

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**  
**OFFICIAL REPORT**

**Wednesday, 9<sup>th</sup> August, 2023**

The House met at 11.07 a.m.

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

**PRAYERS**

**PAPERS LAID**  
VARIOUS PAPERS

**Hon. Speaker:** May I invite Hon. Nicholas Nzioka to proceed and lay the Papers.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today Wednesday, 9<sup>th</sup> August, 2023.

Matuu Level 4 Hospital quarterly Report and financial statements for the period ended June, 2023.

County Government of Machakos (Executive) quarterly Report and financial statements for the period ended June, 2023.

County Revenue Fund quarterly Report and financial statements for the period ended June, 2023.

Receiver of Revenue quarterly Report and financial statements for the period ended June, 2023.

Thank you, Madam Speaker.

*(The Papers were laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Nzioka. Those Papers are committed to the following committees. Paper No.1 is committed to the Health and Emergency Services Committee, Paper No. 2 is committed to the Finance and Revenue Management Committee, Paper No. 3 is committed to the Finance and Revenue Management Committee and No. 4 is committed to the Finance and Revenue Management Committee.

**MOTIONS**

FINANCIAL STATEMENT OF MAVOKO WATER AND  
SEWERAGE COMPANY FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2020

**Hon. Speaker:** May I invite Hon. Philip Ndolo, Chairperson Public Accounts and Investments Committee to come forward and move that Motion. Welcome Hon. Ndolo.

**Hon. Philip Ndolo** (Mitaboni, UDA): Thank you, Hon. Speaker.

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly; Cognizant that the Audit report of Mavoko Water and Sewerage Company for the year ended 30th June, 2020 was received in the Assembly pursuant to Article 229(7) of the Constitution;

Further aware that the report was committed to the committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;”

Aware that the Committee after receipt of the report conducted several meetings with the Accounting Officer of the Company together with officers from the office of the Auditor General and consequently compiled a report;

Hon. Speaker, I wish to move the Motion that this House discusses and approves the audit report Mavoko Water and Sewerage Company for the year ended 30<sup>th</sup> June, 2020.

Thank you, Hon. Speaker and I would like to call Hon. Ndaka to Second the Motion.

**Hon. Speaker:** Hon. Ndaka.

**Hon. Jackson Ndaka** (Tala, WDM-K) seconded.

**Hon. Speaker:** Thank you, Hon. Ndaka.

*(Question proposed)*

I invite the mover to come and give highlights of the report after which I will invite Members to debate the Motion. Proceed, Hon. Ndolo and I would request that you go by how you did the other report yesterday.

**Hon. Philip Ndolo** (Mitaboni, UDA): Thank you again, Hon. Speaker. Report of Auditor General on Mavoko Water and Sewerage Company for the year ended 30th June, 2020. I will start with Executive Summary. Hon. Speaker, the report on the Financial Statements of Mavoko Water and Sewerage Company for the year ended June, 2020 was received in the Assembly pursuant to Article 229(7)---

*(Loud consultations)*

**Hon. Speaker:** That whisper is loud Hon. Kyee. Proceed; I am sorry.

**Hon. Philip Ndolo** (Mitaboni, UDA): Let me start again.

**Hon. Speaker:** Yes please, kindly.

**Hon. Philip Ndolo** (Mitaboni, UDA):

*Executive summary*

Hon. Speaker, the report on the Financial Statements of Mavoko Water and Sewerage Company for the year ended June, 2020 was received in the Assembly pursuant to Article 229(7) of the Constitution. The report was committed to Public Accounts and Investments Committee pursuant to Standing Order 185(2)(b) and (c) and the report had a qualified opinion.

The key queries raised in the audit report include inaccuracies in the financial statements, long outstanding debts and non-provision of important documents relating to the company's declared trade and other payables among other queries.

Hon. Speaker, further scrutiny of the audit report revealed other prior year issues raised by the Auditor that the management had not settled. These include; non-revenue water that is higher than the allowable threshold, use of wrong imprest accounting system, irregular appointments of Board Members and delayed transfer of the company's ownership to the County Government.

In the Auditor's report on Report on Effectiveness of Internal Control, Risk Management and Governance, the Committee noted that during the year under review, the Company lacked disaster recovery and Business Continuity Plan that would guide the Company in identifying, preventing and mitigating against disasters.

