

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday, 25<sup>th</sup> February, 2014**

The House met at 3.30 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION****COLLOQUIUM FOR MACHAKOS, KITUI AND MAKUENI COUNTY ASSEMBLIES**

**Hon. Speaker:** Hon. Members, sometimes last week, I met the Speakers for Kitui and Makueni and we were of the view to have a joint colloquium between the three counties. We had arrived at a decision to have a session at Maanzoni from Wednesday through Friday. Hon. Members, I am told that there will be a retreat for Wiper Democratic Party beginning 1st March. Oh no. And out of that Kitui and Wote have not confirmed their agenda. Because of the proximity and nearness to Machakos town, we have agreed that Machakos County Assembly can have a retreat because it is unlikely we will have business on Thursday and Friday. I will urge that after this session, you retreat and discuss about it, if you feel we should proceed with the seminar, and then you can communicate to my office so that we can organize for the facilitators. I will leave that entirely on you. So the majority Leader and he Whip can retreat and come up with a solution towards that.

**PAPER LAID****RELOCATION OF STONE CRUSHER**

**Hon. Speaker:** I have a paper from Hon. Sammy Nduva. That paper is dismissed. You don't appear to know you had a paper.

**Hon. Sammy Nduva:** Thank you Mr. Speaker and the House. Mr. Speaker, Sir, I wish to notify the House that the Planning, Trade and Tourism Committee has recommended that the two stone crushers due to be procured and located in Katangi and Ikombe wards in Yatta sub-county and that the decision be reversed and one crusher be locate in Machakos Sub-county. This

decision was made at the committee where members discussed about the equity in the project. We thought it would be important we bring this matter to the whole house so that a clear way of doing the same is communicated. You remember it is during the CIDP, it was only two crushers were to be procured and located in Yatta sub-county. I request for your advice on the same. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. member, I don't appear to understand the paper. Do you have another member to highlight more on it?

**Hon. Leonard Katela:** Yesterday we met at the planning committee and decided that since the initial plan was to have the two stone crushers taken to Katangi and Ikombe which are both in Yatta sub-county. We decided that because we also crush stones in Machakos sub-county and we should look at the beneficial side of it because these crusher are meant to make money for the county. Because Machakos town is growing faster than Katangi, we should at least have one crusher relocated to Kaseve where crushing of stones started so that we can create employment and one in Katangi to serve the lower side of the county. This other one can serve the upper side of the county because we consider somebody from Athi River who needs stones, picking them from Katangi is more expensive than in Machakos sub-county where we still have the raw material.

**Hon. Speaker:** I get the point. So it is because Katangi and Ikombe are in one sub-county?

**Hon. Katela:** Yes Sir.

**Hon. Speaker:** Ok. The paper is admitted. Proceed.

### **NOTICE OF MOTION QUARTERLY REPORTS FROM EXECUTIVE**

**Hon. Stephen Muthuka:** Thank you Mr. Speaker, Sir. I beg to move a motion to give notice of motion that all executive committee members to appear because the committee of the Whole House to give quarterly reports of their departments.

**Hon. Speaker:** Thank you. It is about time again for notice of motion and Hon. Nduva, I remind you that you have a motion. I think you need a private secretary. It is not signed by you? Ok, proceed.

**Hon. Nduva:** Thank you Mr. Speaker. I think I had misplaced this copy that is why I had no direction. I apologize for that.

**Hon. Speaker:** Alright.

**Hon. Nduva:** Mr. Speaker, I beg to give a notice of the following motion. That this House discuss the relocation of one stone crusher from Yatta to Machakos sub-county. Aware that the matter was discussed and approved in this House and aware that there are stone materials

are available in Machakos sub-county where a lot of construction is going on and in the surrounding areas, the relocated crusher will be of help to the people of Mavoko, Machakos, Kathiani sub-counties. As the constitution stipulates, equitable distribution of resources.....  
(interruption)

**Hon. Speaker:** Hon. Member, at this moment, you just introduce the motion. It appears that you were misguided. After a paper is admitted, it can now be argued as a motion.

**Hon. Nduva:** Thank you, Mr. Speaker.

**Hon. Speaker:** We shall call you much later.

**Hon. Nduva:** Thank you for the guidance.

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

## STATEMENTS

### REMOVAL OF PAIC CHAIRMAN

**Hon. Maitha:** Thank you Mr. Speaker and the members present. Mr. Speaker, I would like to issue a statement and demand or kindly request your guidance. I stood here a week ago on a Thursday and I gave out an intention to oust me as the chairman of PAIC, a move that has been actualized, Mr. Speaker you are aware of that. It is an issue that is under the liaison committee and I would not like to discuss that. I would like to make a statement regarding an allegation that was being circulated to members of this House that a week ago, on a Friday, what is being purported by preachers of the falsified information that I and Hon. Stephen Muthuka went to Ethics and Anti-Corruption and recorded a statement to incriminate members of this Assembly on issues I don't know.

That information is circulating among members and those who can prove me right or wrong, the whole of Friday I was around and attended a committee of Transport and the Human Resource officer Mr. Joseph Mutisya can attest what time I left this Assembly to go home. I left at around 5 o'clock in the evening and then it comes to my question Mr. Speaker, is where is the information emanating from? I would like anyone with tangible information that is justifiable in a court of law to come forth and present the same to you Mr. Speaker so that you can take necessary action. Because Mr. Speaker, I am somehow getting fed up on how of some members are taking advantage of other members with intention of advancing their political and personal ambitions. It has come to my attention that there some members in this House who are very comfortable when this House is divided so as to suit into their personal interests.

I want to say that I am totally fed up and from now henceforth, with your advice Mr. Speaker, if anything that might compel me see legal advice, I will do the same. Because the happiness of some members who are present or absent is to have a divided House, instead of discussing motions and bills. We are very comfortable to discuss about personalities and

individuals. This House needs to be respected, members need to be respected and I deserve the right to represent the people who elected me. Thank you, Mr. Speaker.

**Hon. Speaker:** The hon. member who has just given a statement, had you given a notice of the statement.

**Hon. Maitha:** Mr. Speaker, I was in your office today and we discussed the same and I told you I am going to issue a personal statement. Last week, I wrote a letter to you and you told me I can issue a statement because we had already gone past that. So I confirm I told you Mr. Speaker. Thank you.

**Hon. Speaker:** Hon. member, that is to say that you gave the notice to the Speaker orally in the office? The good thing is that you have spoken but you spoke without permission because you had not given notice. It is sad that the message is gone but I would rule you are out of order.

**Hon. Nduva:** Thank you Mr. Speaker. I stand here to read the following statement. I wish to know what the county government is doing to ensure that county government is doing about county government motor vehicles that are fitted with private number plates. How many motor vehicles are fitted with private number plates and strategies put in place to ensure they are not misused after working hours? Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Statement admitted.

## MOTIONS

### NAMING OF A MEMBER

**Hon. Speaker:** Is the move of that motion in the House? The mover is not in the House. Is the member who was to be named in the House?

### CONDUCT OF MACHAKOS SENATOR

**Hon. Kalunde:** Thank you Mr. Speaker. I would like to move a motion to discuss the conduct of our Senator but I had not given you the copy of my motion. I passed the copy to you and now you can either allow me to continue with it. I gave the copy so that perhaps you can allow me to continue.

**Hon. Speaker:** Thank you. Let me go through it, I will call you later. We were in the matter of naming of a member and it will be deferred until the next sitting and expect he members affected will be in attendance.

### CAR LOAN REGULATIONS

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. I beg to move the following motion that this honourable House discuss car grant regulations for members, Mr. Speaker. That aware that this house approved the County Assembly Budget for 2013/2014 where we had budgeted for each member to be granted Ksh. 2 million for car grant, aware that these honourable members require this facility so as to be able to meet their constituents, aware that honourable members should be treated honourably and aware that the said budget has already been approved by this honourable house, Mr. Speaker, I beg that this honourable house discuss car grant regulations for the members.

Mr. Speaker, when we were coming up with the budget for the 2013/2014 financial year, little did we know that the Controller of Budget would not allow the car grant. But Mr. Speaker, the Chair, Salaries and Remuneration Commission allowed members of County Assemblies to access car loan facility. Mr. Speaker, the Minister for Finance in our County has come up with regulations which will allow these members to access this facility. Mr. Speaker, it's my belief that all the members have the document that is labeled Legal Notice No..... (*inaudible*) of 2014, Machakos County Assembly (Car Loan Scheme) Fund Regulations, 2014. Mr. Speaker, this is an arrangement of regulations which will guide us in accessing this facility. I want to take members through this document with your permission sir and part I is about preliminaries. This part gives the name of the fund, which will be published in the Gazette, the Act supporting the regulations, the terms that have been used therein and what they represent.

