

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th July, 2013

The House met at 12.41 p.m.

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

PRA YERS

COMMUNICATIONS FROM THE CHAIR AUDIT REPORT

Hon. Speaker: Yes Hon. Members, there is communication from the Chair. The first communication on the report on audit which was tabled in the House and has been put to the House Public Accounts and Investments Committee for deliberations and we expect that a report will be presented to the House immediately that committee is through. I hope that the committee has now been constituted fully with the nominated members.

REPORT ON STAFF EMPLOYMENT IN MACHAKOS COUNTY

The second communication is the report that was to be presented by member of Machakos Central about the Labour committee has been forwarded to the House Business Committee for balloting.

PAPER LAID

SLOTING OF NOMINATED MEMBERS IN SECTORAL COMMITTEES

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. I am the MCA for Masinga and also the Majority Leader and at times I will be the conveyor belt for motions from the Executive in the Assembly but I remain a representative of my electorate at the ward level. So I don't belong to the Executive but to this House, don't mistake me for that. Mr. Speaker, I beg to lay before the House names of members who were recently nominated to sit in this Assembly. The Committee on Selection sat last Friday and came up with a list of new members who will be sitting in different sectoral committees. This was done following Standing Order No. 195, Second Schedule. It is Standing Order 191, sorry Mr. Speaker. With your permission, I would read the names of the new members who would be sitting in different sectoral committees.

Hon. Speaker: Proceed.

Majority Leader (Hon. Mwonga): They will sit in the sectoral committees for the next five years. Thank you, Mr. Speaker for your permission. I will start with committee of Agriculture, Environment and Natural Resources committee. Samson Kimanzi, Bibiana Nduku,

Justus Katumo Mutwela, Nina Mbithe Mutiso, Veronica Mbithe, Jacqueline Nziva Munyao and Catherine Nguluku. That committee is chaired by Hon. Collins Mbithi.

The next committee is Health Services. We have Mary Ndinda, Amina Mutio, Jacqueline Luka, Ruth Ndumi, Brigid Kitili, Peninah Kaluki and Christine Mwendu. The chairman of that committee is Hon. Alexander Kathinzi, MCA Kivaa ward.

The next committee is committee on Children, Culture and Community Services. We have Bernadette Mueni, Margaret Ndalana, Phoebe Koki Malwa, Alice Mukonyo Nzioka, Mary Ndinda, Veronica Mbithe and Nina Mbithe.

The next committee is committee on Transport and Public Works whose chairman is Hon. Felix Nguu. We have Ruth Ndumi, Margaret Ndalana, Peninah Kaluki, Brigid Kitili, Christine Mwendu Mutune, Samuel Kimanzi and Jacqueline Nziva.

The next committee is Planning, Trade, Tourism and Co-operatives. The chairman is Hon. Sammy Nduva, MCA Kithimani ward. We have Bibiana Nduku, Justus Katumo, Nina Mbithe, Amina Mutio, Phoebe Koki Malwa, Jacinta Luka and Anne Wairimu Musyoki.

The next committee is Early Childhood Education and Vocational Training. The chairman is Hon. Pastor Festus Ndeto. We have Anne Wairimu Musyoki, Bernadette Mueni Musyoka, Brigid Kitili, Margaret Ndalana, Veronica Mbithe, Ruth Ndumi, Jacqueline Nziva Munyao and Alice Mukonyo Nzioka.

The next committee is Labour and Social Welfare. The chairman is Honourable Cornelius Kitheka, MCA Machakos Central. We have Justus Katumo, Catherine Mbithe Nguluku, Bibiana Nduku, Mary Ndinda, Phoebe Koki Malwa, Peninah Kaluki and Samson Kimanzi.

The last committee is Justice and Legal Affairs whose chairman is Honourable Joseph Itumo, MCA Kangundo Central and the vice-chair is Honourable Kyalo Kimata, MCA Makutano/Mwala. We will have these members in this very important committee. We have Amina Mutio, Bernadette Mueni Musyoka, Alice Mukonyo Nzioka, Jacinta Luka, Anne Wairimu Musyoki, Christine Mwendu Mutune and Catherine Mbithe Nguluku.