In order to address the issues raised from the particular queries the Committee recommended measures such as the County Government to provide budgetary allocation to finance the company operations, intensive debt collection exercise including water disconnection. Fast tracking of the Company transfer documents and strict adherence of Section 9(1) of the Public Audit Act, 2015 by providing all the information that Auditors needs during audit time to effectively carry out their duties.

Allow me Hon. Speaker to go to the background.

**Hon. Speaker:** Proceed with the background.

**Hon. Philip Ndolo** (Mitaboni, UDA):

*Submission of the Report*

The Audit report on the Financial Statements of Mavoko Water and Sewerage Company for the year ended June 2020 was received in the Assembly in February 2022 pursuant to Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly. On receipt of the audit report, it was committed to Public Accounts and Investments Committee pursuant to Standing Order 185(2)(b) and (c) and the report had a qualified opinion.

This means the financial Statements present fairly in all material aspects the financial position of Mavoko water and sewerage Company for the year ended 30th June, 2020.

It is good to note that while observing the Constitutional requirements, this report should have been received in the Assembly latest by end of January, 2021 hence the report was late by

one year. This is in contravention of Section 48(1) of the Public Audit Act 2015 that requires the Auditor General to audit and report on accounts audited six months after the end of the fiscal year in question.

Further, it is important to note that 2022 was a year of Government transition and political parties were busy undertaking campaigns until the general election time which was done in August, 2022. This is therefore to confirm that the report could not be processed since the Third Assembly was still in the process of constituting Committees during the second quarter of the financial year 2022/2023. This explains well why the report was not acted upon by this committee during the year of receipt.

The Committee on Public Accounts while exercising its mandate as provided in Standing Order 185 invited the Accounting Officer and conducted interrogation on the audit report on 23rd February 2022. This is as per the provisions of Article 226(2) of the Constitution that provides that the Accounting Officer of a County public entity is accountable to the County Assembly for its financial management.

Madam Speaker, if you allow me I will go to the queries in the financial statements.

**Hon. Speaker:** That is in order. Proceed.

**Hon. Philip Ndolo** (Mitaboni, UDA): Thank you. I will just mention them.

Inaccuracies in Presentation of the Financial Statements;  
Long Outstanding Trade Receivables;  
Unsupported Trade and Other Payables;

Let me go to other matters contained in the report and I will just mention them

Excessive non-revenue water;  
Unaccounted for imprest;  
Irregular appointment of board members;  
Failure to comply with the one third rule on deductions;  
Lack of approved staff establishment.

Hon. Speaker, allow me to go to Committee general observations.

**Hon. Speaker:** Proceed.

**Hon. Philip Ndolo** (Mitaboni, UDA):

**COMMITTEE GENERAL OBSERVATIONS**

Hon. Speaker, the Committee after scrutinizing the queries in part one on basis of qualified opinion, prior year issues and part two of the report on abiding by the law and compliance to relevant laws makes the following general observations:

1. That the financial statements had several inaccuracies that contributed to the qualified opinion. The Committee noted that the errors in the financial statements were contributed by failure of the Company to address the advisory of the auditors on errors at the earlier stage of audit process.
2. The Company was influenced by political class especially on the areas of water provision and appointment of Board Members and this largely affected its operations including its inability to collect their debts and also decision making.

3. The provisions of Section 2(2) of First Schedule of Water Act 2016 on competitive appointment of Board Members was not adhered to since no documentary evidence was provided for advertisement to source the members.
4. The Company did not achieve the year's projection budget due to reduced sales occasioned by drought and low water volumes from its reservoirs and also from Nairobi Water and Sewerage Company.
5. The Company has made progress in putting up measures towards reducing the non-revenue water. These include among others; forming a dedicated team NRW team, testing, servicing and replacing faulty meters and installing digital meters. These measures have proven to be working as the NRW has reduced from 37 per cent in the previous year.
6. The Committee noted several non-disclosure issues and non-provision of important documents as required by Section 9(1) and 47(2) of the Public Audit Act, 2015 that grants audit officers powers of access to all records that are reasonably necessary in carrying out their functions.

