

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 9th April, 2014**

The House met at 2.55 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR
COMMITTEE REPORTS SUBMISSION**

Hon. Speaker: The communication I have from the Chair is that we had a meeting this morning at the House Business Committee and we have resolved that a notice be issued to all committee chairs, all select and sectoral, to submit their reports as quickly practicable noting that there will be another HBC meeting tomorrow to enable us evaluate and ballot for business next week. Otherwise extraneous business will not be allowed for debate without passing through HBC.

STATEMENTS**FATE OF KITHIMANI TOILET**

Hon. Speaker: Maybe, I can now call upon Deputy Majority Leader to offer answers for the questions that were asked yesterday.

Hon. Kasimu: Thank you, Mr. Speaker, Sir. The answer to the question that was asked yesterday about the plot in Kithimani market is that the contractor has been taken to court and cannot continue with work in the ward. Mr. Speaker, we have been negotiating with the ministry that is handling that issue. We have met the PS and negotiations are still going on and I request

more time to allow time to meet with the complainant and the PS so that a permanent solution can be arrived at. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Yes.

Hon. Nduva: Thank you, Mr. Speaker. I want put to the attention of the Deputy Majority Leader that this matter was urgent since the construction of the toilet has been terminated by a member of the County Public Service Board, Mr. Nzioka. According to my understanding, Mr. Nzioka was called by the PS from the ministry that deals with markets and he declined to withdraw the court order that stopped the construction. So I fail to understand what the Deputy Majority Leader once again because you understand the matter is urgent. The funding for the project can be moved elsewhere.

Many NGOs don't like to put their money where there are disputes. And Mr. Speaker, since this person is an employee of the County government which is the beneficiary of the funding, and he has declined to negotiate over the issue, this House has a mandate to protect the local electorate and resources of this County. Mr. Speaker, I would ask for your advise as you advised the Deputy majority Leader yesterday that the matter is urgent and the shortest time possible to deal with this matter so that we don't lose the funding.

Hon. Speaker: Thank you very much. I agree the matter remains urgent. Can you demonstrate why you cannot sort out this matter immediately?

Hon. Kasimu: Mr. Speaker, I agree with the member that the matter is or urgency and we need to act yesterday and not today. We met with Hon. Speaker and agreed on the way forward and the Chair is best placed to give me the go ahead to form a committee will can meet with the PS industrialization and the commissioner who has a problem with that piece of plot. So with your advice, I will know what to do, Mr. Speaker, Sir.

Hon. Speaker: Point of order.

Hon. Maitha: Mr. Speaker, is it in order for the Hon. Member to involve the Chair in matters pertaining to the ministry? This is not a matter of the Assembly but a matter of the Executive. So, this member is implicating the Speaker in this issue. Thank you, Mr. Speaker.

Hon. Speaker: Objection sustained but I am sure the Deputy Speaker can assist the Deputy Majority Leader.

Hon. Nganga: Thank you, Mr. Speaker. Let me come to the rescue of one Deputy Majority Leader. In regard to the issue in question, the right approach would to write a proposal that we form an *ad-hoc* committee that will investigate the matters surrounding that issue and others I personally find important. Like in my ward, there is a toilet that guys have been able eat

more than myself, cannot be able to use the public toilet at Kyasioni market because it is cracked. The same committee can be tasked to look into the state of affairs of public toilets in the county and possibly furnishing a report to this house in the shortest period possible maybe seven (7) days so that the matter in question can be solved. Mr. Speaker, Sir, I urge that you guide in your ruling that the Majority and Minority Leaders consult and form an *ad-hoc* committee composed of say, two members from both sides and also the nominated members to go down to the ground, investigate the matter and establish the real issues, see the plot, meet the PS and the minister and bring a report to the House for it to debate and possibly make an adoption. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Do I gather that there is a general problem with toilets in the entire county? Yes.

Hon. Manyolo: Thank you, Mr. Speaker and the House at large. The matter ahead of us is not simple because I understand if the work has commenced and someone, through his personal interest, whom we don't know, went ahead and said 'stop this work.' There are questions, Mr. Speaker, which are arising: who is this person going by the name Phillip? Under which ministry does he lie? Is he part of the ministry of lands? Is he part of the Executive that we have? Where did he get the authority and powers to terminate the work? Can the House be informed because it seems projects in my palace, no at Ikombe ward, I can also go and pretend to be part of the Executive and stop work.

Hon. Speaker: Ok. Proper direction is that the Deputy Majority Leader here said that there is a court case, he has filed a case in court and it is the court that has stopped construction.

Hon. Manyolo: Through someone, not the court. Through someone, by the name Phillip. Can the House know who Phillip is?

Hon. Speaker: Thank you. Let us hear the owner of the question.

Hon. Nduva: Thank you, Mr. Speaker. Let me put this matter in the straight way and contrary to the way this House might set it because I have heard the Deputy Speaker is talking of another toilet in Ikombe. If it will be an issue of discussing about toilets, we have plenty of toilets in Machakos County. This is an urgent matter. This is a project that was almost complete but someone who wanted money from that project got a court order. Mr. Speaker, protect me.

Hon. Speaker: He is protected.

Hon. Nduva: This person went ahead and got a court order to terminate construction of the toilet. I am not contradicting what the Deputy Majority Leader said about an *ad-hoc* committee but my request would be for the committee to work efficiently and as soon as possible

because the NGO that funded that project, find an issue in court, might move the project from my ward. Secondly, the person who has stopped this project is a commissioner in CPSB, so I fail to understand how you charge your father while living in his homestead. This person is terminating a project in the county. And the same person

Hon. Speaker: Hon. Member, you don't have material to positively show this person is a commissioner at CPSB. Los, I think the proper way to go so that we don't discuss a person whose issues are not properly before the House, is to set up the *ad-hoc* committee and give it terms of reference. And then we can substantively deal with this issue. I don't know whether you have a problem if a report is returned in the next seven days.

Hon. Nduva: I will be comfortable.

Hon. Speaker: I fear whether you know the subject but let us hear.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker, Sir. I am sorry, I am late but from the look of things it looks you were discussing the issue of Kithimani toilet which Mhe. Nduva raised in this House and I happened to have a report about it because this one Mr. Phillip comes from my ward and I know him and I questioned him about it. Unfortunately, he gave me some documents which I can present to this House that you can go through and the House can continue with that discussion, if you so allow.

Hon. Speaker: The matter is in the hands of the Deputy Majority Leader in the House. He has already given his position on the matter and we are towards appointing a committee that will investigate the matter and give a report within seven days. About the toilet? Yes.

Hon. Maitha: Mr. Speaker, how can the *ad-hoc* committee follow up on an issue that is before court?

Hon. Speaker: We shall determine whether to proceed or not when we are interrogating the report. Yes.

Hon. Kasimu: Thank you Mr. Speaker. Now that the member for Matungulu West has come up with papers, it is also good we include her in the committee alongside Hon. Nduva, Majority and Minority Leader and three other members. That will ease the work. We will come up with a report within seven days as the mover of the question has agreed.

Hon. Speaker: Very well. My position was that the affected member who is the prime stakeholder in this matter, the Majority and Minority Leaders and three other members. Now Hon. Ndawa is here, we will task you to find two other members. Yes any other matter for the Chair.

ADJOURNMENT

Hon. Speaker: Hon. Members, I learn that we don't have any other business. The movers of the two motions have not turned up, so the motions are deferred. Tomorrow we shall have the HBC sitting in the morning and then we will expect visitors from Murang'a so I will ask members to be here so that we interact with our visitors. Thank you very much. So the House adjourns.

The House rose at 3.14 p.m.