Mr. Speaker, part II is the establishment of the fund. This part gives the object and purpose of the fund, the initial capital of the fund and the duties of the officer administering the fund, who is the clerk to the county assembly.

We also have part III in the same regulations and this is where we have the loans management committee. This part describes the members constituting the loans management committee, the rules guiding the committee and their duties.

Mr. Speaker, if you will allow me, although the members have the document with them, I would like to go through part III which is the loans management committee.

Mr. Speaker, there is established a Committee to be known as the Loans Management Committee, which shall consist of— The Leader of the Majority Party of the County Assembly who shall chair the Committee, the Leader of the Minority Party of the County Assembly, the Majority Party Whip of the County Assembly, the Chairperson of the Budget and Appropriation Committee, the Minority Party Whip of the County Assembly, a person appointed pursuant to section 12(3) (d) of the County Government Act. Mr. Speaker, that person in (f) is none other than the member of the County Assembly Service Board that is one Caleb Mutiso. We also have two members of the County Assembly, being one man and one woman appointed by the County Assembly and Mr. Speaker, we sat here and members elected Hon. Matheka and Hon. Cecilia

Sereka. Mr. Speaker, we will also have the Clerk of the County Assembly sitting in the same board and the Speaker who will sit in as an ex-officio member, although that one is not in the regulations.

Mr. Speaker, It further details the operation of the fund, which will require members to fill application forms, the conditions set for disbursement of the funds, the amount that each member is entitled to, interest rates, repayment period, issues of comprehensive insurance of the vehicles, issuance of loan discharge certificates once payment has been completed and the conditions for the termination of the fund. Mr. Speaker, it's my humble request to these honourable members, in order to access this facility, we have to pass and approve this document so that it can be assented to by the Executive Member of Finance then she forwards the same document to the Controller of Budget for the release of funds so that we can access this facility. Mr. Speaker, I now want to call upon Hon. Matheka, who is a member of that committee to second what I have presented to this house, and Mr. Speaker, I can see Hon. Matheka is not in... yes, he's there Mr. Speaker, I was not seeing. So I call upon Hon. Matheka to second. Thank you, Mr. Speaker.

**Hon. Matheka:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, I stand here to second the enactment or passing of these rules by the County Assembly of Machakos to enable the members of this house and the staff of the County Assembly to access loans which can enable them buy cars to enable them serve their constituents well and for staff to enable them buy cars which can help them also access their place of work easily. So Mr. Speaker, I stand here to second the enactment of the rules and regulations governing this car loan scheme.

**Hon. Speaker:** Thank you very much. I imagine that members already have copies of those regulations and they are basically conversant with their content? Then debate opens. Any member who would wish to give contribution either for or against the rules? Any member who has noticed an area that would need amendment because you realize that these are rules that will govern you for the entire term of the loan and you will need to be fully conversant with them? You cannot turn around against them tomorrow and say there is a clause that is unfavourable. That is why the matter is before you for debate. Yes, Hon. Kyalo Kyuli.

**Hon. Kyuli:** Thank you Mr. Speaker, Sir. This document is good. I just wanted to raise a few, maybe two issues. One Mr. Speaker is no. 9 where we are talking about conditions for disbursement of funds and I am interested in part 2 which is talking about 'the log-book of a motor vehicle funded under these Regulations shall be registered jointly between the Fund and the member of the Scheme and shall be kept in the custody of the officer administering the Fund until the loan is repaid in full by the member of the Scheme.'

Mr. Speaker, the situation now that we are in is a bit different. The fund is coming in a little bit late, not really late, but the time it's coming in, most members have already done part of this and we would also want to benefit seriously from the same. Is there anything silent about it and if there is, then we want to hear it. Any silent understanding or mutual silent

misunderstanding, for that matter? That, I would love to hear. And then, on the repayment period...

**Hon. Speaker:** Hon. Member, I thought the mover of this motion had taken you for a Kamukunji or a retreat of some kind and told you about the silent provisions of the same? Proceed, just proceed

**Hon. Kyuli:** Yes, Mr. Speaker. And you know the way the law does it. The last one is on the repayment period that is number 13, part b, it says, the remainder of the period remaining before retirement in the case of a member of staff of the Assembly. My take on this is that when we were budgeting, we did not budget for members of staff; this is talking about members of staff. So maybe I will get clarity on the same. Otherwise it is a good document it is admissible according to me and therefore I rest my case.

**Hon. Speaker:** Those are good points raised there. I would want, let's hear mheshimiwa. I want to hear preferably members who are not part of this committee.

**Hon. Mbithi:** Thank you Mr. Speaker. I want to congratulate the team which came up with this document and maybe put a concern on part III, number 8, that is page 6. Subsection 1 says 'A member of the Scheme who wishes to apply for a loan from the Fund shall present to the officer administering the Fund, a duly completed application form as the Management Committee may prescribe.' And in subsection 3, 'If the Committee approves the application, the applicant shall enter into an agreement in such form as the Committee may prescribe.'

Mr. Speaker, it being a good document, we may pass it, or rather we will pass it. But do we have some of the conditions under which a member cannot get a loan under that application form? Because I understand everyone here has a salary which can repay the loan. So under what other condition can a member fail to access the car loan? Thank you.

**Hon. Speaker:** Ok, we can hear you

**Hon. Ndeto:** Thank you Mr. Speaker. On page 9, item 14, under insurance, subsection 4 states, 'every loan granted under these Regulations shall be insured for the benefit of the member of the Scheme and the premium in respect thereof shall be debited to the account of the member of the Fund.' Is it possible to know what percentage will be the insurance premiums for this?

**Hon. Speaker:** Now we can hear the Chair, Budget. You can react to some of the points raised.

**Hon. Muinde:** Thank you Mr. Speaker. First is to respond to the honourable member from Wamunyu, Hon. Peter Kyalo Kyuli. Mr. Speaker, before this document could find its way to the floor, this house had a kamukunji where we discussed this matter and somehow, the member might have been absent. I would beg that he takes his time and consult other members and that will be explained to him because we did actually a big session here and we agreed.

These regulations were researched and they are similar to those in the National Assembly and we did consult very much and nothing is hidden. This is taxpayers' money and we were granted this facility and remember it's a loan, not a grant and all conditions must apply. I Remember Mr. Speaker, I stood here; it was not easy to explain to the honourable members. At one time I said you may shoot dead he messenger but the message will not be killed and eventually members agreed. So I would beg for patience from the honourable member and we will be able to go through all the clauses and explain to him. I believe most of the members who were in are ok with that.

The last member to speak, Hon. Ndeto, on page 6 on preparation of the fund, conditions under which a member may not be eligible, is it Ndeto or Mheshimiwa from Lower Kaewa, the voice? Mr. Speaker, you realize that this is a cash back fund and it being a loan, members shall be applying for the loan individually and since people will have to pay because it is a loan, my cash base, my salary may be different from his take home because every member commits his own pay individually. So one condition which is not written expressly but it is implied, is that I may want to apply for the money but suppose my pay slip cannot support. Just because it is granted by Sarah Serem and the House, it is not automatic that I will get it because I must be able to pay back. So if I have over-committed my pay slip, however much I would want o access the money, then that is one condition.

It is implied, it is not expressly written. It would be hard to enumerate all the conditions under which a member may not apply because each application will be handled individually. I think I am clear on that to the member and that is why there is a committee and there is a standard application form. Once a member fills, he/she will be able to discuss the matter with the committee and an answer is given. If the member is not satisfied, I believe there are mechanisms to go about it.

The last is on Hon. Ndeto's question on the premium. Of course it depends on the amount applied for and the insurance is another party. It all depends on the amount borrowed. You may want to borrow up to the maximum of 2 Million but the car you are buying may be worth 4 Million. If you are also adding up the difference and the loan is giving you the maximum which is Kshs. 2Million, of course the insurance will also be different because it is all dependent on the base. So I think Mr. Speaker I've tried to the best of my ability to explain some of the conditions.