Mr. Speaker, I am through with the eight sectoral committees and all the 19 members will be sitting in at least three sectoral committees. Mr. Speaker, I am not able to table the names of the nominated members who will be sitting in the Standing Committees because Mr. Speaker we have to wait for the Committee on Procedure and Rules to sit and amend the Standing Orders to allow for a bigger membership in the committees. Thank you, Mr. Speaker.

Hon. Speaker: Thank very much Majority Leader. Yes.

Hon. Nguu: Thank you Mr. Speaker. In concern with the report, I think the Committee on Selection is not mandated to nominate members to sectoral committees. According to Standing Order No. 191, it is very clear that there shall be sectoral committees and members will be nominated by the County Assembly House Business Committee in consultation with County Assembly political parties in commencement of every County Assembly. Mr. Speaker sir, what the Majority Leader has tabled here is what the Committee on Selection did and it was only to nominate members to the Select committees and not sectoral committees. Thank you.

Hon. Speaker: Respond to that Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker, I think I am on record saying that these members need a lot of induction. Mr. Speaker, for sectoral committees, it is the Committee on Selection that is mandated to sit and come up with sectoral committees. Mr. Speaker, I think you should give guidance to these members and that is why I have been saying that we need a lot of induction and it is a worry for such an elected member who has been inducted more than two times yet he is not privy to the Standing Orders. It is a pity.

Hon. Speaker: I think the point has been made. Let us proceed. Any other contribution? You have an issue with that contribution? Overruled. Any other issue. Yes proceed.

Hon. Mbithi: Thank you Mr. Speaker. I think it would be prudent if we were provided with a copy of the list of the new members to our committees so that we can communicate and for them to know exact committees they are in.

Hon. Speaker: That is a very good point. The list will be supplied by the Office of the Clerk. Any other contribution? This was a formal Paper and I don't think there is anything more about it. It is taken as a list of the House. I have not heard from any of the nominees whether there is any objection in admission of the list. Then the Paper is admitted as a House paper. Proceed.

NOTICE OF MOTION PURCHASE OF RECONDITIONED CARS

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I beg to give notice of motion that this Honourable House discusses the purchase of reconditioned vehicles by the Machakos County Government.

MOTIONS AND BILLS PURCHASE OF RECONDITIONED CARS

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker once more. I beg to move the following motion. That this Honourable House discusses the purchase of reconditioned vehicles by the Machakos County Government. Mr. Speaker, my intention to move this motion is to allow the Assembly and the Executive and members to purchase reconditioned vehicles putting in mind that the vehicles can last more than five years and also allow members buy affordable vehicles when we receive the allocation in the budget.

Mr. Speaker, I want to inform the House that in the budget, we allocated Ksh. 130 million as car grant. So Mr. Speaker, if these members approve this motion, we will be giving room that members buy the cars and when questioned by the Auditor General, they can show these vehicles. The Ksh. 2 million allocated is not enough to buy new cars from Toyota Kenya or GM but with the approval of the motion, you can buy a reconditioned vehicle without worry.

Mr. Speaker, the County will make some savings and for instance when we go for a new model of Prado, it will cost over Ksh. 14 million but if we go for a reconditioned one, it will cost Ksh. 7 million saving half the cost. So members I beg we support, approve and pass the motion today so that when you get your money tomorrow, everybody gets their money to buy the cars.

We are also giving permission to the Assembly and the Executive to buy reconditioned vehicles for use in the wards.

For instance, agricultural extension officers will be visiting the wards and that is one of the reasons why I am moving this motion. Mr. Speaker, I call upon the member for Mutituni/Ngelani, Honourable Joseph Kalunde to second this motion.

Hon. Kalunde: Thank you Majority Leader. Mr. Speaker sir, I stand here to support the motion of buying second-hand vehicles. The House knows that the majority of vehicles on the roads, despite new registration numbers, are reconditioned. This gives room for those who do not have a lot of money to own vehicles. As the mover of the motion said, if you go to GM and ask for a double-cab pickup, the price is over Ksh. 2 or 3 million but still you can get a reconditioned one for Ksh. 1 million and giving MCAs a chance to buy vehicles of their choice. At the same time you recall that the national government has allowed purchase of second-hand vehicles. In fact they should not be called second-hand but reconditioned because they sound as good as new and they gave a ceiling that they should not be more than eight years old and so we should also go with the same condition of eight-year age. I beg to support the motion.

