

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 24<sup>th</sup> April, 2014**

The House met at 2.57 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****PAPER LAID****SAND HARVESTING REPORT****Hon. Speaker:** Hon. Collins.

**Hon. Mbithi:** Thank you Mr. Speaker, Sir. I am the Voice of Lower Kaewa and chairman of Agriculture, Environment and natural resources committee. I beg to lay on the table of the House the following paper today 24<sup>th</sup> April, 2014. Agriculture, Environment and Natural Resources committee's report on the Machakos County Sand Harvesting 2014. Thank you.

**Hon. Speaker:** Thank you. The document is laid. Proceed.*(Hon. Mbithi laid the Paper on the Table)***NOTICE OF MOTION****SAND HARVESTING REPORT**

**Hon. Mbithi:** Thank you Mr. Speaker, Sir. I beg to move the following motion. That this House approves the Agriculture, Environment and Natural Resources committee's report on the Machakos County Sand Harvesting 2014 laid on the table of the Assembly today 24<sup>th</sup> April, 2014. Thank you.

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

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**Hon. Kasimu:** Thank you, Mr. Speaker, Sir. I stand under Standing Order No. 105 that certain members of this County Assembly be named for grave disorder stipulated under Standing Order No. 109.

**Hon. Speaker:** You said Standing Order number?

**Hon. Kasimu:** Standing Order No. 109. I hereby call the Leader of Majority to give the facts of grave disorder as outlined in Standing Order No. 105 (2).

**Hon. Speaker:** Proceed with the naming.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, Sir, I stand under Standing Order No.105 (2) as requested by the Deputy Leader of Majority. Mr. Speaker, I have with me a letter dated 31<sup>st</sup> March, 2014 whose subject matter reads.....Mr. Speaker, before I read, I have copies of that letter and with your permission, it can be circulated the members.

**Hon. Speaker:** Let me have a copy of the letter please.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker.

**Hon. Speaker:** Circulate the copies to members. Let the members see it.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, now that all members have the copies with them, I wish to proceed. The subject matter reads ‘Machakos County Supplementary Bill 2013/14’ and addressed to the Senate through the Speaker and signed by the following members;

1. Hon. Festus Muthembwa Ndeto.
2. Hon. Dominic Maitha.
3. Hon. Stephen Muthuka.
4. Hon. Cornelius Kitheka.
5. Hon. Edrick Ngunzi.

The letter is copied to the Clerk, Machakos County Assembly, the Office of Controller of Budget and the Office of the Auditor General, Mr. Speaker. Under normal circumstances Mr. Speaker, the letter is supposed to have been forwarded by the Speaker but there is no evidence of the same Mr. Speaker. There is no evidence from the Office of the Clerk that a copy has been received. Mr. Speaker, the grounds on which this should be considered as grave disorder are;

1. It is against the Standing Orders for members to communicate on behalf of the Assembly without the authority from the Assembly.

2. The members used the Assembly's letterhead making it appear as if the letter originated from the County Assembly yet it was a personal letter written by the five members.
3. The above mentioned members usurped the powers of the Speaker when they forwarded the letter to the Senate on his behalf. If this was a court of law, the five members would be appearing before a judge or a magistrate on charges of impersonation.
4. By the above listed members requesting the Senate to suspend the implementation of the said ill is an insinuation that the Assembly passed the said same irregularly which is not the case.

Mr. Speaker, I request that you invoke Standing Order No. 106 and suspend the said members based on the above grounds. Thank you, Mr. Speaker. I beg to sit.

**Hon. Speaker:** That member has invoked Standing Order No. 105 and it reads; Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

Whenever a Member shall have been named by the Speaker or by the Chairperson, then, If the breach has been committed by such Member in the House, a Motion shall be made by any other Member present "That, such Member (naming the Member) be suspended from the service of the House", and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed. And therefore, I proceed to put the question.

### **DIVISION**

*[Bell rung for 10 minutes]*

For those in support of the motion can sit on this side. Those for Nays, sit on the other side. Let me hear if there any member abstaining from the vote. Any member abstaining may rise up.

### **PHYSICAL COUNT VOTING**

#### **Yes vote**

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11

**No vote**

12

**Abstention Vote**

Nil

Hon. Members, whereas we have voted that the Nays have it, I take great exception with this correspondence and I will urge the authors who are present to withdraw from the assembly and meet the Speaker in his office before any further business continues.

*(The House goes for a break at 3.12 p.m.)*

*(House resumes at 3.38 p.m.)*

**Hon. Speaker:** Hon. Members, we will abide by the results of the division.

*(Applause)*

But Hon. Members, I note with concern that the letterhead of the County Assembly was used and that the communication was made through my office. None of the copies indicated to have been copied to us ever reached us and the Assembly was not aware of this communication. The Senate will proceed and treat it as an official communication from the Machakos County Assembly and with due respect, that is erroneous. I direct that the office of the Clerk communicate with the Senate on the position of the matter that this letter is not officially from Machakos County Assembly. I further direct that the relevant committee will take up the issue summon the members and file a report with the Assembly. Proceed.

**MOTIONS AND BILLS**  
**STATUS REPORT OF CHIEF OFFICERS**

**Hon. Kitheka:** Thank you Mr. Speaker, Sir, and the entire House at large. Mr. Speaker, Sir, I would like to move the following motion which is a status report from the Labour

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committee. The committee on labour and social welfare had written two letters to the Executive on the status of appointment of Chief Officers and employment of drivers---

**Hon. Speaker:** Maybe before you proceed, just come.....

**Hon. Kitheka:** Thank you Mr. Speaker, Sir. I request for your protection Mr. Speaker. On this motion, Mr. Speaker, I request to have the motion deferred to Tuesday next week because of a technicality. Thank you, Mr. Speaker.

**Hon. Speaker:** That is granted. In the absence of further business, then the House adjourns. Before we adjourn, I would urge the mover of that motion to consult with the Clerk so that that is rectified. Sorry, there is additional business. Where is Hon. Collins?

#### MACHAKOS COUNTY SAND HARVESTING BILL 2014

*(First Reading)*

**Hon. Mbithi:** Thank you, Mr. Speaker, Sir. I would like to make the first reading of Machakos County Sand Harvesting Bill 2014. Thank you.

**Hon. Speaker:** The County Sand Harvesting Bill 2014 as gazetted by the special issue of the Machakos County Gazette..... *(inaudible)* No. 3 is hereby read for the first time. As I had indicated, the Bill is read for the first time and is committed to the relevant committee for further deliberations and public participation.

#### ADJOURNMENT

**Hon. Speaker:** Any other matter? Then the House adjourns.

The House rose at 3.45 p.m.