**Hon. Speaker:** Thank you very much. Now we can have Hon. Munyaka.

**Hon. Nzeki:** Thank you Mr. Speaker, Sir. Mine is just a concern on page 8, number 12 Mr. Speaker. 12 (1) states that a loan granted to a member of the scheme under this regulations shall carry an interest rate of 3 per cent per annum or such other rate that committee that may, from time to time, determine. I just wanted to know whether the interest will be calculated on reducing balance or will be calculated on the amount you got.



**Hon. Speaker:** Okay. Are these questions to answer that position or contribute to that? Let us hear this way forward.

**Hon. Katela:** Mr. Speaker, I think we sat at a Kamukunji before this and agreed to have this document made and everybody heard and agreed to follow the regulations. I think some of these questions are taking us back. I thought it wise, to save time, we pass the document and those whoever wants to apply for the car loan can do so. Thank you, Mr. Speaker.

**Hon. Speaker:** Now before we hear..... *(inaudible)* point of information?

**Hon. Maitha:** Thank you Mr. Speaker. Inasmuch as I would like to support this document Mr. Speaker, I am surprised that some honourable members have said that we sat in a Kamukunji. Can they substantiate when we sat in a Kamukuni and discuss the same.

**Hon. Speaker:** Kindly substantiate.

**Hon. Katela:** When I mean a Kamukunji, we sat at a House where we explained how the loans will be issued.

**Hon. Speaker:** Sorry members, you must talk through the Chair. Let us have the mover of the motion.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. I want to say that it is true we had a Kamukunji about a week or so ago Mr. Speaker. We were in this Chamber and I took the members through this document and we agreed and Mr. Speaker, because this sitting is being recorded, there are some issues we discussed there but let me have no fear to say that we said that some parts of this documents, some parts, may not apply to this First Assembly but will apply in the Second Assembly.

Mr. Speaker, the issue that has been raised by Hon. Munyaka that is on page 8. Section 12 (1) 'a loan that may be granted to a member of the scheme under these regulations shall carry an interest rate of 3 per cent per annum or such average that the committee may from time to time determine.' Mr. Speaker, the loans management committee has no powers to increase the interest rate on the loan because there is a circular sent by Sarah Serem (SRC chair) to all county Assemblies and it is clear and well detailed that members will have to pay an interest rate of 3 per cent. Mr. Speaker, basing my argument on the Kamukunji that we had, it is my humble request to members, let us not dwell on this issue for long. Remember that we are not now in Kamukunji, we are in the full House meeting. I beg that members, we pass this document and we discuss other issues in a Kamukunji. Thank you, Mr. Speaker.

**Hon. Speaker:** The moment is for the Chair, budget committee. Proceed.

**Hon. Muinde:** Thank you Mr. Speaker. It is true that we had a Kamukunji in this House and it then that the two members elected in the Assembly were proposed to be members of the committee and it is there when that the names of Hon. Matheka and Hon. Cecilia Sereka came up. Mr. Speaker, there are members who miss sessions and when they come to the House, they take people back. If a member was absent, surely, with due respect to these House and the members, they should not hold the House at ransom. They should follow later. The majority of members in this House took a lot of time to go through this document and there are those sections that we changed and those that remained.

Mr. Speaker, with a lot of humility, we sat here and the questions that are being asked are the same ones that were being asked that time. Do we spend two days looking at such a document? I beg my brothers, hon. Members that it is not meant for this first assembly, this term only, but for assemblies to come. That is why we are leaving space for members of staff, just to answer hon. Kyalo Kyuli. We have started with hon. members of the House because when you look at the scheme of National Assembly, members of staff are also eligible. But since we did not have a budget this year that is why in the year ending June 30, 2013, they may not access the fund. But in the subsequent year, we are allocating funds, they are our employees and they also deserve. It is a revolving fund.

Mr. Speaker, this is a matter we exhaustively discussed. I remember at one time I was put in a corner during that day, when I got annoyed and said the message should be home because it is a loan. I remember hon. Kitheka from Machakos Central stood and supported the idea so much. I don't think he is in today. It is during that time that members eventually agreed it is a good document and we should pass it. I urge hon. members that we pass this document. I am sure we need this facility like yesterday. The more we take time dragging on it, the more our time to our retirement nears and the more financial pressure will be put on us because we must be able to clear the loan before we go for the next elections if you don't want to have the facility or the vehicle attached.

So Mr. Speaker, I think that information is clear and I beg Hon. Members to support that motion and in this regard Mr. Speaker, I support and propose that we adopt the legal notice.

*(Applause)*

**Hon. Speaker:** Thank you very much. Can we hear Hon. Mutole.

**Hon. Manyolo:** Thank you Mr. Speaker and the House at large. This is the voice of Matuu 1. Mr. Speaker sir much has been said and I am here to support and second. Can I call on members to stand up and support the document please, if it is possible, by your will Mr. Speaker? Can we all stand up and support the document.

**Hon. Speaker:** Thank you very much. I would want to hear. Yes we can hear.....  
(inaudible)

**Hon. Nzoka:** Thank you Mr. Speaker and the House at large. What I can request members is to know that time has gone and the more we delay the more we need to pay more so as to pay before our term expires. This is the time to pass this document. We discussed it there and I recall we appointed Hon. Sereka in her absence but Hon. Matheka was here. So let us not dwell on that one, let us pass this document and see if by next week we can get this money so that we can pay as soon as possible. Thank you.

**Hon. Speaker:** Hon. Members, as you realize, the motion by its very nature might perhaps require that we discuss it in camera. I would ask the members that are not comfortable to rise up and make that indication. The nature of the motion may require that the debate proceeds in camera. If there is a member who is not comfortable may proceed and raise that point. It would appear there is no objection when you hear members referring to Kamukunji, that will mean there are issues they will not want to discuss now. Or are members clear in their mind that of the rules we are discussing. Is there a member who may want extra clarity than what is on the Paper? Yes.

**Hon. M. Mutuku:** Thank you Mr. Speaker and the House at large. The issue that I need clarity is limiting some members because of the inabilities of their payslips to support the car loan.

**Hon. Speaker:** Those are the issues that I said it may not be fair to discuss on the face of the public. Some members may be here and may not have a payslip.

**Hon. Mutuku:** Thank you.

**Hon. Speaker:** Unless you would want the House to withdraw and sit in camera. I think it is only fair, perhaps, that if this debate may go on, we may withdraw and sit in camera. Let me hear, before the mover talks..... (inaudible)

**Hon. Maitha:** Mr. Speaker, inasmuch as members might think that we are opposing this document, we might be misinformed because no one will object to an idea that will benefit the members here. We sat and came up with a budget that we never knew it would be approved. We went on a strike not knowing our salaries will be increased, though very minimal by the Salaries and Remuneration Commission. Now, it has been proved that we need to be given a facility. Mr. Speaker if my conscience reminds me well, when we sat here we were only given very little proof. The document was not before us. And it was in good faith that, as you have proposed we proceed, even if it is after this, we discuss about members getting questions because how did we ..... (inaudible). Without pretence, a hon. member of this House of this Assembly incriminated the Speaker by saying that.....not the Speaker, the Clerk saying that he was going to exercise his authority to make sure members who don't qualify for the Ksh. 2 million loan. So we need to

discuss this matter Mr. Speaker, because somebody said that Mr. Clerk was saying that he was going to.....Mr. Speaker, protect me so that I can pass my point. Mr. Speaker, can this hon. Members listen and take my point. I am saying that last week, a hon. Member was saying that 'members cannot be given money...

**Hon. Speaker:** The orders are stayed, just sit down.

**Hon. Maitha:** And Mr. Speaker we want to get...

**Hon. Speaker:** Point of order taken. This is why I talked about camera.

**Hon. Kathinzi:** Thank you Mr. Speaker. I stand to support this document because it has respect and is so much inclusive. I am sorry to say this but maybe next time I may have to mention a member because many of us are taking us behind. It is with a lot of seriousness that ...

**Hon. Speaker:** Let us hear the mover of the motion maybe he may have to withdraw the motion.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, as the mover of the motion, I would wish that we discuss this motion in camera Mr. Speaker and I would like to call upon Hon. Wilson Mukewa to second my proposal.

**Hon. Speaker:** The Speaker does not appear to know member called Wilson Mukewa.

**Majority Leader (Hon. Mwonga):** Mr. Speaker Wilson Kasimu Mukewa is his official name. Hon. Wilson Kasimu Mukewa.

**Hon. Speaker:** Proceed.

**Majority Leader (Hon. Mwonga):** I may now call upon him to second that we discuss this motion in camera Mr. Speaker.

**Hon. Speaker:** Okay.

**Hon. Kasimu:** Mr. Speaker sir my name is Wilson Kasimu. I stand to second that we discuss this document in camera. Thank you, Mr. Speaker.