#### *COMMITTEE GENERAL RECOMMENDATIONS*

The Committee after considering the above general observations makes the following general recommendations in addition to the specific recommendations made under each query:

1. On the Query of inaccuracies in the financial statements, the Company should strictly action the advisories given by the auditors at the management letter and draft stage. This will have a far reaching effect on the final opinion of the Auditor.
2. The query on long outstanding trade and other receivables and Pursuant to Section 53 of the Public Audit Act, 2015, the Company should forward to the Assembly a progress report to justify improvement of debt collection outlining clearly the extra revenue collection after instilling the new revenue collection measures.
3. On the query on Non-Revenue Water (NRW), the Company should embrace the high technology stated in the response to achieve the threshold of 25% set by the Water Services Regulatory Board, Any positive steps made will imply positively to the company's revenue collection.
4. On the query on irregular appointment of Board Members and Pursuant to Section 2(2) of the first schedule of Water Act 2016 the appointing authority should within 90 days of approval of this report constitute the Mavoko Board of Management. This will shield the Company from any liabilities that can arise from the decisions of the current board at the event these decisions are challenged in the court of law.
5. The Company for the purpose of future reports should strictly observe provisions of Section 9 and 47(2) of the Public Audit Act 2015 on matters of full disclosure of information to Auditors during the audit time and availing of the required content.
6. Pursuant to Section 53(1) of the Public Audit Act 2015, the Accounting Officer should within 90 days after approval of this report take the relevant steps to implement the recommendations in this report or give an explanation in writing as to why the report is not implemented.

### *CONCLUSION AND ACKNOWLEDGEMENT*

Hon. Speaker, water service providers (water companies) in Machakos County as provided in the Machakos Water Policy 2020 recognized these service providers as a key player in provision of water for all as outlined in the Constitution. However, they have faced several challenges that have adversely affected their operations. This therefore calls for the County Government of Machakos to put up strategies to support these water service providers if at all they are going to remain in the business of providing water to the residents of Machakos.

Hon. Speaker, the Committee on Public Accounts and Investments is grateful to the Speaker and the Accounting Officer of Mavoko Water Company for the honest submissions made before the Committee, the Office of the Auditor General for the advisory given and members of the Committee and the Secretariat for commitment and effort throughout the process of report writing.

Hon. Speaker, it is therefore my pleasure to table before this Honorable House the report on Financial Statements of Mavoko Water and Sewerage Company for the year ended 30th June, 2020 for discussion and adoption. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. May I now invite Members to debate this motion? May I have contributions from Members? Hon. Ndambuki.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I want to appreciate the chairperson PAIC committee together with his team for putting together that report on Mavoko water and Sanitation Company. Madam Speaker, it is clear from the report that has just been read that there are a number of challenges that are facing water companies in this County. If the Mavoko water company is an example that we have to take.

My suggestion, Hon. Speaker, would be that the department of water tries to bring these water management bodies together and see how best they can manage to make them entities that generate income to the county government of Machakos. That is one of revenue streams that we can rely on if well-utilized on its potential so that Madam Speaker, the target that we have put on own source revenue of Ksh. 2.9 billion be realized.

Looking at the report Madam Speaker, Mavoko Water Company has a potential of realizing more than what they report in the books because that is an urban area. Also Madam Speaker, we can improve on their potential we also need to ensure that they modernize their way of operation and they revamp on their apparatus. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Ndeti, Hon. Minority Leader and Hon. Johanna in that order.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Madam Speaker. I also wish to congratulate the committee on PAIC for putting out such a report. All I want to say is that it is unfortunate that the report is outdated; it ought to have come sometimes in January, 2021 and now we are discussing a report that is stale because we do not know the status right now.

Listening to all the issues I think the County Government needs to come up with a clear policy on how to run these water companies. All of them seem to have issues and as far as I am concerned they should be reporting profits and not losses. I think this is happening because they seem not properly run. There is need for the County Government to come up with a uniform

policy that is going to ensure that the managers put there do not abuse the office. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Ndawa.