(Applause)

Hon. Speaker: Thank you very much. The floor is now open for debate.

Hon. Matheka: Thank you Mr. Speaker sir and the House at large. I would like to support the motion. I have no problem with reconditioned cars because they are the ones being driven around. They can last for four to five years without a problem. But I have a problem with the Majority Leader and the member who was just here. It is not mandatory for the Honourable members to buy new cars. Once you are given the grant, you buy what you want. There are no dictating terms. So as much as I support the motion, the House should know that following the procedures of National Assembly, members are given the grant and they either buy a car, a lorry or buy what they want.

It is not mandatory to buy a new car. The other thing is that as much as we want to support this motion, the Executive should learn not to always put the cart before the horse. The cart was put before the horse, we are just regularizing what was done. We are just putting it in line. Cars were bought and others will be bought. So according to my opinion, it should have been the other way round. This House has been there since March 4, 2013 and no motion was brought and there was no problem with the honourable members in regard to purchase of second-hand vehicles but the members wanted to be informed and to pass a motion.

Mr. Speaker, Sir, I have no problem with second-hand vehicles because they are the ones we are driving and it will assist the County in prudent budgeting, thank you Mr. Speaker sir.

Hon. Speaker: Thank you very much. Any other member? Yes.

Hon. Maitha: Thank you Mr. Speaker and the entire House. In support of the motion which has just been tabled in the floor of House, I have no objection about that but we need to ensure that it is not flouted because we are going to pass a motion that will affect the entire County in terms of purchases. This Assembly still has queries on purchase of cars by the Executive. We are not refusing for cars to be purchased but let us ensure that proper legislation is

put in place for procurement procedures to be followed because if we allow the Executive to purchase cars anyhow, we shall be going against the wishes of this House.

I also wish to propose that if we are buying cars, we also need to have legislation on the type and make of cars to buy. For example, in the Assembly, if we buy a second-hand Mercedes Benz at Ksh. 3.5 million and assign it to a staff member, then the management part of the car is also an issue. So this House must pass a legislation to protect and specification of the cars to be bought. If we say Toyota brand, let it be the make so that the issue of management is handled well. I also want to get clarification from the Majority Leader as he has said we have been given a grant of Ksh. 2 million each yet this House passed a lumpsum budget of Ksh. 132 million in the car grants item. Can you kindly clarify where the rest of the money is going to? Thank you.

(Applause)

Hon. Speaker: Honourable member, I wanted some clarity on your position. Are you in support of the motion or in opposition to the motion?

Hon. Maitha: Mr. Speaker sir, I said when I started, I am in total support of the motion as far as the rules and regulations we put are going to be followed to the letter.

Hon. Speaker: Thank you. Then I order that we proceed because you did not amend the motion. You are in support of the motion as it is so the issues you have raised are cannot be answered. Basically I am saying is that you cannot support and oppose at the same time when you have not amended the motion. Proceed Bw. Itumo.

Hon. Itumo: Thank you Mr. Speaker sir. I support the motion by the Majority Leader. It is good that we get this kind of money to purchase cars considering the price but still it is like I am confused because the mathematics of Ksh. 130 million divided by 40 is bringing some confusion but still I support the motion. I don't know how the calculation was done and even a member asked about that question. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much Hon. Itumo but you realize it is your Justice and Legal Affairs committee that should come up with legislation. Let us proceed.

Hon. Kitheka: Thank you Mr. Speaker and the entire House. I wish to support the motion with amendments. The amendments I propose are inclusion of engine capacity of vehicles for the public but not for the honourable members because they can buy the cars on their own wish but we should put the specific capacity of the vehicles to be bought by the Executive and the Assembly so that we do not go for fuel guzzlers in the name of second-hand vehicles because we know very well that cheap is expensive and we may go for cheap vehicles which can consume a lot of fuel.