**Hon. Speaker:** So you still confirm that Mukewa is your other name.

**Hon. Kasimu:** Mr. Speaker, I said that my name is Wilson Kasimu. Mukewa is my other name.

**Hon. Speaker:** So the first person invited to second the motion was not in the House. Ok. Sergeant At Arms, ensure that the House is in camera.

*(The House retreated to camera session at 4.19 p.m).*

### **CAMERA SITTING**

Session started at 4.21 pm

**Majority Leader (Hon. Mwonga):** Now that we are in camera with no public in the gallery and Mr. Speaker I don't know whether to move the motion again or not but Mr. Speaker, I think we should just start from somewhere and I want to do it Mr. Speaker. Mr. Speaker, I would like to start by telling these hon. Members that we should learn from what the National Assembly is doing. Whenever they are discussing an issue that is of benefit to them, they take the record shortest time possible but I would want to say these Mr. Speaker with no apologies to make. There are some members in this House who will only want to talk and talk to be seen they know the procedures of this House than other members. I would to quote what the Budget committee chairman said Mr. Speaker..... *(inaudible)*

**Hon. Speaker:** Honourable member, restrain yourself in words.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. You know I am a human being and I am trying to restrain myself but it hurts and pain more Mr. Speaker when members discuss something in a Kamukunji, others will say 'let us meet in the floor of the House' as if the scheme is benefitting a few members and they are not benefitting. Mr. Speaker, I am even lacking words on what to say about this but I would ask these members to pass this regulations. You even forced me to say that some of the regulations or conditions in this document are not going to apply to these members for now. Mr. Speaker, remember we also sat with the Family Bank officials and agreed to relax some of the conditions for these members because already time has gone. And I said it here when we were in a Kamukunji. Now, what is the big issue, members?

**Hon. Speaker:** I think what will guide us is ..... *(inaudible)*

**Majority Leader (Hon. Mwonga):** It is only an issue of some of us having maybe it is because it has been presented by the Leader of Majority, that is why they cannot support. But this is not my scheme; it is not about the leadership. It is a scheme which has been brought here and the committee members are members of this hon. House. It is not the scheme about the leadership and that is why we have Hon. Matheka and Hon. Sereka in that committee. And I also said the Hon. Speaker sits in that loan management board as an ex-officio and as an advisor to the members. So it is not my own publication. As I said earlier Mr. Speaker when moving the motion, the regulations have come from the minister in charge of finance. Don't think it is the

loan management committee that has come up with these regulations. And as I had said, if you want we access this facility as soon as possible, it is upon us members to approve this motion today, it is assented by the minister concerned, and tomorrow it is forwarded to the Budget Controller so that she can release the money to the bank we identified, that is Chase Bank and by Friday or next week on Tuesday, I will convene a meeting of the loan management board so that we start issuing the loan application forms to members. Mr. Speaker, with that, can I call the seconder of that motion, hon. Matheka to shed more light on this, if you allow Mr. Speaker, sir.

**Hon. Speaker:** Yes proceed.

**Hon. Matheka:** Mr. Speaker, Sir, I stand here to support this regulations governing the car loan scheme for members and staff. I would like to point out some few issues that arise. Mr. Speaker, sir, when I mention staff, some members might get irritated. Staff members are also human beings and also need a ride as we do. Hon. Members, you should know that this is a revolving fund. You are given money in the first month and in the second month you start repaying and you know very well that you have your provision of Ksh. 130,000 which is revolving as a fund and as a loan. My question is; when you pay the money back, will you come of another loan of Ksh. 2 million? Where will the money go? That is why we are saying that staff members should also get money once you start repaying or else in the next budget we allocate money for members to access. That is the point we needed to put forward when we said we put members of staff in that scheme.

Mr. Speaker, Sir, I concur with one member, Hon. Wilson Kasimu. When we were in a Kamukunji, he said we needed the money yesterday, not today. I say it again that we need the money like never before. Hon. Members, this is a procedure and a procedure has to be followed. If we need the money like yesterday, I think this is the high time we approve this regulations, they go through the procedures and may be next week we can access the money. If we stand here and start arguing this was there and it was never there, it will never benefit us in anything.

The Kamukunji was there and it only that some members were absent and it neither their fault nor our fault. So hon. Members, I stand here to beg you to support these regulations and by with that Mr. Speaker, Sir, I support this motion fully because the interest that is only 3 per cent. The interest is on reducing balance whether calculated on reducing balance or compounded, 3 per cent is minimal for Ksh. 2 million. It will not go beyond Ksh. 50,000. To the most it will be Ksh. 60,000. Hon. Members, if we went for these loans in a normal bank, getting an interest of 16 per cent we would be talking of Ksh. 360,000 as interest.

We should not be blind when it comes to members' welfare. There should be no confusion. We should stare ahead and approve these regulations and move on. The issue of the Clerk coming in to do anything on a loan of a member who does not toe the line, I don't know what you mean when you 'toeing the line?' We were sent here by our electorate from our wards to serve them not to fight with employees.

The Clerk, if I may clarify, is a member of the board and the administrator of the fund but the board has a chairman and I think the chairman is the most senior person in the board. If we stand to accuse anybody of anything wrong, it is the chairman and not the Clerk because the Clerk will be under the Chairman and the rules do not allow the Clerk to make a decision and the Chairman always has a leeway to make a decision. So I don't think it is a scheme which is meant to do something funny to some members and give other leeway and neither does the Chairman nor the administrator of the fund have the mandate to give one member more money of others less. The ceiling is Ksh. 2 million.

If you want Ksh. 1 million you will get or Ksh. 2 million you will get and the money. Ksh. 130 million and will be lying in the bank. So hon. Members, I support the scheme fully and if need be, we pass these rules now and not tomorrow. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Yes, I want members who are raising pertinent questions so that we can have them answered within this. Yes.

**Hon. Maitha:** Mr. Speaker, thank you. Mr. Speaker, I think members need to listen at times. I have not said that anyone who does not support the Clerk and even hon. Matheka can prove me this right or wrong. On Thursday, immediately when you came out of the committee, we met with hon. Cecilia outside there and I asked her 'when are we getting the money, I need the money too?' Hon. Cecilia told me 'next week.' I want to say, whether she admits or not. As we were discussing the same, Hon. Ndawa came and she said this.....(*inaudible*)

**Hon. Speaker:** Let me take the order of mheshimiwa.

**Hon. Member for Masii Ward (Mr. Charles Mutisya):** Thank you Mr. Speaker.

**Hon. Speaker:** That is the right point of order, Mr. Chairman. Proceed.

**Hon. Mutisya:** We are talking about car loan scheme not any other business so the member is out of order. He should talk about the car loan and I fully support the car loan scheme.

**Hon. Speaker:** Thank you very much. Point of order upheld. Thank you very much. I like that powerful point of order.

*(Applause)*

**Hon. Speaker:** Proceed Chairman. You are already out of order. You are out of order because you are talking about business that is not business now. You are out of order because hon. Cecilia was not the lady before.....(*inaudible*). Proceed.

**Hon. Itumo:** Thank you Mr. Speaker. Yes that member was out of order because this is ..... (*inaudible*).

**Hon. Speaker:** You are almost out of order. Yes hon. Nduva.

**Hon. Nduva:** Thank you Mr. Speaker. Mr. Speaker I want to stand in front of this House to let my colleagues know that time does not wait for everyone and this loan has to be paid. Mr.

Speaker, I stand here to support this motion in the understanding or in a feeling that what is not correct is what is coming out of my pocket and what is coming in, let it come then we will discuss later. Thank you, Mr. Speaker.

**Hon. Speaker:** Have we heard..... (*inaudible*) Yes we have not heard that Mheshimiwa.

**Hon. Ngunzi:** Thank you Mr. Speaker and the members. I think Mr. Speaker we are going round and round and no member is raising a pertinent issue. As for me, when people talk about money, money that is coming, this is now. I am saying we don't need to be taken round and round. I stand to say that now that no member is complaining can we pass the document and wait to see what happens.