**Hon. Mbili Ndawa** (Matuu, MCCP): Thank you, Madam Speaker. I will start by applauding my brother Hon. Ndolo and his team for coming up with a brief and self-explanatory report. Hon. Speaker, from the general recommendations, we need not discuss much on this report because the committee has summarized and it has directed on what should be done. So I would request if the report can be forwarded and the concerned department follow the recommendations of the committee and I am very sure we will have solved the problem.

Hon. Speaker, again, the company has tried; the word qualified is less harmful if you compared it with the other word 'adverse', this one they have tried.

*(Hon. Ndawa tried to straighten the gooseneck microphone)*

Hon. Speaker, I am using a lot of energy trying to put this thing in place, So, I request because the Assembly will be going on recess, let us have these things repaired. You can see how it is moving and I am straining.

Hon. Speaker, the issues affecting Mavoko Water Company are also affecting other companies. This is a report of two years ago and as of now, the state has changed negatively. Right now, Mavoko and other companies have been disconnected by Kenya Power because of these power bills. I am requesting if the department can assist the companies at least to use renewable energy instead of Kenya Power energy because, what they are selling or giving to wananchi is not paying back because of these huge power bills.

Again, the water companies cannot account for all the water that goes through the meter because of leakage. These is water loss between the source and the meter or from the meter to the other side and they may not be able to account for that water and that is why in most cases, the reports that will be coming in this House, there will be similarity of the water used not being in tandem with the accounts. If we can assist the water companies to acquire those solar panels, I am very sure they will cut cost and they will be able to survive.

The other issue, Madam Speaker, I do not know who owns the companies; I believe the county owns them. If they are limited companies and the government learns that the company cannot manage its financial status, what are the remedies? The government has either to close it or to put the company under receivership. So, to avoid this situation---

**Hon. Speaker:** I think the companies have been taken over by the County Government; I heard something like that when the Hon. Member was reading this report. Yes, they have been taken over by the County Government for management.

**Hon. Mbili Ndawa** (Matuu, MCCP): So, if that is the case, well and good. Let the County Government do its best to ensure that these companies survive. As you are aware Hon. Speaker, Article 43 of the Constitution says every Kenyan is entitled to clean and safe water and part (d) of it says and in adequate quantities. So, if I consume 10 litres in a day, I am entitled to that. To ensure members of this County actualize that right, let us ensure our companies are working without straining. Thank you, Hon. Speaker, I support the report.

**Hon. Speaker:** Thank you Hon. Member. Hon. Johana.

**Hon. Johana Munyao** (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. I applaud the committee of PAIC for this report and I also want to concur with my colleague who pointed out that we are discussing a report which dates back to 2021 and I have served in that committee before and I know normally the reports come to this House a bit late and that is why the delay extends and we appear to be discussing reports which date some years back.

Madam Speaker, a qualified report means that report is acceptable by creditors, lenders and investors. So, for Mavoko Water Company is a going concern and it is one company if supported it can go far. I have looked at some issues which are categorized under matters unresolved for the previous years and that to me is a danger because we may never know whether up to now, the same issues may be recurring. Like unaccounted for water has been an issue to many water companies and sometimes it could be a creation by the management because that is one of the loopholes which can be used to swindle funds from the company. So, it is an area which requires to be looked into seriously.

Madam Speaker, lack of staff establishment can also be used to either over-employ or under-employ of have misplaced skills. What I would advise is, going by the general recommendations of this committee, whatever has been dragging our companies back is lack of implementation of the reports or resolutions of such audit reports. We may come up with very nice general recommendations and timelines but I have seen from past experience that such recommendations end up in drawers.

How I wish we could go a step further to ensure that either during quarterly reports of the departments we get to understand how far such recommendations have been implemented because, to me the water companies are rich areas for creation of employment to our electorates and supporting them would mean that we have a very rich revenue stream to enable us continue collecting funds and a source of employment for our electorates.

I want to cite a case of the empowerment I want to share. We have Kathiani Water Company which I do not know whether it still exists and their source of water is Muoni Dam where de-silting was even an issue. We have Machakos Water Company, which draws water from Maruba and we are also discussing Miwongoni Dam which is work on progress. How I wish such sources could be addressed properly so that the companies have enough water and we can be on their neck to see how they manage and how they are able to provide that water to the needy residents of Machakos County.

