

OFFICIAL REPORT

Tuesday 7th May, 2013

The House met at 2.58 p.m.

[The Speaker (Mr. Mung'ata) in the Chair]

PRAYERS

(Several Hon. Members entered the chambers)

COMMUNICATION FROM THE CHAIR BUDGET COPIES

Hon. Speaker: Honorable members, the communication coming this afternoon from the chair is that we received copies of the budget. They were brought to us on the evening of 30th and they are now available and shall be referred to the relevant committee for further deliberations. Proceed.

PAPERS LAID SECTORAL COMMITTEE MEMBERS

Majority Leader (Hon. Mwonga): Mr. Speaker, I beg to table the list of members of various sectoral committees which was done by the House Business Committees. Thank you, Mr. Speaker. Honourable members, the list I am going to table before you is a creation of the House Business Committee which is mandated by Standing Orders to come up with the list. We have eight sectoral committees and in coming up with these list or committees, we considered expertise, passion and regional balance. We did not consider political parties. Members, I know some of you, maybe you wanted to be in this committee or the other committee but members remember we could not accommodate your passion in this issue, we had no 'passionometer' to measure your passion.

I start with Agriculture, Environment and Natural Resources. We have Isaac Mutuku Muinde, Gideon Kavuu, Phillip Ndolo, Charles Mutisya, Wilson Kasimu, Felix Ngui, Nathaniel Nganga, Geoffrey Munyao, Stephen Muthuka, John Sila, Muli Musyoka, Collins Mbithi, Joseph Itumo, Joshua Mwonga, and Alex Kamitu. Health Services. Cecilia Mbinya Sereka, Alexander Kathinzi, Cornelius Kitheka, Kyalo Peter Kyuli, Nzoka Munywoki, David Manyolo, Magdalene Ndawa, Winston Kanui, Edric Ngunzi, Thomas Kasoja, Geoffrey Munyao, Stephen Muthuka, Sammy Nduva, Isaac Muinde, Joseph Kalunde and Benson Kasyoka.

Children, Culture and Community Services. Peter Nzioki, Rachael Nduku, Timothy Kilonzo, Justs Kimata, Leonard Katela, Alphonse Wambua, Joshua Mwonga, Edric Ngunzi, Collins Mbithi, John Sila, Renson Muthiani, Joseph Itumo, Nathaniel Nganga, Alexander Kathinzi and Winston Kanui. Transport and Public Works. Felix Ngui, Rachael Nduku,

Alphonse Wambua, Michael Mutua Mutuku, Isaac Muinde, Dominic Maitha, Nathaniel Nganga, Joseph Kalunde, Oliver Munyaka, Thomas Kasoa, Francis Matheka, Magdalene Ndawa, Charles Mutisya, Geoffrey Munyao and John Sila.

Planning, Trade, Tourism and Co-operatives. We have Joshua Mwonga, Gideon Kavuu, Phillip Ndolo, Cecilia Sereka, Kyalo Peter Kyuli, Wilson Kasimu, Cornelius Kitheka, Joseph Musyoka, Sammy Nduva, Thomas Kasoa, Francis Matheka, Alex Kamitu, Michael Mutuku Mutua, Leonard Katela and Peter Nzioki Kilonzo. Sorry, yes yes. We had agreed we make an amendment to that committee. I think I am reading the wrong list because the new list we are having now has Cornelius Kitheka in that committee. Sorry, I have mentioned Kitheka? Timothy Kilonzo is there, sorry members it is the correct list.

We go to Early Childhood Education and Vocational Training. David Manyolo, Peter Nzioki, Cecilia Sereka, Charles Mutisya, Nzoka Munywoki, Justus Kimata, Festus Ndeto, Benson Kasyoka, Oliver Nzeki, Magdalene Ndawa, Alex Kamitu, Renson Muthiani, Michael Mutua Mutuku, Joseph Kalunde and Edric Ngunzi. Labour and Social Welfare. Alexander Kathinzi, Leonard Katela, Cornelius Kitheka, Felix Ngui, Rachael Nduku, Phillip Ndolo, Renson Muthiani, Oliver Nzeki, Collins Mbithi, Dominic Maitha, Francis Matheka, Festus Ndeto and Sammy Nduva.

Hon. Speaker: Can you read the name for Ndolo.

Majority Leader (Hon. Mwonga): Phillip L.M. Ndolo. Thank you. The last sectoral committee is Justice and legal Affairs. Alphonse Wambua, Justus Kyalo Kimata, Gideon Kavuu, Kyalo Peter Kyuli, Wilson Kasimu, David Manyolo, Joseph Itumo, Alexander Kamitu, Dominic Maitha, Stephen Muthuka, Joseph Muli, Winston Kanui, Benson Kasyoka, Nzoka Munywoki and Festus Ndeto. Those are eight sectoral committees and before I sit, Mr. Speaker sir, these committees are very important. As you have said, we received the budget last week and they are supposed to sit and summon the relevant officers to come and answer some questions about the budget. It is my humble request that you will make a directive on when these committees are going to meet so that they can elect chairmen and vice-chairmen, thank you Mr. Speaker.

Hon. Speaker: Thank you, honourable member. Can we have a word from the Leader of the Minority?

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker, it is true that we sat down and nominated members to various sectoral committees and Mr. Speaker, I inform you that there was no form of discrimination or nepotism. We were not partisan when nominating these members so I stand here to confirm these is the true copy of what we agreed. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. After hearing those two hon. members, it is clear that this is a list that was reached out of consensus. Is there any differing opinion? Then I pose the question: that the sectoral committee members appointed to various committees are adopted by the house.

(Question put and agreed to)

By consensus then the committees have been adopted by the House. Proceed.

CONFIRMATION OF THE CLERK

Majority Leader (Hon. Mwonga): Mr. Speaker, on the same agenda on papers, I have a second issue. This issue emanates from the committee on appointments. Mr. Speaker, the issue I am having is, we are going to discuss one of your officers and I think it is prudent that he walks out of the chamber so that members can be free to discuss him. Mr. Speaker and hon. members, the County Assembly Public Service Board sat sometimes last week. On our agenda, the issue of interim officers we are having in this county came up and it was our view that we have our own employees who are going to be answerable to the assembly but not to members of the TA and the Executive of Machakos County. On that juncture, we proposed that we should confirm our Interim Clerk but we did not have those powers in the County Assembly Service Board.

We referred this matter to the committee on appointment and actually that committee sat in the morning session and confirmed Mbiuki for your approval. I just want to take you through his profile. He is Felix Gitari Mbiuki, born in 1964. Qualifications: Masters in Business Administration (2012) KCA University, Bachelor of Commerce (Finance option), CPA Kenya. Courses; Strategic Leadership Development Programme at Kenya School of Government, Kabete amongst others. Over 10 years knowledge and experience in public affairs. Married to a wife, meaning he has only one dear wife and three children.