**Hon. Speaker:** Thank you. Have we heard that member?

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I wonder whether we are in a fish market or in an Honourable House, Mr. Speaker. One hon. Maitha is shouting at hon. Katela and calling him stupid in this honourable House. Mr. Speaker, we should behave honourably even if we have other issues to speak.

**Hon. Speaker:** I think I was almost.....I don't remember. Order, Order, Order hon. Members. Let me hear hon. Maitha, a least explain to the Speaker in one word why he was doing like this at one point...

*(Hon. Speaker severally taps side of his head with the fore finger)*

**Hon. Maitha:** Mr. Speaker, I am a human being and I don't fear to say that I am a human being and no one will push me to apologize. We are in a Kamukunji and I can say that without fear or favour because he is mentioning my name in your presence. No one has listened to what I wanted to say. I have said clearly that I have not objected to anyone being given a loan.....*interruption*

**Hon. Speaker:** We are not in a *Kamukunji*, we are in a sitting held in camera.

**Hon. Maitha:** So when he raises up to say that..... (*inaudible*) I have not refused for anyone to be given this money Mr. Speaker. When I rise to say what I want to say, members are rising up to objecting to what I want to say. I need to get a clarification because a member was saying that if you want to get this loan, you will not get it if you have a pending loan. That is what I wanted to inquire about.

*(Loud consultations)*

**Hon. Speaker:** Order members. Can we hear the Voice of Lower Kaewa.

**Hon. Mbithi:** Thank you Mr. Speaker. Mine was very simple, may you pose the Question.



**Hon. Speaker:** Is there another member with a different opinion because I thought when we agreed we retreat to camera, I thought members were raising pertinent issues? So we did this for nothing because I heard nothing pertinent? Machakos Car Loan Regulations 2014 as presented by the mover of the motion today.

*(Question put and agreed to)*

*(Applause)*

Now the House returns from camera.

*(The camera sitting ended at 4.39 p.m.)*

**Hon. Nduva:** That this honourable house discusses relocation of one stone crusher from Yatta Sub-County to Machakos Sub- County. That aware the matter was discussed and approved in this house, the two crushers are located in one sub-county and further aware there are raw materials, stones available in Machakos sub-county, that a lot of construction is going on in Machakos town and surrounding towns. This crusher once relocated to Machakos sub-county will be of help to the people of Machakos, Mavoko and Kathiani sub-counties. Mr. Speaker, these stone crushers have been allocated to one sub-county and majority voted that one stone crusher be moved to Machakos sub-county and now I call upon Hon. Katela.....

**Hon. Speaker:** Maybe, before you do that, I think it is in order that we have those minutes and proceedings of that committee before the House. The minutes of the meeting that discussed and approved that decision because you are saying that the matter was discussed by your committee and approved. I think it is important we have the minutes before we proceed.

**Hon. Nduva:** Thank you, Mr. Speaker.

**Hon. Speaker:** I would propose that you request for another date, attach the minutes and have them circulated and then we can discuss the matter substantively.

**Hon Nduva:** Thank you, Mr. Speaker for your advice.

**Hon. Speaker:** Hon members, for that reason that motion will be adjourned and by the next day of business so make sure that that is done. Next is Hon Stephen Muthuka, your motion.

**Hon. Muthuka:** Thank you, Mr. Speaker and the House at large. That aware this honorable House vetted and approved the nomination of County Executives, and they have been performing some programmes within their dockets and aware that this honorable House is supposed to get regular reports from the Executive. I wish to urge this House to direct that all

County Executive Committee members to appear before the Whole House Committee to the regular reports of the departments, probably by next week. Mr. Speaker Sir, the law provides that the County Assembly shall receive the regular reports quarterly from the Executive Committee but we are concerned that since this House into being in March 2013, no County Executive Committee member has ever submitted any report to this Assembly.

We, the members of the Assembly, are under pressure from the electorates who want to know how projects are being implemented. We know there are so many good programs underway but it is unfortunate we don't get the reports and we are nearing now the budgeting process where we don't want a scenario where we are going to be rushed to pass a financial Bill or budget when there is no accountability in any department. It is unfortunate that some members even do not have information about the departments that we have. We have departments like decentralized units. If you may ask some members, they may not tell you what it has done so far.

**Hon. Speaker:** What department?

**Hon. Muthuka:** Decentralized units. We don't have prime information about what is happening. Mr. Speaker Sir, we still also have planning. We need their reports, this house passed a budget of over Ksh. 150 million to construct stalls, but now the reason you see there is friction is because, we are treading on rumors. 'Because I have some information about it, I'll paint it the way I want, for my own personal gains.' So, Mr. Speaker, Sir, in this motion I would like to urge members, for us to do our oversight work and legislation we must hold the Executive members accountable and even the Government. We are the prefects and if we don't take this information I am afraid that we will not be doing our work and this will be a disservice to the people who elected us. So Mr. Speaker, Sir, with those few remarks, I would like to call upon Hon. Sammy Nduva to second my motion. Thank you.

**Hon. Nduva:** Thank you Mr. Speaker, and honorable members of this House. I stand here to support the honorable member for Ndalani concerning this motion of members of the Executive to appear in front of this House. Mr. Speaker, the first financial year of this Government is almost three months to end. Mr. Speaker, it is the responsibility of this House to oversight and answerable to the electorates. The departments that we gave funds during the budget allocations to be able to point, this one has been done by this department, the other one has been done by the other department but since time is on the rush and we don't want to come up the last day and say such and such a ministry has not given its reports of what it has used with the funds we allocated to them. Mr. Speaker, I stand to support and request the honorable members to prepare themselves because these honorable members have areas and wards where the projects were to be implemented to engage the executive members. By doing so, I think we will be performing our mandate of oversight. So, Mr. Speaker, I stand here to support the motion. Thank you.

**Hon. Speaker:** Thank you very much, members you can sit down, I can see all of you but I will call on the mover of the motion. This is to just your notice. Under the County Governments Act, section 39, sub-section (i) it reads ‘the members of the Executive committee are individually and collectively accountable to the Governor in exercise of their power and performance of their duties. I think that is why they are the nominees of the Governor but what is relevant is sub-section (ii) a committee of the County Assembly may require a member of the Executive Committee to attend or appear before the Committee and answer any question relating to his responsibilities. This basically means, the Chairs of the sectoral Committees that are parallel to the functions held by Executive members have the capacity to summon that member to come. Until this House is made aware that those committees were summoned and did not come, then section 40 of the County Government Act and that provides the procedure for removal of that executive member. I would want the mover of the motion, perhaps, in view of that section, to tell us whether he is able to move that motion. But I must say I am happy hat work is coming.

**Hon. Muthuka:** Thank you Mr. Speaker, Sir. I think also that the same standing orders, you may refer that this is the House Business Committee or committee of the Whole House also has a mandate where it also interrogate any officer from the Executive and even the Governor, to appear and give the reports. Mine is not to explain issues but asking for reports which should be coming to this House after every three months. Now the financial year is almost over and we know there loopholes because we are getting complaints from our electorates. At the same time, I may not be a committee member at a certain committee but still that information is vital as a member of the county assembly and I represent some place I need that information to take it to my people because they are demanding for information. I think we need to call the executive members to give us information. In simple terms---

**Hon. Speaker:** Thank you, I think you made the point Hon. Muthuka. So you will be content with this motion if directions issued that each committee chair demands a quarterly report from the executive of the relevant sectoral committee.

**Hon. Muthuka:** Thank you, Mr. Speaker I have no objection but we need to define the time line. From my motion, I defined next week since there is no time to waste and we will be accountable at the end of this financial year. So, I am requesting that I would be comfortable with the direction but Mr. Speaker guide us so that we may come up with a frame work so that we can get answers before 15<sup>th</sup> of next month. Thank you.

**Hon. Speaker:** Yes.

**Hon. Muinde:** Thank you, Mr. Speaker, I want contribute to this motion by the member and I would advise that it is in order that the committees summon the members of the executive to appear before the committees and give their reports. However, Mr. Speaker, it will appear like a lynch mob to ask all the executive members to appear before the Whole Committee, where we

parade them and start to fix them. Not even proper business will be transacted if we go that way. Each committee, both select and sectoral, it is within their mandate and I asked the chairs, if they have an agenda, they should, through the office of the Clerk, demand that these ministers appear before them, interrogate them and if there are matters that need to be put in the House, then do so but don't ask or demand that they all appear in the House on one day.

