

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 7th April, 2013**

The House met at 11.44 a.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****APPOINTMENT OF COUNTY PUBLIC SERVICE BOARD SECRETARY**

Hon. Speaker: Hon. Members, we have received communication from the Office of the Governor Machakos County dated 6th August, 2013 addressed to the Office of the Speaker. The subject of the letter is nomination for appointment of Secretary, Public Service Board and it reads 'while forwarding the names of nominees for position of chairperson and members of County Public Service Board, and County Secretary on 8th July, 2013, I informed you that the interviewing panel had not found a suitable applicant for the above position. Consequently, the position was re-advertised on 12th July, 2013.

After short-listing and interviews, I have nominated Ms Rosemary K. Mulee from Kangundo sub-county. Ms. Mulee is a Certified Public Secretary of good professional standing as required under Section 58 [c] of County Government Act. She is an experienced public servant having served the government as a teacher as well as in educational management and she is currently serving as District Quality Assurance Officer in Dagoretti. She holds a Masters Degree in Gender and Development Studies and Bachelors of Education and various senior management trainings.

Her education combined with her experience in the public sector makes her the most suitable person to hold that position. In making this appointment, the Governor considered gender parity, and is therefore asking the House to consider her favourably. Signed by His Excellency, the Governor. Honorable members, we therefore by procedure, forward this communication to the relevant committee for further deliberations, that is the Committee on Appointments. Thank you. Proceed.

PAPER LAID**NOMINEES FOR THE COUNTY PUBLIC SERVICE BOARD**

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. Mr. Speaker, Sir, His Excellency the Governor of Machakos County forwarded names of nominees who would be serving the County Public Service Board on 8th July, 2013. Mr. Speaker, he also made communication to the House on the above matter and the Committee on Appointment had to carry out the vetting and report to the House as soon as possible. Mr. Speaker, the Committee on

Appointment vetted them on 25th July, 2013 and 30th July, 2013 at a public forum at Garden Hotel. Mr. Speaker, the same committee sat on 6th August, 2013 and this is its final report which I beg to present to the House.

Hon. Speaker: Hon. Member, before you proceed, I would urge that you step down, I will recall you. The report that has been introduced by the Majority Leader as Prayer No.3 as you hear is ready for presentation. But before that report proceeds it is important for the Speaker to disclose that this morning, I got a call from Hon. Kitheka who is currently on a training session in Mombasa and another call from another member of Ndalani, I don't remember his name outright and they were in favour that presentation of this report be adjourned until they are available. It is against that background that I put the question to the House and I open debate to that particular question to decide whether we should adjourn this report or proceed. Ordinarily, the presenter ought to begin.

Majority Leader (Hon. Mwonga): Mr. Speaker, I think you should give guidance on this because we cannot operate on phone calls. Mr. Speaker, is Hon. Kitheka trying to tell this House we should stop all business of this House because he is not present? Mr. Speaker, the Standing Orders do not allow that. Mr. Speaker, if tomorrow I will not be here as the Majority Leader, it does not mean the business of the House cannot continue. Mr. Speaker, we should continue with the business of the House. Mr. Speaker, next we are having members who are going for training, does it mean we shall not transact business because some members will not present. Mr. Speaker, I think we should continue with the business of the day. Thank you, Mr. Speaker.

Hon. Speaker: A member in support of that member.

Hon. T. Kilonzo: Thank you Mr. Speaker. I have to what support the Majority Leader has said because here we don't come to favour anybody. If somebody is away on training or on his own business, the business of the House must continue.

Hon. Speaker: One more member in support.

Hon. (Ms.) Sereka: Thank you Mr. Speaker. I think this is not the business of the House but business of the whole County. We cannot allow that the business of the House to be stopped because a member is not around. It is good that the business of the House goes on because the other members are in a seminar and this is our business, thank you Mr. Speaker.

Hon. Speaker: Honourable members, we can also equally hear three members in opposition. Not in opposition but in support of the adjournment.

Hon. Nganga: Thank you Mr. Speaker. I would like to support adjournment on the matters of the report to be presented today. The basis is that, as it is known to you, we have members of the Justice and Legal Affairs Committee who are not with us. The presentation of this report is of greater County interest and is of interest to every member of this County and much more to members who were elected to this House. There is a motion in connection to appointment of this people, a motion that is related to Human Resource in this County.

Hon. Speaker: Point of order Honourable member. Are you privy to the report before it is even presented?

Hon. Nganga: No, no, no.

Hon. Speaker: Proceed

Hon. Nganga: My point is that there has been a point of contention on the hiring of officers by the County Executive and the County Public Service Board is mandated to constitute

the human resource department in the County. Mr. Speaker as you are aware, this is an issue the members who are not available would want to make an input on. I would like to support the adjournment with an amendment. That the report be presented to the House but the debate be put on hold until members are able to go through the report and then members can be able to come to the session and give their submissions. The committee on Justice and Legal Affairs has more than 10 members of this House who have various positions of leadership in the House and their input towards adoption of the report would be of much importance. Thank you.

Hon. Speaker: Then perhaps Deputy Speaker before you take your seat is the absence of the committee members a legal basis for adjournment?

Hon. Nganga: My sentiments are that the report to be presented here touches on issues of great County importance and their absence is not a legal basis for adjournment but going by the mood of elected members who would like to make an input. As you understand there was a report that was presented---

Hon. Speaker: I get your point.

Hon. Nganga: You got my point! Thank you.

Hon. Mbithi: Thank you Mr. Speaker. I support the adjournment of the motion on grounds that every elected member of the County Assembly is liable to give a vote on this and we have members in Mombasa.

Hon. Speaker: I think that point has been handled.

Hon. Mbithi: I am trying to put it more clearly. Members who have interest in the said matter and I think it is prudent that we give them a chance to air their views. Mr. Speaker, I think we are not the last County to present these nominees, so I don't think there is need to rush. Mr. Speaker, I want to take you back to last week's newspaper of Citizen Weekly that stated the Machakos County is not the best performing County. Why? Because we are doing things in a hurry and end up messing. So I tend to think that having ample time to discuss the report will also give us time to do internal analysis so that we can have the best workforce in Machakos County, so I support the adjournment.

Hon. Speaker: Are you able to favour the House with a copy of the Citizen?

Hon. Mbithi: Pardon Mr. Speaker.

Hon. Speaker: Do you have the copy of the Citizen that is rating the County backwards?

Hon. Mbithi: I can get it within the next 48 hours.

Hon. Speaker: Thank you.

Hon. Nduva: Thank you Mr. Speaker. I support adjournment of this meeting.

Hon. Speaker: This is not a meeting.

Hon. Nduva: This House. Mr. Speaker, we very well know that a fair communication was not made for the sitting today and I am sure despite the fact that there are members who are in a seminar, there are others who are not in attendance in this session. Mr. Speaker, I am sure if all the members had knowledge of the discussion we are to have today, everybody could be here because the matter in front of this House is of great concern in the County. For Mr. Kitheka to be in Mombasa yet he is not a member of that committee, we wonder what is he doing in Mombasa. Who financed him to be in Mombasa? So that a member would stand here and tell this House there should be no question for his absence. I could as well be in Mombasa---

Hon. Speaker: I heard you. Restrain yourself to the matter of adjournment.

