

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th July, 2014

The House met at 11.35 a.m.

[The Speaker (Mr. Mung'ata) in the Chair]

PRAYERS

PAPER LAID

COUNTY ASSEMBLY STRATEGIC PLAN 2013/18

Hon. Nduva: Mr. Speaker, Sir, I beg to lay the following paper on the table of the assembly today, 9th July, 2014; report of planning, trade, tourism and cooperatives committee on strategic plan for Machakos county. Thank you Mr. Speaker, Sir.

NOTICE OF MOTION

COUNTY ASSEMBLY STRATEGIC PLAN 2013/18

Hon. Nduva: Mr. Speaker, Sir, I want to give a notice of the motion that this House approves the report of planning, trade, tourism and cooperatives committee on strategic plan for Machakos county. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Proceed

MOTIONS

COUNTY ASSEMBLY STRATEGIC PLAN 2013/18

Hon. Nduva: Thank you Mr. Speaker, Sir, aware that the committee of planning, trade, tourism and cooperatives met to prepare the strategic plan for Machakos county assembly for 2013 to 2018, and aware that the above committee according to Standing Order, Second

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Schedule on sectoral committees, is mandated to deal with all matters related to county planning and development including statistics, land survey and mapping, boundaries and fencing, housing and electricity and gas reticulation and gas regulation, trade development and regulation, including markets, trade licenses (excluding regulation of professions), fair trading practices, local tourism and cooperatives, Mr. Speaker, Sir, aware that the committee involved all members in preparing the very document and all legal document procedures followed to the letter and further aware that the strategic plan is a very important document which acts as a guide for executing the assembly mandate as per the Standing Orders and the constitution, I therefore, wish to move the motion that this Hon. House discusses and approves the said document with amendments. I want to call upon Hon. Ruth Ndumi to second this motion. Thank you Mr. Speaker, Sir.

Hon. (Ms.) Ndumi: Thank you Mr. Speaker, Sir, I stand to second the motion that this Hon. House discusses and approves the said document with amendments. Thank you Mr. Speaker, Sir.

Hon. Speaker: The motion is approved for debate. Proceed.

Hon. Nduva: Thank you Mr. Speaker, Sir. I want to present the report on Planning, Trade, Tourism and Cooperatives committee.

PREAMBLE

Mr. Speaker, Sir, the Committee for planning, trade, tourism and cooperatives met on various dates to prepare Strategic Plan for Machakos County Assembly for 2013-2017. Mr. Speaker, Sir, the following members attended sittings in Eden Beach Resort and Spa, Mombasa, Garden Hotel in Machakos and 67 Airport Hotel in Mlolongo in Machakos.

MEMBERS PRESENT

1. Hon. Sammy Nduva - Chairman
2. Hon. (Ms.) Ruth Ndumi - Vice Chairperson
3. Hon. Caleb Mule
4. Hon. Alex Kamitu
5. Hon. (Ms.) Koki Mawa
6. Hon. Gideon Kavuu

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7. Hon. Joshua Mwonga
8. Hon. Phillip Ndolo
9. Hon. (Ms.) Cecilia Sereka
10. Hon. Wilson Kasimu
11. Hon. Joseph M. Musyoka
12. Hon. Thomas Kasoa
13. Hon. Francis Matheka
14. Hon. Michael Mutuku
15. Hon. Leonard Katela
16. Hon. Peter Nzioki
17. Hon. Timothy Kilonzo
18. Hon. (Ms.) Bibiana Nduku
19. Hon. (Ms.) Mbithe Mutiso
20. Hon. (Ms.) Anne Musyoki

INVITED MEMBERS

- | | |
|----------------------------------|----------------|
| 21. Hon. Bernard Mung'ata | Speaker |
| 22. Hon. Nathaniel Nganga Reuben | Deputy Speaker |
| 23. Hon. Stephen Muthuka | |
| 24. Hon. Cornelius Kitheka | |
| 25. Hon. Felix Ngui | |
| 26. Hon. (Ms.) Alice Nzioka | |
| 27. Hon. (Ms.) Mary Ndinda | |
| 28. Hon. Joseph Kalunde | |
| 29. Hon. Joseph Itumo | |
| 30. Hon. Festus Ndeto | |
| 31. Hon. Edrick Ngunzi | |
| 32. Hon. Alexander Kathinzi | |
| 33. Hon. Collins Mbithi | |
| 34. Hon. (Ms.) Amina Mutio | |
| 35. Hon. Kyalo Kyuli | |
| 36. Hon. Winston M. Kanui | |
| 37. Hon. (Ms.) Brigit Kitili | |
| 38. Hon. Charles Mutisya | |
| 39. Hon. David Manyolo | |
| 40. Hon. (Ms.) Rachael Nduku | |