Madam Speaker, I also want to say that one challenge although it may not have been reported previously which the water company was going through were lack of payments for the water, they supply to the government offices. So, when we do not honour the water supply bills as a government it is also killing the water companies. I want to congratulate the Chair and his team for the good work done and pray that those recommendations are followed so that we save our water companies. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. I now call the mover of the motion to reply.

**Hon. Philip Ndolo** (Mitaboni, UDA): Thank you once again, Hon. Speaker. I would like to thank this House for a healthy debate and as you have said that the report was late; we have other reports that are going to come and we are going to put the inputs that you have raised. Like



the issue of debts, the County Government of Machakos owes these companies a lot of money and we have summoned the Chief Officer of water and CO revenue collection and we have brought all the debts that every department owes these water companies and we have shared how they will be paid. So, the issue that has been raised by Hon. Johana, we have handled it.

The issue of Board members has also contributed to failure of this company because most of the board members do not meet the requirements put there and we have instructed the CECM for water and they are doing advertisement to look for better board members. The issue of losing water, especially Mavoko Water Company has good meters that are being computerized so that they can know the water being lost but the other companies are still facing this challenge of losing a lot water. We have shared with these companies how they are going to implement what we have discussed. Thank you, Hon. Speaker and the House at large.

**Hon. Speaker:** Thank you, Hon. Member

*(Question put and agreed to)*

*(Applause)*

#### ALTERATION OF THE CALENDAR OF THE ASSEMBLY

**Hon. Speaker:** May I invite the Hon. Nicholas Nzioka, Leader of Majority to come forward and move that motion.

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

Hon. Speaker, that aware that the second Session of the Third Assembly commenced on 14th February, 2023;

Further aware that pursuant to Standing Order 25(1), the Assembly approved an Assembly calendar on 14th March, 2023 and altered it on 15th March, 26th April and 13th June, 2023 through House resolutions;

Acknowledging that Standing Order 25(4) provides that despite the adjournment date as scheduled in the approved Assembly Calendar, the Assembly may by resolution, alter its Calendar or the adjournment date;

Further aware that Standing Order 151(6) provides for the mandate of the House Business Committee which amongst others, is to prepare and if necessary, from time to time adjust the Assembly Calendar with the Approval of the House;

Aware that there is need for Hon. Members to attend the 5th Edition of Devolution Conference from 14th to 18th August, 2023 and the 4th Edition of County Assemblies Sports Association (CASA) games from 19th to 27th August, 2023;

Noting that that the House is scheduled to break for short recess on 23rd August, 2023 as per the calendar of the Assembly, during which the Assemblies will be participating in the CASA games;

Hon. Speaker, I wish to move the Motion THAT notwithstanding the resolutions of the Assembly made on 14th March, 2023 (Approval of Assembly Calendar), 15th March, 2023, 26th April, 2023 and 20th June, 2023 (alteration of the Assembly Calendar) and pursuant to Standing Order 25(4), the Assembly resolves to alter its Calendar (Regular Sessions) for the Second Session of the third

Assembly to adjourn its sitting from today 9th August, 2023 and resume its regular sittings on Tuesday, 19th September, 2023 and that the Assembly Calendar (Regular Sessions) for the Second Session be altered accordingly. I call upon Mheshimiwa Mbili Ndawa to second. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much. Mheshimiwa Mbili.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Madam Speaker. I second the motion and after seconding the motion, there are some issues I want to air. Item No. 1 recess or adjournments are becoming too much. For this one we are agreeing because we have two National activities that are taking place; the devolution conference and the CASA games and I am requesting that we reduce the number of adjournments. Hon. Speaker I did my own calculations and I have come to realize that in one year, we lose four months at home. Since we are the Assembly which approved the calendar, let us try as much as possible to reduce the adjournments.

Item No. 2. Hon. Speaker as we are trying to serve our electorates, we cannot serve them bare-handed. When we come to this Assembly to represent our people or to represent our electorates, there are some payments which are made especially I am concerned with the issue of mileage. Hon. Speaker if Members can confirm here, when they were being paid salary for the last month, the mileage was paid half way and I do not know the criteria which was used to cut--

**Hon. Speaker:** I think that is administrative.

**Hon. Mbili Ndawa** (Matuu, MCCC): It should be administrative but the point is home.

**Hon. Speaker:** I believe there must be a reason why that is happening which I think the most appropriate person to address that issue is the Clerk. So I thought that is something you would just go to the Clerk's office and find out why it was like that.

