way from---

Hon. Speaker: Hon. Mulatya, please that is not part of the grounds.

Hon. Mulatya: I withdraw but---

Hon. Speaker: Yes, Thank you. Let us proceed. Look at the grounds and address us on that.

Hon. Mulatya: She is expectant.

Hon. Speaker: I have not seen anywhere written expectancy here, so please proceed on what is in the motion.

Hon. Mulatya: I am just trying to describe this CEC finance.

Hon. Speaker: I want you to go as per the grounds that are said in the motion.

Hon. Mulatya: I want to show how incompetent he is.

Hon. Speaker: Yes but only on the basis on the grounds on the motion.

Hon. Mulatya: Okay, Madam Speaker. Madam Speaker, I will also join one of the Members earlier who said that the executive failed to interpret the advisory from the Attorney General; they really failed because they were told he can be but they were not told to make him CEC finance. This CEC finance has failed, Madam Speaker and I would urge, because I can read the mood of the House, I urge if and I say if, Madam Speaker, this Hon. House approves this motion, let the necessary department or personnel in this Assembly writes to all departments including the President of this country for this member never to handle public funds elsewhere. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker for catching my hand. Hon. Speaker, I will start by trying to understand together with this Hon. House the reason why the CECs should be vetted by this Hon. House. Madam Speaker, I understand that the Deputy Governor who I the acting CEC finance was appointed directly by His Excellency the Governor. To my understanding, the CEC finance being appointed directly without being vetted by this House definitely will execute his duties to the advantage of the Governor.

(Applause)

Madam Speaker, the reason why the Deputy Governor who is the CEC finance is violating all these points we have gone through, through this motion it is because he is serving the interests of his master.

Madam Speaker, I will tackle the issues of bursaries; as you understand that before the close of the financial year 2017-2018, we passed a supplementary budget where we had allocated Ksh. 2 million for each ward and that is totaling to Ksh. 80 million for the bursaries of secondary schools, Hon. Speaker, up to now no ward has received these bursaries.

On 19th March, 2018 Hon. Speaker and I would like to refer somewhere because I received a letter from his office CEC Finance Hon. Maliti, 19th March 2018, REF: MCG/DG/MCAS/01/018; request to identify development projects for implementation in your ward. Madam Speaker, all the departments in our Machakos County were mentioned and we have number one which is education. We were requested to identify one youth polytechnic for renovation, we were to identify in consultation with the ward bursary committees to identify beneficiaries of the bursaries and the entire projects were mentioned there and these projects were for the supplementary budget 2017/2018 which we did before the close of last financial year, Madam Speaker. Up to now, we have not received anything.

Madam Speaker, I support this motion 100 per cent because it is now one and half year down the line and no development, nothing has been done and this is the CEC Finance whom we have been working with. Madam Speaker, it is not only the CEC finance who is violating the duties of their mandate; as you can see the members of the minority side are not in this House, Madam Speaker. They are also supporting the violation and the incompetent of the CEC finance.

(Applause)

Yesterday they were not in the House, today they are not in the House because of this motion of the CEC finance, Madam Speaker. As Machakos county people are waiting to see and make the development in their ward and respective areas, the minority side are there supporting the CEC finance and yesterday I understand as the Chief Whip of the House has mentioned that they went and they had a meeting the whole day and they were paid, Madam Speaker.

The money belongs to the Machakos people. Madam Speaker, I request this Hon. House, not only the CEC finance but all the Chief Officers to follow the same suit because I understand also in previous Assembly---

Hon. Speaker: Hon. Kiteng'u, unless you bring a motion in that effect, we will not discuss it now. We are discussing the CEC finance.

Hon. Kiteng'u: I withdraw that one, Madam Speaker. Let me speak on the Eng. Maliti, the CEC finance. Madam Speaker, I was in a gathering where the CEC finance was in Masinga and I could attest, from the audio that the CEC finance is not ready to listen or to follow any law. He is on the record saying that he is the one who has the cake and he will use the cake to whoever serves his interests, Madam Speaker.

So, Madam Speaker, 100 per cent, I urge this House to pass this motion as soon as possible so that Hon. Eng. Maliti to be impeached from this office of CEC finance, Madam Speaker.

Hon. Speaker: Hon. Kiteng'u, before you sit down, did you see the CEC finance holding a cake that time? We all know how a cake looks like? Did you see a cake?

Hon. Kiteng'u: From my understanding, Madam Speaker, I understood that he is the CEC finance and he is the Deputy Governor so he owns everything in Machakos, that is my understanding.

Hon. Speaker: So what is the understanding of you of the cake?

Hon. Kiteng'u: The money; I understood that he is the one who is having the finances.

Hon. Speaker: Hon. Mitaa. Members, I will come to you, just hold on I will come to you.

Hon Mitaa: Thank you Madam Speaker for allowing me to do my bit. I wish to thank the mover of the motion Hon. Masesi; it is a noble thing which he has done. I know it is a bit challenging, it is only a strong person who can do that. Madam Speaker, I also thank my colleagues who are in this Assembly now, to me they are heroes and heroines because they have overcome so much temptation since yesterday. Some of us have been receiving calls, some of us we have been tempted with money but we chose to walk the path of truth and nothing but the truth.

Madam Speaker, as much as my colleague Hon. Kiteng'u has given his presentation, somehow is close to what I had brought. I have a document which I wanted to table to the House which certifies that we cannot separate Deputy Governor and county executive member finance from the current status, Madam Speaker. It is true our Deputy Governor who happens also to be the Chief Executive Committee, to me is out of his line of duty and is unable to separate politics from work; he has advanced politics more than serving the people of Machakos.

Madam Speaker, as my colleague has quoted every elected member received a letter dated 19th March, 2018.

Hon. Speaker: Hon. Mitaa, did you say you are tabling the document?

Hon. Mitaa: Yes.

Hon. Speaker: Can you table it first then you can now refer to it because once you table it, it becomes the property of the House; we will give it back to you to refer as long as you return it to the House. Tabling means putting it on the Table of the House and the Speaker looks at it.

(Hon. Mitaa tabled the document)

Okay. Hon, Mitaa, proceed, you still need it? You promise to return it.