Hon. Nduva: Thank you Mr. Speaker and I strongly support the adjournment of this meeting knowing very well we have issues....

Hon. Speaker: Honourable member, this is not a meeting.

Hon. Nduva: This session.

Hon. Speaker: You want to adjourn the session?

Hon. Nduva: We want to adjourn the sitting of this House.

Hon. Speaker: So honourable member, all that you have said was out of order. The issue at hand was adjournment of the paper that is being presented but now you are adjourning the entire Assembly.

Hon. Nduva: No Mr. Speaker. I am in support of---

Hon. Speaker: Take your seat. You are ruled out of order.

Hon. Nduva: Thank you Mr. Speaker.

Hon. Speaker: I think honorable members, because of the point is already taken, I will allow one member in support and one member in opposition and then we put the question.

Hon. Nzoka: Thank you Mr. Speaker. I support the motion. It is better for this Paper to go on and as a member in the Committee of Appointment, we discussed the nominees and brought the names through the Majority Leader and now it is the duty of the House. We cannot be held at ransom by people who are not here. I support we go on with this debate because it is a matter of urgency and we need these people. We have been complaining of illegal employment so this is the team that can tackle these issues. I support the motion.

Hon. Speaker: Thank you very much.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Unfortunately, I was not supposed to be in this session this hour but I have received some information that the members who are in Mombasa are now addressing a press conference on what is happening in this House. We should not put this House in friction. I kindly request you, because most of the members are not here, if it is possible we can defer the session for another day so that we can put the House in harmony. Because they have gone to an extent of making calls everywhere, so I think for the harmony of this House, I kindly request that we defer this session for another day. Thank you.

Hon. Speaker: The member who has just talked was not here, perhaps, when this matter began. It is the Speaker who put the question of adjournment on the floor and it has been debated.

(Question put and agreed to)

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, now with your permission, I want to read the names of the nominees who appeared before the Committee on Appointment and they were vetted in a public forum. We have nominee No. 1 as Alphonse Kioko who will sit in the Board as the Chair person. Mr. Speaker we also have other nominees and I want to say that gender mainstreaming was considered in this list. The second nominee is Ms. Dorothy Mwanzia. We have Scholastica Mueni Mboi, Phillip Mulwa Nzioka and Mr. Fredrick Kasoa and we also have County Secretary Francis Kii Mwaka. Mr. Speaker on the issue of County Assembly Service Board, we have.....Sorry Mr. Speaker, let me not join the two. Mr. Speaker we also have Mr. Andrew Kituku Metho who will also sit in the Board. Mr. Speaker, all these members we had through the Committee on Appointment and based on their profiles and the vetting process

that took place, it is clear that these nominees are up to the task and I beg this House to approve them. Mr. Speaker, I now call upon Hon. Peter Nzoka to second my proposal that we approve these nominees. Thank you, Mr. Speaker.

Hon. Nzoka: Thank you Mr. Speaker sir. I wish to support the motion for approval by this House for these County Public Service Board members. Thank you.

Hon. Speaker: Thank you very much. Now that the report has been presented, I now open debate on the report.

Hon. Mbithi: Thank you Mr. Speaker. I want to quote a Swahili saying that *kuteleza sio kuanguka*. It is a quote.

Hon. Speaker: You are quoting from where?

Hon. Mbithi: It is a Swahili saying.

(Laughter)

Hon. Speaker: Proceed.

Hon. Mbithi: It is a Swahili saying. Mr. Speaker I want to seek clarification from the Chair whether in the process of approval, we can discuss each individual because we have cases where people with tainted image have hidden their faces in people who already have good records so I tend to think it prudent if in the list tabled by the Majority Leader we can discuss each person by their qualifications and character. Thank you.

Hon. Speaker: That is a very good idea and unless there is a member in opposition to it, I will urge that we follow that procedure. Anybody opposing that proposal? We can follow that procedure; it will take some time but let us bear with it. I urge that the debate proceeds by individual members. What is the position of the presenter of the motion?

Majority Leader (Hon. Mwonga): Mr. Speaker, I am not opposing that position. If you allow me, let me start with a short profile of the Chair. Mr. Speaker, I want to start with one Mr. Alphonse Kioko who will sitting as the Chairman of the Board. Mr. Alphonse Kioko is the immediate former Managing Director and CEO of Precision Air in Tanzania. Mr. Kioko brings with him over 25 years of experience in senior management positions within the private sector. He holds a Master of Arts degree in Planning, a Bachelor's degree in Economics both from the University of Nairobi. He has advanced management training from the Harvard Business School and Cape Town University. Mr. Speaker, Mr. Kioko hails from Mutituni within Machakos Town sub-county and has been greatly involved in community development initiatives. Mr. Speaker, Mr. Kioko appeared before the appointments committee that considered him for approval by the whole House. This is where we are, thank you

Hon. Speaker: Is there a member against the approval of that particular nominee as presented. Any voice of opposition to approval of the nominee? Then we say that the name of the proposed person has been received by the House with approval.

(Question put and agreed to)

There is none. Thank you very much.

(Applause)

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker and it is my prayer that the mood continues as it is. Mr. Speaker, the next nominee is Dorothy Mwanzia. She is an advocate of the High Court of Kenya with many years of Human Resource Management experience in both public and non-governmental sectors. She holds a Bachelor of Law degree and Bachelor of Arts degree, both from the University of Nairobi, besides many other professional qualifications. Ms. Mwanzia hails from Mavoko sub-county and is most suited to guide the gender policy of our human resource institution given her education, career and experience. Mr. Speaker, she also appeared before the appointments committee that considered her for approval by the whole House. Thank you, Mr. Speaker.

Hon. Speaker: Honourable members, again, any voice of opposition to approval of Dorothy Mwanzia?

(Question put and agreed to)

Thank you very much. Proceed.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, the other nominee is Scholastica Mueni Mboi. She is a 35 year old youth from Yatta sub-county. She was nominated, besides her qualifications, to represent the interests of the youth in the board who are the majority unemployed. Ms. Mboi holds a Bachelor of Science degree in Family and Consumer Science from Kenyatta University. She is a hands-on professional and understands how the rights of the youth can be mainstreamed in our public service. Mr. Speaker, she also appeared before the appointments committee that considered her for approval by the whole House. Thank you, Mr. Speaker.

Hon. Speaker: Honourable members, once again on the matter of Mrs. Scholastica Mueni Mboi. Is there any member in opposition? Any member who would perhaps want to put the name to debate?

(Question put and agreed to)

Then the name of Scholastica Mueni Mboi is taken with approval. Proceed.

(Applause)

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, the other nominee is Mr. Phillip Mulwa Nzioka. He is a professional manager with hands-on experience spanning over 20 years. He holds a Master of Business Administration (MBA) from United States International University (USIU), a Bachelor of Education degree from University of Nairobi and a professional post-graduate Diploma in Management Studies among other qualifications. Mr. Nzioka hails from Matungulu sub-county and is most suited in providing stable leadership to the affairs of the board. He also appeared before the committee on appointments and they considered him for approval by the Whole House. Thank you, Mr. Speaker.