In December 2012, he applied for the post of County Assembly Clerk to the Public Service Commission in conjunction with the Transition Authority. He was invited for an interview on February 2013 at the Commission's boardroom and he was appointed as the Interim Clerk for Machakos Assembly in February 2013. Members, I think you have heard his profile. I don't want to say much about Felix Mbiuki, you have known him for the two months we have been with him and myself and members who had an opportunity to be councilors in the last council, we worked with Felix Mbiuki for about two years.

He was the clerk to Masaku county council and I had an opportunity, I don't know whether to say to serve under him or he is the one who served under me. I served as the finance chairman for two consecutive years and he is a good man and he is a guy I know, he is a guy we can work with. Thank you Mr. Speaker and honorable members.

Hon. Speaker: Hon. Member of the Majority, I beg you to return to the floor. I heard you say guy, is that parliamentary language?

Majority Leader (Hon. Mwonga): Sorry Mr. Speaker and I wish to withdraw but if it is not parliamentary language, Mr. Speaker it is not my wish to use un-parliamentary language but we have not been trained and I have been crying here that we need some training. Mr. Speaker, I have just used that in light touch to refer to him as a guy but Mr. Speaker we will use more un-parliamentary language if you are not taking us out for an induction course. I am sorry and I withdraw.

Hon. Speaker: Thank you hon. Member, can we have the Leader of Minority to make a point.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. It is true that we sat last week, Machakos County Assembly Service Board and the issue came up because we have two arms of government. We have legislature and the executive and it is very important because we have some of officers working with us and we need to confirm and we discussed our Clerk and I stand here to confirm that I know him. He has worked with us for the last two months and he has proved to be a good worker. He was with us in the last regime, I served in the last council as a councilor for Mbiuni and he served us well so I am making a humble request to members so that we can humbly confirm him as the Clerk of the Assembly so that we can move forward. Thank you very much Mr. Speaker.

Hon. Speaker: I will open the motion for discussion.

Hon. Ngui: Thank you Mr. Speaker sir. I stand here to confirm that. For last few months, I have known Felix Mbiuki as a man with experience and very well conversant with rules and procedures of the assembly so I stand here to second that we confirm him as our County Assembly Clerk. Thank you, Mr. Speaker, Sir.

Hon. Nzoka: Thank you Mr. Speaker, I come here also to support that one. I have seen Mbiuki and we have talked to him in his office and what I like of him is he tries to advise us not to go against the law. Whatever you are doing, make sure you are within the law. So it is good to have someone who can advise us on which way to go as you know we are new here and as my colleague has been here and he talked unofficial language in our assembly so I think Mbiuki has been advising us not to go against the law. So in that position I support him to be the County Assembly Clerk, thank you Mr. Speaker.

Hon. Nduva: Thank you Mr. Speaker, I stand here to propose confirmation of Mr. Mbiuki in this Assembly because as far as I am concerned, for the last few months we have been here, Mbiuki has been a mentor, a person of high integrity, a person who will explain to each one of us especially those of us who are here for the first time about how things are done in the Assembly. So honorable members, I request you to confirm his appointment as the Clerk of this Assembly. Thank you.

Hon. Maitha: Mr. Speaker sir and honourable members in the house, in support of confirmation of our County Assembly Clerk and in reference to the previous session we had, we sat here as honourable members and approved the executive committee upon assurance by the committee on appointment and they have given us the assurance that they have vetted Mr. Mbiuki and we want an assurance from them because who would not like to repeat the same mistake that we did so that we do not blame one another. So I support the appointment and the approval but we do not want the honourable members who sat down in the morning and approved this appointment to have conflict of interest later on.

So if they think it is wise, I am not there to object. I am there to support someone who has supported us for the few months we have interacted with him, he has given us the support each member can require. When you access his office, he is there at your disposal so irrespective of where he comes from, we need someone who can offer advise and direct this House in the right

direction without fear, favour or looking to where he or she has come from, I do support. Thank you, Mr. Speaker.

Hon. M. Mutuku: Thank you Mr. Speaker, I would like to contribute on the appointment of honourable Mbiuki. As per what the leader of Majority has said, that Mr. Mbiuki has expertise or knowledge of over 10 years in managing affairs of the previous county council. That means he has what it takes to manage affairs of this county assembly. What I do not know, it is very important for the Clerk we are trying to approve to have the passion for the job and in particular to have the heart of the hon. members who are approving him. The other issue I would like to comment on is in this county government, we have two arms of government, we have the executive and the county assembly, that is the legislature and the two arms are autonomous. So I think once we approve him, he is going to show this House the direction accordingly therefore Mr. Speaker, Sir, I stand to second or to support the approval of Hon. Mbiuki. Thank you.

(Loud applause)

Hon. Speaker: Yes, I would actually say that the Chair has been blessed by the position that hon. member has taken that the legislature and the executive are two autonomous arms and that is the spirit of this House.

Hon. Kitheka: Thank you Mr. Speaker, my contribution is very simple. As we have lived here for the last few months, we have been with Mr. Mbiuki, he seems to be a very eloquent person who works with passion in this Assembly. We are now about to confirm him. Secondly, I would like to pose a simple question; why can't we also confirm other officers who were seconded to the assembly with Mr. Mbiuki so that we can put the nail into this coffin for the last time because we will come here tomorrow, we start saying we confirm Mr. Meria, Mr. Kivelenge, why can't we confirm Mr. Mbiuki today and other officers immediately.

Thirdly, there is this issue of separation of powers between the executive and the assembly. We want to be independent and we are calling for independence seriously because I think the executive is overstepping its mandate. We are out now to stamp authority in all aspects which are in our docket. We are not going to let it go, we are going to push everything which belongs to the Assembly should belong to the Assembly, what belongs to the executive must belong to the executive. Final. We are aware that there are issues going on about employment which has not passed through us, we want them to be confirmed through the same chamber we are confirming the other people, thank you Mr. Speaker.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I would like to respond to the issue that has been raised by Hon. Kitheka of Machakos Central on the issue of confirming other officers who have been seconded to the Assembly by TA. There are procedures and rules that must be followed. All the other officers are under Mr. Mbiuki and once we are done with Mr. Mbiuki, it is him to bring the list of other members. I think I have clarified that issue, thank you.

Hon. Speaker: Thank you honorable member that indeed is the procedure. Any other contribution? In the absence of any other contribution, I would pose the question that the motion

brought by the honorable member that the confirmation of the Clerk be made by the Assembly; those in support that we confirm the Interim Clerk as our employee.

(Question put and agreed to)

Then with that, the motion succeeds. Let us proceed and invite the Clerk back to the Assembly and proceed with his assistance.

Hon. Itumo: Mr. Speaker, Sir, should I wait for the Clerk to be present or should I continue?

Hon. Speaker: Give the Clerk a moment.