OFFICERS

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1. Mr. Mbiuki F.G.	Clerk to County Assembly
2. Mr. Peter Mbatha	CFO
3. Mr. Joseph Mutisya	HRM
4. Mr. Hilary Muthui	Principal Legal Counsel
5. Ms. Nancy Wangai	Principal Procurement Officer
6. Ms. Susan Kanini	Senior Internal Auditor
7. Mr. Peter Kivelenge	Senior Clerk Assistant
8. Ms. Evelyn Kimote	“
9. Mr. Dominic Musyoka	“
10. Ms. Luiza Kamau	Assistant Hansard Editor
11. Mr. Mutuku Kavita	“
12. Ms. Cynthia Watuka	Public Communication Officer
13. Mr. Joel Kiptum	Senior Searjent at Arms
14. Ms. Rebecca Mutua	Senior Fiscal Analyst
15. Mr. Benson Mutua	Senior Accountant
16. Mr. Paul Keli	Librarian
17. Mr. Dalmas Masila	Senior Research Officer
18. Ms. Judith Murungi	Administrative Officer
19. Ms. Judy Mulinge	“
20. Ms. Loise Kithuka	Records Officer
21. Mr. Nicholus Kitonga	Personal Assistant
22. Bernard Mutemi	ICT Officer

ROVANS MANAGEMENT CONSULTANTS

1. Mr. Henry Kimilu
2. Mr. Mathew Malinda
3. Mrs. Florence Bwire
4. Ms. Esther Mueni Mulungye

Mr. Speaker, Sir, according to the standing orders Second Schedule on Sectoral Committee, the Committee of Planning, Trade, Tourism and Cooperative is mandated to deal with “all matters related to County Planning and development, including statistics, land survey and mapping, boundaries and fencing, housing and electricity and gas reticulation and energy regulation, trade development and regulation, including markets, trade licenses (excluding regulation of professions), fair trading practices, local tourism and cooperative societies”. It is in this breath, Mr. Speaker, Sir, the Committee of Planning, Trade, Tourism and Cooperative found it wise to involve all the members in preparing this very important document.

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AT MOMBASA

Mr. Speaker, the process of drafting the strategic plan began with the lead consultant explaining the importance and the process of strategic planning process to an institution. Mr. Speaker, a brainstorming session guided by the Lead Consultant on the Vision, Mission and core values was undertaken. This was further followed by brainstorming on the Key Result areas and, Mr. Speaker, the results were then consolidated in the main document for further fine tuning.

AT GARDEN HOTEL

Mr. Speaker, Participants discussed on the draft outcome of the Mombasa retreat. They went through all the session making suggestions and amendments. The cover page and the institution's organogram were critically debated and amendments suggested. Other areas amended included the situational analysis. The language, in some sections, was changed to make them clearer.

AT THE 67 AIRPORT HOTEL

This retreat was aimed at familiarizing all the members especially those who were not part of the drafting team with the draft strategic plan in order to get their views. The lead consultant took all the participants through the document and was proposed by Hon. Munyaka and seconded by Hon. Benedetta Mueni that the document be adopted with amendments. Mr. Speaker Sir, the amendments have since been made.

Mr. Speaker Sir, the strategic plan is a very important document which will act as a guide for executing the Assembly mandate as per the Standing Orders and the Constitution. Therefore, Mr. Speaker, Sir, members had time to prepare the strategic plan, review and pre-review to come out with a fine document which I hereby table to the floor of the house today for consideration and approval.

Mr. Speaker, Sir, I urge the Hon. Members to pass and approve these document. Thank you Mr. Speaker Sir.

Hon. Speaker: Hon. Ndumi. Who is supporting your motion?

Hon. (Ms.) Ndumi: Thank you Mr. Speaker, Sir. I stand to support the motion that this Hon. House discusses and approves the said document with amendments. Thank you Mr. Speaker, Sir.

Hon. Speaker: Hon. Members, then the motion is on the floor for debate and I open arguments in support.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. I stand to support the passing and approval of this document with, first, amendment of the cover photo because it doesn't appear clearly. Also, I can see we have members of the senate who are not members of this assembly so that is the first amendment I want this Hon. House to approve. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Isaac. Then, Hon. Dominic.

Hon. Maitha: Thank you, Mr. Speaker. The document before us is a good document but I beg to request this House to defer discussion of this document at a later date and its approval, reason being that I will be very sure, that majority of Hon. Members in this House don't really have the full details of these documents in their minds and understand about it. So, I would kindly request that Hon. Members, because we are not in a hurry to approve this document, be given time, we refer this document at a later date, we go and check the contents of this document.