Hon. Speaker: Honourable members, is there any member who would want to put a word in support, in opposition or in praise of Phillip Mulwa Nzioka.

(Question put and agreed to)

Then the name of Phillip Mulwa Nzioka is taken by the Assembly with approval.

Majority Leader (Hon. Mwonga): Mr. Speaker, the other nominee who will be sitting in the Board if approved by this House is Mr. Fredrick Muli Kasoa. Mr. Muli Kasoa is a dynamic and respected corporate leader with over 20 years' experience in the banking sector who has also taught political science at the university level. He holds a Master of Arts in Public Administration and a Bachelor's degree in Political Science. Mr. Kasoa hails from Mwala sub-county and brings with him experience in enhancing efficiency and productivity within our public service. He also appeared before the committee on appointments and they considered him for approval by the Whole House. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. For the matter of Fredrick Muli Kasoa is there any member in opposition to his approval? The floor is open.

(Question put and agreed to)

Then the name of Muli Kasoa is taken by the Assembly with approval. Proceed.

Majority Leader (Hon. Mwonga): Mr. Speaker, the last nominee who will be sitting in the Board if approved by the Whole House is Mr. Andrew Kituku Metho. Mr. Metho has been steering the public service in Kenya for the last 30 years. He left the public service in 2003 after serving as the Director, Directorate of Personnel Management in the Office of the President. He is arguably, one of the most knowledgeable persons in public service matters in Kenya today. He holds an advanced degree in Public Administration from Dayton, Ohio, USA, a Bachelor of Science degree from Wilberforce, Ohio, USA among many other qualifications. Mr. Metho hails from Kathiani sub-county and will be very useful in structuring our public service in accordance with acceptable national and international norms. Mr. Speaker, the nominee appeared before the committee on appointments and he was also considered among others for approval by the Whole House. Thank you, Mr. Speaker.

Hon. Speaker: Honourable members, for the matter of Andrew Kituku Metho, anybody who has a word for this gentleman. Honourable members, I will ask that somebody speaks about this nominee. This was a very good gentleman; somebody should give word about this gentleman. Where are your committee members? Something about Mr. Metho that was very spectacular, somebody should comment about it.

Hon. Mbithi: Thank you Mr. Speaker. I am not a member of that committee but I happen to know Mr. Metho him in a different capacity. He was campaigning in Kathiani constituency and I know he is a very aggressive guy and he can deliver.

Hon. Speaker: Thank you very much. In terms of his professional qualifications? Let this member finish, I think he did not touch the nut.

Hon. Mbithi: Maybe Mr. Speaker they never saw anything special with him.

Hon. Speaker: It would appear, but that member was almost coming.

Hon. Matheka: Thank you Mr. Speaker sir. I will talk as a member of the appointment committee concerning that particular nominee. The nominee was the most outstanding person because he has over 20 years experience as the Director of Personnel Management in the office of the President so as a committee we were actually short of recommending him as the Chairman

of the Board but since he had not applied for that position we could not change things mid-way so according to the committee, the nominee was the most outstanding person in personnel management experience. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think that is enough that is what I wanted to come out.

(Question put and agreed to)

Then the name of Andrew Kituku Metho is taken by the Assembly with approval. Proceed.

Majority Leader (Hon. Mwonga): Mr. Speaker, the other nominee I presented to this House is the member who will be sitting in the County Public Service Board is the nominee for the position of County Secretary who is Francis Kii Mwaka. He is a very efficient, dynamic and result-oriented professional. Mr. Speaker, his most striking attribute is the way he dislikes and fights corruption and is therefore the most suited to handle cabinet matters and head the public service. Mr. Mwaka has over 20 years' experience in both the private and public sector in management and administrative positions. He understands government policies and has wide international exposure. Mr. Mwaka has roots in Kalama in Machakos and Kwale and holds a Master of Business Administration from Griffith University, Australia and a Bachelor of Arts degree in International Relations from the United States International University (USIU) among many other qualifications. He has worked for Nation Media Group, lectured in the University of Nairobi and worked at a very senior level in the Cabinet office, Office of the President. He appeared before the committee on appointments and Mr. Speaker, members of this committee will agree with me that they saw Mr. Mwaka as being suitable to hold this position because he is a very wonderful man, and a very wonderful nominee for this position. The way he appeared before this committee is not the way we were thinking of him before. Mr. Speaker, the committee members will agree with me that---

Hon. Speaker: I urge members to just talk to the Chair if they have something.

Majority Leader (Hon. Mwonga): Mr. Speaker, the committee members will agree with me that, a half of them. Mr. Speaker, I am putting forward my report.

Hon. Speaker: The chair cannot hear you. Come and talk here. You are only on of order, I have only allowed you because I have realized he has finished.

Hon. Ngunzi: Thank you Mr. Speaker. I wonder why the Majority Leader is campaigning for Mr. Mwaka unlike what he did for the other nominees. Why do you prolong your story to tell us how Mwaka is good and you did not tell us why the others are good.

Hon. Speaker: I agree with you, you have a seat.

Hon. Ngunzi: Good. Thank you.

Hon. Speaker: Honourable member, restrict yourself to your report.

Majority Leader (Hon. Mwonga): Mr. Speaker, I am through with my presentation and I beg the members to consider Mr. Mwaka with the other nominees. Thank you.

Hon. Speaker: Thank you very much. Is there a member who would wish to raise a voice of opposition to his approval?

Hon. Nganga: Thank you Mr. Speaker. I am---

Hon. Speaker: Maybe before you proceed, you are raising a point in opposition to his approval?

Hon. Nganga: Yes.

Hon. Speaker: So this will basically be open for debate, is it?

Hon. Nganga: Yes.

Hon. Speaker: Then why can't we have the procedure done? We can have somebody propose then we have a member second you so we can open the debate.

Hon. Nganga: Ok.

Majority Leader (Hon. Mwonga): Mr. Speaker, I now call upon Hon. Joseph Kalunde to support the approval of one Francis Kii Mwaka. Thank you, Mr. Speaker.

Hon. Kalunde: Mr. Speaker sir, I even need not to have been called. I had already decided that I will stand and support the appointment of Mr. Mwaka. Honourable members, I think it would be very bad for the whole House, having approved all members who had been proposed and for no reason, only stop the approval of Mr. Mwaka who is very much qualified than even others we have approved. So Mr. Speaker for this reason I support the approval of Mr. Mwaka who has a long experience in running the affairs of the government, thank you very much.

Hon. Speaker: Now we can open the debate with the point of the Deputy Speaker. You have the floor now.

Hon. Nganga: Thank Mr. Speaker and the House at large. Basically, the point I would like to raise about this nominee is because the voice of members of this House, quite a number of them, have been positive as seen in regard to the approval of the other nominees of the County Public Service Board. There was no friction in approving the nominees of that board but there has been friction within in informal discussions about one Francis Kii Mwaka. Personally, I cannot say that I know him well but I would like to raise the concerns that I got from members. I am not privy to Mr. Mwaka but there has been issue concerning him and his relationship with the people, his social relationship and manner of handling members of this House but Mr. Speaker, I would like to call upon members who may have details of Mr. Mwaka to shed more light. It is not out of lack reason that some members object to approval of the nominee, in fact we had wanted to have the board in place for so long but those who are absent today would have liked to contribute and most of them had an issue to raise about him. But those who have concern on his approval and have details about Mr. Francis Mwaka, they have my moral support to declare the real issues that Francis Mwaka is alleged not to be fit for that position.