(Clerk returned to the assembly)

MOTIONS SALARIES AND ALLOWANCES OF MEMBERS

Hon. Itumo: Mr. Speaker, Sir, I beg to move the following motion that this honourable House discusses the salaries and other allowances for the honourable members. Mr. Speaker, being an honourable member elected in my area, I was shocked to go to my account and find some money there and thought that somebody had confused and put his money in my account. I started making merry with my friend not knowing that I was enjoying my dues. Mr. Speaker, it was very pathetic since as you know the schools have already opened and some of us are parents who have children going back to school.

Mr. Speaker, Sir, I would like this House to come clear and tell us the money we got was for which month because I understand that I have not been paid for the months of February, March and April and allowances. I also understand that the National Government released money to the County Government and I want to know how much was released to the county assembly to cater for House business. Again, once I got that money, because according to reliable sources, I came to understand that that was part of my salary. I wondered because it was quite little and I was not issued with a payslip and there was no office to go and confirm, no signatures and I stand here Mr. Speaker to say that I received no salary and if there is, it was stray money put in my account.

Mr. Speaker I want to know exactly what direction we are going. It was very sad yesterday when I received, during morning session, more than 70 people coming to seek for bursary while I had no money to issue them with cheques. Can this house come up and guide us on how we are going to get the bursary to assist the needy. Mr. Speaker, it is pathetic for an honourable member, an MCA, to be poor to the extent of seeking bursary himself from the local MP. How can she or he help the needy. Mr. Speaker, I want this House to guide us. Thank you, Mr. Speaker.

(Loud applause)

Hon. Speaker: Any member with a similar thought to support the motion.

Hon. Muinde: Mr. Speaker, while supporting this motion, it is so sad that we are living with uncertainties as members of this House. As of now, I do not know what is entitled to me in form of salaries and other allowances. As the honorable member said, you just go to your bank and find an amount of money without any name. When you come to the Assembly to look for the Human Resource department so that we can get you can get the payslip, we do not have an office, no officer to ask so I support this motion and request that this House be informed where our Human Resource office is so that we can see what is our dues, who is handling our pay and how much is our pay so that honorable members can plan for their pay.

Mr. Speaker we are aware that we got some money allocated to this Assembly by the Central government- Ksh. 158 million meant for this Assembly to cater for our salaries and allowances, induction course and every other business of this House. But to date, honorable members do not have an insurance cover and we know there is money for our insurance. Where is that money? How much was actually posted to us? Who should we ask? Mr. Speaker, basing on the doctrine of separation of powers, as a House we need to be independent, we need to have our own offices functioning, we need to know where to seek information when we need it. So Mr. Speaker, I support the motion and say that this house should be treated as an honorable house separate from the executive, Thank you Mr. Speaker.

Hon. Speaker: That motion is now seconded and is now open for debate.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. As I support this motion, it is true that we have gone two months without pay and as I support MCA of Kangundo Central that he went to his account and found that somebody put some money. I don't think that should be part of salary because we have not been paid for the last two months and we know that there is a circular that came up and Machakos County government was allocated Ksh. 258 million and Ksh. 158 million was for the County Assembly and Ksh. 100 million was for executive. Mr. Speaker you need to come very clear on this because I understand that by this morning, the money has not been received in the Assembly.

Secondly, Mr. Speaker, I kindly request these members for the relevant minister in the executive to be summoned to the relevant committee for questioning. So I propose that that with the support of honorable members, the minister of finance should be summoned to the relevant committee for questioning, thank you Mr. Speaker.

Hon. Speaker: Point of information, this House has all the necessary committees and those committees are our tools and that all issues will be referred to those committees for appropriate action. With that may the debate proceed.

Hon. Kasimu: I would like to support the honourable member for Kangundo Central for the motion he has brought to this honourable House that the salaries or allowances or anything that is being given to these honourable members should be clear and well-defined and we should not get money that we will baptize to be salaries yet we do not have payslips. I would like to make it clear that and let this House know, the House above or the House below that we are not dealing with councillors because these is a mindset with the executive that they are dealing with councilors. We are not councilors

(Loud applause)

I stood here during my first time and in my maiden speech I said I have gone through frustration for five years from the executive because they knew councilors are people who are not educated, people who have not gone to school, people who are not exposed and people from the villages. I want the House to know that we are not councilors and please treat us with respect. You cannot go to my account and put money that I do not know its source and for what purpose. I do not have a payslip and I understand that the money does not come from the assembly. So if they think they are dealing with councilors, we are not councilors and this is information that should go around this country because we are interacting with other Assemblies in other counties and we know what is going on out there and we know the difference between our Assembly and others.

We know our rights and we will fight for our rights until the last man is forced down. Mr. Speaker sir, I want to alert this house to know that there are people out there ready to frustrate the spirit of devolution and they are working from powers....anyway Mr. Speaker, I support the motion that we need our salaries defined and we want to know what that money in our accounts is doing there. If it is not salaries, is it allowances? We do not want to be frustrated, we went through a lot of chaos during our campaigns and we cannot come back here to campaign for our rights. We know our rights, we did our campaigns and the people trust us and know that we can deliver. Please let us support one another, divided we fall, united we stand. God bless the House.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker and members who have spoken before me. I am standing here as a member of Masinga Central ward. Forget about the other issues, members we should unite from now. Having confirmed the Interim Clerk, I think we have added another tooth to the Speaker now that they can bite together. Mr. Speaker, I stand here to support this motion by member for Kangundo Central and I want to start by asking who paid this money that strayed into our account. I understand this money is not paid straight into the account of all 40 members but to a few of these members. When we are talking about money that strayed into our account, do not be mistaken that it happened to all members of this House and members I think I am not wrong.

I think, Mr. Speaker, members are of the opinion that by Friday, because we are not employees of the executive, and if we are, we be told so now. I think we are not employees of the HR who is under the executive, we are employees of the County Assembly and that is why we are saying we need our share that was passed by the last parliament that is Ksh. 158 million. Let us be given our share and members let us not cede any single cent to the executive.

(Loud applause)

Members, if we cede a single cent to the executive, we will be setting a very bad precedent and let me be quoted; let us be given our share as per the circular that was brought and it was received by the office of the Clerk who was interim by then and I am happy to address him as the Clerk of the County Assembly and not the Interim Clerk. So Mr. Speaker can you make arrangements with the office of the Clerk to the Assembly for members to get their two months pay by Friday. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, there is a lot today

Hon. Nganga: Thank you, Mr. Speaker. I would wish to make a deliberation on the motion that is on the floor of the house. First of all I wish to appreciate the effort that has been made by member for Kangundo Central towards affairs of this honorable House. What I would request is that now that we have given you Mr. Speaker, a tool to work with, you can now expedite the process of institutionalizing departments of this honorable House so that we can have somebody in the HR department where we can be able to seek clarification on matters relating to our pay in the immediate time possible.