That would not be proper, otherwise Mr. Speaker, we are now in the budget-making period. In fact by 15<sup>th</sup> of this month, a Strategy Paper should have been presented to us by the minister of finance but she has not yet done so and as we move on, towards April and June, when they will be coming to this House, to plead that we should not touch on their budget allocation. It would be also be improper that we begin to allocate the money when they have not accounted for the money we gave them in this financial year.

So long before we get into that, I am partly in support of this motion but I am supporting it with amendments that these committees summon their respective members to give account on the status and it is true that they give quarterly reports that have not been forthcoming and that report can go through the committees and if there are weighty matters, they should come to the House. I would urge that the committees prepare and call these ministers and for the benefit of this House the ministers be given ample time to come prepared and have not give half-baked answers.

So as when we look for money next year, we are already satisfied with the performance of the respective ministries before giving them the money. We are aware, although we do not have the documents, there are excellent ministers who have been doing their jobs but there are others who we cannot even see what they have been doing for the last 10 months. Without fear or favour, I can mention that. So, Mr. Speaker, I believe that is the way to go and members who would want to raise an issue in a particular docket and they are not members of that committee, I believe the members know the procedure.

They can write to the chairman of that committee so that when that minister is appearing, that member can appear in that committee also and raise his question there other than parading the ministers and grilling them. Thank you.

**Hon. Speaker:** So basically you are in support of the motion with amendments that the committee chairs call for the reports as soon as practical. The mover of the motion, you need to consent to that amendment. Maybe we can hear your position.

**Hon. Muthuka:** Thank you Mr. Speaker, I have no objection to the amendments made to the motion. Mine is just that I want work to be done not mere rhetoric. Thank you.

**Hon. Speaker:** We proceed with the motion as amended.

**Minority Leader (Hon. Kasoa):** Thank you Mr. Speaker. I support the motion with time frame because we are aware that we are about to touch the next financial year for preparing the budget. This is because there have been conflicting statements when we are attending the

functions for the Governor, he has been telling us that for the social welfare, his government has allocated Ksh. 55million and yet the chairman for budget and appropriation is saying that we approved Ksh. 160 m so we need clarification. It is very important that with your good guidance, the chair of the respective committees should take charge and call these executive members because all the members belong to various committees of the House. So, I totally support this motion. Thank you.

**Hon. Speaker:** So do we do this by a resolution of the House that the chairs of the respective committees issue the requisite notices to the particular CEC members for a report to be made to the Assembly within the next five working days? I think that will suffice. Clerk, you can note that one down. Then I can now put the question of before I put the question we can hear Hon. Ndawa.

**Hon. (Ms.) Ndawa:** Thank you Mr. Speaker, Sir. I think it was a good motion and I do support it, although I have a different view in the whole issue. Mr. Speaker you know our chairmen in the committees are not adequate. The reason I am saying this hon. members, is that most of this committees, we have not had anything on the quarterly reports on how the ministries have spent. Only one committee, the implementation committee, who have sat do and decided to question and ask for these reports. It's a month now since we questioned for this reports and I can assure you that the reports we getting from this clerks are not good. They came to us and told us we should go back to the committees, but I think if we go back to the standing orders, the implementation committees has the mandate to ask for any report from any ministry and it is supposed to be delivered to that implementation committee. I know the judgement of this House will refer back to the committees but the chairs are not able. Some of them cannot even call for a meeting.

**Hon. Speaker:** hon. member, could I understand or can you substantiate what you mean that they are unable.

**Hon. (Ms.) Ndawa:** Mr. Speaker, these hon. members can agree with me, I really do....

*(Loud consultations)*

Mr. Speaker, protect me because I know those who are putting a point of order are chairs.

**Hon. Speaker:** Let her proceed.

**Hon. (Ms.) Ndawa:** Those who are putting points of order are chairs. I expect even the budget chair, who is seated next to me, to have these reports because he is the one in charge of budget and he should ask for quarterly reports even before other committees if I stand to be corrected. The chairs are not doing their work and insist. Thank you.

**Hon. Speaker:** I was at the point of putting the Question but there is one thing I would want to say. When this motion was put before us by Hon. Muthuka, someone should have said

that these reports have been requested for and denied. I did not hear that. Let me hear Hon. Rachel.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker. My concern is about the reports from the motion, from my colleague Hon. Muthuka. My worry is about committees which are not yet to be formed like decentralized units committee. I do request your advice because we do need their reports but the committees are not there. Thank you.

**Hon. Speaker:** Just directly and a quick one. Since there is a committee on implementation, where there is a grey area we will take them to direction because the committee on implementation is available. While we are discussing this, I am told there are four reports already lying in the offices here and we are waiting for the chair on implementation to sit and distribute them. Some chairs are actually working, I think so.

**Hon. Kasimu:** Thank you Mr. Speaker. I am supporting the motion with amendments. I must say it is a wake-up call to all the chairmen. For the first time I am supporting the hon. member for Matungulu West ward.

*(Laughter)*

**Hon. Kasimu:** In my life in this Assembly.

**Hon. Speaker:** I want to understand, is that in good taste or some love has developed.

**Hon. Kasimu:** Nothing. No, no. It only that she has brought sense in this House. I have to say that there is nothing personal with our chairmen from the committees and we have put them there because we trust them and know they can deliver. But some chairmen, I don't want to name any, are sleeping on their jobs. They have not been calling their committee members, they have not been summoning the executive. We know what we are saying because we are in this Assembly and I must support the honorable member for Ndalani. We want to see all the committees working, going to our wards. We want to feel them. I stand to support the motion. I also want to support what Hon. Ndawa has said. Thank you.

**Hon. Speaker:** I did not clarify this; the reports that are in the assembly were requested for by the implementation committee in the assembly. I hope the rest are almost there.

**Hon. Muthuka:** Thank you Mr. Speaker, sir, I think it's honorable to tell us from what department the reports are coming from because we also need to request if the implementation committee will be meeting, we need to request for the formal letters so that we can attend their meetings to interrogate the reports..

**Hon. Speaker:** I am getting the details and I will communicate before we adjourn. Then honorable members can we now hear the Question that the motion, as amended, brought today by hon. Stephen Muthuka of Ndalani ward, be approved by a motion of the house with amendments as done by the chair budget.

*(Question put and agreed to)*

**Hon. Speaker:** The motion succeeds as amended. The Clerk will note on implementation and we ensure the committees and their special requests are acquired as soon as practical. The reports that we have received are five reports, we have the report on finance, agriculture, tourism and culture, water and irrigation and the county public service board. The chairs that are here can access those reports through the chairman of implementation committee. The chairmen can source the reports from the CEC members as per the procedure. Hon. Kalunde you had a motion.

**Hon. Kalunde:** Mr. Speaker, I stand to move a motion in this honorable House. It is now approximately one year since the existence of the county assembly of Machakos under the new constitutional dispensation. Since its inception, this honorable House has been twice addressed by His Excellency the Governor Dr. Alfred Mutua who has effectively been able to articulate his development plan. On this, the County Government of Machakos has been able, to highlight its development programme, the tendering with the manifesto of the Governor, through the input of the MCAs. Further to it, we have continued negotiations to matters of concern for the county residents.

Contrary to this, the honourable Senator of this County has not been able to address this honorable House and give us his development agenda. In fact, he has been continuously opposed the development programmes that we have arranged and have been rolling out. Mr. Speaker, the Senator has gone forth and vehemently opposed the development plans that have been rolled out. He is busy and actively organizing continuous demonstrations all over the County. Noting the friction emanating from the confusion between the County Government and the Senator, I find it essential and of paramount importance to discuss the conduct of the honorable Senator and make recommendations of how we need to decide on how we will move forward with the county development. Thank you. I ask Hon. Nzoka to support the motion.

*(Laughter)*

**Hon. Nzoka:** In fact, I heard the motion right now and I cannot support something when I have been caught unaware. You need to discuss something and let your partner know. Mr. Speaker I cannot be taken for a ride. Thank you.

**Hon. Speaker:** Order, honorable members let's have order. The mover of the motion has moved the motion but the seconder has refused to second the motion. The motion fails. Honorable members, you remember earlier as we started a statement was made Hon. Nduva and the statement read, "Mr. Speaker, Sir, I wish to know what the county government is doing to ensure the proper use of government vehicles which are currently fitted with private number plates.

How many cars are fitted with private number plates and the strategies put in place to ensure they are not misused at work.” This is a statement that should be handled by the Leader of Majority and provide an answer in the next seven days. The question will be duly forwarded by the clerk. Any other business?