Hon. Speaker: Honourable Deputy Speaker, can you in one sentence tell us your grounds of opposing the approval of Francis Mwaka, because I did not hear any.

Hon. Nganga: My grounds of opposing the approval of the nominee is that quite a number of members who are not here, when the names of the nominees were presented to this House, they had an informal meeting within and without the precincts of the Assembly---

Hon. Speaker: Honourable member, as a person you are not opposing the nomination.

Hon. Nganga: As a person, I don't know Francis Mwaka so I don't have any grounds to deliberate about him but going by the mood of the members I sat with, I cannot fail to pronounce what they could pronounce. So I am pronouncing what they could have pronounced if they were present in the House today.

Hon. Speaker: So you have not opposed the approval of Mr. Mwaka, Hon. Deputy Speaker.

Hon. Nganga: I cannot---

Hon. Speaker: You have not opposed the approval of the nominee, as a person?

Hon. Nganga: Going by my pronouncement on their behalf, I stand to oppose the approval of Francis Mwaka. Without a reason.

Hon. Speaker: Hon. Deputy Speaker, kindly address the Chair.

Hon. Nganga: Mr. Speaker sir, I would like to state that those members did not give me exact reasons or evidence that can be presented here but I believe... I am not yet done. Protect me Mr. Speaker.

Hon. Speaker: Hon. Members.

Hon. Nganga: But I am certain that some of the members have personally shared the details but I did not collect the evidence but I know some who could be having the details that will be presented to this House before the end of the debate.

Hon. Speaker: Thank you very much. Now we are going to hear points of opposition to his nomination.

Hon. Muthiani: Thank you, Mr. Speaker. I oppose the approval of Mr. Mwaka because as much as I know him, I understand he is working in the office of the Governor. So can we be told if he has already relinquished the post? Secondly, this is one of the employees we had issues with at the Labour and Social Welfare committee and because those issues have not been dealt with, I suggest that we suspend his approval until the issues in the Labour committee are dealt with because there is this Kamba saying that---

Hon. Speaker: We cannot allow this, my dear.

Hon. Muthiani: Ooh. Thank you, Mr. Speaker. I am suggesting that we suspend the approval of Mr. Mwaka. Thank you very much.

Hon. Speaker: Thank you. Any other member who has not contributed in opposition to his approval? Then in absence of any other, you can speak again.

Hon. Mbithi: Thank you Mr. Speaker. I want to state that this is serious business and it is not affecting me or you but the people of Machakos County. We have to take it with the seriousness it deserves. The reason I asked that we go person to person is because there are people who are hiding in qualifications of others. I don't have any personal friction with Mr. Mwaka but I have a professional question on his ethics. I have a letter dated 29th May, 2013 addressed to the Town Administrator, Mavoko from Chief Officer of the Governor.

Hon. Speaker: Do you have an extra copy?

Hon. Mbithi: I don't have.

Hon. Speaker: Proceed.

Hon. Mbithi: And it reads....Please. The subject title is 'disposal of condemned signboards' that were collected during the investor's conference and it reads.... Please ensure the transfer of the above materials that were recently collected....Even the grammatical errors in drafting of the letter---

Hon. Speaker: It is your letter.

Hon. Mbithi: (*continues*) were recently collected to the County Image Directorate for safe storage at the Machakos offices to facilitate their proper disposal by the County department of Public Works. Signed by Francis Mwaka. Mr. Speaker, I got the advantage of visiting South

Africa last month and one the lessons I learnt is that South Africa has zero or something close to zero tolerance to corruption. I want to point out Mr. Speaker that after collection of the signboards as scrap metal, they did not get to the said destination.

The last destination was Devki Steel Mill. Mr. Speaker, we have a case in court where Machakos County is supposed to pay Daystar University close to Ksh. 300,000 for the destruction of their signboard. Mr. Speaker, I have a list of the signboards that had been collected from the roads, close to 25 signboards. I would like to point out that if this is the kind of people we are getting to the Public Service Board, we are misleading Machakos County. I would also like to point out to Hon. Kalunde that we not working out of mercy like a situation that because we have approved the other nominees, we should approve Mr. Mwaka.

It is not out of mercy but out of merit, if you don't qualify, you should not take that position. And when His Excellency the Governor took his oath of office, he said that he is not going to tolerate any form of corruption and this is what he was trying to say, that whatever has nay taint of corruption, we should not take in Machakos County. With this Mr. Speaker sir, I want to oppose the approval of Mr. Francis Mwaka on those grounds.

Hon. Speaker: Thank you very much. Now we must hear that gentleman. Just come.

Hon. Kimanzi: Mr. Thank you Mr. Speaker. I would kindly request that we defer the approval of Mr. Mwaka because I have not seen him but according to the rumour, we should be given at least five or seven days for us to...just a minute please. Protect me, Mr. Speaker.

Hon. Speaker: Hon. Members, let us welcome our new members kindly. Today I would allow them to flout any procedure

Hon. Kimanzi: At least Mr. Speaker, there are some papers that passed around in these tables the other day. The reason I was requesting for more time, if it is possible, is for us to be allowed to investigate and know the truth of that matter and by so doing, the person we will approve is a person who is up to the task.

Hon. Speaker: Can I hear another new member who wants to say something. Yes. Let us be patient we a bigger family than before.

Hon. (Ms.) Ndumi: Thank you Mr. Speaker. I would like to tell that member that we cannot work by rumours.

Hon. Speaker: Thank you very much

Hon. (Ms.) Ndumi: If we work by rumours we cannot take our County anywhere. Mr. Speaker sir...

Hon. Speaker: We are not going to disturb

Hon. (Ms.) Ndumi: Protect me. Tell him to sit down.

(Laughter)

Mr. Speaker, Sir. What I have seen here is just rumours and I would like to ask the House to clear Mr. Mwaka for this position. Thank you Mr. Speaker sir.

Hon. Speaker: We are going to have a moment for the new members.

Hon. Katumo: Thank you Mr. Speaker. I represent people with disabilities in Machakos County. We need to have order and sobriety when discussing of great importance to the County. As new members, we are treated to things we don't expect. If Machakos County is the premier County as we have heard, then we don't need to juggle with things that are not good for us. If we

have issues with somebody, I don't think it is prudent for us to approve somebody with blemish. Myself, I have issue with the process because I have not seen anybody with disability here and if the trend continues like this, who is going to represent us in this decision-making organ? We have been going round and round and I have very important people, beautiful, handsome members of the County employed but have you seen a disabled person employed? In future, we should consider the disabled. My take is that if we have an issue with somebody, we don't need to go ahead. We need to clear them and then go ahead. Thank you.

