

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 8<sup>th</sup> May, 2019**

The House met at 2.35 p.m.

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

**PRAYERS**

**Hon. Deputy Speaker:** Good afternoon, Hon. Members. Mr. Clerk, proceed.

**PAPER LAID**

DEATH OF BABY ETHAN JUNIOR MUENDO AT THE SHALOM HOSPITAL

**Hon. Deputy Speaker:** Hon. Members, under that Order, I have one Paper to be laid by the Hon. Cosmos, chairperson health emergency services committee. Hon. Cosmos.

**Hon. Masesi:** Thank you, Mr. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the House today Wednesday, the 8<sup>th</sup> day of May, 2019; the report of the Health and Emergency Services committee on inquiry into the death of baby Ethan Junior Muendo at the Shalom Hospital, on 5<sup>th</sup> May, 2019 at the Shalom Hospital. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Cosmos. Mr. Clerk, proceed.

**NOTICE OF MOTION**

DEATH OF BABY ETHAN JUNIOR MUENDO AT THE SHALOM HOSPITAL

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one notice of motion again to be moved by the Hon. Cosmos Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker.

Hon. Speaker, that aware that Article 43(1)(a) of the Constitution of Kenya, 2010 states that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

Aware that the Medical Professional and Practitioners Board received complaints of alleged negligence of medical practitioners at the Shalom Hospital, Machakos, whereby a seven month old baby Ethan Junior Muendo died on 5<sup>th</sup> May, 2019.; Noting that Rule 4 A of the Medical Practitioners and Dentists (Disciplinary Proceeding) (Procedure) Amendment Rules, 2013, provides that a Committee of the medical practitioners and dentist Board is mandated to Conduct inquiries into the complaints within such counties as the Board may specify and make appropriate recommendations to the Board, ensure that the necessary administrative and evidential arrangements have been met so as to facilitate the Board to effectively undertake an inquiry, convene sittings in respective counties to determine complaints and Promote arbitration between the parties and refer matters to such arbitrator as the parties may in writing agree; Further aware that the said committee from the Medical Practitioners and Dentist Board visited the Hospital to carry out an inquiry regarding to the incident on 6<sup>th</sup> May, 2019; Aware that H.E The Governor Dr. Alfred Mutua, the Assembly Committee on Health and Emergency Services accompanied by the Acting CEC Member for Health and Emergency Services, Mr. Ancent Kituku Nzioka joined the Medical Practitioners Committee at the hospital; Hon. Speaker, I wish to move the notice of motion that this House discusses ad approves the report of the Health and Emergency Services Committee on inquiry into the death of baby Ethan Junior Muendo on 5<sup>th</sup> May, 2019 at the Shalom Hospital.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Cosmus Masesi. Mr. Clerk proceed.

### STATEMENT

BUSINESS FOR THE HOUSE FOR 14<sup>TH</sup> TO 15<sup>TH</sup> MAY, 2019 AND 18<sup>TH</sup> JUNE, 2019

**Hon. Deputy Speaker:** Hon. Members under this order number we have one statement on the house business committee which is going to be read by the Hon. Mark Muendo Majority Leader.

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

Hon. Speaker, the House Business Committee met on 8th May, 2019 and balloted business pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 14<sup>th</sup> May, 2019

Morning at 10.00 a.m.

Report of the Health and Emergency Services Committee on inquiry into the death of a baby, Ethan Junior Muendo on 5th May, 2019, at the Shalom Hospital.

Afternoon at 2.30 p.m.

- a. Report of Finance and Revenue Collection Committee on the complaints on Machakos County Finance Act, 2019 by Hon. Stephen Mwanthi, Chairperson.
- b. Report of Education on bursary policy by Hon. Daniel Kiilu, Chairperson.

Wednesday, 15<sup>th</sup> May, 2019

Morning at 10.00 a.m.