For example, it is evident that when we met at 67 Hotel, the attendance was poor and most of the members who came at late hours when the document had already been discussed. I was there and not much of the document details as at the time we were there. So, Mr. Speaker, to give these Hon. House the respect it deserves, it is better that this document be deferred to a later date, members go through it, they get to understand about the finer details and I have just heard a Hon. Member has said that the document has been amended, and when the Majority Leader stood, he said the cover photo was supposed to be amended so it gives contradictory information.

So, I am kindly requesting this Hon. House to defer this document to a later date, let the members go and read through the document such that when we come and pass this document, we understand it. Some of us never went to Mombasa. The time we got to go through the document was last week on Friday. We have not managed to go through the document as we still have some other documents that we are going through. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much.

Hon. Nzoka: Thank you, Mr. Speaker, Sir. I do echo the sentiments which have been laid by my colleague and I do request we be supplied with enough copies like now we don't have enough copies. There are members who have no copies. So, we need time to scrutinize. I was in 67 Hotel when we were being taken through by the facilitators but we were very few although we came late a bit. So we are not conversant with this document and it is a very sensitive document which is touching the county, so we need to go through it, then we see the way forward. *Ili tuwe na nguvu ya kuchangia.* Thank you.

Hon. Speaker: You are out of order, kindly sit down. Let us hear from Hon. Mutuku.

Hon. M. Mutuku: Thank you Mr. Speaker, Sir. I would like to say this document started some months ago, because I remember we went all the way to Mombasa to discuss the document, then members were given the document when we were at 67 Hotel and we deliberated about it and I think it is one of the best documents we have for the county. Basically, because it gives us the guidelines, it is telling us where we are, where we want to go and the means of going there. So in my own opinion, without much ado, we need to discuss the document and adopt it for the House. Thank you.

Hon. Speaker: Any other?

Hon. Muli: Thank you, Mr. Speaker.

(Inaudible segment)

Hon. Kitheka:and the issue of institutional capacity, which are the key resource areas in the document and there was need of another simpler training of the members on the same. We are not saying that the document is not good but we are just calling upon the assembly to consider these members, we go for just one intensive, serious meeting to discuss these two documents but particularly the issue of legislation and the issue of capacity building because this document, we may pass it but majority of the members are not aware that majority of the members who did not attend the full sessions in Mombasa are not quite aware and are not vividly aware of what is in this document.

Please, Hon. Speaker, because I know the intelligence of this House and the good meaning of this House is to come up with a viable document which can be used by a generation

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to come. I kindly request that we be given one more day for training and I request members, because we were in 67 Hotel and majority of the members were not present and the same members are now sitting here telling us we pass the document yet they did not participate in Mombasa and in 67Hotel.

Mr. Speaker, I kindly request you organize just, and this is a request Mr. Speaker, just for one day for these members and it be a must attend for every member so that we can push for his document to come into place.

Mr. Speaker, I still have an amendment on the front page. Mr. Speaker, as you can see, the entire document has got a lot of pictures as if it is a love magazine. Please, Mr. Speaker, I kindly request we remove some of these pictures that are within the document and just leave the last picture on the back inside part of the document as documents are made and then we put a picture of our institution which is.....Mr. Speaker, I seek you protect so that I can finish.

Hon. Speaker: Proceed.

Hon. Kitheka: Mr. Speaker, I am requesting that we get, and the assembly facilitates a good photographer to take a good photo of our institution and it be placed in the front page of this document so that at least we can be addressing it as what it is and what it is meant for. It is meant for the assembly of Machakos and it is not meant just meant for a few people even if I am included in the photo and when they see me there, they should see me at the back part---

Hon. Speaker: Okay. Let us hear you.

POINT OF ORDER

Hon. Ngui: Thank you Mr. Speaker, Sir. My point of order is that the Hon. Member who was on the floor has just rejected the discussion of the document and at the same time he is doing some amendments. Is it in order Mr. Speaker?

Hon. Speaker: I think that confirms he is ready to discuss the document. Proceed.

Hon. Kasimu: Thank you Mr. Speaker, Sir. I stand to support that we debate the paper in front of the House. It is very clear, from the Hon. Member of Machakos Central that he is supporting the debate since he is already giving it some amendments.

Secondly, Mr. Speaker, this House has been at loggerheads with some members saying that we are in wasteful spending of the assembly monies and now they want us to go for a retreat and spend more money on a document that has spent money in making it and processing it. I think these members are out order. I support we continue debating this paper. Thank you.