Hon. Speaker: I think that honourable member has made a very good point but then you need to understand that these names are ordinarily forwarded to us by the executive. But the role that we can play is that as we return our report, we will have a note that we were disturbed because there was no nominee to represent the disabled and I'm sure that will include your position. But if I recall, I think Metho was in crutches. Metho is a person with disability. Proceed.

Hon. (Ms.) V. Mbithe: Mr. Speaker, I'm getting a bit aggrieved or rather concerned because we did not see these people. As new members we also needed to at least be given time to familiarize with them but we have actually been called to pass somebody that we don't know. And how come only this one person has an issue? We will need to know why because the other names have been passed and only this one has issues. Which issues are these? We need to know because we might make a lifetime mistake. We also don't want to have somebody for the sake of it because they were brought in by so and so. We want to know because even the vetting committee which was represented here by the majority leader approved this person and they brought him to be approved by the house. We want to know whether those dents were also mentioned there or not before we proceed.

Hon. Speaker: I think that is a very valuable question and before we proceed, can the majority leader answer that particular question.

Majority Leader (Hon. Mwonga): Mr. Speaker, on the issues which are being raised about Mwaka, I want to start with the issue that was raised by the Honourable member from Kaewa. The honourable member read a memo which was written by one Francis Kiiro Mwaka on 29th May 2013. Mr. Speaker, what that member read was in support for approval of Mwaka. The memo is very clear that Mwaka had concern about the scrap metal and the signboards. Mr. Speaker, the letter which was written by Mwaka read, "Please ensure the transfer of the above material which were recently collected by the county image directorate...."

Hon. Speaker: Can I have a copy of that?

Majority Leader (Hon. Mwonga): Yes. Mr. Speaker, Mwaka did this after it was reported in his office that these signboards were disappearing. Mr. Mwaka did this so as to safeguard what had been stored at Mavoko Municipal Council. Mwaka appeared before the committee on appointment and this issue was raised by Felix Ngui, member for Katangi ward. In replying, as I was saying earlier, this is where many members of the appointment committee changed their position on Mwaka. Mr. Speaker, when Mwaka noticed that these signboards were getting lost and they didn't reach the directorate here in Machakos, he went ahead on 22nd July 2013 and wrote a memo to the governor. If you will allow me, the memo is titled 'loss of condemned signboards and materials used during the investors' conference from Mavoko to Machakos offices.' Mr. Speaker, allow me for the benefit of the other members to go through the memo.

Hon. Speaker: Proceed

Majority Leader (Hon. Mwonga): This letter is written by one Mwaka to clear his name. The letter reads---

Hon. Speaker: Before you proceed, majority leader, do I remember seeing this letter at the committee meetings?

Majority Leader (Hon. Mwonga): Yes, it was presented when this issue was raised. Mr. Speaker, the letter is written to his Excellency Dr. Alfred Mutua, governor of Machakos County and it reads, "Sir, I am writing this letter trusting that it reaches you in good time. In May 2013 after the conclusion of the Machakos county investors' conference, Mr. Teddy Munobi, Office of the governor..."

Hon. Speaker: Let's take this point of order

Hon. Mbithi: Mr. Speaker, is the majority leader in order to mislead the house? Can the majority leader state how many months are between the time the first memo was written and the second one? Can you clearly state the number of months? Because I tend to think, Mr. Speaker, the writing of the second memo was just for Mr. Mwaka, like the majority leader has said, to clear his name. With the facts on the ground, after several months, now the majority leader has the guts to mislead this house and tell the honourable members that---

Hon. Speaker: Point of order is overruled. Proceed

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker for your protection. Mr. Speaker, I am on the second paragraph...

Hon. Speaker: Honourable member, why don't you summarize the letter, it's a lengthy letter. What is the content of the letter?

Majority Leader (Hon. Mwonga): Mr. Speaker, what I wanted to say is Mwaka was concerned about the lost signboards. That is why he wrote this letter to his Excellency the Governor and it was received by the governor on 22nd July 2013. Mwaka is saying, 'I hereby attach a copy of the memo I wrote to the town clerk, Mavoko and list from the security officer detailing the collection of the signboards.'

Mr. Speaker, Mwaka was writing to the governor so that he can make a follow up with the said officer that is Teddy Munobi and where possible, initiate appropriate disciplinary action and this is what is taking place. Mr. Speaker, Mwaka cleared himself before the appointment committee where the minority leader is a member. He did not raise any issue; all the other members of the appointment committee did not raise any issue. Thank you very much.

Hon. Speaker: Hon. Member before you sit down, can you tell us whether this question was substantially dealt with by the appointment committee?

Majority Leader (Hon. Mwonga): Mr. Speaker, the question was substantially dealt with by the appointment committee. Even the member who is not a member of this committee, but appeared in the vetting process because it was a public forum, was contented by the answer Mwaka gave. Thank you, Mr. Speaker.

Hon. Speaker: Members, can we hear the leader of minority

Minority Leader (Hon. Kasoa): I think the work of the appointment committee is to consider for approval. It is the work of this assembly either to approve or to disapprove. Mr. Speaker, being a lawyer also because I have heard the honourable member saying that Daystar University has gone to court, these things are under investigation. We might be setting a very bad

precedence so we need you to advise us, if this issue is before the court, what is the way forward, Mr. Speaker?

Hon. Speaker: Hon. Member, do you have any material to confirm to the house that the matter is in court? If you have the material, present the material

Hon. Mbithi: Mr. Speaker, on the onset of this session, we requested for postponement of the session because there is some material which are within our vicinity but not within the house. If given time, we can avail them to the house. We are not in a hurry Mr. Speaker. We are not saying that we cannot approve but if only the person was cleared

Hon. Speaker: Honourable member, the motion for adjournment was dealt with.

Hon. Mbithi: We can avail the material

The Speaker: Let's hear another person

Hon. Ngui: Mr. Speaker, I would want to start from a far point that I stood in this house last week to correct the honourable majority leader about appointing the nominated members to the sectoral committees and even went ahead quoting the standing orders of this honourable house. Today again, I want to stand on the same point that honourable members, elected members of this house were not officially communicated to that there would be a full house today to discuss this very important issue, Mr. Speaker.

You can look around. We have only 20 elected members who represent the interests of the people of Machakos County. Mr. Speaker Sir, most of the members we have here are nominated and they have not gone for induction. They don't even know what they are supposed to do. Mr. Speaker, I was not here when the motion for adjournment was proposed.

Hon. Speaker: Hon. Member we can hear you. Proceed

Hon. Ngui: Thank you for your protection, Mr. Speaker. I want to say this, when the committee on appointment sat down to vet these members of the County Public Service Board, they should have brought us a detailed report. I stand to reject the whole report. Why? Because what we have here is just a CV.

Hon. Speaker: Hon. Member, you cannot reject a report which has already been presented

Hon. Ngui: Okay. Let me give my views. What we have from the committee on appointment is just a CV showing us this person comes from where, he has a degree from where. It would have been better if we could have gotten a detailed report that this member was interrogated, the committee confirms that he or she has a certificate of good conduct, all original documents showing the member was vetted. Again Mr. Speaker...