Secondly, I would wish, because it will be in writing and we want the best services possible for ourselves, we put in action the Public Procurement and Disposal Act of 2005 and the regulations of 2006 so that we don't open a window for somebody to buy vehicles from his company and anybody who has interest should declare it before any procurement is done. So I would wish we protect the entire issue with the Act and regulations of procurement. Also I have

a simple caution. We should not pass this motion so that it can cover malpractices that were done before this motion.

In fact, the Majority Leader should have brought this motion as a confirmation of what was going on. Otherwise we may be in a position to rectify the issue but in future we should adhere to the rules and regulations so that at the end of the day, we cannot go out pointing fingers when we see expensive fuel guzzlers in the name of second-hand vehicles. Mr. Speaker, I wish to support that motion 100 per cent with those amendments.

Hon. Speaker: Thank you very much. Hon. Member you said engine capacity but did not tell us your proposal on the capacity. Is it 5000 cc.

Hon. Kitheka: My proposal is the engine capacity set by the Central government. Thank you.

Hon. Speaker: Thank you very much.

Hon. Ndolo: Thank you Mr. Speaker. I oppose this motion because it will create corruption because with these old vehicles you don't know their exact price and the member who seconded this motion recently bought a new vehicle which cost less than Ksh. 1.5 million. Why didn't he buy an old second-hand vehicle?

Hon. Speaker: I can take a point of order. Have a seat honourable member.

Hon. Kitheka: Mr. Speaker, the honourable member who has just sat down is pinpointing at vehicles bought by members and I want to bring to his attention that majority of vehicles you see on the roads in Kenya and having new registration numbers are second-hand vehicles. That honourable member should not mislead this House. If he doesn't know what we are talking about, he should wait to get the verdict of this House.

Hon. Speaker: Point of order allowed.

Hon. Kasimu: I wish to ask Mr. Speaker that I kindly and humbly take the honourable member for Mitaboni through and let him know that we are not saying we shall buy old cars. We are buying new reconditioned cars. Honourable member for Mitaboni thinks that we are going out there to buy *mitumbas*. We are not buying *mitumbas*. We are buying new cars, very new cars but reconditioned. Thank you Mr. Speaker

Hon. Speaker: Thank you very much honourable member. I think we can conclude this debate unless there are any contradicting voices. Before we hear you, we can hear that honourable member. Indeed the motion talks about reconditioned vehicles.

Hon. M. Mutuku: I would like to support the motion with some amendments. Honourable members, as you are aware, cheap is expensive and I would like to say we must make sure the reconditioned cars we are going to buy are not bought like the expensive cars. That is one caution we would like to make. The other issue is this House must make arrangements to ensure we don't buy fuel guzzlers or unfriendly cars which cannot be

maintained by the County. In other words, I am saying we must reflect the national government. It is buying---

Hon. Speaker: Honourable member, I think that point has been raised by the Machakos Central member.

Hon. M. Mutuku: No, I am saying we must buy vehicles from Toyota. With those few amendments, I wish to stop there.

(Laughter)

Hon. Speaker: Order! Indeed there were few amendments. Yes?

Hon. Nzoka: Thank you Mr. Speaker. I think we have cemented that one. We have said reconditioned cars of not more than eight years of age. We said everybody is buying that kind. All the vehicles you see here at the Assembly are that kind, instead of moving to exhaust the budget. The new vehicles are expensive. You can get them at Ksh. 12 Million, Ksh. 15 million, something which you can get ikusukume kwa muda.

Hon. Speaker: You are out of order. You are really out of order. Finally we can have the Minority Leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I wish to support this motion. I concur with the Member for Muthwani and state that I support this motion without amendments. I differ with the Member for Machakos Central when he talks about the engine capacity. Mr. Speaker you understand our roads are tough terrain. If you happen to move from here to Mwala or from here to Ikombe, for instance when we were attending the homecoming ceremony for the Deputy Speaker, my car lost all the bushes on the way. I propose that we leave the motion as it is. So I support the motion without any amendment. Thank you, Mr. Speaker

Hon. Speaker: Honourable members, I think we are all in agreement that the House is in one spirit that this motion succeeds. I wouldn't think that any member should be worried because the legislation will follow after the motion and the honourable member, Bwana Itumo will do that task, of course with everybody's assistance. Unless there is anything that you feel we should hear, I think the spirit of the motion succeeds. Of course the law will be followed on procurement and all the rest. Let me hear you.