Hon. Speaker: Okay. Let us hear from the mover of the motion. Do members have copies of this document? Have they been having copies of the document as we progress?

Hon. Nduva: Thank you Mr. Speaker. I am aware that his document was supplied to all members a month ago and Mr. Speaker, I stand here to disagree when a hon. member stands in the floor of this House to say that the meeting that were held in Mombasa, members did not attend.

Mr. Speaker, aware that the meetings that we had, deliberating on this document are five in number so in case a member did not attend in Mombasa, then the rest of the flour meetings, members attended and if a member did not attend, I reject that even if we hold another sitting, that member will not attend.

Mr. Speaker, the amendment on the document was done and only the photograph on the cover page and yesterday, after the plenary, we took several members of Hon. Members here where a suitable photo will be selected to amend the picture appearing on this document. Thank you, Mr. Speaker.

Hon. Speaker: Thank you for that clarity. Yes.

Hon. Nzioki: Thank you Mr. Speaker. Mr. Speaker, I stand here to support so that we may discuss and pass his document. You are aware that we went to prepare this document in Mombasa and there were some members who did not attend and there are some members who left early. We went to 67 Hotel and some members did not attend. I attended in Mombasa and in Mlolongo and I just wonder, like me, are we going to be taken aback by some members who do not have interest of attending session so that we may repeat things as they wish?

Mr. Speaker, I would suggest that we pass this document so that we may deliberate on other issues before the House. Thank you, Mr. Speaker.

Hon. Speaker: Finally, yes.

Hon. Katela: Thank you, Mr. Speaker. I stand here to support the passing of the document and wonder aloud why some members are claiming they did not attend the Mombasa and 67 Hotel seminars yet they were facilitated. Mr. Speaker, it the high time the assembly goes ahead and recovers money from those members who did not attend those seminars because they were facilitated to attend. We cannot just be pulled back by a few members who are not ready to see the business of the House carry on.

Mr. Speaker, Sir, it is my simple and honest request that if a member is facilitated and did not attend a meeting, he cannot hold us back. The easiest thing is to recover the facilitation. Thank you.

Hon. Speaker: I take the point. I don't know how you got information on facilitation.

Hon. Katela: Sorry.

Hon. Speaker: Are you the accounting officer of this institution?

Hon. Katela: Not really but then you see them sign when you are in that meeting. A member comes and---

Hon. Speaker: You are out of order.

Hon. Katela: Thank you, Mr. Speaker.

Hon. Speaker: Yes we can hear Hon. Dominic.

Hon. Maitha: Mr. Speaker, is this member telling you to advise this assembly to recover little monies of members who never attended a session in 67Hotel and Mombasa yet we are aware there are members who were paid international trips and they were never recovered? Thank you, Mr. Speaker.

Hon. Speaker: I had already overruled him that he was not in authority to raise that issue.

Hon. Muinde: Thank you Mr. Speaker. I feel there times we need to have a compromise. Personally, I had no time to look at the document. The time we were in Mombasa, I attend and in between I had to rush for another assignment in South Africa and the other meeting in 67 Hotel, something happened and I was not able and it is only today that I have this document.

A strategic plan is a very important document for the House. It runs for the entire period. I want to beg that we don't have to go for a workshop or training, it is not a very big document but if members can be given at least two days, I would feel it is important. We don't have to fight over every other document. Personally, I would like to read before I can contribute because unless it has to pass without my contribution because I don't know its contents and I would feel, personally, if a day or so can be given and slotted on another day, then we can have a day.

Those who go and keep the document in the boot of their car, they have no excuse to blame anybody but at least it would be fair that we can comprehensively discuss this document. It is not just a document that we just come and pass. Mr. Speaker, I wish that our wish is granted. Don't give more time in terms of weeks but we don't need to go to a hotel somewhere but even in our own offices, we can read this for a day or two and then come back to the House.

Hon. Speaker: Let us hear Hon. Itumo.

Hon. Itumo: Yes Mr. Speaker, Sir, for catching your eye. I do not see a reason why we should go back and start discussing a document that we have been discussing at Mombasa and again at 67 Hotel. It is wasting of time. We have gone through this document. For those few who did not attend Mombasa and 67Hotel, please, even if we go elsewhere, they cannot attend. Can we carry on and pass this document. Thank you, Mr. Speaker, Sir.

Hon. Speaker: I think to enable us move forward, can we hear from the mover, when did this process begin?

Hon. Nduva: Mr. Speaker, I have once again said, one month ago, we were discussing this document and members were supplied with copies of this document. So, I wonder why is it that a member has not gone through the document? But many times, you will find members get this documents, including myself, and don't through the document. So they should not let the business of this House to stall because somebody does not go through this document. This document has been in our cars, our offices and Mr. Speaker, the document for this document was adequate and I beg this Hon. House to pass this document. Thank you, Mr. Speaker.