Hon. Speaker: Hon. Member, first take your seat, you will come back again

Hon. Ngui: Thank you Mr. Speaker

Hon. Speaker: Just a point of information, that honourable member came to that committee where I actually sit and participated and I have heard that honourable member mention issues that he himself interrogated. I think it is important you properly guide this house as having participated in that committee and I urge you to proceed but this time with a low tone.

Hon. Ngui: Mr. Speaker Sir, protect me. The majority leader is attacking me.

Hon. Speaker: We agreed you proceed with a low tone

Hon. Ngui: You know the motion is hot and I am also tending to be hot. So Mr. Speaker, I'm now going on and I ask for a bottle of water please. Thank you, Mr. Speaker.

Hon. Speaker: Proceed.... No you cannot gesture. Honourable member---

Hon. Ngui: Thank you Mr. Speaker. I beg to continue.

Hon. Speaker: Hon. Member, I now rule you out of order. You cannot point directly to a member.

Hon. Ngui: Mr. Speaker, I beg for your protection.

Hon. Speaker: You are now out of order. Just cool your tempers I will call you much later. Have a seat. Let's proceed with the debate. Have a seat; you are already out of order. Now we cannot talk like that nominated member. The only way you can protect your position is to speak through the chair, however much you have been assaulted. Let's proceed. I'm still listening to matters of opposition. Let us hear ... you cannot oppose your own report. Let us hear the... ok.

Hon. Matheka: Mr. Speaker Sir, I have my own opinion, not opposing, not supporting. We have come to this house to fight only one person and we are fighting one person either because of a personal vendetta or something we don't know. Honourable members, I want to tell you something. I was in the committee of appointment and I stretched Francis Kiio Mwaka to his limits and I think I know more of him than anybody else in this house and the chairman can confirm that. Honourable members, we might be misled or we might be following things blindly.

If we go by the CVs of these people, all of them one by one, maybe we will only approve two or three. So my personal opinion is this, we either discuss everybody one by one and we go deeper as we are doing for this particular member, or we approve all the members at a go because I know as I talk now, there is one Scholasticah Mueni Mboi. She was brought here...

Hon. Speaker: You are out of order on that particular point. We have already discussed that person.

Hon. Matheka: Thank you Mr. Speaker Sir. My point is we should not discuss one person deeply as we are doing and just rush through the others.

Hon. Speaker: Hon. Members, I think we had the opportunity to discuss each and every member. Let's proceed with the debate for Mwaka.

Hon. Matheka: My point is, we need to do one simple thing, we either pass all members at a go or we reject them. That is my point Mr. Speaker, because if we start discussing one person and the others were not discussed, the reason was very simple, Mr. Speaker

Hon. Speaker: Hon. Member, if you can listen to the chair, unless you were not very attentive, we said we will handle member after member. Now we are on member number six, that is Francis Kiio Mwaka. So you can now have a seat, I think you have made your point. Your opinion has been taken by the house.

Hon. Matheka: Ok, thank you Mr. Speaker Sir.

Hon. Speaker: Unless it's contribution, there is no point of order. That point is made. Proceed

Majority Leader (Hon. Mwonga): Mr. Speaker, assuming that the chair is blind I want to draw the attention of the chair to a member who is not properly dressed. Mr. Speaker, the honourable member for Katangi, that is Mr. Ngui, is not properly dressed. That is not the way we put on a shirt and a tie. Mr. Speaker, this is not a cowboy show. This is an honourable house. Mr. Speaker I seek for your direction.

Hon. Speaker: Hon. Member, just step out and correct where it is wrong then come back. Let us proceed with the debate. Just step out. It's only after that that you can address the chair. Proceed. Let us hear the deputy speaker

Hon. Nganga: Mr. Speaker, my sentiments about Francis Mwaka. I would like to urge this house in the interest of the image of this house, in the interest of the image of the whole of Machakos County Assembly and the whole of Machakos county government, it has come to my knowledge, I cannot have, as you had requested before, I don't have the documents here of the cases in court in regard to the issues raised here but I would like to urge the house to find it in their wisdom to suspend the approval of Francis Mwaka up to and until it is verified that there is no case that is pending in relation to the matters that have been raised here.

Hon. Members, I would like to tell you that we can go ahead and approve one Francis Mwaka, and taint the image of the whole Machakos county government. The progress we have made in the few months that we have been in operation, we need to dig deep and see to it that these matters that have been raised here are settled once and for all because if we do a shoddy job here, then these things will come to haunt us. I want to tell this honourable house, we want to do things for posterity. We want to do things that the other assemblies that will come after this assembly has been out of its session will have something to copy from.

We are setting a trend, we are setting pace and we are setting a page map. Honourable members, let me call upon you to find it in your wisdom that we should not just rush to appoint people. We have gone name by name and if there are contentious issues that have been raised on this member, then it would be in the best interest of this county that we suspend the approval of this member until the relevant committee gives a detailed report on the matters that have been raised. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. The duty of this house is either to approve or reject and that is why the name is on debate. That is why I'm saying those who feel the person of Kio Mwaka should not be approved by the assembly then put that point forward. That is basically what we want. But in your particular argument you are presuming that this house is already approving Mwaka. We have not yet voted on that question, but you need to persuade the other members to support you. I think you had put your point across, isn't it? Or you would want to fine tune a place? Alright

Hon. Nganga: Mr. Speaker, if I got you right, I understand that the house has not approved Mwaka but because the debate on the approval of that member is still on, then the debate on him can be suspended until we have a proper report on him. The house can suspend the debate of one Francis Mwaka until there is a proper report on his manners and the issues that have been raised.

Hon. Speaker: Hon. Members, perhaps then to handle that question that has been raised, I would wish to put the question that should the business of the house on the matter of Mwaka be suspended as proposed?

Hon. Members: No

Hon. Speaker: Hon. Members, you can only speak to the chair. You cannot speak on your own down there. Let me hear one in support, one in opposition then we decide what to do. We shall hear two in support and you speak up.

Hon. Nzoka: Thank you Mr. Speaker sir. I'm standing here in support of approval of Mr. Mwaka and you listen to me carefully

Hon. Speaker: in support of proceeding with the motion for Mwaka

Hon. Nzoka: Yes. I'm one of the members of the committee on appointment and we interrogated Mr. Mwaka. First from the rumours, as one member said there, we cannot rely on

rumours. I was one of the members who received the rumours and started hating Mr. Mwaka but the way he came to explain himself, the way he handled the rumours on irregularities in employment, he said he has no powers, he has no authority.

When he was put in that office, he found that irregularity there. But he has no teeth. When he is fully appointed and employed, that is the time he can bite. In fact members, honestly we need a tough person. You can see some of the employees hate Mwaka because he is very tough to them. That seat, you know it is like Muthaura's seat. If you recall Muthaura, you could not approach him. No, no, no, let me clear

Hon. Speaker: Have a seat; you'll have your time

Hon. Nzoka: That seat needs a person with authority who can give orders. When you see Mwaka approaching some issues on employment, on meeting some people, he is very tough. And again the issue of the scrap metals, he explained even the way the vehicle which took the scrap metals to Devki is. And he said 'I have written to the governor. It is his duty to deal with it because where I'm sitting I have no authority to fire.'