Mr. Speaker, I would also seek for expediting of the process of setting up of the legal department. Mr. Speaker, most of the time we are caught with legal questions and you realize that we have nobody to turn to. We go around asking people who are not well-versed with the information because as we go to interpret the impending budget that was laid in the floor of the house, we would like to act from a point of information. We would like to be always aware of whatever motion and the consequences of the decisions that his House is going to take. So I would ask your office and the office of the Clerk to move with speed so that we are in a proper standing in regard to that matter.

Personally I did not even get the pay, I was just informed that there was money being credited to our accounts without our knowledge and even some members got the money last week and I was told that that money was credited to my account today and I do not know who credited the money to my account and even there is no explanation about this so Mr. Speaker I would like that the various committees concerned with that issue to move with speed so that at the end of the day, we may act from a point of information, thank you Mr. Speaker and honorable members.

Hon. Kathinzi: I would like to contribute to this issue of stray money. I have been told since morning that some members found some money in their accounts and until yesterday I did not have any money but I confirmed today that the same stray money is in my account now as I speak. So we wanted to know who is giving us this money who is not communicating formally and the other issue is the take for the County Assembly.

I think Mr. Speaker and the Clerk of the County Assembly are in charge and you should make follow-up for the Ksh. 158 million to come back to this honorable County Assembly. I think in debating on this issue, there is no way of turning back and saying 'let us accept this little money or extra more than what has been allocated by the 10th parliament' so let this money be brought back to the County Assembly so that we can plan for our affairs to proceed, thank you Mr. Speaker.

Hon. Kyuli: Mr. Speaker, members of this house have a genuine issue. Personally I checked my account yesterday and found nothing in my account and because I knew I was going to come to this House this afternoon, I spent most of my time yesterday looking for money, borrowing from my friends and fortunately somebody lent me money today. I did not check if my account is credited and if it is, Mr. Speaker sir, let me be quoted; to me that is a gift. It is never going to be my salary and that is not the way to pay somebody. If it is salary, I must, repeat, must get an explanation.

The mood is that everybody is feeling like a gift was given to us or a token was given by somebody feeling sufficiently philanthropic and Mr. Speaker that philanthropic person should continue giving us money, we will not refuse but our salary still stands Mr. Speaker. Number two, I started by saying that I spent most of my time yesterday afternoon and today morning trying to borrow money so that I can be able to move from my place to here. Who has ever been given transport allowance? None, Mr. Speaker.

Does somebody think that we just fly here or we are moved by air to this place? What happens to a person who comes from very far, for example Hon. Kathinzi, who comes from the farthest point. Who fuels his car, who pays for his fare? Do we have to sell our property to reach here? Is this the only poor county in Kenya? Why are members of this county taken for a ride? We interact with members of other counties and they are facilitated. Why are we not facilitated, Mr. Speaker?

Therefore, I am proposing this, Mr. Speaker, that the person who should be making payment of our salaries should also include allowances especially travelling allowances. These members are fuelling their own cars, I met one of them with a goat Mr. Speaker, I do not know maybe they were going to sell that goat and this is not fair to us even to you Mr. Speaker. I do not know where the Speaker comes from, maybe he comes from very far. Who facilitates him? I do not know maybe he has a car given by the Assembly which is still OK but is that car worth our Speaker. We now have a County Assembly Clerk, congratulations Mr. Clerk, but have you members seen the car allocated to the Clerk- it is a pick-up as if he takes *mboga* to the market.

Is that car worth the status of our clerk, somebody who is senior? We have seen other executive members moving with posh cars Mr. Speaker. We would be very happy to see our speaker moving with a posh car that befits his standards but we are facing the same problem. Mr. Speaker, I have not received my two months pay and the very philanthropic person, he or she, is the one given the mandate to pay my salary, I demand my salary. Lastly, Mr. Speaker, we have learnt the kind of money allocated to this county and especially the Assembly.

Mr. Speaker, there must be separation of powers if this House is autonomous even on the matter of finances. We are able to sit here and deliberate on issues. The other issue is on every cent allocated to this County Assembly because we were mandated by majority of the electorate in every ward that is represented here. Mr. Speaker, the people who elected me in Wamunyu believe in me and trust me and the money allocation to this Assembly, I must put my hand on it. So Mr. Speaker if the money was misappropriated, I am sorry, somebody has to pay for that. Thank you, Mr. Speaker.

Hon. (Ms.) R. Nduku: Thank you Mr. Speaker, I want to appreciate my colleague Hon Kyalo Kyuli for what he has talked about. I just want to comment on the issue of salaries and working together as County Assembly members. What I can comment on is that unity and working together and whatever we are saying here we are in unity because it is for the good of all of us. It is terrible for some members to be calling each other to tell them to go check in their accounts to see if they might find some money and they use their fare to go check their accounts and find no money.

For me, it was terrible because I was called by a colleague. What I would request our honorable Speaker is order employment of staff so that we can have an office for Human Resource where we can check information on our salaries and any other thing concerning our finances. I would also like to support the motion by member for Kangundo Central about the

worries we have about our salaries and what our Speaker and Clerk can do about it, we would appreciate a lot. Thank You.

Hon. Kalunde: Mr. Speaker sir, I would start by congratulating our Assembly Clerk for being confirmed as our Clerk today. Mr. Speaker, every member is complaining about what they found-money deposited in their account whose origin is not explained. That is pathetic. I would like to digress from this particular agenda and give information on one of the things that is troubling members of this Assembly.

Every member who has contributed to this motion is talking about separation of powers and I wonder our, Majority Leader and other members, I do not know whether it was a whisper that the executive has employed more than 130 people and I wonder whether we are being treated like rubber stamps because when we had a Kamukunji with the Governor and when we were at Amboseli, he told us that he wants to give every member of the County Assembly, five people to employ. What is going on? I wonder what is going on because during our campaigns we went to every area promising that we would offer employment from the electorate and they are waiting for that.

Hon. Speaker: Honorable member, I think you have gone off the motion.

Hon. Kalunde: I did request you Mr. Speaker---

Hon. Speaker: Order, order!

Hon. Kalunde:to digress from that point but anyway thank you very much and please let us be told if there is this separation of powers, whether the Assembly is going to employ its own people or whether the Executive will employ people without even having referred to members of this County Assembly.

Hon. Speaker: Honorable members, I think the point that has been raised by that member is a substantive point and I would urge that it be brought on a substantive motion. We can proceed.

Hon. Manyolo: Thank you Mr. Speaker sir and the house at large. Mr. Speaker sir, much has been said by honorable members touching on salaries and allowances, house allowance, transport and also office allowance. We have figured out what we exactly needed and it is upon you Mr. Speaker to do it for the good of all the members. Remember the Kamba saying- *Kaisali e-chake na Yehova e-chake*- we need our share so as to move forward. If we cannot have our share, most of the members will not stick to their promises. We as honorable members are ashamed when we come here for session yet we come out of lodgings, it is shameful. So, Mr. Speaker sir, can you do it urgently for our good. Thank you Mr. Speaker sir.