Hon. Speaker: Unless you are saying something different from what has been said. Let us hear Hon. Munyaka notes.....(*inaudible*)

Hon. Speaker: Thank you, Mr. Speaker, Sir. I understand the mover of the motion said that the document is brought to the assembly to be amended or to be passed with amendments and because it is now on the floor, I would like to ask the House to change and instead of saying Machakos County Assembly---

Hon. Nzeki: Hon. Munyaka, we were discussing the adjournment motion and not the adoption of the motion. I will allow Hon. Kyuli and Hon. Manyolo. Let us begin with Hon. Kyuli.

Hon. Kyuli: Thank you, Mr. Speaker. Mr. Speaker---

Hon. Speaker: Order! Order Hon. Members. Proceed.

Hon. Kyuli: Mr. Speaker, this document is as important as it is and it belongs to us all. My prayer is that if you allow us, even if it is one day, then we will go through this so that tomorrow as we sit, we can have the amendment ready and even write them to the chairman, on the things that we need to be amended. Nobody is questioning the passing of this document but we need just a few hours or so that we can even write to the chairman and do the amendments and we pass the document maybe tomorrow or at a later date. Otherwise, Mr. Speaker, I pray that it must not end in fighting in everything that we bring to this assembly. Thank you.

Hon. Speaker: Thank you very much Hon. Members. Can we agree, by consensus that we deal with this matter tomorrow afternoon.

Hon. Manyolo: Yes.

Hon. Speaker: We can strike that balance. We don't need to put every matter to vote.

(Question put and negatived)

Then the Speaker, rules that the matter be handled tomorrow at 2.30 p.m. Let those who have amendments write them to the Chairman and tomorrow we shall not entertain any adjournment applications. Proceed, Clerk. Order Hon. Members. Proceed.

REVIEW THE INTERIM STANDING ORDERS

Hon. Nganga: Thank you, Mr. Speaker, Sir. I am here to present the report of the committee on procedure and rules. Mr. Speaker, the committee on procedure and rules met on various dates and in various venues outside the assembly and within to review the interim standing orders so as to suit our assembly. The venues include Panari Hotel in Nairobi, Garden Hotel in Machakos and a retreat at Mombasa continental hotel.

The five members of the committee attended the meetings including the Chairman who is the Speaker. We had 35 members of the assembly attending the meeting together with the member of CASB making him the 36th member. In attendance we had the Clerk and his team led by Felix Mbiuki and the team of clerks who were nine.

In review in the standing orders, the committee sat and sought assistance of a consultant through the CASB so as to help in the reviewing the standing orders. The consultant was engaged at all levels up to the last stage where we came with a draft ready for approval by the county assembly.

Mr. Speaker, Sir, under Standing Order 188 (4), which states that county assembly procedure and rules committee may propose an amendment to these standing orders and any such amendment may, upon approval by the county assembly take effect at the time appointed by the county assembly.

Mr. Speaker, the committee recommended, under the standing order 188 (3), which states that the committee shall report on all matters relating to these standing orders. The committee met and recommended amendments which are annexed to the report. Mr. Speaker, during the discussions we considered the various matters that have been of concern to this county assembly in the interim standing orders that we have.

We also had the wisdom of the consultants that had experience in doing the review of the standing orders in the national assembly. Mr. Speaker, we also went through the national assembly standing orders and tried to compare that with what we have as interim standing orders and we came across several matters that we found were of substance and importance that were to be either changed or deleted or to be added or to be amended to suit the needs of various members within the House.

We had issues to do with the size of the committees. We felt that we had large, our committees used to be very large and we wanted to reduce the membership of committees from a maximum of 29 to 11 and a minimum of 21 to 9. Mr. Speaker, we also had issues to do with the sectoral committees being very large and having a lot of huge mandates and we proposed that we split several committees to be lean enough for the members to be able to take their responsibilities.

Mr. Speaker, you understand that under the new constitutional dispensation, most of the House business is mainly conducted under committee stage and then present to the plenary for approval and when we have committees with huge membership, you realize that members may fail to concentrate on the matters before them unlike when we have a small number of members who dedicate most of their time, skills and expertise in addressing the matters that are affecting them in the committees.

So, Mr. Speaker, out of that knowledge, we split several committees, moving the number of sectoral committees from eight to 12 and also we also came up with new committees that were not in existence, to address matters of affirmative action and the marginalized groups within our populations.