**Hon. Mbili Ndawa** (Matuu, MCCC): Okay; well-guided. Again on the same note, when we are on recess Members do travel to this Assembly for committees and they cover the number of kilometers that they cover when coming for plenaries so I do not see the difference, so as you sit down to address the matter because we have representatives in the board, Mheshimiwa Johana and Mheshimiwa Katangi is here, it is good to take the views of this Hon. Members because a shilling lost may not be easily recovered.

Otherwise, Madam Speaker, I second that we adjourn today, go take part in those two national events and resume on the date that the Majority Leader has proposed. Thank you Hon. Speaker.

*(Applause)*

**Hon. Speaker:** I just want to comment on the issue of many adjournments as Hon. Ndawa has put it. I believe you sit in the House Business Committee and it is at that point you should just shoot down any balloting of adjournment.

*(Applause)*

I do not feel this comment is made in good faith because you sit in the House Business Committee and at that particular time when we are balloting for the business of the House for the week and that is the point you should have bring that question of yours. Going forward, do that that in the House Business Committee.

**Hon. Mbili Ndawa** (Matuu, MCCP): Well-guided Madam Speaker.

*(Applause)*

I will follow your directions.

**Hon. Speaker:** Thank you.

**Hon. Mbili Ndawa** (Matuu, MCCP): I am a very good student and obedient MCA.

**Hon. Speaker:** Thank you.

*(Question proposed)*

I now invite Members to debate this motion, Members contributions, Hon. Lucky.

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Thank you, Madam Speaker. I take this opportunity to thank you for catching my eye. I stand to support the adjournment but Madam Speaker it comes with very key and pertinent issues that are coming up in the House and in addition to what the Minority Leader has raised, I am also raising the concern about the House attendance.

Madam Speaker, I am having a big problem of whipping Members to come to the House and I want to peg it you and I hope you will assist me, Madam Speaker. I am looking to it like the welfare of the Members is not looked into and we are losing taste. We call upon your indulgence so that we can bring taste to the House and Members feel part of the House and come to the House without a lot of whipping. Madam Speaker, I call for your assistance.

*(Applause)*

**Hon. Speaker:** What is the nature of problems do you have with whipping and your duties?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): I am not having any problem with whipping them and they are very loyal and good Members---

**Hon. Speaker:** So why are they not here?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Madam Speaker, I can see Members in the House.

*(Laughter)*

**Hon. Speaker:** So what was your point?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Madam Speaker, it is not the first time we are having problem of quorum.

**Hon. Speaker:** Are you getting my question?

**Hon. Lucky Nzau** (Matungulu west, WDM-K): Yes.

**Hon. Speaker:** What is my question?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Why are my having a problem with whipping them?

**Hon. Speaker:** Yes.

**Hon. Lucky Nzau** (Matungulu West, WDM-K): I am not having a problem with whipping them; I am looking for the problem. Why should I whip them and they know they are supposed to be here.

**Hon. Johana Munyao** (Mutituni/Ngelani, MCCC): Point of Information.

**Hon. Speaker:** Proceed Hon. Johana.

**Hon. Johana Munyao** (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. Honestly, I want to admit that that Hon. Member is admitting that he is not qualified for that position because I do not see how he can stand here to start lamenting that he is unable to whip Members to this chamber. Thank you, Madam Speaker.

*(Laughter)*

**Hon. Speaker:** You are out of order.

*(Laughter)*

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Madam Speaker.

**Hon. Speaker:** Is it a response you want to give or what is it?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): I think I have a problem looking into calling Members into the House.

**Hon. Speaker:** You know these things are being recorded by the HANSARD!

**Hon. Lucky Nzau** (Matungulu West, WDM-K) Yes, Madam Speaker.

**Hon. Speaker:** When we call the HANSARD, will you say you did not say something like that?

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Yes, Your Honor.

*(Laughter)*

Madam Speaker, let us put it clearly and let us not put it as a joke; I am saying we are having a problem of quorum.