(Loud applause)

Hon. Speaker: A point of information to all honorable members, that the office of the Speaker is doing all it can to have capacity-building done.

Hon. Nzeki: I first of all congratulate members for confirming our able Clerk. Secondly, I want to talk about our salary. I thought what members are talking about is an advance because there was a time I talked to our Clerk and he told me that that amount we got some times back will not be credited into our salaries. Myself I never went to the bank because I have so many avenues of creating revenue.

Hon. Speaker: Honorable member, when you are say that money you got some time back, what kind of money?

Hon. Nzeki: It was a travelling allowance to go somewhere. Not until I get my payslip will I realize that I have been paid my salary. So Mr. Speaker sir, I would like us to be given our payslip to know that we have been paid. I am also surprised that the chairman of Budget and Appropriation has not been consulted on the Ksh. 258 million. The Ksh. 158 million should have passed through the Budget and Appropriation committee then be discussed and brought back to this House for discussion. We have not known anything about it. So our able Speaker, could the Clerk please bring the circular that talked about Ksh. 158 million for our Assembly. Lastly, I congratulate my colleague from Kangundo Central for bringing this motion of salaries and I trust that our able Speaker will look into that matter.

Hon. Speaker: Let me take the final last two questions. It is the other member, you can proceed.

Hon. Kitheka: Thank you very much Mr. Speaker (laughs). I know we are trying to iron out issues which concern this House and the first point I would like to make to this honourable members is to tell them that no man can ride on your back unless you bend for him to do so. Now that we have bent and the executive is riding on our back we have to stand and show them to stop riding on us because we have autonomy on deciding on what we are supposed to do.

There is impunity on the way things are being done in the county. A hon. member just said there was a kind of employment that was going on yesterday and I confirmed it is true in the Municipal council of Machakos, there were more than 100 people who came to seek employment and interviews and majority were employed yesterday. We want have to stamp authority of this House so that at the end of the day we do not have many people who are suffering and looking for jobs. We want to make sure Mr. Speaker that any allowance meant for this House, comes to this House.

The other issue is about mileage, house allowance, bursary and donations to these hon. members. This morning, I met with more than 50 people in my office who had come for bursaries because they were taking their children to school today. Now that I do not have even a single cent to give to these people, they were telling me to refer them to the office of the hon. member of Parliament and they are asking me a very simple question: why did we elect you while you do not have money to give us to take our children to school? The other issue is that stray money for campaign which has landed in my account.

Today, I have received some amount in my account and lucky enough I had a pending cheque which I had to pay. I paid together with that money to that person who gave me that money- if it is a donation or campaign money, I say thanks but the point stands that I am still

looking for my two months salary. The era of impunity and giving money in envelopes is gone. Here we are going to address issues as they are thank you Mr. Speaker and may God bless our able Clerk who we have put in office and hope he will give the Speaker the necessary assistance for us to move forward, Thank you Mr. Speaker.

Hon. Speaker: I think the mood of the House is the same so we can have a member summarizing unless somebody feels he has a very hot issue quite different from what is debated already.

Hon. Ndeto: Mr. Speaker, I would like to support what the honourable member came up with and in particular state the following. This issue, is an issue that is a Human Resource issue and I believe the Speaker in particular, being a lawyer, is aware of labour laws of Kenya and when it comes to the issue of salaries, there is no way one can find token in his or her account and is told that is salary.

That is not in accordance with the law. When it comes to the independence of this House, the executive and the legislature, this are two independent arms of the County and it is us members to exercise our duties as the legislative arm of Machakos County Assembly and mainly to check the executive. As an expert in HR issues, I would kindly request our Clerk who is already confirmed to come with a HR department where members can know what pertains to their dues and---

Hon. Speaker: Honorable member, the proper request to be addressed to the office of the Speaker.... that entails the Speaker and the Clerk.

Hon. Ndeto: Thank you Mr. Speaker for that correction. I want to repeat that. May the office of the Speaker together with the Clerk, come up with a HR department for this County Assembly as soon as possible. Thank you.

Hon. Speaker: Thank you very much. In the absence of anything different.....unless you have something different.

Hon. Nduva: Thank you Mr. Speaker, I want to talk on the same but in a different manner because of the corners that members of this House are taking. We request your office to make an arrangement, to have an account for the Assembly where we would not be borrowing money for allowances or any other payments that need to be paid to the Assembly, thank you Mr. Speaker.

Hon. Ngui: Mr. Speaker, I want to sum up about what has been said here about the motion on salaries. I am very disappointed to hear that there was some money that was deposited in our accounts but I have not received any money. Mr. Speaker, I ask you to lead this House to demand for our salaries for two months, latest by Friday because if there is some money that was deposited in our accounts , let us treat it as a grant by either the executive or anybody else. Secondly, I ask you Mr. Speaker sir, to also lead this House to demand for Ksh. 158 million to be put in the County Assembly account by Friday. Thank you Mr. Speaker sir.

Hon. Speaker: I think that matters in that motions have been adequately exhausted...I would now move the question that the motion that has been debated be adopted as a motion of the House.

(Question put and agreed to)

Now, that motion having been very well debated, the office of the Speaker thinks it is a motion of vital importance. That motion touches on the issue of budget and it also touches on issues of labour and social welfare and I therefore direct that the motion be directed to the relevant committee on Labour and Social Welfare and the Budget and Appropriation committee. Again at this juncture, I direct that the budget be directed to the Budget and Appropriation committee for deliberations.

Hon. Muinde: Mr. Speaker, I rise under Standing Order No. 228 on exemption of business from Standing Orders which states that a motion can be moved, with approval of the Speaker.

Hon. Speaker: Had you given notice?

Hon. Muinde: No but Standing Order No. 228 stipulates that a motion may, with approval of the Speaker, be moved by any member either with or without notice. So if granted, I can proceed.

Hon. Speaker: Did you introduce the motion in the preps?

Hon. Muinde: Mr. Speaker, Standing Order No. 228 allows a member to move a motion with or without notice, if granted by the Speaker. So, I would wait for your approval to proceed.

Hon. Speaker: You can proceed, proceed.

Hon. Muinde: Mr. Speaker, you are aware that the County Government of Machakos has not presented the names of the Public Service Commission or Board for approval by this House. It has come to the notice of this House that there is arbitrary employment going on under the executive arm of the County Government. 142 people have been employed when we know there is no Public Service Board in place. Some of the positions offered are senior positions with salaries that are even higher than that of the Speaker. I consider it a matter of urgency. This House has a duty to protect this county.

Mr. Speaker, the due process of the law requires that we have Public Service Board in place and if there are jobs in this County, to be occupied by our people, such jobs be advertised. What is happening Mr. Speaker, is that under the executive arm, arbitrary employment is going on and we do not know and in most cases most of our competitors-rivals that were competing with in the wards in the last general elections, are the ones securing this places. I urge this House Mr. Speaker to order such employment be stopped.