Mr. Speaker, we also defined several clauses that were not defined within our standing orders and it is our of this regard Mr. Speaker, that I would like to request the floor for the members to debate about continuing with approval of the document that is before us. You understand Mr. Speaker, we are behind schedule, and we should have approved our standing orders far much earlier than we are now because this is the document that guides the operations of this House.

Most of the critical matters that I have always been facing have always arise from the interpretation of the standing orders and the intentions of this committee was to make it much more clearer and more acceptable to each and every one, each and every member of the committee. Therefore, I would like to call upon one Hon. Felix Ngui to support and make a comment on the report. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Ngui: Thank you, Mr. Speaker, Sir. I am also of the rules and procedure committee and you realize that the Standing Orders is a very important document for the county assembly. It is the guideline of the day of the county assembly and we still use the interim standing orders

which we got from the Transition Authority and it is now a year and a half since we commenced the business of Machakos County assembly.

Mr. Speaker, it is at a goodwill that, and it is the right time for this Hon. House to adopt its own standing orders and the committee on rules and procedure sat with the legal counsel and came up with the best document ever and it is my plea to this House to support that we amend and adopt our new standing orders. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I open the floor for contributions and debate on areas that you feel are good and those that you feel require additional amendments. Yes.

Hon. Maitha: Thank you Mr. Speaker. Once again, this House stands to make another major move in coming up with a document that seeks to guide this assembly on its way forward in terms of undertaking the legislative mandate. Mr. Speaker, Standing orders, are not just a document. I have seen there were some members who were invited to discuss this document. I don't know whether it was just being unfortunate, I have never managed to sit in any sitting in any apart from the one we had at 67 Hotel when some members were away and we never managed to discuss the document at length.

Mr. Speaker, standing orders cannot just be amended or discussed and passed anyhowly. I am kindly requesting Mr. Speaker, that we be given time, like if we come back next Tuesday, we pass the document such that Hon. Members can go through the same document, read the various amendments that need to be done and if possible, we know there are members who don't have a copy of the standing orders which were gazetted so that we can go through, check through the various areas which need to be discussed because it is a document that needs to be discussed.

On a point of information, as well Mr. Speaker, you understand very well that the said document, that is the standing orders, there is a petition that has already put in court. Can we get the information from your side on whether you are aware there is an injunction on adoption of this document. Thank you, Mr. Speaker.

Hon. Kitheka: Thank you Mr. Speaker. On the preliminary of the membership, I can see that Hon. Muthuka was a member and on the second page, he is still invited and comes as an invited member. When you go to No. 32, you find Hon. Caleb Mule having been a member. So, citing those issues that have been put by negligence or mere ignorance, Mr. Speaker, I am bringing to your attention, the issue at hand of discussing this document may not be valid simply

because of what is happening in the corridors of the court that there is a petition of the court effect which is barring any changes to this document until the case I court is determined.

So, Mr. Speaker, I kindly request your indulgence in this matter for deferral to a later date. We are not refusing the document but we are requesting for a deferral of the document for the betterment of this county assembly. Thank you, Mr. Speaker.

Hon. Speaker: Yes, Hon. Kitheka, kindly clarify whether there is a court injunction and if you have it, present it because I have seen none.

Hon. Kitheka: Mr. Speaker, aware that there was ruling in this assembly putting in place some un-procedural decisions, members of this assembly decided to go to the court---

Hon. Speaker: Order!

Hon. Kitheka: They are members. They decided to go to the court and were granted the necessary hearing by the court and we are aware that this Hon. House, through the Speaker or the Clerk, have been served with a document barring the issue of discussion of and putting in place the current or the former chairmen discussions which have been discussed at length in that petition which has cited some clause in this standing orders which ought to be changed so that they can suit the irregularities which came into place.

On the same strength, Mr. Speaker, we know very well that the document was received yesterday or the day before yesterday in the assembly and you might be aware that there is an issue that pertains to the same and we cannot run away from our responsibility. Mr. Speaker, I kindly request you because you are the chief custodian of all the rules and regulations of this House, please I kindly ask for your guidance on this matter so that, at least, at the end of the day, we cannot just pass mere documents that have some obstacles on the periphery.

So Mr. Speaker, I kindly request, because it is an issue which is very touchy which is addressing the plight of this House, we consider the members coming with that petition, being addressed, determined by the court then we come into this House to address the same. We are not running away from the document. We know it is a vital document which ought to be passed in this House and we cannot run away from our responsibilities of passing this document.