Hon. Kitheka: Thank you Mr. Speaker. I think the honourable Minority Leader didn't get well what I said about the engine capacity. I said we should adhere to the government regulations on engine capacity so that we don't procure vehicles which have been returned to the dealers because they are fuel guzzlers. So the issue of talking about his vehicle losing bushes from here to his place, while we know very well he bought from a fourth party, is out of question. We are not talking about a fourth party. Thank you very much.

(Laughter)

Hon. Speaker: Thank you very much. I think honourable members it is important to have some clarity from the Majority Leader. There is a serious issue that was raised about the car grants. Let's hear why the figure is 132 and not 130.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. Before I clarify on the issue of the car grant, I would like to start by thanking all the members who have contributed in the support of this motion and I would urge all the members to forgive those who are against this motion. One is member for Mitaboni. Actually I am in the same category as the member for Mitaboni. I only have a Hiajin motorcycle. I don't know whether he has any or he has a vehicle. He cannot know---

(Loud consultations)

Hon. Speaker: Order, order, order.

Majority Leader (Hon. Mwonga): Mr. Speaker, I need your protection. I was the mover of this motion.

Hon. Speaker: I will take the point of order from the Minority Leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I understand the Standing Orders are very clear. You should not discuss a member when we are inside the House.

Hon. Speaker: Thank you. Please, please, please, don't discuss that member. That member is protected.

Majority Leader (Hon. Mwonga): Mr. Speaker I was not discussing that member. I know I have to move a substantive motion so as to discuss a member. But Mr. Speaker I was just saying I don't have a car, he doesn't have a car, so we should not contribute much.

(Loud consultations)

Majority Leader (Hon. Mwonga): Mr. Speaker, we should not contribute much.

(Louder consultations)

Hon. Speaker: Honourable member, order!

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. Let's go to the clarity. Mr. Speaker, I want to clarify to the members that what is in our budget is Ksh. 130 million. I have---

Hon. Speaker: Hon. Member, I ask you to concentrate on the issue raised. Clarify on that issue.

Majority Leader (Hon. Mwonga): That is where I am coming to Mr. Speaker. Thank you for your protection Mr. Speaker. On the issue of clarifying about the Ksh. 2 million, what is

in our budget is 130 Million as car grants. Mr. Speaker, you need not to have done political science or nuclear science to know how much will go to each member. We are 59 members of this assembly. We have Ksh. 130 million; you divide it by 59 members. You will get Ksh. 2.2 Million. So when I say Ksh. 2 Million, you don't have to round it up to 3 Million. If you went to school and you did mathematics, you round it off to Ksh. 2 Million. Thank you, Mr. Speaker.

Hon. Speaker: Honourable member, you need to come back and apologize. We are all learned and we went to school.

Majority Leader (Hon. Mwonga): Mr. Speaker, I do apologize, thank you.

Hon. Speaker: I think we need to get out of that. The point is made that we are all in support of this motion with the amendments as articulated.

(Question put and agreed to)

Hon. Members, it appears as if that is the end of our business today, but we need to realize that we have the newly sworn in members. I will give them a moment to introduce themselves. Basically to say their name and the ward they come from and we can begin. The microphone will be circulated. Thereafter the old guards will say their names. Let us begin with those who cannot be able to come to the front.

(Introduction of all nominated members followed by introduction of the elected members)

Hon. Speaker: Thank you very much. That is about all. Those are the names of the Hon. Members who have been here in the mainstay. This introduction is basically made to enable you mention their names honourably when you are debating. If you miss out you are likely to be out of order. There are other members who are not with us. They are out on duty and you'll get to know them immediately they are here. The other officers you will know them in the offices as you will be taken round by the Clerk.

Hon. Members, there are matters of concern that are getting into the Office of the Speaker. There is a register that is normally signed by members in attendance. That register is supposed to be signed by a member who is in attendance, not out of attendance and if a member signs for a member who is absent, he will be eligible for disciplinary action. If you are caught up on it, please don't cry foul.

ADJOURNMENT

Hon. Speaker: The business of the day ends. Thank you very much and have a good afternoon.

The House rose at 1.55 p.m.