Hon. Mitaa: Thank you, Madam Speaker. I think this letter was very clear and it had requested..... would I be allowed to go through it, Madam Speaker for?

Hon. Speaker: Go ahead, now it is part of the documents of the House.

Hon. Mitaa: Okay. If allowed I will read it. Reference was request to identify development projects for implementation in your ward; to be specific now this was for

Kangundo Central ward. Please refer to the above subject matter and the numerous meetings which we have held in the past between the county executive and the Assembly on the need to work together to promote the well-being of our people and fulfill our campaign pledges. As a follow up on the same, His Excellency the Governor has directed me to request you to identify development project in the areas listed below and forward them through my office for onward transmission to the relevant ministries.

There is ministry.

1. Education:

Project in construction with the ward bursary committees;

Identify beneficiaries for scholarship fund.

Identify one youth polytechnic for renovation.

Madam Speaker, it is very clear under this I was not involved in identifying beneficiaries for scholarship fund neither was I involved in identifying any youth polytechnic for renovation.

2. Water.

Identify five boreholes drilling, equipping and piping,

Identify suitable sites for two dams and five weirs.

Madam Speaker, up to date nothing has happened.

Hon. Speaker: Did you identify?

Hon. Mitaa: I was not involved if any measures were undertaken, Madam Speaker.

Hon. Speaker: Are you aware of any identified in your ward?

Hon. Mitaa: Madam Speaker, two weeks ago or a week ago, one of the nominees who we have not approved, who is purporting to lead the devolved unit by the name of Mr. Titus Kavila was in my ward opening a borehole at a place called Kwa Mangu and this project, actually I did not even know whether they were coming but what they had come to do was just politics in the name of opening a borehole.

So, Madam Speaker, I can confirm something has been undergoing and has been happening without my involvement.

Hon. Speaker: It is not about your involvement, Hon. Mitaa; the question is was the project that you read there implemented in the ward?

Hon. Mitaa: I can say yes but without my awareness, Madam Speaker and the letter is very clear Identify five boreholes for drilling, equipping and piping; identify suitable sites for two dams and five weirs. My understanding on this letter was that I was to be part of in case anything was to happen, Madam Speaker.

Hon. Speaker: Listen to the question please; were five boreholes done, were the weirs done, were the dams done? Those are the questions.

Hon. Mitaa: No, Madam Speaker. I go to the roads; identify five key roads for grading, murraming, culverts and drifts and nothing has happened in my ward, Madam Speaker on the same. Then there was the issue of health;

- Identify community hospital and other incomplete facilities which require completion.
- Identify completed health facilities which needs to be opened.
- Identify two market centers in your ward for constructing modern and free toilets.

On this, I can confirm although I do not have the specific date, there is a day the County Executive Committee Member Finance visited my ward in my absence and I understand he promised traders there that work will be done, Madam Speaker.

On energy, there is; identify five markets areas for *mulika mwizi* installation; I can confirm that during one of my visits, I saw some projects being done on the same but I was not involved.

Hon. Speaker: So, why do you have a quarrel with that if projects are done?

Hon. Mitaa: Madam Speaker, I am only going through the letter and giving the current status on what is happening.

Hon. Speaker: How much far do you have to go through the letter?

Hon. Mitaa: I am almost complete, Madam Speaker. There is on Agriculture, provide a list of 300 farmers to be issued with free seeds, Madam Speaker as you are aware, though the rains have onset and actually farmers have prepared their land, there are no free seeds issued to our farmers in Machakos County.

Identify farmers to benefit from free tractor ploughing; my ward did not benefit from the same.

There is land and urban development; identify all the big towns. I think this did not happen.

If I go now to the next paragraph; funding for the above project is contained in supplementary budget which is currently before the Assembly. The objective of this supplementary budget is to take money to the wards without breaching the constitution so as to assist elected leaders meet the needs of the electorates.

Madam Speaker, as you are aware, we passed the supplementary budget on time, we allocated money for projects but this has not happened and if it has happened, it has only happened to select wards which may be favors the other side of regime.

As you are aware Machakos remains the leading county in terms of development in Kenya, we want to do more. Our people, for example, require employment opportunities urgently; this is why we must implement the Machakos New City and investment program to give us the much needed jobs.

Finally, we request that you provide the requested information within the next five days so as to enable the different ministries plan appropriately and implement the project in a *Chap Chap* manner. Thank you and God bless and you signed His Excellency Eng. Francis Maliti, Deputy Governor and County Executive Member Finance.

Madam Speaker, I think this letter has explain all the allegations contained in this motion---

Hon. Speaker: It is in reference to B(6).

Hon. Mitaa: In fact, even on incompetence, to my understanding. So, Madam Speaker, I table this document to add weight on what the motion states and it is in a written form. Again, Madam Speaker, to support what Hon. Kiteng'u has stated, it happened on Monday, 16th July, 2018; there was a function in my ward on municipalities and what surprised me and the CEC finance challenged me that I cannot abuse my father and in the morning borrow his ploughing oxen to go and plough.

My understanding was that I had to toe to his line for him to serve my people. Madam Speaker, I read more politics that what has brought us to Machakos. Again Madam Speaker I believe also the issue of 2022 elections it is obvious we know this man is going for---

Hon. Speaker: Hon. Mitaa, please desist from going into that.

Hon. Mitaa: Okay Madam Speaker, so complete my presentation, Madam Speaker I believe the ministry of finance is involving; we need someone who is present in the office through out for him or here to serve the people diligently and effectively. So, I would request this gentleman to be relieved of this docket and given another small docket if it is a must for him to have another docket, Madam Speaker. Thank you, Madam Speaker.

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

Hon. Kasyoki: Thank you, Madam Speaker. I stand here to support the motion because the CEC finance has failed. Madam Speaker, when we were doing supplementary budget that was in June, we tried to ask for something very small in accounts on balances of IFMIS; he refused and when we went to Kakamega Madam Speaker, I and Hon Majority Leader came across the CEC finance and we asked him what is wrong with providing IFMIS balances; we were not after bank balances and he said we are not auditors.

(Applause)

To me Machakos county has no CEC in finance. Secondly, due to his lack of experience, our brothers and sisters are dying in hospitals because the hospitals have money but the money is being used by the CEC finance.

