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**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday 29<sup>th</sup> August, 2013**

The House met at 2.30 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****OFFICE OF THE DEPUTY SPEAKER**

**Hon. Speaker:** Honourable members, good morning. It is important to honourable members that the chair conveys this information. You remember the last sitting that preceded raised adequate controversy and it important that the chair offers direction in the way of a ruling. We had lengthy meetings yesterday with the leadership of the house and the chairmen and more particularly the liaison committee. The matter that was in contention was the office of the deputy speaker. Honourable members the constitution doesn't mention expressly that there shall be an office of the deputy speaker.

Again, the constitution doesn't say that there shall not be an office of the deputy speaker. When you look at the legislation that governs the National Assembly currently and which is mirrored in the County Assembly, the office of the Deputy Speaker is provided for. Other assemblies in the region have had that office like ours and others that don't have that office have what we call Chair of Chairs. Since our county elected to proceed to have the office of the Deputy Speaker, then that office shall remain in the meantime. Honourable members, the appropriate committee on rules and procedures will convene with adequate speed to look at the standing orders and come up with a drafted legislation for adoption by this house and that adequate debate shall be done on our standing orders to define our way forward.

The office of the speaker again observed the conduct of members keenly and was disturbed that members did not have decorum. The standing orders provide for a procedure of dealing with such errant members. For those that had the occasion to sit up with the speaker

yesterday, I read the appropriate standing orders, that is standing order 105 and the rest as they follow. I will restrain myself from naming the members who had misconduct that day. The sentence is ordinarily expulsion from the house for sittings to a maximum of four days including the date of suspension. That communication should now be received that that will not be entertained. In that regard, I have also regarded the office of the serjeant-at-arms to find several strong men because I realize that we need a little bit more strong men.

*(Laughter)*

Again, you will also tolerate with us because we have also found it necessary to have security checks by the entrance into the house. We thank the event; it has made us a little wiser.

**PAPER LAID**  
GRATUITY MANAGEMENT PLAN

**Hon. Speaker:** Hon. Member Kitheka, you can speak at that point

**Hon. Kitheka:** Thank you Mr. Speaker and respect to the entire house. The issue at hand is about the motion I tabled in this house and which we are making a follow-up for the motion to be debated in this house. The motion was about members' gratuity management plan and members I would like to outline briefly before we come to this house so that members can go and digest on the same on how we can do it because it would be of benefit for the entire house even touching on the speaker's side and the deputy speaker's side.

Mr. Speaker, honourable members of the house need a scheme which will protect their money and in one way, get interest from their contribution which is given by the government per month at a rate of 31 per cent of their salary. The money can be channeled to a retirement benefit authority in order to generate interest for the contributing member. For this reason, LAPFUND which is a state corporation operating under an Act of Parliament Cap 272, Laws of Kenya, County Government Act 2012, Section 132, Urban Acts and Cities Act 2011 Section 49 and Retirement Benefits Act 1997 and Regulations 2000 is willing to provide this scheme to honourable members as stipulated in a conversion which has been computerized and computation made, which will be provided in this house.

Honourable members, through permission from the speaker, I would request you members, when we table this motion in this house, you think of it and you pass the document so that at least when you are in this house, you be protected and your money be transferred to a LAPFUND scheme which will give you benefits after you leave this house. I will give you the

benefits when we will be discussing the motion in this house. It is a document which I have gone to an extent of calculating every bit for every member so that you can know when you are leaving this house, what to expect and I can show you clearly the difference when you let the amount stay with the authority and when you let the money go to a retirement scheme. I think honourable members, with your wise ideas which you are going to provide wisdom at that time I hope you will pass the document. Thank you very much Mr. Speaker.

**Hon. Speaker:** You are required to develop it, have it typed and circulated to the members.

### NOTICE OF MOTION FINANCIAL STATUS

**Hon. Manyolo:** If you allow me please, can I move a motion on financial status? People within the county and the members, we are having financial quagmire. Please sir.

### STATEMENTS COUNTY INTEGRATED DEVELOPMENT PLAN

**Hon. Nduva:** Mr. Speaker and honourable members of this house, you realized yesterday we had a discussion about the County Integrated Development Plan. Members, we looked at the document and we found it of importance that some amendments be done to the document so that all wards in Machakos County are accommodated equitably. We had a meeting with the minister this morning and we discussed entirely about the document. Now the resolution that we arrived with the minister is that we amend Chapters 7 and 8 and all elected honourable members be given room to list the projects of all departments as it was passed in the forums we had in the counties.

