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**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, September 18, 2013**

The House met at 2.47 p.m.

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

**Hon. Speaker:** Honourable members, there is one communication that today I have received the report by the labour & social welfare sub-committee on the investigation on recruitment and appointment of the member of the county assembly service board dated 18<sup>th</sup> September 2013. I am in the meantime scrutinizing the report and I shall give a ruling on the report tomorrow.

**NOTICES OF MOTIONS****ROADS BY KURA**

**Hon. (Ms.) Ndawa:** I'd like to move a motion over the roads done by KURA and KeRRA. I read this motion before so I hope honourable members will have a chance to discuss it.

**Hon. Speaker:** Proceed.

**RECESS**

**Hon. (Ms.) V. Mbithe:** I wish to give a notice of motion of the following: that this honourable House should discuss the issue of recess of the members

**Hon. Speaker:** Thank you very much. Proceed.

**BILLS**  
FINANCE BILL  
*(Resumption of debate)*

**Hon. Speaker:** We continue with the Finance Bill. When the house adjourned, we gave the chair enough time to collect petitions, or any amendments or requisitions. Perhaps we can have a report from the Chair on what progress was made

**Hon. Muinde:** Mr. Speaker, you did actually give 30 minutes and almost two or three hours are gone. I have not received any formal petition from any member but I would wish to urge members to pass this Bill and since you had already indicated, with the support from the standing order that you read to us in this house, that even after passing, we have a window of incorporating any other amendments that may arise from any concern by the members, I would wish, because we also had time to debate the Bill, that members pass the Bill so that we proceed with the business because the Executive is banking on this Bill to become law so that they have the muscles to collect or to impose taxes on the citizenry. Thank you.

**Hon. Speaker:** Honourable members, I propose that we take up the position taken by the budget chairman that we have the Finance Bill adopted as presented with amendments and members are put at liberty to file their requisitions on Fees and Charges as they wish and if need be, we shall convene and do the necessary motion.

**Hon. Maitha:** Mr. Speaker, we were here discussing this Finance Bill. I want to be guided whether there is a constitutional deadline that this Bill must be passed because it has become a trend of this honourable House whereby we tend to rush things. We bring important issues to handle them at the last minute. I was a bit surprised when you gave us 30 minutes. Mr. Speaker. I was seated next to the budget chairman. He was complaining that his stomach was empty. Could we have gone to do the amendments or we were supposed to go and take lunch first because we were suffering.

I am supporting the Bill fully with the amendments but I'm asking one question: must we pass this Bill today? The other day we had a report tabled here about the employment flaws which happened in our County. A directive was issued. I don't think so far whether there has been any report regarding the same. Things have been quiet and we are in fear, personally I'm in fear that if we go ahead and pass this Bill today and say that amendments will be done, then I fear the Executive might never do that. So if there is no deadline for this Bill to be passed, these honourable members can be given today; tomorrow they can submit whatever they want to

submit then we can pass the Bill tomorrow afternoon. But if we pass it right now and say that we are going to do the necessary amendments, I'm not convinced that this is going to be forthwith

**Hon. Speaker:** Chair Budget, advice on the deadlines on the Bill.

**Hon. Muinde:** Mr. Speaker, as I answer his question, I also want to put to the member that these documents have been with us for far too long a period. It is not the first time that we are handling these documents. Members were given these documents and they knew a time will come, the time to go through it. It has not been rushed. I had indicated, Mr. Speaker, that the budget committee received no comment or petition from any member for all that period until today. So it's not true that the document is being rushed.

We have had enough time but to be fair to the member, in my report which I tabled, I had said that 90 days after passing the Appropriation Bill, we must pass the Finance Bill. The 90-day window is ending on 30<sup>th</sup> September 2013 so up to then, we are within the constitutional deadlines and the PFM (Public Finance Management) Act, which I quoted Section 133, is still stipulating the same but still even with the days remaining, we are saying it is not the Executive to amend; it is us to amend. If honourable members have any issue today or even tomorrow, we have the final word on this document. I don't think that passing it will give an undue advantage to the Executive. We will only be executing our own mandate. Thank you.