**Hon. Speaker:** True.

**Hon. Lucky Nzau** (Matungulu West, WDM-K): And when we have a problem of quorum, I come in to whip Members which I very much advocate and accept. I have no problem with that but what is the root cause of this? Why should we whip every now and then? Remember even my---

**Hon. Speaker:** Because that is the work of the Whip.

**Hon. Lucky Nzau** (Matungulu West, WDM-K): Madam Speaker, we are looking at the root cause of the absence. Remember, Madam Speaker, we came from recess and the first day we lost quorum. What does that tell us?

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

**Hon. Speaker:** Yes, you may take a sit and listen to the point of information. Hon. Ndawa.

*(Hon. Lucky Nzau took his seat)*

**Hon. Mbili Ndawa** (Matuu, MCCC): Hon. Speaker, I want to inform the House together with the Hon. Member that in the Assembly we have different offices and each office bearer knows his role and responsibilities so it is upon us those who have responsibilities kindly ensure you do what you are supposed to do otherwise your failure will make the whole House to fail. Hon. Lucky together with Hon. Whip on this other side, kindly you are failing on your duties. You are not performing as per the expectations of the parties that gave you those positions so kindly take charge. Thank you, Hon. Speaker.

*(Applause)*

**Hon. Speaker:** Hon. Maeke.

**Hon. Musyimi Maeke** (Kalama, CCU): Thank you, Hon. Speaker. I am standing to inform this House that what the Majority Whip Hon. Raphael Lucky is saying is something which is the truth and at times---

**Hon. Speaker:** I thought you are supporting the motion.

**Hon. Musyimi Maeke** (Kalama, CCU): I rose on point of information, Madam Speaker.

**Hon. Speaker:** Is that so?

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

**Hon. Musyimi Maeke** (Kalama, CCU): Do I need to be informed?

**Hon. Speaker:** You will be informed.

**Hon. Musyimi Maeke** (Kalama, CCU): Thank you.

*(Laughter)*

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Madam Speaker, you see some of the things that we are doing now is because of laxity of some of Members here including my Whip here who is saying Members are not attending to the Assembly because may be of welfare. Madam Speaker, it is in the whole country that plenaries are no longer being paid not only in Machakos County and the work and the reason why a Whip gets a responsibility is to do exactly whip members.

I have also seen my friend their Hon. Maeke who has just come in and I can tell you Hon. Speaker he does not know the motion in this plenary.

*(Laughter)*

He doesn't know I am very sure; reason being he is from outside and---

**Hon. Musyimi Maeke** (Kalama, CCU): Point of order, Madam Speaker.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): He thought the House will not get quorum so let us be honest and do exactly what is expected. What I am requesting Hon. Members is let us attend to this Hon. House, the House is not meant for the Speaker or the Majority Leader or any other person.

*(Applause)*

When we were asking for these positions, Madam Speaker, we promised our people down there that we are going and we will come to work for them. What are we doing? Now the

issue is other things that are not necessary. Madam Speaker, it is the high time also as Hon. Members to be serious and do what we came here to do.

On the issue of calendar; the House calendar came here and we all approved and we all know there is a national event next week and that is why the House is adjourning today otherwise if there was no devolution conference and CASA games the following week we could not have adjourned the House today. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. I want to bring that debate on welfare to an end by saying this; let each Member with a responsibility do their responsibility. Hon. Lucky, Hon. Evelyn, you are the whips of this House do your work and once you have done your work you will not have any issues with this House.

*(Applause)*

So do not bring in issues of welfare or plenary allowances in this House because it is not an issue for Machakos County Assembly alone. The entire country of 47 Assemblies does not have plenary allowance and they go to work to do the work they have been send by wananchi to do. So let us not discuss this again; let us finish this story today forever until that time when those issues are addressed. We have authorities in this country that address those issues of welfare and plenary allowances; let them do their work also.

So therefore can we go back to the subject matter. Any Member who is raising hands now will be talking about the motion at hand. With that consensus, I go forward to put the question.

*(Question put and agreed to)*

**Hon. Speaker:** The House is therefore adjourned to Tuesday, 19th September, 2023 at 10.00 o'clock in the morning. Thank you, Hon. Members.

The House rose at 12.12 p.m.