Because of the urgency of the document and its relation to the financial matters of this county – I understand it is all counties – it is a requirement that funds will not be released to the counties until the document is presented. Members we have agreed with the minister that all elected members list all the proposals as per the departments today and this evening we need to have the listed projects handed over to my office so that we can send the proposal to the minister so that amendments can be done to this document. Thank you, honourable Speaker.

**Hon. Speaker:** Thank you very much. Perhaps because of that exercise, we shall utilize the entire afternoon for committee sittings

**BILLS***(Second Reading)***MACHAKOS COUNTY FINANCE BILL 2013**

**Hon. Muinde:** Mr. Speaker, I beg that the Machakos County Finance Bill 2013 be read for the second time.

**Hon. Speaker:** Proceed

**Hon. Muinde:** Mr. Speaker, the Machakos County Finance Bill 2013 is a Bill for an Act of the County Assembly to impose and alter certain taxes, duties, levies, fees and to amend certain written laws relating to the collection and management of county revenues to give effect to section 21 of the County Government Act and Section 132 of the Public Finance Management Act. The rising or guaranteeing of any loan or its replacement, matters incidental to any of these matters and to set out county revenue raising measures for the county government. Mr. Speaker, with your permission, the committee on budget can avail a copy of this Bill and an annexure of all the fees and charges as proposed by the Minister of Finance to all the members of the Assembly immediately after this session and plead that this Bill can be debated tomorrow morning with your permission. Thank you.

**The Speaker:** The Deputy Speaker, you have a word on that?

**Hon. Nganga:** Thank you Mr. Speaker. Now that matters to that Bill have not been finalized, I would to propose that now that we are supposed to debate the Bill after the second reading and matters to it have not been well advised and members don't have copies, then I want to propose that we suspend the debate of the Bill until tomorrow morning so that members of the relevant committee can be able to sit and harmonize the issues in contention so that tomorrow we have an easy time going through the Bill. So I propose that we suspend the debate on that Bill until tomorrow morning. I can call upon one Honourable Mwonga to second that.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker and the house at large. I stand here to second the proposal of the deputy speaker and request that all members be supplied with a copy.

**Hon. Speaker:** I think that is right. Let all members have copies of the Finance Bill and also the Integrated Plan. Those who don't have should pick it from the office of the particular Chair.

*(Question put and agreed to)*

**Hon. Manyolo:** Thank you Mr. Speaker and the house at large. Please allow me to move this motion under the allowances and also money for the house, honourable members. Mr. Speaker Sir, we are all under financial constraints because one, we sleep money, we eat money, we travel money and the money is not there. This is the third week without allowances, Mr. Speaker.

*(Applause)*

We also have families and we have rent. We have so many things which are touching us. So Mr. Speaker Sir, if you allow me, it is today that we get our cash, if possible please. I'm calling upon Honourable Mutuku to support the motion

*(Loud consultations)*

**Hon. M. Mutuku:** Mr. Speaker Sir, the motion is a nice motion. As you are aware, in history of any employment, employees who are not motivated, their output is always down. That is why you can see sometimes when we have debates here; the quorum is a bit low. In regard to that Mr. Speaker, in order to motivate the honourable members, in order for the honourable members to meet their obligations – as you are aware they have families – I hereby wish to second the motion. Thank you.

**Hon. Speaker:** I would like to look at that motion. I don't have a copy. Where is the mover of the motion?

**Hon. Manyolo:** Mr. Speaker Sir it is in the standing orders number 128 that you may move a motion without papers. So if need be I will bring a paper later. So please....

**Hon. Speaker:** Honourable member, you did not seek that leave. No leave was sought and granted so the motion is invalid. The house adjourns. Sorry, there is one member who is... sorry sorry, let us sit down and hear him

**Hon. Maitha:** Thank you Mr. Speaker for recognizing me. I have one matter of urgency which I would request you to give direction. These honourable members as they are seated here,

it's unfortunate that we could not discuss the issue of finances, but there is one issue that is really disturbing these members. If you have checked on the Daily Nation and from the media, our county is being accused of misappropriating funds without the approval of the county assembly. Mr. Speaker I can prove to you right now, I have just received a message from one of my electorate telling me he has no trust with me and the executive and they are thinking otherwise.