Members, this Mwaka is the person who is suitable to deal with corrupt people there without malice. So the employees fear him because he is tough. We can get someone there and then everything goes haywire so you have to be careful who you take there.

Again, there was a question raised on disability. My friend, I'm also disabled. We are together on this and also Mr. Metho whom we have approved is disabled. So honourable members, I wish this house to approve Mr. Mwaka and we shall move on.

Hon. Speaker: Thank you very much. We said we are hearing two people this side and two people from the other side.

Hon. Nzioki: Mr. Speaker, I happened to be in the committee on appointment meeting that interviewed Mr. Mwaka. I had some interest because I've gone through these rumours that Mr. Mwaka is not a nice person, Mr. Mwaka does not do this, Mr. Mwaka does not do this. One thing that I realized Mr. Speaker is that one of the rumours is that 'when Mr. Mwaka greets you, he tends to give his hand like he doesn't want to greet you.' But Mr. Mwaka has two deformed fingers. These are some of the rumours that I'm trying to explain to the members and he will feel he has that...

Hon. Speaker: Honourable member, are you suggesting to the house that a greeting is a serious issue?

Hon. Nzioki: Yeah, that is one of the rumours Mr. Speaker, that he does not like greeting members. I am trying to say that two of his fingers are deformed and when he greets you, he has that inferiority that you will realize that he is deformed so he will not give you a good shake. There are also so many rumours like the letter we have been given here that he wrote a memo to the coordinator of Mavoko County Council. He did not say that these items should be sent to Devki.

He said that these items should be brought to the County Government so that they may be kept under custody where the authority can see them. Then somebody took that opportunity to take them to Devki and I believe that's what the members were told by Mr. Mwaka. He has explained in his letter that he wrote to the governor that that member should be disciplined. I'm just posing a question to the members, what then would he have done?

Hon. Speaker: Thank you, I think you have made your point

Hon. Nzioki: So, Mr. Speaker, just to finish up if you will allow me, I suggest that we approve Mr. Mwaka because to me he appeared to take things in a straight manner than most of the staff would like them done. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. We can hear now two opposing points. We have not had a lady... yes we have. Just proceed.

Hon. Nduva: Mr. Speaker and honourable members, this is a serious business and we must come out clearly. We have gone through all the nominees and I have known Mr. Mwaka for the few months we have been here. I have no personal difference and sometimes I have interacted with him and no one is 100 per cent. If there are issues that were not raised in the appointment committee and they are there, I think if all what was raised in the appointment committee was dealt with and the committee was satisfied that Mwaka suits this position, members, I stand here to support the appointment of Mr. Mwaka.

(Applause)

Members, wait I finish because I will say something else later. I stand here to support the appointment of Mr. Mwaka and if, Mr. Speaker, there is anything else that is pending in court, then the rule of law will take its course. So Mr. Speaker, I support the appointment of Mr. Mwaka. Thank you.

Hon. Speaker: Though that honourable member was opposing, he has stolen a chance so I will hear three members on the opposition side.

Hon. Kamitu: Fellow honourable members, I stand here to put some corrections and to humbly tell our honourable members that I was one of the members of the appointment committee and by good chance, one of our honourable members, Mr. Nguu was there and he was the first person who came when we were doing the interrogation of one Francis Mwaka. On a very sincere note, he did put a very concerned question on the integrity of Mr. Mwaka. Mr. Speaker, I'm very sure that in your table you have seen the report that was given to the appointment committee by Mr. Mwaka.

So I am standing here to correct an issue that was presented today by our majority leader. What was missed is that Mwaka is not being investigated, and I'm standing here with a lot of experience as a former police officer. The case in question, it is not Mr. Mwaka who is being investigated as per the stolen signboards. So for that, I would also request our majority leader to clear that point and myself to tell the house, as one of the committee on appointment member, Mwaka stood in front of us very confidently and he really gave us what it takes for Mwaka to be appointed as the county secretary so I stand to support that motion with no humiliation and with a lot of humility because with the experience I have - I used to sit in interview panels and the like - Mwaka was among the best people that came on that committee but I'm not standing here Mr. Speaker on that point to approve.

We were saying that as per the mandate of the appointment committee, ours was only to hear, assent and recommend for approval by the whole house. It is now for the house to decide on the approval of Mr. Mwaka other than putting some particular issues on a particular person. If we are godly enough, Mwaka fills that post as the county secretary. Thank you, Mr. Speaker.

Hon. Speaker: Thank you honourable member. We would like to have a member genuinely opposing. I have not heard from the other side. If you are genuinely opposing, let me

have you. I want to be sure you are opposing. Who will be next? We want three people. We can hear you...

Hon. Mbithi: I want to be very brief

Hon. Speaker: The question is the one that was put by the deputy speaker.

Hon. Mbithi: My point is that we suspend. I support the suspension of the approval of Mr. Mwaka to the said position on grounds I earlier stated on the floor, Mr. Speaker. It goes without saying that what is fighting Kenya, what is fighting the world is corruption, Mr. Speaker, and the Collins dictionary has a better word of defining corruption, for those who are not familiar with what corruption means.

Mr. Speaker, Kenya is ranked third in the world in cases of corruption and that is why we are lagging behind. We want to single out Machakos in the 47 counties and put it as the most corrupt county being led by corrupt leaders, Mr. Speaker. With this, I tend to believe and strongly support the suspension of the approval of Mr. Mwaka until the case in court and the issues I have raised here are sorted out clearly.

Hon. Speaker: Thank you very much. May the honourable member just draw to the chair? Maybe you can go through this and see whether you can paraphrase your... Yes. Welcome, welcome.

Hon. M. Mutuku: Thank you Mr. Speaker. In regard to Mr. Francis Kii Mwaka's CV, Mr. Mwaka dislikes corruption and having met Mwaka several times, I know he dislikes corruption. What I'm saying is it was a coincidence because by the time Mr. Mwaka wrote that memo, he was requesting those scrap metals to be transported from Mavoko, my ward, to Machakos. It seems somebody took advantage of that. You can send somebody then on the way he can take advantage of that.

As per the academic credentials, Mr. Mwaka we can see is over-qualified and there is a saying which says, "to slide is not to fall, *kuteleza sio kuanguka.*" That was actually a problem which was not emanating from him. It was emanating from the support staff within the county government and I tend to believe we cannot hold Mwaka totally liable because he is not the one who never took the scraps, somebody took the scraps and we can say he is very keen in following. Mr. Speaker sir, I stand to support the approval of Mr. Mwaka. Thank you.

Hon. Speaker: Honourable Rachael. That is another opportunity lost for the opposer. Proceed.

Hon. (Ms.) R. Nduku: Mine is to support Francis Kii Mwaka on the basis that I personally met him and because I knew he will be one of the people who will be vetted here in our house, I asked him several questions concerning what we are hearing about Mombasa road because the business community from my ward, Mulolongo ward were asking me about the same issue and because I wanted to hear from him directly so that I can answer them. He gave me the answers and I was able to deliver them to my people. So according to me ...