Thirdly, Madam Speaker, you are all aware and Hon. Members the CEC finance does not know the revenue collected in our county; he has no figures, he is not bothered. They are transferring officers from this section to this one some never even went to school.

Finally, Madam Speaker, the CEC, when they were giving our wards the tractors, tractors were working in sub-counties, he called me personally and that is not the reason why I am opposing him; he called me and told me he is hearing that I am refusing to give tractors to the other wards. I told him there is no way I can refuse with a tractor which is not mine to give it to the other wards.

He told me there is no way I will come back in Kyeleni in 2022 and I told him if he is a man enough, let us meet 2022. So, Madam Speaker, I hope these Hon. Members will approve

this motion and let Eng. Maliti..... if he has to be a CEC, I think he should go to water. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Kasyoki and the style of your submissions; was it not impressive? 1-2-3-4- 5.

(Applause)

Thank you. Hon Pauline.

Hon. (Ms.) Mene: Thank you, Madam Speaker. I want to thank the mover of the motion, this motion is honestly timely. Madam Speaker, I have noticed the list that was given, I put in my signature but when you read out the names my name is missing. I am Just wondering was it an omission or what is happening?

Madam Speaker, I strongly support the removal of the Deputy Governor from the office of the CEC finance. I have two issues that affect me deeply because they touch on women and youth and the first one is facility; failing to implement county bursary fund. Madam Speaker, since we came to this assembly, since we started serving in this Assembly, we have never had any bursaries, our people have not benefited from the bursaries.

Madam Speaker, when I go out there the youth who know me and know that I am a Member of County Assembly are asking me; when will you give us bursaries? Madam Speaker, I never have an answer; I always say the bursaries are coming but these bursaries have not been forthcoming and this is a big, big, failure.

The second reason as to why I support the removal of the Deputy Governor, the Deputy Governor as CEC finance is failing to implement the Machakos County Health Management Fund Regulations. As a member of the committee of health, we have been asking why the money that is collected in the hospital has not been ploughed back and the answer has been my hands are tied, the answer has been that this money is revenue for the county and I expect at the very least, due to conscience that this money is ploughed back so that our people can get services and for this reason therefore, I support fully, fully, fully that the CEC finance should get out of that office. Thank you, Madam Speaker.

(Applause)

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

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. First of all, I would like to thank the mover of the motion Hon. Masesi. Madam Speaker, the docket of finance is key to all operations of the county and without finances, none of the dockets will be operational because we have to be allocated funds and everything revolves around those funds.

The hue and cry that has been in this House from different committees, all revolve around the finance department. Everybody is crying about the finances, budget allocations, swelling labor wage bills, we have been asking for the payroll, payroll is not forthcoming. Actually, it has

been very frustrating for members of this Assembly to operate because nobody really knows what happens.

Madam Speaker, I am sure if the Deputy Governor was to be asked, he would thank this Hon. House for even thinking of removing him from that docket because he is actually suffering; he is not able to execute his duties and I do not think he really knows the way out so by moving this motion Hon. Masesi, I do not know whether it was in consultation with the finance CEC that you relieve him of those duties but I think it is a good thing for him to be relieved of those duties because he is not able to execute.

His experience revolves around engineering; engineering is a docket where one of the units could have been finance, Madam Speaker but without the relevant experience, without accounting experience and without management of finance activities, it is not possible for an engineer to deliver those services.

His availability also, I think poses a lot of questions because he may not be available to deliver; finance is a docket that deals with figures and with figures you need to be available and very careful so that the figures can tally so that you get to know what has been allocated to each docket and so that you know the expenditure of the entire county.

So, as a politician, it may not be possible to meet all those requirements and I do support the motion that we relieve Hon. Maliti of the finance docket so that he is able to deliver in his capacity as a politician. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Angela Munyasya. Hon. Mutiso.

Hon. P.J. Mutiso: Thank you, Madam Speaker. I want to thank Mheshimiwa Hon. Ngula Masesi for this motion. I really support the motion and what I want to say is thank you members because what members have said is the whole truth. For example, what has been read by Hon. Mitaa is very true. Every member here was told to give a project as you have heard from him but nothing happened.

In my area ward, I can remember that he mobilized people, goons or boys during the time of demonstration of Hon. Members and the citizens to fight me and it was not a good plan and he facilitated; he had given them money---

Hon. Speaker: I want Hon. Mutiso, I will, much as you are passionate about that aspect, I want us to look at the grounds on the motion and just talk about the grounds.

Hon. P.J. Mutiso: Thank you, Madam Speaker. But I wanted to stress it---

Hon. Speaker: We agreed there will be no buts.

Hon. P.J. Mutiso: Because it is here. All those conversations are here---

Hon. Speaker: Hon. Mutiso, listen; let me just guide you and accept the guidance. You look at what is on the motion and talk about it because what is on your phone is not here just leave it but talk about what is on the motion.

Hon. P.J. Mutiso: Thank you, Madam Speaker. What I want to say is what members have said is the whole truth and I want to contribute a bit on the same because Madam Speaker,

on the ground, we are suffering. People are asking us what we are doing here in this place because there are no roads, there are no drugs in our health centers and maybe in the near future we will be in this Assembly we will give you a report on the same. This morning, I think I was told by one of the Hon. Members who are not in this House that the CEC of finance is a learned fellow and I am not disputing that.

We all agree an engineer is a learned person because he does a lot of mathematics but what I know is that there is also other mathematics in some areas like econometric but being an econometric, you are not a finance fellow. That is what I can say. So, Madam Speaker, what I know is that the CEC of finance was just given a portfolio that he is not fit for. As I echo the sentiments of Hon. Member, I do not remember who he or she is said that maybe it was better...it was Hon. Kasyoki of Kyeleni ward who said that it would be better if he was given portfolio on water sector. That is very true because in finance he is just given a task that he cannot deliver.

For one, this County of Machakos is an able County that can sustain itself but we are suffering Madam Speaker. If we want this County to run well, let us relive engineer Maliti from this portfolio and I think it will run well this County. We want somebody who is able and who can deliver without getting advice from other areas because he cannot do anything without asking from the higher authority maybe and good example Madam Speaker, is this; recently Maliti I heard him saying his eyes and hands are tied up so he cannot give this Assembly money.