**Hon. Muthuka:** Thank you Mr. Speaker. On the same statement, it is also good to know the number of cars which have been released to be used on weekends and evenings and if we can legislate on control the usage of the county resources. Thank you.

**Hon. Speaker:** The Majority Leader will take up that question and give us a substantive answer within seven days. Is there any other member with an issue? It’s supposed to be the statement hour or the Question hour.

**Hon. Nzeki:** Mr. Speaker, Sir, I wanted to know why the drivers are not uniformed because you cannot differentiate between a driver and a minister. Thank you, sir.

**Hon. Speaker:** Even including our own drivers, again the question goes to the Majority Leader.

**Hon. Maitha:** Thank you Mr. Speaker. Regarding the same issue, I would also demand a statement from the Majority Leader who is the representative of the executive. Some two days ago, I happened to be stopped by the police along Mombasa Road and they said that Machakos County Government vehicles are the worst driven. The drivers seem to have a lot of powers contrary to the traffic law and they said that a police officer was manhandled by some drivers from the Executive and taken to be questioned on a motorcycle. So, Mr. Speaker, before things get worse, when our vehicles will get impounded anywhere. It is necessary that the honorable Majority Leader discusses the same with the minister concerned and submits a report to this Assembly. Thank you, Mr. Speaker.

**Hon. Speaker:** Again the Majority Leader, you may have to give a report on that. You need the registration number of the motor cycle?

**Majority Leader (Hon. Mwonga):** Mr. Speaker, maybe I did not get clearly what that that member said, because what I heard is that he was stopped by policemen and told that our drivers are driving the vehicles recklessly. Can I get to know from the member before I go to search for the answer, why he was stopped and at what capacity was he asked about the drivers driving recklessly or it was on personal basis?

**Hon. Speaker:** I will direct that the Majority Leader brings an answer to that question and I will not allow further intercourse on that issue. Majority Leader, why I have made this ruling is because you called him part member which is not parliamentary language. Am sure you know his name.

**Hon. Muthuka:** Mr. Speaker, I would like an answer from the Majority Leader on....

**Hon. Speaker:** Why are you giving you questions in bits? I thought you were prepared.

**Hon. Muthuka:** This is a different one.



**Hon. Speaker:** Proceed.

**Hon. Muthuka:** Mr. Speaker, it's Question Time and I need to question him and need an answer in this House. I need to know, we have 69 locations in Machakos County and we had 120 cars distributed to each location. I want an answer, where one vehicle for Ndalani location is. I asked and I was told one was operating in Mamba. Mamba is not in Ndalani ward it's in Kithimani ward. So I need an answer where that vehicle if it is available I can send a driver to come pick it up. Thank you

**Hon. Speaker:** The question is taken it will be responded within the next seven days. Can we hear Hon. Kathinzi.

**Hon. Kathinzi:** thank you Mr. Speaker. Mr. Speaker, sometimes back I think we had an issue about the Masinga-Kitui water project, whereby all this members attended to that particular cry for our people and I think at this stage, we require a direction from you or may be the Majority Leader because that is where we can be able to get proper directions from the Executive. Until today, we have stopped that water project and we have not been able to get clarification about what is going on, because they stopped, they are planning to come and invade our people by beating our people to make sure that water goes to Kitui. And now, I think it is almost six months since and it is a matter of concern so we require some answers.

**Hon. Speaker:** Thank you. Again Majority Leader, until you have an answer, we again take some stake and notes on that. Let us hear Hon. Benson

**Hon. Kasyoka:** Mine goes to Majority Leader. It is two months since we launched water tanks project, but up to date I have never received one tank for Kyeleni. So I want to know which criteria is being used so that we can receive tanks in our Wards? By this I mean "in Dawa's place we have more than 10 tanks while in my ward, there is no tank. I would want to know.....

**Hon. Speaker:** What do you mean you bought that Dawa? What is Dawa?

**Hon. Kasyoka:** Aaah! Protect me, Mr. Speaker.

**Hon. Speaker:** First tell us what do you mean by Dawa?

**Hon. Kasyoka:** I mean this. "Ndawa is the Honorable member for Matungulu West. Matungulu West is neighboring Kyeleni ward and Matungulu West has already received full tanks while in Kyeleni and Matungulu North, we don't have the tanks. I want to know which criterion is being used to supply those tanks in those wards? Thank you, Mr. Speaker.

**Hon. Speaker:** I want that honorable member to apologize for calling a member "Dawa".

**Hon. Kasyoka:** I am sorry. She is Hon. Ndawa.

**Hon. Speaker:** Thank you. Honorable now you should finish from which ward and constituency? You need to re-finish her name and tell us where she comes from. She's your neighbor after all.

**Hon. Kasyoka:** I am sorry for that but I understand she is, her surname is Ndawa, if there is another name for now, it is Magdalene Salome, I don't know the official name.

*(Laughter)*

So it is good if she is going to confirm to the House the official name. If it is Magdalene or if it is Ndawa. I have no problem with that.

**Hon. Speaker:** But we all agree she is honorable. It is okay I agree with you. Let's hear from the Majority Leader and what it has been said to his office.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I will not wait to issue some statements next week. Mr. Speaker, on the issue which has been raised by Hon. Benson Kasyoka about the water tanks, which he is saying were launched by His Excellency, the Governor about two months ago. Mr. Speaker I will say, this is a question which should be raised at the committee stage, Mr. Speaker. That is why we are saying members and their chairs must be active in their respective committees. Mr. Speaker I beg that you direct that to the committee on Agriculture and Water Mr. Speaker. Thank You

**Hon. Speaker:** The Question is directed as requested. Let's hear from the Minority Leader

**Hon. Kasoa (Minority Leader):** Mr. Speaker, my question goes to the Leader of Majority. For the last one week, the pupils of primary schools have been sent home for activity fees and yesterday it happened I called the county director of education. When I talked about that, he told me the county is aware, that there is money being collected for activity fees so we need clarification whether he is aware of this and that he can report to the members because all the students of primary schools are being sent home, because they are being asked Ksh. 45 for the county, Ksh. 35 for DEB, Ksh. 10 for the zone and Ksh. 10 for sub-zone.

**Hon. Speaker:** There is point is out of order here.

**Hon. (Ms.) Ndawa:** Mr. Speaker, Sir, I wish Hon. Kasoa was a member of the ECD (Early childhood and vocational training) I wish he was in that committee. Primary schools and secondary schools are not devolved. Secondly Mr. Speaker since now I am up and on a point of order, and I think I have answered him, I would like to put my question to the chair budget. It is unfortunate today that all my questions are going to him. I got a report in my ward office with a receipt of the Maruti cars in Mlolongo and Athi River. Mr. Speaker it is so unfair that the Marutis in Mlolongo and Athi River are paying Ksh. 50 and in a rural area like Matungulu West ward where Maruti cars operate from Tala to Kunguluni are paying Ksh. 100. Mr. Speaker I'm very disappointed, I think the chair budget should look into this with his team and the ministry of finance and equalize these things going on in the wards.

My other Question goes to the Majority Leader and most probably Minority Leader as well. Mr. Speaker you know Machakos County launched ambulances to each ward, based on how many locations you have in each ward. Mr. Speaker, unfortunately I got only two

ambulances when I have four locations I want to ask, where are my other two ambulances? Mr. Speaker, I want to tell the Minority Leader and Majority Leader because of this incident, I'll go to the minister and because my people are demanding this two extra ambulances. I would like the chair of Health Services committee and the chair transport to act. Because, this is actually---

*(Loud consultations)*

Mr. Speaker Protect me.

**Hon. Speaker:** I think what I will do is that I will urge her to conclude.

**Hon. (Ms.) Ndawa:** The chair transport is in charge of all the government vehicles.

**Hon. Speaker:** Just conclude. I will direct where your questions will go.

**Hon. (Ms.) Ndawa:** Thank you, Mr. Speaker. I would like to know where my two ambulances are? If the people in charge don't take action, I will write a letter to the minister directing one ambulance from the Majority Leader's ward and one from the Minority Leader's ward to be brought to Matungulu West Ward.

**Hon. Speaker:** Let us hear the point of order.

**Hon. Maitha:** Mr. Speaker is it in order that Hon. Ndawa puts a question to the Majority Leader and Minority Leader and as well contradict herself and say that she is going to see the minister? So I think she is supposed to direct her question to the minister not the Minority Leader and the Majority Leader.