Hon. Speaker: Attention. Majority leader kindly be attentive. Proceed

Hon. (Ms.) R. Nduku: Thank you. I'm standing here to support Mr. Francis Kii Mwaka because of the way he tackled my problem when I was told he was the one who was concerned with the scrap metal along Mombasa road, more so in Mulolongo because that is my ward. My community business people in Mulolongo are very comfortable waiting to get the good feedback from Machakos County and because of that and the answers he gave me; there was no problem with my people in Mulolongo ward.

I just want to say, this whole house gave mandate to the appointment committee to scrutinize, to talk to and to vet the people who will be brought to this house and I think what we are talking about Francis Kii Mwaka, I can say according to me, the experience he has of over 20 years working in the private and public sector in management and administrative positions, I don't think whether we as a house will regret because whenever we see vacancies in our dailies, we see people being asked for 5 or 10 years experience, but he has 20 years experience. I want to support this man and I believe we are going to work together with him in a good manner because he is honest and he has his own respect. Thank you Mr. Speaker.

Hon. Speaker: I'm giving the opposers one extra chance because all their chances are getting lost.

Hon. Muinde: Mr. Speaker, I'm not in opposition but it is only fair for me also to talk. I've been quietly following the debate. Having gone through the profile of Mr. Mwaka, he is qualified for this position. Mwaka is a serious administrator. All the documents presented here are not touching on Mwaka on matters of corruption. Mwaka is not under investigation, neither is he facing court charges. If Daystar University, as alleged by one of the members has an issue with the county, it is not against Mwaka. So there is nowhere Mwaka's integrity is mentioned, either in court or by anybody investigating his conduct. I therefore stand to support that we approve Mr. Mwaka to hold this position. Thank you.

Hon. Speaker: Lastly we can hear Mr. Ngui.

Hon. Ngui: Thank you Mr. Speaker. I'm back and I believe I am the smartest now

Hon. Speaker: We have noted. Thank you very much

Hon. Ngui: Mr. Speaker, you realize that when I stood up to talk, I was neither opposing nor supporting. Mine very importantly is to give directions to this house when I see things going apart because I'm in the committee of procedures and rules of this house. So I am neither opposing nor supporting but I will say this, Mr. Speaker I was in the committee ---

Hon. Speaker: Can I hear you right. What are you saying?

Hon. Ngui: I am neither supporting nor opposing. Mine is to give direction

Hon. Speaker: You would want the house to listen to you when you are not contributing towards anything?

Hon. Ngui: I'm contributing towards Mr. Mwaka because I would want to point out something

Hon. Speaker: Okay, proceed

Hon. Ngui: Thank you Mr. Speaker. I would want to say that I happened to attend the committee on appointment meeting and actually I'm the one who raised the question about the scrap metals which were carried from Mavoko to an unknown destination. Mr. Mwaka answered those questions to me and to the whole committee and there was the memo and the other letter which he wrote to cover up the issue. I would say this Mr. Speaker, that the committee on appointment did not give us a detailed report. I expected to find all the questions which were raised in that meeting and the answers

Hon. Speaker: (*Speaking to Hon. Collins Mbithi*) Honourable member you are out of order. Just stand up with the document you are reading, then you can take a walk off the house. This is serious debate. Assist him out of the chamber.

Hon. Ngui: Thank you Mr. Speaker, I beg to continue.

Hon. Speaker: Proceed honourable member.

Hon. Ngui: Mr. Speaker, I was saying that I'm the one who raised the issue and to me, Mr. Mwaka answered the question very well and he gave the supporting documents but I stand to blame the committee on appointment because they should have written the questions which were raised or the issues of concern on this report so that members would not be having all this commotion asking about the same. We should have had the same in the report. As I said, the report only has the CVs. It does not have what was raised in the vetting. So in future, Mr. Speaker, I want to say that when the committee on appointment is bringing a report to us, they ought to bring a detailed report because personally I was satisfied but other members were not satisfied. They should have been seeing this on the report. So Mr. Speaker, having seen the mood of the house, personally I don't have any personal differences with Mr. Mwaka and I would say, let us approve Mr. Mwaka. Thank you.

(Applause)

Hon. Speaker: So, honourable member, just come back again. Are you telling this house that you rose to support the approval of Mr. Mwaka?

Hon. Ngui: As I said before, you realize that when I stood up, I was neither supporting nor opposing. Mine was to give direction. But now my stand is to approve Mr. Mwaka.

(Applause)

Hon. Speaker: Honourable members, honourable members, the opportunity I had given was for those in opposition. Is there any member in opposition?

(Silence)

If there is no member in opposition then the proposal to have the motion on debate on Mwaka is therefore rejected. Now, is there any person in opposition to the substantive motion that Mr. Mwaka should not be approved?

(Question put and agreed to)

Thank you, members for that high brand debate. Mr. Clerk proceed with the agenda of the day

MOTION MEMBER OF COUNTY ASSEMBLY SERVICE BOARD

Majority Leader (Hon. Mwonga): Mr. Speaker before going to that other motion, on the same motion on papers, I still have another issue. This is on the member who is supposed to sit on the county assembly service board. Mr. Speaker, as I had indicated earlier, when I was tabling the list of nominees to sit in the county public service board, I said I want to separate these two issues. Now Mr. Speaker I want to table the report on a member who is supposed to be sitting on the county assembly service board. With your permission I beg to proceed

Hon. Speaker: You can proceed.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. The county assembly service board advertised for the vacancy of a member who should sit in the county assembly service board. Mr. Speaker, about 63 members applied and 19 members were shortlisted. Mr. Speaker, as the county assembly service board, we saw it wise to engage an independent consultancy firm which we did and it conducted interviews.

Mr. Speaker, one Mr. Caleb Mutiso Mule emerged the winner in this interview. He had 88 marks and he was invited to the committee on appointment the same day members of the county public service board were invited. Mr. Speaker, he was vetted and the committee on appointment considered him for approval by the whole house. I propose that this house debates and approves the membership of one Mr. Caleb Mutiso to be sitting in the county assembly service board and I call upon one Hon. Mary Ndinda to support the approval of Mr. Caleb Mutiso. Thank you, Mr. Speaker.

Hon. (Ms.) Ndinda: Mr. Speaker and the honourables, I support the approval of Mr. Caleb Mutiso. Thank you.

Hon. Speaker: Hon. Members, that is open for debate. Is there any member in opposition for his approval?

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR FINANCE BILL

Hon. Speaker: There are no motions Hon. Members but communication from the chair is that, ordinarily there is a procedural Bill, the Finance Bill that is supposed to follow the Appropriation Bill and it's supposed to meet some specific timelines. We were expecting that Bill to be in the assembly this morning but what we have got is a softcopy. It was imagined that we shall have it tabled this afternoon for its passing.

It is basically a procedural Bill just like the Appropriation Bill. But the Budget committee will sit down and advise us so that perhaps we can decide before the end of the day whether we shall have that Bill handled tomorrow because it is urgent and we may be in problems with procedure if we don't approve it before we break and the season of vacation has actually come so we are likely to break depending on how that committee performs.

ADJOURNMENT

Hon. Speaker: In the absence of any other business, then we shall have the house adjourned. We shall advise on the next meeting.

The House rose at 1.42 p.m.