He is the person who is supposed to sign so that this Assembly can be given money because the money is there in the accounts but he is the one to sign so that we may get the money from that area but he is not able. So, we want somebody who can risk because of these members and the citizens of this County because I had planned to do it and I had written it; I am not echoing the sentiments of Mheshimiwa Rozina and I want to state that if you want development in this County and in our wards, Maliti must go.

(Applause)

If we want drugs in our health centers, Maliti must go! If we want transparency and accountability in this County, Maliti must go!

(Applause)

And if we want the department of finance to run smoothly, Maliti must go and it is my prayer that God hears us. Thank you, Madam Speaker. I rest my case.

(Laughter)

Hon. Speaker: Thank you, Hon. Mutiso. Hon. Kingo'ri.

Hon. King'ori: Thank you, Madam Speaker. One, I want to congratulate the mover of this motion because he has seen the suffering in Muthwani----

(Applause)

One, time is money and we all depend on time that is why we have five years only to deliver to the people of our wards and our County but when we have the head of the County treasury repeatedly failing to discharge within, time responsibilities invested in him under Chapter 12 of the constitution and Part IV of the Public Finance Management Act 2012, then we are all doomed to fail but we are not failures.

So, what we need is somebody who can keep time and who knows how it goes but our CEC finance has never ever once done so because he only brings supplementary budget when it is late, the budget itself when it is late. Everything when it is late---

(Applause)

I wonder who wants to be late. Myself, I do not want to be late.

(Laughter)

Secondly, failing to implement Machakos County Health Management fund and regulations, I wonder how does he work without laws, how does he work without guidelines. It is the high time we see people following the law which is more supreme because Chapter one of the Constitution says that the supremacy of the constitution belongs to the people of Kenya, if I am not wrong---

Hon. Speaker: Sovereign power.

Hon. King'ori: Yes, belong to the people of Kenya.

Hon. Speaker: Belongs to the people.

Hon. King'ori: Yes and the second one has given the authority to us as representatives or given direct representation to our people. So, I wonder what constitution he uses if he cannot follow the constitution and if he is above the law or above the constitution which guided him to be in that office. That is why regulations should be followed to the letter, even when a plan like in the universal health care, we need to him to tell us which regulation he is following.

If he has no regulations, he should ask his counterpart in the health sector to bring the regulations which will guide us to see we succeed in the universal health care.

Thirdly, failing to implement Assembly resolution by deciding to coordinate the implementation of the Machakos County Supplementary Appropriation Act; it is true. The people of Muthwani want development. I was asked to bring a list of roads, five of them, one.....what is it?

(Loud consultations)

Hon. Speaker: If you want to inform the Hon. Member you have to come through the Speaker so that you are given the opportunity.

Hon. King'ori: Thank you, Madam Speaker. I have already remembered it is one polytechnic in my ward and two health centers which I happened to give to Hon. Maliti who is

the CEC finance or the acting finance for today but no avail. There is no single project which was performed during the supplementary budget and my people always ask me 'you told us to give you a number of roads, which was one made by yourself' because they do not distinguish between the executive and the MCA and we cannot get failures who are working within us to fail us.

That is why this House did get people back here because they became failures because of leadership of the executive; because the voters do not understand who is supposed to bring development in their areas.

I want also to go to the last one which I want to talk about his failure even to bring any consultation because of what is happening in Mavoko where I come from. There is Ksh. 2.5 billion of water and sewerage which is supposed to be supplied equitably if not equal but he has not given water services to Muthwani or Kinanie.

(Applause)

I wonder the CEC who is happens to be Deputy Governor and wants also votes from Muthwani so I wonder where they will come from if the people of Muthwani will not get water which is also their right and which is written in the constitution of Kenya; the right to water. Finally, the CEC finance is failing this County by killing his people slowly.

(Laughter)

I wonder how we survive without medicine in the hospitals. Somebody is killing us in our hospitals this House passes Ksh. 1 billion for medicine and yet when you go to the hospital, you are told there is no medicine. Where does that money go?

(Applause)

It is just because he is incompetent and does not understand about economics of life that you need health in order to make money. I want to thank the mover of this motion and I support it fully. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. King'ori. Point of order, Hon. Museku.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Museku: Madam Speaker, I have a procedural motion, I stand on Standing Order 27 on hours of meeting to move a motion to extend the sitting time.

Hon. Speaker, that aware that Standing Order 27(2) provides that the Speaker, shall interrupt business under consideration at 12.30 p.m.

Aware that Standing Order 27 (3)(a) provides that the House may resolve to extend sitting time, Madam Speaker, I wish to move the motion that the house solves to extend sitting time until the business under consideration is concluded.

Thank you, Madam Speaker. I request the Hon. Majority Leader to second my motion.

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

Hon. Speaker: Hon. Members this is a procedural motion and the tradition of the House is to hear the views of the members a few members so that it is like just gauging the feeling in the House whether we need to extend time or not but there will be no voting. Hon. Grace

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

Hon. Speaker: Please, speak to the microphone.

Hon. (Ms.) Mutwiwa: I stand to support the motion that we continue debating because the motion before us is quite sensitive and we need to finalize it. Thank you, Madam Speaker.

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

Hon. (Ms.) Kanini: I want to support the extension Madam Speaker, due to the urgency of the matter in front of us and the curiosity of Hon. Members to make a contribution; I want to support the extension.

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

Hon. Mulatya: Thank you, Madam Speaker. Madam Speaker, from the messages we are getting in our phones right now, the whole of Machakos County is waiting for Maliti to go home now. So, we really need extension of this house to finish our business. It is even in the breaking news on Citizen; so we really need to push him home today not tomorrow.

Hon. Speaker: Hon. Members the feeling of the House, if I gauge it right through the members who have expressed themselves is that we extend time so that we can finalize the motion that is on the Table. It is so ordered, Hon. Members. We proceed with the debate. Hon. Kalumu.

(Motion on Order Paper resumed)

Hon. Kalumu: Thank you, Madam Speaker for giving me the chance to contribute on this motion of impeaching the CEC finance.