**Hon. Speaker:** I agree. The question that was raised by Hon. Ndawa is redirected to the Majority and the relevant chair Committees. Thank you very much. This is Question time, we are not out of order you have noted.

**Hon. Muli:** Thank you Mr. Speaker and the House at large. I direct this question to the Majority Leader. I would like to know the modalities of fueling the security cars and more specific in Ndithini, where the security cars which are making rounds in Mananja and Ndithini were fuelled when they left Machakos. They have no fuel and they are still standing since there is no fuel. Therefore, I would like to know if it is a subsidy issue or how the project will be run on fueling.

**Hon. Speaker:** I am scared but I wanted your clarity on what you really meant that the two vehicles are still standing?

**Hon. Muli:** Thank you Mr. Speaker. I mean they are not on operation due to unavailability of fuel.

**Hon. Speaker:** You are directing the question to who?

**Hon. Muli:** The Majority Leader

**Hon. Speaker:** Majority Leader, I think you are in capacity to answer that question in the next seven days. Let's hear from Hon. Kamitu.

**Hon. Kamitu:** Thank you Mr. Speaker, Sir. My question goes in relation to when we were elected, there were some projects within our wards and I remember once I mentioned this case that we were not handed over the projects that were been carried out by former councilors. That is one. Again there were some projects which were completed but we are getting complaints from our electorate who sincerely did some of the projects and they were not paid. So it's a great concern down in the wards.

**Hon. Speaker:** Thank you for the concern that you have raised. Let us hear up Hon. Kyuli.

**Hon. Kyuli:** Mr. Speaker, this afternoon I received a letter from the ministry of Transport, Road, Public works and Housing and this is a great opportunity that I have Mr. Speaker I want to read it so that we can hear and may be direct us. It says 'to all Hon. MCAs from the Minister of Transport, dated 19<sup>th</sup> February, 2014 and it is on proposed road projects 2013/14.

**Hon. Speaker:** Dated?

**Hon. Kyuli:** 19<sup>th</sup> February, 2014. This letter is saying "since the grader and other equipments are expected to be delivered by the end of this month. We expect to contract out the drifts and culverts only. Grading, murraming and other works will be undertaken in-house using our own equipment, staff and hired casuals from respective wards. It is expected that BoQs for the next phase involving construction of drifts and culverts be finalized at the earliest date possible to enable us proceed with procurement and commencement of work immediately." I wish to say that every ward is unique, Mr. Speaker, with different needs especially when it comes to roads. For example they are talking about drifts and culverts. If my ward does not need drifts and culverts, Mr. Speaker, does this mean as per the letter the 15 million budgeted for every ward would just go away? Mr. Speaker we went around and identified five roads that would be done..... *(Inaudible)* No grading or murraming has been done by the contractor since. I have seen the BQs. So it means the Budget that was given for that road which is Ksh. 5.6 million will be used by the contractor. Why the contractor is paid Ksh. 5.6 million while he/she uses the grader and equipment that belong to the government to make the road? Mr. Speaker I personally want some clarity in this. Thank you.

**Hon. Speaker:** But I thought the matter is falling squarely on your committee? The committee on implementation.

**Hon. Kyuli:** Yes Mr. Speaker. I agree with you. This is not yet done.

**Hon. Speaker:** Get a statement from the relevant executive member and make a report to the House.

**Hon. Kyuli:** Yes I agree with you.

**Hon. Speaker:** How soon can you do that?

**Hon. Kyuli:** Let me get seven days like the other questions that have been directed Mr. Speaker.

**Hon. Speaker:** Thank you very much. Within seven days come up with the report. Can I take questions first? I think it would be interesting to hear the question by the Majority Leader. Let us hear the question by the Majority Leader.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I want to draw attention to the Chair that we have a member who is not properly dressed. That member is Hon. Collins Mbithi, the Voice of Lower Kaewa and Mr. Speaker I also wonder because he was properly dressed. He went out and came back improperly dressed. Mr. Speaker, I don't want to repeat myself but this is not a fish market where you dress the way you want. Thank you, Mr. Speaker.

**Hon. Speaker:** (*Addressing Hon. Mbithi*) Hon. Member you are discharged from the House for the rest of the day. I take exception to that because you cannot get into the House and return without a jacket. The House will not take this kindly. Let us hear brief questions and to the point.

**Hon. Manyolo:** My question just a concern from Matuu. We have a tractor there and fuel comes from Machakos. May I know from the Majority Leader, how come fuel comes from Machakos while we have petrol stations in Matuu that can serve quickly and its more efficient. Sometimes the tractor lies there with no fuel for five days and the fuel that comes from Machakos is just a 20 litre jerrican. The other question Mr. Speaker, Sir, may I know from the chairman of labor. Would we have equal representation of the people who have been employed since last year because we need to have equal representation from every ward? If they have employed 100 they should give us the list and there wards. Thank you, Sir.

**Hon. Speaker:** Thank you very much. Hon. members, now that you have learned on the game of asking questions, let us have this questions prepared beforehand, we have them filed so that we can have them listed in another schedule so that we keep track on the answers. Yes.

**Hon. Muinde:** Mr. Speaker, mine is a concern .The honorable member from Matungulu West, Hon. Ndawa demanded an answer from the chairman of budget committee on the Fees and Charges from the Maruti transporters. She did say she has a receipt in our office at the ward level. Can she provide evidence because it would be hard to press for answers from the minister within a docket when I cannot provide evidence that Marutis in Mlolongo or Mavoko area are been charged less than those in her ward. If it is true that she has a receipt I thought it was only proper that she tables it to this House because I can take over from that point.

**Hon. Speaker:** Alright I don't know whether you have given an answer? Immediately a question is asked timelines are give. Kindly prepare and bring your answer. So we will expect your answer in 7 days. We can hear from Hon. Rachel

**Hon. (Ms.) R. Nduku:** My question goes to chairman education on ECD. We budgeted for feeding programs for our children in ECD classes but up to now we don't have any report on that. Thank you Mr. Speaker

**Hon. Speaker:** We expect the chair of the committee to answer that question.

**Minority Leader (Hon.Kasoa):** Thank you Mr. Speaker. I just want to bring to you attention that this House lacks quorum.

**Hon. Speaker:** Clerk, find out if indeed we are lacking quorum.

*(The Clerk does a manual count of members present)*

**Hon. Speaker:** We have quorum, proceed.

**Hon. Nzoka:** I have two questions although one was somehow answered. I have much concern about the previous regime, there were some projects that were completed in April last year and up to now contractors haven't been paid. I have tried to move to the concerned ministries decentralization and finance, I wrote a letter to His Excellency the Governor and no action has been taken. In fact they are getting impatient because of waiting since the document is moving from here to here, but there's no payment. Secondly, the vehicle which in my wards written Inspectorate, I wonder when the drivers were applying and there were many drivers who submitted their applications, but the person driving that car is not from my ward. I want to know from the Majority Leader what is happening and in fact the same situation is also with my fellow hon. Kasimu from Matungulu East ward. And it is good he is telling me to chase him away. So it is my concern. Again about the fueling of these cars, the askaris there asked me to fuel and I fueled with Ksh. 1,000. So I don't know what is happening. So can we have those matters addressed? Thank you.

**Hon. Speaker:** Again we expect that question to be addressed within the next seven day by the office of the Majority Leader. That office has a deputy so I expect them to work in tandem and bring answers.

**Hon. Mutisya:** I ask the Majority Leader to tell us why the Police vehicle has not reached Vyulya location in Masii ward.

**Hon. Speaker:** Again the matter for Vyulya we expect an answer in seven days.

**Hon. Nduva:** Mr. Speaker on the same issue of the Inspectorate I want to put a question to the Majority Leader to know the person concerned in charge of Inspectorate. Between many areas, we are seen different persons with this vehicles and who is in charge of collecting revenue because many times we are seeing different people collecting cash from the trucks that ferry sands and we don't know whether this people are employees of Machakos County Government. So Mr. Speaker I beg an address for that because we might be losing a lot of money to thugs while thinking that we are collecting money to the Machakos County Government. Thank you, Mr. Speaker.

## ADJOURNMENT

**Hon. Speaker:** There being no other business, then the house stands adjourned until the next day but before we adjourn we talked about a *Kamukunji*, you need to tell me whether there will be an event or not, so the Majority Leader you can convene the house let me hear from the chambers in a few minutes. Thank you very much.

The House rose at 5.45 p.m.