So, Mr. Speaker, with the kind of wisdom which ought to be portrayed in this House, we kindly request you to consider this matter with a lot of weight so that, at least, we cannot keep on these same wrangles in this House we call for good of this House. We do not want every day, every other week, we come here, we look each other with suspicious eyes, and we look each

other with guilty eyes. We want to address issues as per the issues of this House. If it is issues barring us discussing this document, let us just put it aside, discuss what is at hand pass the document which are very relevant to this House and I know very well, within a very short time, if Mr. Speaker, you can hinge the reconciliation way of the National government, we are going to make an impact in this county and we are going to make this county to be governable---

Hon. Speaker: Order, order!

Hon. Kitheka: I kindly request---

Hon. Speaker: Order!

Hon. Kitheka: We work in hand---

Hon. Speaker: I am saying order! Proceed.

Hon. Kitheka: Mr. Speaker---

Hon. Speaker: Conclude.

Hon. Kitheka: I am kindly requesting this House to consider the plight of the county government of Machakos people not their plight only. Thank you, Mr. Speaker.

Hon. Speaker: I think as much as there is a case in court the office of the Speaker is aware of the court matter. I perused the document with the aid of my Clerk and the entire legal team that we have and there are no restraining orders. There is nothing to stop the business of this House. Debate proceeds.

Hon. Manyolo: Thank you Mr. Speaker, Sir. This is a nice document but we need time Mr. Speaker, Sir. We have heard of inserting, deleting, referring and so many things. So Mr. Speaker, Sir, I kindly request for time to go through this and we get technical officers. In fact, Mr. Speaker, Sir, and the level of cognitive capacity of a person on the impervious mind he has, so Mr. Speaker, Sir, defer this. Thank you Mr. Speaker, Sir.

Hon. Speaker: I need to give time to the mover of the motion. It will never be easy. It still will be inserting and putting. It will never be easy but let us hear from the mover.

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Hon. Nganga: Thank you Mr. Speaker. Last week when we were here, we went through the same request, Mr. Speaker, to give more time to members to go through the document and I honorably did that, Mr. Speaker. You realize when we are doing bills and when we are going to the final stage of approval of a bill, Mr. Speaker, the procedure is that some clauses that need to be amended, that is the way they are captured. I know because we have not been able to do many bills in this House. Most members have not had the experience of the deleting and inserting sub section and such like things. Somebody may think it is language from the Greeks but as we go through the document by the time we are done, it will be an experience you will yearn to go through every other time and for example, I do not know how many of us have the Standing Orders.

I would just want to give, like in the first page of the report, where we have the proposed amendments. If you look at that page, it proposes that, on page one of the Interim Standing Orders. This is the Interim Standing Orders, Mr. Speaker, allow me to do a demonstration for the sake of these members so that they may be able to walk all the way with me so they may understand what we are out to achieve. Mr. Speaker, you realize that we are proposing to delete whatever is in the first page, this face so that, Mr. Speaker, it may conform to the manner in which the pages of the Standing Orders are always done or the first page.

When you go to the proposals for the matters to be included, we have inserted changes to the face so that the new face of our Standing Orders would be more improved and we look much better than what we have here. Whatever we have here is what was proposed and the guidelines that were given by the Transition Authority when they were preparing the Standing Orders for the sake of this House. So I want to tell this House that, Mr. Speaker, we did this document with their interest at heart and considered each and every matter for their own good. We never pulled if you allow me to quote Swahili saying that says 'kila mwamba ngozi huvuta kwake.'

Mr. Speaker, we were not out to push this document to benefit our own individual needs but rather to fit within the larger needs of this House and even to be a document that every other county assembly would want to have a look at and make their own proposals. Mr. Speaker, even in page two, of the Interim Standing Orders we have somewhere where the Standing Orders are specifically made for Machakos County Assembly and that is why we have proposed to insert the word Machakos. So that we own up the document to make the document much more of ourselves because the way it was structured, this was just a general structured interim standing orders for the 47 county assemblies.

But now here we are doing a review for the sake of us as a county assembly to make the document fully be owned and comprehended with our own culture and values. So I want to urge members to find it important to give this document a chance and then, Mr. Speaker, I have no

problem, if they feel still they are not yet today, guided by your wisdom, you can rule on whether we shall continue with the debate or we still have to do it at another date. But Mr. Speaker, it is becoming a common trend, a common culture that whenever members are presented with documents, they do not go through them.

They just sit and wait until the document is brought again to the House and then the mover is told 'give us more time we go through the document then we come back.' Then the next time, somebody else will still stand up, Mr. Speaker, and say 'Mr. Speaker, I had no time to look at this document,' but I would want to urge this House that we realize that the need for committees in the county assembly is because we cannot all of us sit together and deliberate on one matter and agree on it. There are instances where we shall agree to agree and others where we shall agree to disagree.