(Applause)

Madam Speaker, Hon. Engineer Maliti is a son of this County. He deserves to be the Deputy Governor of Machakos and no one disputes that. He deserves to be a CEC member of Machakos County but not in this docket, Madam Speaker. If you look at the issues which have been given by the motion, one of them is incompetence. Incompetence means insufficiency of skills, experience, knowledge which leads to one drawing any purpose of him being in that docket.

(Applause)

It is said when the purpose is not known, abuse is inevitable. He has abused laws, he has abused practices because he lacks knowledge, experience and skills---

Hon. Speaker: Hon. Kalumu, just a moment, a point of order. Hon. Members, can we all have our heads on this motion. I am looking around and most of you are just on your phones. It is not right so let us have full concentration on the business of the House when it is on the table unless we are referring to contribute and it cannot be the whole extent of the motion. So, Hon. Kalumu, please proceed.

Hon. Kalumu: Thank you, Madam Speaker. I had said he lacks knowledge, he lacks experience, and he lacks skills to hold that docket. Madam Speaker, experience helps someone like the CEC finance to formulate strategies, formulate policies for him to help this county fight the ballooning wage bill. Fight for prudent use of Machakos money. It is in history that one Eng. Maliti, as the CEC of Machakos, in his tenure, collection of revenue of Machakos County went down. It is in record.

(Applause)

Machakos County is experiencing budget deficits because he does not have any strategies to come up with better ways of raising revenue for this County. Yet he is holding a very crucial docket. Being a water engineer tells us very well that he does not have any experience on matters finance. He does not have any financial knowledge on financial planning of the County yet he wakes up every morning and calls himself the CEC finance.

He is articulating issues more political than finance. Finance needs someone who is serious more than he is because being serious means funding budget, implementing the budget which is passed in this House to the letter. Looking at what happened in the Supplementary Appropriation Bill which this House approved, Madam Speaker, he does not know how to implement budget allocations.

This County does not have any development; the roads are pathetic and residents of Machakos do not have medicine and they are dying day in day out simply because there is no medicine in the hospitals. Who is accountable other than one Hon. Eng. Maliti as the CEC finance; he has failed. Being the son of Machakos County we gave him the benefit of doubt that he will take control of our finances but look at the situation of Machakos County matters concerning finance we have failed. Nothing is going on; he must be held accountable for all the losses, for the loss of budget allocations; one supplementary money which he cannot account for.

Madam Speaker, one Eng. Maliti did not even employ the funds which came directly from the National Government for the polytechnics. Ksh. 65 million for the pupils who are in our technical schools yet when I am coming to this Assembly, I am finding them on the roads being chased away from classes for school fees.

Yet that is an allocation not meant for Machakos for the CEC but for our children of this County. Madam Speaker, we might ask ourselves; where are we going as County? If we do not do what we are doing today impeaching one CEC finance Machakos County one Hon. Maliti. Looking at the violation; you violate something because you do not know the purpose. He does not know the purpose of the docket he is holding.

The purpose of holding that docket is holding the CEC finance is to take care of our finances seeing allocations, following the laid out laws of finance which he never does. So what is next and where were we going if we had not done what we have done today and what we are doing now? The mess is very much inevitable and it is there it is seen by everybody that he has messed our County. He could not bring reports to this House because there is nothing he can show that he has done with our money. Nothing at all,

(Applause)

Our roads are pathetic, Madam Speaker. Our ladies of this County walk very many kilometers going to fetch water yet we allocated money for water. Madam Speaker, I am very much annoyed by him being the CEC finance because he could have shown a great concern of the people of Machakos by at least allocating some money people could see something going but they are at a standstill.

What do we do? We are at crossroads; we love him as a child of Machakos and yet he is messing our County so what do we do? We impeach him the way we are doing today. Madam Speaker, he happens to come or to hail from my ward and because he is not doing the right thing, I am number one today leading the people of Machakos to impeach one CEC Finance Hon. Maliti. The resolutions which have been passed in this Assembly, he cannot implement them simply because of lack of knowledge.

He seems to follow the interests of his master yet if he was brought in this House and he was approved by this House, he could have followed the interests of the people of Machakos. That was bypassed when he was appointed directly by the Governor himself; bypassing the procedures of appointment. Madam Speaker, I am wondering if we will continue waiting for development yet money is there and the County of Machakos receives all the money like any other County yet nothing is going on.

I have been standing in this House requesting the Hon. Members to bite and that is what we are doing today because if you do not give services to the people of Machakos, what is your work? Who are you working for? Any services, any development is attributed to finances which have been mis-controlled by one Eng. Maliti as the CEC finance Machakos County. Madam Speaker, I have more to say but because of time let me rest my case there. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Francis Kalumu. Hon. Agatha.

Hon. (Ms.) Mutunga: Thank you, Madam Speaker. I stand to support the motion that we should impeach the one Hon. Eng. Maliti acting as CEC finance but I would extend not only impeaching but I wish he could be charged in one of the courts for misuse of office.

(Applause)

Madam Speaker, I support this motion with my concern being his incompetence and most especially part two of it. He does not have knowledge, experience and a distinguished career, abilities and qualities of not less than five years relevant and that meets the needs and the rest and the statement goes on.

Madam Speaker, it is very clear once you hold an office in this Country not only County you must have a relevant degree and what it takes but the one he cheated according to me and pretended to have the degree in the office of the CEC finance and for that reason he should go home as early as yesterday. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Agatha. Hon. Jacinta.

Hon. (Ms.) Luka: Asante sana Mheshimiwa Spika. Nachukua hii nafasi kwanza kushukuru Mheshimiwa ambaye ameleta huu mjadala ambao umekuja kwa wakati ambao ni mwema na nasaema umekuja kwa wakati mwema kwa sababu Mheshimiwa Eng. Maliti amekuja kwa ofisi kwa muda ambao bunge imetazama na ikaona kwamba afai kuwa katika hiyo ofisi kwa sababu ambazo zimeweza kuorotheshwa mahali hapa.