- a. Motion that, this Hon. House discusses and approves that the County Government of Machakos upgrades Ndithini Health Center to a Level III Health facility, equips and staffs it to ensure that Ndithini and Muthesya Wards residence access quality health services with ease by Hon. Patrick Kituku.
- b. Motion by Hon. Tariq Mulatya, MCA, Masinga Central Ward, that this Hon. House discusses and approves that, the County Government of Machakos adopts tendering method to grade County roads from the Financial 2019/2020 onwards and repairs all graders and station them at the Sub County offices whereby they can be utilized to undertake emergency road works and minor repairs within the Sub-Counties.
- c. Motion that, pursuant to the approved Assembly calendar for the third session, this Hon. House goes on a short recess from Thursday 16<sup>th</sup> May, 2019 to Monday 17<sup>th</sup> June, 2019 by Hon. Mark Muendo.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** I think Hon. Mark Muendo, there is another page.

**Hon. Muendo:** Thank you, Mr. Speaker. Yes.

Tuesday 18<sup>th</sup> June, 2019

Morning at 10.00 a.m.

Report of Budget and Appropriation Committee on the report of the Controller of budget on the implementation of the County budget for the half year of the Financial Year 2018/2019 by Hon. Dominic Ndambuki, Chairperson.

Afternoon at 2.30 p.m.

- a. Report of *ad hoc* Committee on CASA games by Hon. Daniel Kiilu, Chairperson.
- b. Report of Environment and Lands and Energy Natural Resources Committee, supply of water to Masinga Sub-County by Hon. Robert Kisini.

Thank you, Hon. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Mark Muendo, Majority Leader. Mr. Clerk proceed.

**MOTION**  
**STATUS OF IKALAASA DAM**

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one Motion which is supposed to be done by the Hon. Robert Kisini, Chairperson, Environment, Lands, Energy and Natural Resources Committee and I believe Hon. Member for Kibauni, Hon. Annastaciah or the Vice Chair; Hon. Christine Koki is reading the Motion.

*(Applause)*

**Hon. (Ms.) C. Koki:** Thank you, Mr. Speaker.

Hon. Speaker, that aware that Article 43(1)(d) of the Constitution of Kenya 2010 stipulates that every person has the right to clean and safe water in adequate quantities;

Further, aware that dams generally serve the primary purpose of retaining and preventing water flow into specific land regions;

Noting that dams prevent flooding and also provide water for domestic, industry and irrigation purposes;

Acknowledging that Mumbuni/Ikalaasa dam has capacity to produce huge quantities of water which needs to be fully utilized for the benefit of the residents and the environment;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the report of Environment, Lands, Energy and Natural Resources Committee of the Second Assembly on Status of Mumbuni/Ikalaasa dam in Kibauni Ward.

Thank you, Mr. Speaker. I would like to call upon the Minority Leader Hon. Kamitu to second this motion.

**Hon. Kamitu:** Thank you very much. I second the motion.

**Hon. Deputy Speaker:** Point of order by Hon. Cosmus Masesi.

**Hon. Masesi:** Mr. Speaker, I was requesting or I would like to move a motion that members be given sometime to go through the report and we read and discuss it in the next sitting that is maybe Tuesday morning, Mr. Speaker.

*(Applause)*

I wish to call upon Hon. Majority Leader to second the---

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, I do believe that the Hon. Members have gotten the report on the website and therefore I will just request the Hon. Christine to just read the recommendations of the committee and then we will be able to debate it in the next sitting. Just read the recommendations of the committee please. Hon. Members, you might be able to read the

full report in your access through your iPads; you will be able to get it in the website so I am just requesting her to read the recommendations so that we can be able to debate on it in the next sitting as requested by the Hon. Member. Proceed, Hon Koki.

**Hon. (Ms.) C. Koki:** Thank you, Mr. Speaker. These are the committee recommendations. Hon. Speaker, the committee recommends as follows:

1. That Mumbuni dam is a huge water project which can result to great loss of economy if left unattended and therefore the County Government needs to ensure that the project is completed to ensure smooth supply of water to Mumbuni/Ikalaasa residents and the Environs.
2. The county government should, through collaboration with County Policing Authority, ensure there is enough security for the completion of the construction of Mumbuni dam.
3. The County Government through the department of roads needs to rehabilitate the roads leading to the project for easy accessibility.
4. The County executive needs to plan in advance on the projects to be undertaken during a specific financial year and contractors be issued with timelines to ensure that the projects serve the purpose they are intended for.
5. The County Executive need to implement the Sand Harvesting Act and there is also need to come up with provision on how to handle excavated sand during construction of dams to avoid unwarranted loss and also accrue benefits to the community. This is because there shall be construction of dams in different wards in the future and such conflicts need to be curbed in advance.
6. Sand harvesting or any related activities of de-silted sand from the dam should be undertaken in compliance with the Machakos County Sand Harvesting Act, 2014.
7. The County Executive needs to ensure that each ward has one mega dam (??) to curb the problem of water shortage during dry seasons and encourage irrigation to the public.
8. Pursuant to the Fourth Schedule of the Constitution of Kenya on the functions of National and County Governments, storm water management is a function of County Government. In line with this, the County Government of Machakos should ensure implementation of all ongoing and stalled water projects like Mumbuni dam during the current financial year. This will reduce shortage of water and also enable the community get clean and adequate water as stipulated in the Constitution.

Those are the recommendations, Mr. Speaker.

#### *Conclusion and acknowledgement*

Hon. Speaker, it is important that every Kenyan gets access to clean and safe water in adequate quantities. Further, Hon. Speaker, dams play a major role of storing rain water instead of going to waste which is a great source of economic development only when it is well utilized and Mumbuni dam is not an exception.

Mr. Speaker, the Environment, Lands, Energy and Natural Resources Committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support

accorded during the committee sittings and visitations. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report.

Mr. Speaker, it is therefore my privilege, on behalf of the Environment, Lands, Energy to table the report consideration and adoption. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you, Hon. Koki. I see the report is missing some words but it is okay you have done quite well. Now, Hon. Cosmus Masesi there is a motion you were moving because the report had to read first to be adopted by the House; now you can move the motion you wanted to move.

**Hon. Masesi:** Thank you, Mr. Speaker. I would like to move the motion that Members be given time to go through the report and discuss and approve it in the next sitting of this House. I wish to call Hon. Mark Muendo to second.

**Hon. Muendo:** Thank you, Hon. Speaker. I second the motion and on that note also if you may allow me, that we have our Deputy Governor who has lost his brother and we saw it prudent to go today and join the family at Kithimani---

**Hon. Deputy Speaker:** Point of order from Hon. Betty.

**Hon. (Ms.) B. Nzioki:** Thank you, Mr. Speaker. I want to correct our Majority Leader here because he was standing to support the motion; so he is out of order when he is talking about the DG's condolences.

**Hon. Deputy Speaker:** Thank you, Hon. Betty. Majority Leader, I think you had supported the motion; you may resume your seat.

**Hon. Muendo:** Thank you Hon. Speaker but you have heard me.

*(Laughter)*

**Hon. Deputy Speaker:** I am aware of what he is talking about but that is a different issue all together from the business of the House; that is on a personal level but not as part of the proceedings of the House.

The motion has been moved and I would like to propose the question and after that it is my duty that I will request you to support the motion so that we can be able to adjourn this House in view of the fact that we need time to read the report and comprehend what is in the report and discuss it as the mover has requested in the next sitting.

*(Question proposed)*

Hon. Members, I have proposed the question but there is a motion which has been put; can you comment on that motion so that we can be able to proceed from there.

**Hon. (Ms.) B. Nzioki:** Thank you, Mr. Speaker. We can go through the report; it is very sensitive and it is good notion that we take time to study it and come back and deliberate on it because this is a matter for the people of Kibauni and it is a matter that needs to be read when we are fresh. So, I stand to support.

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

**Hon. Kamitu:** Thank you very much, Mr. Speaker. On the same note, I support the content of Hon. Masesi because we are talking about water and we are aware that water is very important and in regard to that dam, let us go through the notes and when we come back we shall proceed with the debate. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Members. I have listened to both sides and I believe that motion which has been moved by Hon. Masesi holds water; Members need time to be go through the report of the dam in Kibauni. It is a sensitive issue and I direct that the report be brought before the House and debated on the next sitting, Tuesday as the first business before we continue with the other business which had been balloted for the day.

#### ADJOURNMENT

**Hon. Deputy Speaker:** With that Hon. Members, the House adjourns to 14th May, 2019 at 10 a.m.

The House rose at 3.00 p.m.