**Hon. Speaker:** So that member asked, will this debate for the Bill be extended until tomorrow? Is there any problem with that?

**Hon. Muinde:** According to the law, we are still within time. But as a person, I'm suffering burnout. I would wish to dispense with the business so that I also rest. I have had a lot of stressful times trying to put everything in order but if members feel that there is something they need to bring tomorrow and that passing it now would be blocking them, personally I have no objection and we would still be within time, but as an individual, I would wish that the business is behind us.

**Hon. Speaker:** Thank you very much. Let us hear that member.

**Hon. Kasimu:** Mr. Speaker I have a comment about this. A lot of booklets are coming in the Assembly and maybe most of us are taking these booklets to the libraries. We don't go through documents but we take them and put them in the boots of our cars. So, kindly Mr. Speaker, I would ask members to go through every document. Like now we have the document on planning on the table. These documents are brought here so that we can go through them and bring any amendments to the chairpersons of the committees. Like my chairman is saying here, we haven't received any member from any of the 40 wards that we have minus the budget committee.

They haven't brought any corrections or any complaints but they kept quiet. Today we were supposed to come and pass this Bill without any problem because members would have given us their recommendations and their proposals. So Mr. Speaker, we should be serious about documents in this House and I'm suggesting that you pose a question for those members who want this document passed and those against it so that we can move forward. Thank you Mr. Speaker

**Hon. Speaker:** Without much debate, can we continue with this debate tomorrow in the morning? That appears to be the consensus. We can finish up with the Finance Bill in the morning. That is not asking for too much. Yes? We have not heard (*referring to Hon. Ngui*)

**Hon. Ngui:** Thank you Mr. Speaker. I stand to second Hon. Dominic Maitha that there are several issues. Although we were given the document earlier and have gone through it, we have not had time to discuss it in the house. I want to second Hon. Maitha that we discuss the Bill today and come to pass it tomorrow so that if there is anything to be amended, we can amend it immediately we pass it with amendments. Thank you Mr. Speaker

**Hon. Speaker:** Thank you. I think that is the same position you are taking.

**Hon. M. Mutuku:** Thank you. I also concur with my colleagues and still I think once we pass when the time will come, the public needs to be educated about the Finance Bill because as we talk right now, in my ward place along Mombasa Road, there are some trailers which are parking there being impounded..... They are being arrested...

**Hon. Speaker:** Hon. Member you are out of order.

**Hon. Mutuku:** Thank you Mr. Speaker.

**Hon. Kitheka:** Thank you Mr. Speaker. What honourable members have said, we make changes today and tomorrow then we pass the document tomorrow in the afternoon and we get rid of it and we will be on the safe... we pass the document in the morning and before morning we can now make it open in this House for the budget committee to meet as early as 8:00 a.m. to wait for whoever will bring any changes to take from them and if you fail to bring any changes, that is gone and we pass the document by 11:00 a.m.

**Hon. Speaker:** Thank you very much. Hon. Members, for those in support of the proposal that the budget committee meet as early as 8.00 a.m tomorrow.

*(Question put and agreed to)*

**Hon. Speaker:** Then the budget committee will meet at 8:00 a.m. to receive views from the members. We will allow them to sit in the chamber in the morning and we can treat it as a

committee for the whole house so that within one hour, we shall have all the amendments done and we'll take that ruling as an adjournment on that motion.

### COUNTY INTEGRATED DEVELOPMENT PLAN 2013-17

**Hon. Nduva:** Mr. Speaker and honourable members, I want to table the report the report of Planning and Budget Plan on the 1<sup>st</sup> County Integrated Development Plan of 2013-2017. Mr. Speaker, The Planning, Trade, Tourism and Cooperatives committee jointly with the Budget and Appropriation Committee received the First County Integrated Development Plan 2013-2017 as forwarded by the County Executive Committee Member for Trade, Economic Planning and Industrialization. The County Integrated Development Plan has taken into account the provisions of the Constitution of Kenya 2010, Vision 2030 which is Kenya's development blue print together with its Medium Term Plans and the Machakos County Development Profile (MCDP). This County Integrated Development Plan gives priority to the local socio-economic development issues and sets out a targeted development plan.