Na katika hizo sababu, nikiangalia nambari tano katika ukurasa wa tano na ukiniruhusu Mheshimiwa Spika nitasoma kwa ufipi, ambao inasema hivili; *failing to implement the Machakos County Health Management Fund Regulations 2015 whose main objective is to ensure that all the funds collected in health facilities are ploughed back to the health facilities.*

Kwa hivyo, Madam Spika ndio nilikua nasema kama Eng. Maliti ameshindwa na kuangalia jambo kama hilo katika mahospitali yetu ambao pesa ikilipwa, wagonjwa wakilipa inastahili irudi tena ikaweze kufanya kazi mahali pale na unapata yakwamba hiyo pesa hairudi ndio maana mahospitali yetu hayana vitu ambavyo vinafaa kama dawa na chakula. Kuna wakati mwingine kulikuwa na *rumours* eti hospitali wagonjwa wenye wamelazwa hapo hawana chakula watu wao wanaitajika waleta chakula kutoka nyumbani.

Ndio tujue ukweli kuna baadhi ya waheshimiwa ambao waliweza kufika hapo kutoka kwa *committee ya health* ambao walikua ni Mheshimiwa Peter na Mheshimiwa Museku walienda na wakapata hilo jambo ni la kweli. Kwa hivyo mtu akiwa hospitali anahitaji madawa na chakula na kama hapati lazima watu wa *expect* kitu kingine ambacho kinaweza kuwa ni kifo. Maana ameenda mahali pale akaweze kupata msaada na kama hapati inakua ni shida kubwa sana.

Kwa hivyo kama mheshimiwa Maliti ameshindwa na kitu kama hiyo nikuonyesha yakwamba hastahili kuwa katika ofisi na ana stahili kutoka. Kwa hivyo nimesimama kuweza kuunga mkono huu mjadala na tukaweze kupitisha ili tukaweze kukomboa Kaunti yetu ya Machakos. Asante.

(Applause)

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

Hon. Kisini: Thank you, Madam Speaker for allowing me and also giving me time to air my views on this very important motion. I also want to thank the mover of the motion Hon. Masesi who boldly enough has brought this motion in the House. First, I want to say and to support all the six counts which have been brought concerning Eng. Maliti. I want to say it is very true, this man is very incompetent and this man should go more than yesterday.

One, under his watch this county has accumulated a lot of debt; we all know that this council or this County has accumulated a lot of debt under his watch. So that is one of the grounds I should say if we continue that way, this County will not move at all because of the

huge debts which he has watched them grow. People have suffered under his watch and I repeat why although it has been said.

Under his watch, salaries have not been paid, contractors have not been paid, bursaries have not been disbursed, roads have become very pathetic and drugs in hospitals lack even equipment in hospitals.

He has watched in his office, funds have totally being misused there are no funds and when funds are disbursed from the central government, they do not follow the budget and they are misused and you cannot trace or give anything, any support of what those funds have done to even one of the wards.

He is a person who cannot account for anything and a good example is the report we got yesterday whereby Ksh. 4.5 billion under his watch have been paid instead of Ksh. 464 million. So, I want to say, honestly how do you spend Ksh. 4 billion while you are watching and that account is overspend to a tune of over-pent to a tune of Ksh. 3.8 billion while you are watching and you call yourself a county executive member.

He has failed in his professional ethics to advise because if you are a professional, if he was an accountant, he if he was a B.Com holder, he could turn to the professionalism and if told not to do this he could not agree to it, he could have advised. I want to say he has made himself a self-styled king; I can elaborate on that, Madam Speaker; if you have to be followed all the way to Yatta, all the way to Kakamega for somebody to go and give you a cheque or a letter to sign so that funds can be transferred, who are you really?

If you have to be followed all the way by people, you confuse yourself so that you can be followed all over to sign a document. So, I want to say this man is not qualified to hold the CEC County Executive Member of that department of finance; if need be he can be given or be transferred if he has to be given anything to a department of his choice or which has got those qualifications if he has that professional education; like at my place, I have a bridge which is almost being swept away and I know if he was told come and check on this bridge, instead of telling him 'sign for this money' he could have done a better job there than to give him this job of finance. So, I want to say go, go, go Eng. Maliti. Thank you.

(Applause)

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

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

Hon. Speaker: Please address the microphone because you need to be on the HANSARD.

Hon. (Ms.) Mutwiwa: Thank you, Madam Speaker. This motion is long overdue; our CEC finance has failed this County. Even gross violation of the constitution and law. Number three, this House has never received any report on finance pertaining what has been done by our CEC finance and all the departments of the County. Recently, we got a report from the health committee which visited Level V Machakos Hospital.

Out of the report that was given by our CEC that he bought medicine worthy Ksh. 40 million, to our surprise we found that there were condoms which were to expire in the year 2021 and also normal saline which is not medication or something to be used to treat our patients.

Also in the hospital, there is no food as one of the members has contributed. Now if our patients cannot eat, they cannot get medication, what are we doing in this House? What is our mandate?

What are we doing oversight on? What I want to say is this; this House has been underrated a house which cannot bite, a House which cannot act on such issues. Out there, members of the community are complaining; like a few minutes ago I was reading a message and I would request my Hon. Speaker, to allow me to just read it to this House.

This message has come to me at 12.12 p.m. ‘Hallo Mheshimiwa, surely Miu fraternity is suffering from worn out roads.’ And I have given out that road I do not know how many times as our CEC has been asking us to produce our projects which we feel that they should be done. So, Hon. Speaker, we are suffering because of incompetent CEC; mine is to say our CEC must go. Thank you, Madam Speaker.

(Applause)

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

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. This is the day that the Lord has made. I am glad and rejoicing in it. I thank you for giving me this opportunity I think I am the one crowning this whole event, this whole debate and I would like to go out of the ordinary and first of all thank the God Almighty for the far he has taken us. I also want to thank God Almighty it is neither by might nor by power. He has given us you as our Speaker. I remember and I know---

(Applause)

It is very fresh in the memories of this Hon. Members that at the beginning of this session or before we began our plenaries, we held prayers and I believe that God has been so faithful to this House, to this Assembly and that is why we are seated here very soberly, that is why we have not failed in our role as MCAs. That is why we have not failed in our role of oversight. I believe God is going to guide us more, I believe that is going to give us sober minds, I believe that he is even going to give us grace to overcome the temptations and to work diligently for the people of Machakos County.