We are not against our people being employed but they should be employed in a manner that is procedural, that respects the law and that such jobs are advertised so that people from the

far end of this County can know that there are jobs being offered in Machakos. So Mr. Speaker, with your permission, I beg to move that motion. Thank you.

Hon. Speaker: Can I have a member of similar opinion in support of that motion?

Hon. Ndeto: I strongly support that motion because we know there are procedures very well stipulated in law that Public Service Board, which is not in place. It comes as a surprise for members of this Assembly to find people employed through the backdoor. I strongly support and I call on this House to support this motion and possibly nullify any employment that has been done thus far. Thank you.

(Loud applause)

Hon. Kyuli: Thank you, Mr. Speaker, for noticing my hand. While supporting this motion Mr. Speaker sir, we are all family men and women. For example, I have a wife and I am the boss in that family. How, as the head of the family, would you feel when you find men and women cultivating your shamba and you do not know. Mr. Speaker, this is the supreme arm of this County, if not so, let me be corrected Mr. Speaker sir, and if there is any employment done by any person we should have the procedures followed Mr. Speaker sir. If the procedures were not followed, I stand to propose that we nullify any employment done by any person in this County.

If we vetted and even voted for the Speaker to be in that position, who is senior to be employed without passing through this House? Mr. Speaker, we have done an exercise just a while ago for the County Assembly Clerk through the proper channel and process. Mr. Speaker, if I was not heard by whoever is supposed to hear, Mr. Speaker, I propose nullification of every person who was employed without following the due process. So therefore, somebody from Wamunyu, for example where I come from, who was my rival for Wamunyu ward seat where the electorate gave me a lot of votes and they were behind me chasing me saying you cannot make it, do you think Mr. Speaker sir, that person will come here and remember my perks- its only Ksh. 79,000 and that person is paid more than Ksh. 300,000.

Mr. Speaker, where in Wamunyu will I step, where? Mr. Speaker, let me be involved in the process of employing that person we were competing with. So therefore Mr. Speaker, even their family and every other person down there will know that I made an effort for them to get employed. So Mr. Speaker, we are not looking at 2013/18 we are looking at 2018-20-20 something and we cannot be curtailed. Somebody cannot sit in his or her office and curtail our plans for 20-20 something when we will be coming back to this House because when somebody is employed, that person does not recognize any effort of this chamber. For the third time Mr. Speaker, I propose nullification of any employment, thank you Mr. Speaker.

Majority Leader (Hon. Mwonga): Mr. Speaker and honourable members, as I said earlier when we were debating salaries and allowances, I will sometimes be forced to address this House and the Speaker at the same time as member of Masinga Central ward and not as the Majority Leader because I do not want to be part of a government that will not recognize the person who represents that government in the House. Members, it is no longer hearsay. I want to

say the truth. During lunch hour, we even took lunch with some members from my ward who have been employed.

I intermingled with five of them and I am not aware when they were employed, who employed them and who recommended them. My question is: Is the executive trying to do away with honourably elected members? I think when employment is to be done by the executive, the elected MCA should give a recommendation of the person who wants to be employed so that come 2017 or 2018, he will be standing by my side saying 'he helped me to get employed.' That means Mr. Speaker, these are the people who will be standing against us saying 'he did not employ me, even he does not know I was employed.' Mr. Speaker, yes I am the Majority Leader but am I going to sit and see somebody who is trying to stab me in the back and come and represent him here?

Mr. Speaker, the biggest honour and the biggest seat which I have is that of Masinga Central ward. Mr. Speaker, if the executive knew that they have a representative in this House by the title Majority Leader when they were buying cars, they should also have bought me a car. Mr. Speaker, they are using this money for the County Assembly to employ people and I am not sorry to say they are rewarding their political supporters. When will the time come when we can reward our political supporters? Members, I think we should be united on these and Mr. Speaker, I want to make this humble request; we should be furnished with the list of those who have been employed.

Some are holding very senior positions but who vetted them? Mr. Speaker, this House needs to get an answer to that. Some are getting salaries above the MCAs, over and above what the MCAs are getting. Mr. Speaker, unless somebody somewhere is sitting somewhere and thinking that we are councilors, now we want to say we are not councilors anymore. In the itemized budget, Mr. Speaker is there an item for salaries for new employees or the executive is supposed, in the three months, to work out with the people who were working with the former county councils?

Mr. Speaker, I think you have read the mood of the members although the debate is not over, Mr. Speaker, please and I want to repeat it again, let the executive know that we are not going to carry people on our backs yet they are gossiping about us. Let us be furnished with the list by next week, I know you have authority, there is time to summon this people, summon them so that they can come to the relevant committees and they will be grilled and say how they have employed these people, thank you Mr. Speaker.

Hon. (Ms.) R. Nduku: I support the motion but I want to ask Mr. Speaker to help members of this Assembly to know the type of jobs members of the County Assembly should be approve and the types of jobs we should not approve because when we do not know the types of jobs we should approve, we would be in a mess. We know there are different types of jobs but according to us we are seeing people being employed and we do not the type of jobs we are supposed to vet or not, according to my understanding. It is my request that if you help us Mr. Speaker, we will be able to know which type of jobs the County Assembly should approve, thank you.

Hon. Speaker: That is a very good point. We will circulate the categories of employees that should be vetted. That list will be circulated by the Clerk.

Hon. Katela: I want to bring to the attention of this House that the surprises are not yet over because you will soon find out that most of the recruitment you are complaining about is being done by foreigners. When I say foreigners, they are people from other counties who are employing their relatives and they are in fact picking them from Nairobi and to be more sincere in Makeni.

(Loud applause)

Can I suggest that the executive is demeaning this House because they have never gone through us? Can we also request to vet the executive because we never vetted them?

(Loud applause)

Some of these people, the executive, even when you meet them on the street they cannot say Hi to you simply because they were employed without you knowing. In support of Hon. Kyuli's argument, if your wife employs a worker, can you really send her away? Can you really send away a worker who has been employed by your wife in the house without your approval? Please we request for our honour and, guys, it is now time for us to unite and forget about our parties and past and work as a House. Thank you.

Hon. Speaker: Can we have member that we have not heard today.

Hon. Matheka: Thank you Mr. Speaker sir and the House at large. Mr. Speaker sir, I only have two concerns. One, the executive member for finance was supposed to come from Kangundo where I come from and I think what I am saying, I am in agreement with the other three members from the area. Kangundo sub-county happens to have most of the educated people...

Hon. Speaker: Sorry, yes proceed. Come approach the chair.

Hon. Itumo: I am member for Kangundo Central ward and confusion has arisen when the member on the floor, Hon. Matheka, stated that he is the member of Kangundo Central ward, point of rectification.