Mr. Speaker, the Planning and budget committees have had various sittings in which they interrogated the County Integrated Development Plan and made the following recommendations: Mr. Speaker, this is a comprehensive document as per members' recommendations and I wish to table this document in this House for members to go through the document and see if the recommendations or the areas that they had grievances were taken care of because Mr. Speaker, I believe as we went through the document, all what members felt the document was, it wasn't like that. Actually the amendments we did in many areas, the document was not specific on the areas that were to be taken care of.

Mr. Speaker, the document is being circulated to all members so that members can go through this document overnight and tomorrow we discuss and pass the document. Members, this document is of importance because according to the constitution, no monies for development will be released to counties until this document reaches the Auditor-General. So Mr. Speaker, I request these honourable members to go through the document then tomorrow we discuss and pass the document. I will request Hon. Kitheka to second the document. Thank you.

**Hon. Speaker:** There's a point of order.

**Hon. Kitheka:** Thank you Mr. Speaker. I am standing to second this document of CIDP 2013-2017 for Machakos County. Mr. Speaker, the document which we have been seeing in this House was squarely addressing the issues per what we discussed in our meeting in Kaputiei Hotel to make the amendments. Mr. Speaker, the amendments which came to hand were issues

of the target group, the locations, the objectives, the timeframe and allocation. Mr. Speaker, majority of elected members and the other members, our fear was that the money had not been allocated or the project was not allocated to specific areas. But Mr. Speaker, we assure you the document at hand now is addressing each and every ward and if you go through the document, you can see many places where the target group has been identified. It is calculated in terms of the 40 wards and the projects have been pre-determined and I think this is the right document for us to pass in this house.

Mr. Speaker, without much ado, I think these honourable members in their wisdom will go straight to this document and just say yes we want such a document to be passed in this house. So Mr. Speaker, I request the members, as the document comes into this house tomorrow, I kindly request you to pass the document because I have a taste that this is the right document to work with in the area you come from if at all you want to have a lifeline in your political career. Thank you very much.

**Hon. Speaker:** Thank you very much. I think it is done about the document which was basically being presented and will available for debate tomorrow. Kindly members, go through the document so that you don't say it was hurried. You are part of this document.

#### ROADS DONE BY KURA AND KeRRA

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker. I read my motion again so that members can contribute to the same. Noting the public outcry on the bad state of the roads within the County which have been done by KURA and KeRRA seem not to meet the satisfaction of Machakos county residents, I'd like to request this House to be furnished with a thorough report that will have been duly investigated to ensure that the money released for roads does its job. Aware that the roads docket is constitutionally devolved, the county government should have its say on the management of the fund. Further to this, the procurement process should be highlighted on its fairness. Also the responsiveness of the people in charge needs to be investigated. So honourable members, I think you all have roads in your wards and have seen the shoddy job done by KURA and KeRRA.

People are fighting against it and the community is crying. I understand that KURA and KeRRA are still not under the county government but we are the people...

**Hon. Speaker:** Hon. Member, you need to have your motion supported before you even start debating.

**Hon. (Ms.) Ndawa:** Okay. I call upon Hon. Kitheka to second this motion.

**Hon. Kitheka:** Thank you very much Mr. Speaker. It's good enough that we are supporting such a motion while we know very well that the duty has not been completely devolved to the County. But we have to support...

**Hon. Speaker:** Are you supporting the motion?

**Hon. Kitheka:** I am supporting the motion.

**Hon. Speaker:** Is the question raised within the jurisdiction of the House? Are those functions devolved?

**Hon. Kitheka:** Mr. Speaker, the functions are not yet devolved completely but we have an oversight authority over all the projects which are being run in the County. I wish it would be good enough for us to know the progress of all the projects which are being run in our County so that our people can get value for their money. So Mr. Speaker, I wish to second the motion and we be given thorough information on the projects which are being carried on in our areas because we have seen shoddy jobs of roads which have been allocated a lot of money but there is no good work which has been done. Mr. Speaker, I kindly request your wisdom so that we can put this issue to rest.