Madam Speaker, much has been said on this motion I will congratulate the mover of the motion because it is very much timely. The Hon. Members have articulated issues well concerning this motion and I am on my feet to say that I am in full support of the motion that Maliti must quit as the CEC finance Machakos County.

Madam Speaker, we should not waste any much time. We are all aware of the story in the Bible where it is said that Jesus will come as a thief. It would be very wrong, we would have done an injustice to the members of this County if Jesus comes and still finds Maliti still as the CEC finance Machakos County.

(Applause)

So, I think Madam Speaker, this is the right time, the right hour, the right minute and the right second to declare Maliti to chase Maliti away from the seat of CEC Machakos County.

(Laughter)

Madam Speaker, I also would like to thank the Hon. Members who have until now listened to the voice of the Holy Spirit; you are not wrong and this is God's doing, this is God's Word, this is the voice of the Lord and as some members have said, this is the mood of the members of the Assembly that Maliti must quit the seat of CEC finance Machakos County.

Madam Speaker, it is not only the mood of the members of the Assembly, it is as well the mood of the people of Machakos County in general. Let us finalize this, let us pass this motion, let us get Maliti out of office as the CEC finance Machakos County. Thank you, Madam Speaker.

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

(Applause)

Hon. Masesi: Thank you, Madam Speaker. Thanks again members of the county Assembly, they are very energetic. Madam Speaker, to start with I would urge the members that it is better we die standing than live kneeling down for some individuals. Madam Speaker, again I want to reassure the people of Machakos County that they did the right job. They elected the right Hon. Members and they are at the right place and they should not expect anything less than good results in terms of performance, accountability and development.

Madam Speaker, the law is very clear; it has not talked of equivalent degree or just a degree. If it comes to the matters of experience, it must be five years experience. Madam Speaker, I want to assure the members of the public that if this name of one Hon. Eng. Maliti was forwarded for this House for approval as the CEC finance, it could not have seen the light of day.

(Applause)

Madam Speaker, to echo the sentiments of my fellow Hon. Members, if we were to peg the approval of our first supplementary budget to IFMIS report Madam Speaker, up to date that supplementary report could be pending again. Madam Speaker, Chapter 12 of our constitution is very clear on the principles of public finance. There must be openness, accountability, proper public participation in financial matters.

Madam Speaker, again we have not seen any effort from the sitting minister for finance in terms of promoting equity in the wards in terms of development. Madam Speaker, what we have witnessed is skewed Afro Cinemas purporting to be doing some development Madam Speaker.

Madam Speaker, again, shortcomings in development have always been pegged on the issues of the county government not meeting the local revenue target; we are tired of this, we want a CEC finance who can perform and meet the targets laid down in terms of revenue. We all know that Machakos is wealthy in terms of assets, so many businesses are going and there is a very big concern that this county cannot raise a Ksh. 1.7 billion target in terms of local revenue.

On the issue of regular reporting to the Assembly, on the report of the CoB, we have witnessed a weak budgetary control which has resulted to expenditure above approved

allocations as evidenced in the department of public service, labor and ICT. I wish to go with the Members to Public Finance Management Act section 116 is very clear, that a CEC member for finance may establish other public funds with the approval of the county Executive and the County Assembly. Madam Speaker, I have not witnessed any time despite the adjustments you have seen on the budget for 2017/18, we have not seen any effort of getting County Assembly approval.

Number (4) of the same section 116 is very clear that the administrator who is the CEC finance shall ensure that money held in funds including any earnings or accruals referred to in Sub-Section 3 is spend only for the purposes for which the fund is established. Madam Speaker, this issue of a bursaries, we never had a budget for higher education; we want a CEC finance who will strictly direct monies to the specifics they are meant for.

Lastly on the issue of health, we realized that the committee members are not evenly involved in the budget-making process and the facilities. This issue of health has gone above the level of our committee; in fact, I propose that this House does a prompt visit to the Level V hospital and ascertain the status. We cannot keep on hiding; it is good for the world, Kenya, Machakos to know the current status.

We are not in any way in politics, we have been elected as Members; ours is now to perform. The freedom of this nation was realized by just few individuals but now more than 50 million Kenyans are sharing the fruits of freedom. I want to urge Hon. Members, let us chase what is right and what belongs to Machakos people let it be given.

Lastly, I want to thank all the Hon. Members present they have done what is right, they have always shouted where needed and one Martin Luther King said, our lives will always end when we become silent on matters that matter most.

(Applause)

Let this House always shout on where our voice is needed; I am seeing and I believe these Members will pass this Motion. Thank you Madam Speaker.

Applause

Hon. Speaker: Thank you, Hon. Masesi. We are coming to a point where you need to vote on this motion. If you look at section 40(3) of the County Governments Act, this motion for it to move to the next stage must be supported by at least one-third of the Members of the County Assembly. To ascertain one-third must means that we shall take a count of the Members who are present and who will vote in favor of that Motion and that is even before I put the question. So, can I be guided by the Clerk on the number of Members present at this particular moment?

(The Clerk at the Table took count of Hon. Members present)

Hon Members, the report I have is that there are 33 Members and that means 33 is way above a third of the total number of the 59 Members.

(Applause)

So, Hon. Members, I will proceed much as I know a division is usually called when the Members demand for a division and because this is a requirement that we have one-third of the Members, I will have you do a division so that we have the numbers counted for the purposes of the HANSARD.

(Applause)

Mr. Clerk, proceed and ring the Division bell and then we will do a division. Remember, I am acting under Standing Order 1; where the matter is not clear, the Speaker will provide guideline and we need a number for purposes of the record to know whether you actually achieved the one-third.

(Applause)

(Quorum Bell rung)

Hon. Grace, don't show me your back. Hon. Mwikali; sorry about Hon. Grace, she looked like Hon. Grace looking that way.

(Laughter)

We still need order in the House and the time for ringing that bell is over.

DIVISION

(Question put and the House divided)

So, Hon. Members we will proceed with the motion at hand and I will now put the question so that after that we will take the roll call to ascertain whether the motion is supported by at least one -third of the Members of this House.