(Laughter)

Hon. Matheka: Thank you Mr. Speaker sir, I think the honourable member misquoted me. I think I said member for Kangundo Central. However, Kangundo town belongs to Hon. Itumo and I am member for Kangundo North and I said the other members from the sub-county will agree with me. What I am saying is that the finance docket was supposed to go to Kangundo sub-county and I know and members will bear me witness- Kangundo has educated people and more so in finance and strategic management. Some are undertaking PhDs and others Masters degrees and have applied for the job but up to today we have a budget but we do not know who prepared it because we do not have an executive member in department of finance. My concern

is, are we lacking people in Kangundo sub-county who can take up the job or what is happening at the executive?

My other concern is, we have members of this County Assembly as the legislature but we are being treated in a funny way which we do not understand. My humble request is: can we have a clear line of duty because as legislators, I think we know our line but we can see the executive stepping on our shoes. They are doing things which they are not supposed to do. Members have said in this House that the Honourable Speaker and the Clerk, whom we have just confirmed, are using vehicles that are not roadworthy yet the executive are moving in Subaru Legacy cars which are fuel guzzlers, not serviceable and have no re-sale value. What is happening to our Speaker, was he not worthy enough to get a Subaru? Was the Assembly Clerk not worthy enough to get a Subaru?

The Majority Leader, Minority Leader and Whips. What is happening Mr. Speaker? On that note Mr. Speaker, some of the members are coming from far and not all of us are blessed with vehicles. Because we adopted the Standing Orders of the National Assembly, we need to talk and vote for a budget which will include a grant for a motor vehicle for all the County Assembly members.

(Loud applause)

Mr. Speaker, Sir, I think Ksh. 158 million is money that can do much. We can get bursaries for the two months from there and get bursary from the other budget and we need only to be sharp enough and make decisions that will favour us but not the executive. We employed people who we do not know but I think they are not immune to anything. The floor of the House is final. We need to think otherwise, if they are to recognize this House as the Supreme law-making organ in the County. We can do away with them. We employed them, they did not employ us, we were employed by the people and each and every member here has a ward where he or she was employed and it is only those people that can sack you but we can sack them. I can be quoted and I don't mind to be quoted.

They should understand we employed them and we can sack them. They need to come, we talk to them and get the way forward and I mean the entire executive. Mr. Speaker sir, employment should pass through the County Assembly members, it does not matter whether they are employing a sweeper, a driver or what. If they are employing anybody from my ward, let them come through me, I don't mind. Let the executive tell them 'go back to your county representative, talk to him and let him or her forward your application' so that there can be harmony between the employee, the county rep and the executive otherwise we would end up creating confusion which may end up with some of us never coming back to this House and even the executive creating confusion in the wards.

Mr. Speaker, Sir, there is also the issue of the ward offices, I have not seen the budget for any employee in the offices, it is only for the office. Is the office to be closed and opened when the county rep is around or what will happen. We need to know some of these things because I do not know how the former councilors were operating but we need to know operations of the offices, otherwise there is no need to have an office without personnel. We need to have proper guidelines from the chair on what will be happening in these offices, thank you Mr. Speaker.

Hon. Ngunzi: Thank you Mr. Speaker. As I stand here, I am bitter because what is happening is total confusion. If we are talking of county governments that run in the manner Machakos County is being run today, very soon I do not see myself coming back in 2017/18. Employment is being done with children, brothers and sisters and children of Machakos County who as we talk today do not know whether there is employment going on. No advertisements have been seen anywhere.

When we were campaigning, we promised our youth that we were going to assist them get employment, how do we assist them while sitting in this House as Honorable members without knowledge about what is going on in our County. I am beaten and if I do not resign because when I cannot move things, I move myself or I move others.

(Loud applause)

We just cannot be taken for granted. Honorable members, something must be done and be done immediately if we are step in here in 2018. Mr. Speaker, we have formed the necessary committees today and those who should be summoned to appear before the committees to explain, should be made to appear the soonest possible. Otherwise we will not have business with the electorate, thank you.

Hon. Speaker: Yes I want to appreciate that member. You remember that we formed those committees today and those committees should constitute themselves and appoint their chair and vice-chairs so that when action begins, there will be order and sequence. Let us proceed.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker sir, I would like to congratulate our Clerk for the appointment he has been given by this House. All members have shown concern about this issue of employment and I would like to confirm to this House that I was shocked last week when I went for a burial preparation in my ward and I was accompanied by the minister for health and the minister for roads and public works and when they were addressing the community, I was shocked to hear that there are vacancies for the county government which they will allocate to every ward. Like a representative who will oversee the development for the County government I was confused because, first I would ask myself: why would we have another representative who would oversee the projects if the people elected me. I am not aware there are such vacancies but these executive members are already out there addressing the community and telling them that there are vacancies.

They also told the community how they have prepared the budget and how they have allocated a lot of money to roads projects, health services and how they will work for the community. Somehow, I felt as if I am becoming irrelevant and when I was addressing the community, I told the community ‘all these things they are promising you, they have to pass through me, I have to approve them,’ so that I can remain relevant to my people.

(Loud applause)

Honorable members, we have to do something, we need to move very fast and we need to be directed. Let us know our powers, let us know the limit of the executive. Otherwise they will

take over our jobs and these are the things we promised the community. If the executive, the people we have appointed will go on and implement these things, then you are doing nothing. You are not doing the community the service they elected you to do, so it is high time we moved things in this House and solve the problems in this House as one team and forget the issue about parties and where we come from because we have to look forward to what we can deliver to the Machakos County residents. Thank you very much.

Hon. Speaker: I think it is important that I comment on what that honorable member has said. You realize that executive committee members are not politicians, they are employees and they can do just that. For members, with that you know the appropriate motion to bring. Proceed. We can now conclude, I think we have now exhausted the matter.

Hon. Nzioki: Thank you Mr. Speaker. I would like to say that I am surprised because devolution is equity- equal distribution of resources and employment. I am surprised because the MCA Masinga Central has said that he met five people from his ward who have already been employed. I have not met one from my ward meaning that there is no equity or balancing. I believe that this is going to continue and we will continue to have employment of many employees from one region. I would request honorable members in this house to have this list brought to this House so that we may know who has been employed and from which ward. Mr. Speaker, I stand here to support the motion and say that whether the employment is within our approval, they should be stopped forthwith. Thank you, Mr. Speaker.

Hon. Kitheka: Thank you, Mr. Speaker sir. I think it sounds like a movie when you go and find people employed yet you do not know. Yesterday I went to the Municipal offices and everything was at standstill because there were people all around the corridors waiting to report to their respective offices. We tried to enquire what was happening because it was total chaos.

There was employment going on and one thing Mr. Speaker you should understand is that we are demeaning the purpose of being in this House by allowing people from other counties who are political failures to come to Machakos County, purport to be the Chief of Staff, to employ and we swallow that bitter pill with confidence that we are here making Machakos a better place to stay. We have done a very bad thing by one; when you look at the salary scale of the people who have been employed like sweepers, tea girls, watchmen and drivers, they are talking of money that we cannot believe. A tea girl talking about Ksh. 35,000 while we have employees who have been in councils for 20 years and are yet to earn Ksh. 13,000. I think Mr. Speaker, to be fair to everybody because who know all these honorable members have CVs of their people in their wallets or in their vehicles and their offices.