**Hon. Speaker:** I think the proper thing is for the motion to be referred to the relevant committee. Let it come with an appropriate motion. We all know that roads are a function which has not been fully devolved so we would want a motion that is carefully drawn so that we don't interfere with existing national legislation.

#### RECESS

**Hon. (Ms.) V. Mbithe:** Mr. Speaker, I beg to move the following motion: that this honourable House discusses the issue of recess of the honourable members for at least one month. The concern is that this will give the honourable members time to interact with their electorate. It will also give members time to look into their private matters and rest. Mr. Speaker, I call upon Hon. Muthuka to second the motion

**Hon. Speaker:** Honourable members, you don't seem to appreciate those fertile grounds of adjournment.

*[Applause]*

**Hon. Muthuka:** Thank you Mr. Speaker and the House at large. It should be urgent following the reports which are coming to the county and some are even in the gutter press that

some of us have abandoned their electorate, they have built houses in Machakos town and have become residents and also there are some other activities which they are undertaking instead of doing the work they were elected to do. So I call upon this House, if it's possible, we start our recess tomorrow so that we can be able to clear the air in our wards.

You know this is politics but sometimes we need to rest. And also there are some misconceptions about our roles where some electorates think we are councilors that have nothing to do but to move around their areas but we are legislators. So we need time to go and try to pass that information to our electorate so that we can get the support. We were discussing about the CIDP. I believe there are other new programmes which are coming. We also need to go down to our areas, facilitated, so that we can also know what new projects are coming and so we can clear the air. So I support this motion. Thank you.

**Hon. Speaker:** Thank you very much. To make easier for everybody, those in opposition to the application on adjournment and into recess, can I perhaps hear their contribution. Let us begin with those in opposition of the application on adjournment for recess. Let us hear those in opposition to the application. I will be giving each member one minute because we are running out of time.

**Hon. Ndawa:** I am opposing the adjournment to recess without bursaries. We need those cheques then we go to recess. Because I don't know what I will tell my people.

**Hon. Speaker:** You are supporting and opposing. It is a condition.

**Hon. Kitheka:** It is good to go for recess but I think it is also good when the electorate can come to our homes and we talk and share what we have. We cannot go for recess when we even don't have money to do business in our areas, so we are requesting for money so that we can go for recess.

**Hon. Speaker:** Point of information. Yes.

**Hon. Kyuli.** I want to inform the member who has just spoken that there is no money for recess. That is categorical and is in law. In the budget we are not allowed to budget for recess. We don't have monies for recess.

**Hon. Speaker:** On that question, I want to understand the Hon. Kylao Kyuli, are you the accounting officer for the County Assembly?

*(Laughter)*

**Hon. Kyuli:** I am talking from a point of information that we were doing the budget here and we did not budget any money for recess. That is the truth.



**Hon. Speaker:** Okay. One minute.

**Hon. Kitheka:** Mr. Speaker, I would like to inform the member that we are not requesting just any money for mileage, airtime and money for office. We be given and then we go for recess.

**Hon. Speaker:** Let us hear the Majority Leader.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I support that we go for recess for one full month to give us time to interact with the electorate. On the issue of money, I don't think it is prudent enough to discuss it here the issue of money when we have members of the public in the gallery. I think there are bedroom issues that should not be discussed in the sitting room. But because it has been raised, the issue of airtime, mileage and other monies is already taken care of because I have mine in the pocket. We should go for recess.

**Hon. Speaker:** I agree with the Majority Leader that here are bedroom issues. I think we are all in oneness so I can I pose the question for recedes for recess as from end of business tomorrow.

*(Question put and agreed to)*

Hon. Members, for tomorrow, now that the House is going for recess, I urge you to come early so that because it will be a busy day for the Assembly. Let us start business with a full House and let's see whether we can finish business even before midday so that we can break early tomorrow. The Deputy Speaker will communicate because while in recess you may be called for a seminar or tutorials because like on Friday there will be a tutorial called by CIC and I expect members to come, not to the Assembly but the tutorial. Communication will be done once in a while.

## ADJOURNMENT

**Hon. Speaker:** Let us meet tomorrow, the House has adjourned.

The House rose at 3.24 p.m.