Hon. Members, this is the time to vote on that question which I have put to you and as I indicated earlier, you are going to do it by a roll call. Mr. Clerk call out the names and let me have an answer as to 'Yes' in support of the question or 'No' against the question put.

(Question carried by 33 votes to 0)

AYES: Hon. (Ms.) Mutunga, Hon. (Ms.) Munyasya, Hon. (Ms.) Mueni, Hon. (Ms.) B. Nzioki, Hon. (Ms.) C. Koki, Hon. Kieti, Hon. Masesi, Hon. Kiilu, Hon. Ndambuki, Hon. Kalumu, Hon. Muthoka, Hon. Kamulu, Hon. King'ori, Hon. (Ms.) Mutwiwa, Hon. (Ms.) Ndeti, Hon. (Ms.) Luka, Hon. (Ms.) Nyawira, Hon. Musau, Hon. Kasyoka, Hon. Kiteng'u, Hon. Katumo, Hon. (Ms.) Mwikali, Hon. Muendo, Hon. Mitaa, Hon. Kituku, Hon. Museku, Hon. (Ms.) Mene, Hon. P.J. Mutiso, Hon. Kisini, Hon. (Ms.) Kanini, Hon. Mwanthi, Hon. Mulatya, Hon. Mutinda.

NOES: None.

ABSTENTION: None.

(Applause)

Hon. Members, I still remind you to note that under Section 40(3)(a) of the County Governments Act read with Standing Order 62(8)(a) of this House as amended by a resolution of the House on 24th October, 2018, the next step is for this House to appoint a committee of five Members in this same sitting so that they can now investigate into the allegations further and make a report to this House.

I have been given a list of the membership of this House and I want to refer you to what is an Assembly party under Standing Order 2; an Assembly Party is a political party or a coalition of political parties consisting of no less than five per cent of the membership of the Assembly.

On the percentages that I have of the 59 Members of this House, I have the NASA coalition consisting of 54 per cent, MCCC consisting 22 per cent, Jubilee consisting of seven per cent and NARC consisting of five per cent. Those are the parties or coalition of parties that satisfy the requirement of Order two of the Standing Order of this House and as far as Assembly parties are concerned.

If you go back to Standing Order 62(8)(a) as amended by the House resolution of 24th October, 2018, the House is to appoint five Members on the basis of relative majorities of the seats held by each of the Assembly parties to investigate the matter and Hon. Members, I want you to note that the appointment of the committee under your Standing Orders which I have referred to is to be done in the same sitting and that means the sitting that is here now.

I now want to have the names of the Members on the relative majority, there being five positions or slots to that committee; NASA is to take three positions in the committee, MCCC is to take one slot, Jubilee one slot and NARC is to take one slot; depending on which party members are present in this sitting.

Can I have the NASA coalition Members who are going to sit in that committee? The House is the one to appoint; not even the Speaker. The Speaker is just receiving names.

Hon. Muendo: Thank you, Madam Speaker. On the NASA side we are ready; we have Hon. Mitaa, Hon. Steve Mwanthi and Hon. Cosmus Masesi.

(Applause)

Hon. Speaker: Thank you.

Hon. Muendo: Jubilee which we are working together with---

Hon. Speaker: I am going to move forward; I want a representation from MCCC who have 22 per cent of Membership in the House. One Member from the basis of 22 per cent; I do not see any offer on representation of MCCC. I will move to the next Assembly party; Jubilee holding seven per cent. Can I have one Member to represent Jubilee party in that committee?

Hon. King'ori: We are ready; we have Hon. George King'ori representing Jubilee party.

(Applause)

Hon. Speaker: I will move to the next Assembly Party NARC; can I have a proposal of the person to sit in that committee.

Hon. (Ms.) Mene: Madam Speaker, Pauline Mene Munguti.

Hon. Speaker: Hon. Members, I want a list to read to the House of the Members who have been nominated by the House to sit in the five Member committee under Standing Order 62(8)(a) which is a reflection of Section 40(3)(a) of the County Governments Act.

The *ad hoc* Committee that is formed pursuant to the motion that is just passed are to investigate on the allegations in the motion as is required under Section 40(3)(a) of the County Governments Act and further under Standing Order 62(8)(a) as amended by the House resolution of 24th October, 2018 is as follows:

NASA Coalition; three Members:

Hon. Moses Mitaa.

Hon. Stephen Nzue Mwanthi.

Hon. Cosmus Ngula Masesi

The next Assembly Party that has given a representation is Jubilee by Hon. George Kariuki King'ori.

The other Assembly Party that has given a name is NARC and has given Hon. (Ms.) Pauline Mene Munguti.

Hon. Members, the next step is that this committee that is formed will need to bring a report within 10 days to this Assembly and the report is to whether the allegations against the CEC Member finance and Economic Planning are true or not.

Hon. Members, that committee I am repeating has 10 days to report to this House on the allegations that have been brought on the motion against the CEC Member finance and Economic Planning are true or not.

The time is set by the law, both under Section 40(3) b, of the County Governments Act and the House Standing Order 62(8)(b) as amended by the House resolution of 24th October, 2018. Still on the motion---

Hon. Wambua: Point of concern, Madam Speaker please.

Hon. Speaker: You are not going to do that. Hon. Musau, you are out of order. Hon. Members, still under the law, Section 40 of the County Governments Act and Standing Order 62(9) of this House as amended by the Houses' resolution of 24th October, 2018, the Clerk of this Assembly is directed to immediately inform the affected CEC Member for finance and Economic Planning Hon. Eng. Francis Maliti of the resolution of this House.

The Clerk further in the notification to Hon. Eng. Francis Maliti is also to inform that CEC member that he has a right to appear in that committee and to be represented by any legal counsel as he chooses during the investigations. Hon. Members, I will ask Hon. Musau, at this point, to approach the Chair.

(Hon. Wambua consulted the Hon. Speaker)

The concern he was raising, I have addressed and it is personal to the Chair not to the House. Thank you, Hon. Musau.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point, the sitting of the House will adjourn to resume on 7th November, 2018 at 3.30 p.m. I appreciate we are finishing this sitting late and that sitting is today in the afternoon, Hon. Members.

The House rose at 1.36 p.m.