They are waiting to employ but on the other hand somebody has filled those vacancies. The worst will happen when it comes to stamp authority in our wards and nobody will recognize you. You will look irrelevant because you have not employed even a sweeper and the same person who purports to be Chief of Staff has employed more than 147 people. Personally, I say that any employment in this regime stands to be null and void and we should avoid a trap of being put in a situation where we will be answerable to other people while we are the ones who are supposed to ask questions.

The other issue Mr. Speaker, when we were leaving Municipal council of Machakos, I happened to be a nominated councilor, the ministry of Public Service had written a letter to

confirm the 51 employees in that civic body. They did interviews and were waiting for letters to enter their new offices but they are now stranded in the streets because of this confusion. They are seeing people being employed without undergoing any interviews and without confirmation by Public Service Board. Now Mr. Speaker, I want to bring to the attention of this House that the executive sees members of this House as irrelevant simply because we did not vet them, they came through the back door and they have assumed office.

Now we are calling upon these members to vet these employees one by one until we get the right person to be in those offices. They are assuming very much simply because they did not go through our hands. As one member has talked, if you find a person working in your shamba and you did not employ him and you don't even have any authority to question him why he is digging in a haphazard way but he will not answer you because you did not employ him. So Mr. Speaker, we are terming that employment null and void. Thank you Mr. Speaker.

Hon. Speaker: Can we have the mover of this motion.

Hon. Muinde: Mr. Speaker, I am thrilled by the mood of this House. I am happy that this motion has gotten unanimous support from the whole House. It is a matter of urgency, a matter that as a House must check the executive because we have a duty to ensure that the due process is followed and Mr. Speaker, I would suggest that these purported employees should be stopped until such a time when we have a substantive Public Service Board in place which would advertise the jobs and I urge you Mr. Speaker sir, that in your powers, you order the executive committee members in charge of employment to appear before the appointment committee to explain the anomaly and table the names of 142 people purported to have been employed and explain who made the structure, who came up with the payment structure, the reporting system and any other question that may be of importance to this House otherwise Mr. Speaker with all humility and with respect to my fellow members, if that is not done by the executive, they should not expect us to rubber stamp their budget and misuse this County. We demand that that motion be acted upon fast before we act on their budget, thank you Mr. Speaker.

(Applause)

Hon. Speaker: Honorable members, the mover of the motion has summarized his motion and it is only fair that we admit it or reject it and I would pose the question that those who favour that we allow the motion.

(Question put and agreed to)

Then I direct that that motion be properly drawn and presented to the committee on appointments and further it is also touching on issues of labour so it is referred to committee on labour and social welfare. Owing to the importance and urgency of this motion, actually those two motions, this House is expected to report on the earliest by Tuesday 2.30 pm. Those committees know their powers and their authority and should use their powers and privileges to summon all those parties with information and the Clerk will supply any information that he has on the budget and the monies that ought to be received and advise this House. Clerk, proceed.

ELECTION OF THE DEPUTY SPEAKER

The Clerk: Mr. Speaker, Sir, we have received two applications. One from Mr. Nathaniel Nganga Reuben and Madam Cecilia Mbinya Sereka. With your permission Mr. Speaker, I would allow the members to pick the ballot papers, my officers are here and they would prove that the ballot boxes are empty and then members can pick the ballots and mark them on the assumed tentative booth and then cast them. At this juncture Mr. Speaker, I think we shall have the doors closed and if there are members out, they be called to come in so that we close the doors. So members, we are going to call out the names in order of gazette.

(Casting of ballots followed by counting by clerk)

The Clerk: Let us do the tallying. Mr. Speaker sir we have done the tallying let me hand over to you to announce the results.

Hon. Nganga gets 23 votes against Hon. Cecilia's 16 votes out of 39 members in the house at the time.

The Clerk: Mr. Speaker sir, we are going to repeat the exercise. We are going to give the ballot papers again for the whole exercise.

Hon. Nganga gets 25 votes against Hon. Cecilia's 14 votes out of 39 members in the House at the time.

The Clerk: Mr. Speaker sir, I will now give you the results for announcement.

Hon. Speaker: Hon. Members, these are the results for the second round election of the Deputy Speaker. Cecilia Sereka 14 votes. Nathaniel Nganga 25 votes. Total tally is 39 votes. I therefore, under the powers conferred on me by the statute, declare Nathaniel Nganga the winner of this election.

(Applause)

SWEARING-IN OF THE DEPUTY SPEAKER

Hon. Speaker: Hon. Nathaniel Nganga, approach the chair.

Hon. Nganga: I Nathaniel Nganga Reuben, having been elected as the Deputy Speaker of the County Assembly of Machakos, do swear solemnly that I shall always, truly and diligently serve the people of the Republic of Kenya, the office of the Deputy Speaker in the County Assembly in Machakos that I shall obey, respect, uphold, preserve, protect and defend the Constitution of Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws and conventions of parliament without fear or favour, affection or anything, so help me God

Hon. Speaker: Honorable members, I now hand over the powers and the certificate of office to the Deputy Speaker. Members with that being the last business of the day, it is only fair that we demand and accept the speech of the Deputy Speaker.

Hon. Nganga: The Honourable Speaker, Honourable members of the Assembly, the Clerk and all staff. I want to take this opportunity to say thank you to God because of this far he has brought me. I also want to take this opportunity to thank members of this House who within their wisdom found it wise to give me this opportunity to serve in this House. I want to promise you that I will work to meet your expectations to the post you have elected me to. I want to promise you that I will be available for service, consultation, correction and guidance. I want to say I am honoured and deeply humbled. I will be working with you in all ways possible. Thank you so much again and may God bless this House exceedingly.

ADJOURNMENT

Hon. Speaker: Hon. Members, thank you for the exercise that has been conducted with maturity. We really appreciate that and I hope you that with an assistant now, matters will be much better. We will not have an assembly tomorrow but the sectoral committees and other committees should convene. For those that have been given assignments, start working and the Leader of Majority will arrange on how sittings will be because I understand some members are in various committees. So, suitable arrangements will be done so that time does not conflict. And there being no other business, the House will be adjourned to a date to be communicated. Early in the day I indicated that we may meet on afternoon on Thursday but now that I have a deputy speaker and that is the date we will have the funeral of the Makueni Senator Mutula Kilonzo, we will rehearse and see whether we sit or attend the funeral. I am in favour of attending the funeral and I think most likely we should not sit on Thursday and before we depart it is important we observe one minute of silence then the Clerk will lead us and then break for the day. We can rise.

(One minute of silence)

The House rose at 5.59 p.m.