I am I going to be crucified because of ill acts of somebody somewhere? I would like your direction on this so that the minister for Finance can come to this house and explain the circumstances under which money has been appropriated. These honourable members are travelling without money, they are sleeping without money and they are breathing without money because of an anomaly that was caused by somebody somewhere. We are carrying a cross that does not belong to us. Can you give us direction to the effect of this? Thank you Mr. Speaker

**Hon. Speaker:** I think it's a matter that I also saw in the newspaper today and immediately I saw that matter, I called the chief finance officer seeking the current position because we cannot rely on a newspaper first. We want to know the actual position from the executive and that position will be relayed to the appropriate committee for further action. We can hear the chair, Legal committee.

Honourable member I fear... are you properly dressed?

**Hon. Itumo:** I come from Kangundo Central ward and Mr. Speaker I would like to point out that this morning it was raining vigorously at Kangundo and I think the degrees were at -8°. It was very cold. Tomorrow I will come dressed properly. Thank you.

*(Applause)*

It is very embarrassing to read in newspapers that some monies are being spent without our consent here at the assembly. We are the ones to approve all those monies. I don't know whether we are being underrated by the executive or what. Mr. Speaker Sir, it is very unworthy for an honourable member to go out to his people without finances. You find that from next week Monday, the schools are going to be opened officially and most of these members are parents, even some of them are more than parents because they have two wives. I want to point out that it is very pathetic to see these members going without money.

**Hon. Speaker:** Proceed

**Hon. Katela:** I'm here to advance the same motion on monies. Sometimes back we gave out forms for bursaries and it's a pity that we have not gotten it and schools are re-opening next week. When a parent comes to you looking for bursary and you have even a single cent to send your kids to school, I think that sets a bad precedence to an elected member like me or the others.

In support of my colleagues, can something be done today and today before lunch hour because like me I don't have something for lunch. Things are bad. Can we be told about our bursaries and our allowances today if possible?

**Hon. Speaker:** That's the same motion which is dead but keeps re-appearing. Something different? Yes, let me hear the lady

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker. *(To the HANSARD department)* You can turn that off. Mine is a point of concern. It is so unfortunate for these honourable members. When I was coming to work today, I found three or four cars of honourable members without fuel along the road. Do something. Let us be honest with each other. Something is wrong somewhere. Very soon you will hear we are not honourable members.

**Hon. Speaker:** Did you tell the HANSARD office to turn off?

**Hon. (Ms.) Ndawa:** Yes I did.

**Hon. Speaker:** Why did you do that?

**Hon. (Ms.) Ndawa:** Because I thought you didn't want the motion to continue.

**Hon. Speaker:** We still have the gallery. We still have the gallery.

**Hon. (Ms.) Ndawa:** Oh.

**Hon. Speaker:** Ok, I think that is taken up. That is taken up.

**Hon. Kitheka:** Thank you Mr. Speaker. On the issue of money, I think that we don't need to explain at this time. We need money and we need it now, not tomorrow. The other issue at hand is, Mr. Speaker, we have noted with a lot of concern that the fees and charges which are supposed to be passed in that Finance Bill are being changed time and again within our towns. We have noted that the charges have been changed and are not the way they were before. Our people are crying much and we don't know which document they are using so that they can hike the charges or lower the charges because we have not passed the Finance Bill here. I don't even

expect changes on the charges for the people who are selling sukumawiki and other things in the town.

So please Mr. Speaker, I urge you to communicate with the relevant authority, of which we are the relevant authority, we communicate straight to the finance minister so that our people can be given a chance to do business in the most appropriate way and when we pass the document here, we will enact what is in the document not just haphazardly collecting money from people and not telling them which document they are using. So Mr. Speaker, we request for your assistance. There are a lot of problems in this town and we have people complaining. So that issue and the other issue of bursaries, we are now being abused by people. Like myself, I can't dare go to my office.

Now I've just left the office with my assistant because I cannot go there. I have the forms with me, I have told them the cheques are almost ready and now I'm hiding because the schools are being opened on Monday. And the other hand, I have three kids in boarding school. I'm one of the privileged people to have two... to be a general, but I think we have to address it with a very sober mind. We have to get money to take these children to school on Monday and not later than today. Thank you.

**Hon. Speaker:** Thank you very much. I think that matter was handled in the morning administratively. There is a team following up on finances and we are likely to have results. Once results are obtained then the necessary shall be done. That matter should not worry you. It is being handled. Honourable members, I think there is no other business. There is no other business. Allow us to break.

### ADJOURNMENT

**Hon. Speaker:** This afternoon there shall be meetings because of the Finance Bill and the addresses by the particular members of the wards on the projects in terms of the Planning chairman. With that, the day is adjourned.

The House rose at 3.05 p.m.