In those instances then we put the interest of the county first and then our interest follow later. Mr. Speaker, the reason why this committee took more time that it should it was to make sure the interest of each and every party has been captured. You look at the number of the members who were invited. Mr. Speaker we invited the whole county assembly and we only managed to get 35 members plus the five members of the committee making it 40 so we only missed 20 members of the House.

Indeed, having a 40 per cent that is two thirds of membership of this House and that is a good number, by any standards to have approved any document for the entire county, leave alone for this House. So I want to urge members to take it and consider this positively and give it a favorable debate so that we may be able to move forward and approve the document for the House to be able to be use. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, very much for that. Hon. Members, you realize that a lot of effort has been put in this document and last time debate was attempted and Members asked for time to go through this document. It would appear that, it is indeed not a very easy document but it will take eternity to conclude this one. These are not amendments that would be cast on stone, as we progress and find that there are sections that are not favorable we can always come to this House and make amendments. This is to urge the Members to gather courage and entertain this document now. Can I have a Member who is supporting the Speaker's argument? Yes, thank you.

Hon. Mutisya: Thank you, Mr. Speaker.

Hon. Speaker: Yes.

Hon. Mutisya: Mr. Speaker, Sir, the other time we were here and we were given time to go and study the document so I stand here to support that we adopt this document as it is so that we do not waste more time on debating this document. So, I support the document. Thank you.

Hon. Speaker: Thank you. Yes.

Minority Leader (Hon. Kasoa): Thank you, Mr. Speaker. I just need some more green light from you on page two, Standing Orders 2 about the Majority Party; insert as officially declared by the registrar of political parties. What does that exactly mean because if you read the County Governments Act, it is as if it is just meaning the same? So, we need some more clarification just to understand it. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. The Deputy Speaker, the mover can clarify that.

Hon. Nganga: Thank you, Mr. Speaker, Sir. The intention why we put that amendment was because, going by experience, what we have gone through as a House when we heard several petitions and letters to the Speaker on the Majority, on the Minority Leader, and such like things, Mr. Speaker, I would get letters from all over and all offices and to make it very official, as you go through whatever is in the interim standing orders, whatever is in the interim Standing Orders does not capture who should give the official communication as pertains the Majority Party and the Minority Party or the Majority Coalition or the Minority Coalition and therefore going by the Political Parties Act, to who is mandated to give that declaration is the Registrar of Political Parties because he gets these details from the IEBC under which they collaborate in performance with their duties.

So the office of the Registrar of the Political Parties, is a relevant office in declaring which is the official Majority Party or Minority Party within a County or within the entire nation. So, we wanted to make it very clear such that in future, when somebody is making an interpretation does not make it so arbitrary but rather make it very specific and clear so that there would be no issues. So, Mr. Speaker, I hope I am clearly understood by that. It has no bad meaning, intention but it is rather only aimed at making it a little bit more official because the statement that we have is somewhat hanging. It is not very clear and somebody can use the advantage of that loophole to create scenarios that may not be very interesting and may disturb or distort the business of the House. Thank you, Mr. Speaker.

Hon. Speaker: Thank you for that but maybe to just point out, that it is only in the Political Parties Act that a coalition party is defined and we were driven by that question because

we do not define coalitions on the Majority Party within the Standing Orders. That is the governing Act. I can see through your concerns. Yes.

Hon. Katumo: I am seeking some, Hon. Speaker, thank you. I am seeking some information and an understanding. When I look at the new committees that have been formed and clearly the mover said that try to bring some empowerment especially committee number 12, we have the youth, the women and the sports. According to the provisions in the constitution, we have the marginalized and I do not see the persons with disabilities here who might represent I and Hon. Jacinta. So could it be an error, a mistake or something like that?

Hon. Speaker: Yes. We can hear the mover of the motion. Kindly indicate.

Hon. Nganga: Thank you, Mr. Speaker. I take note of the concerns indeed that committee was aimed at achieving the affirmative action that is so loudly demanded by our constitution. Mr. Speaker, there was an oversight on that. I want to be a little bit honest, there was an oversight on including the persons with disabilities in that department and I find it having no harm, Mr. Speaker, that we can still initiate the process of including the persons with disabilities at that level. And Mr. Speaker, still as we go through this, although I need further consultation, Mr. Speaker the Members are still within their prerogative, Mr. Speaker, to propose that amendment.

Once we get to that very specific committee, because after we set off to the committee of the Whole House, we shall be proposing each and every clause that is supposed to be either amended or that is supposed to be adopted and Mr. Speaker, this being a clause that would want to be adopted, the Hon. Member, can further propose an amendment to that clause and insert the persons with disabilities once we get to that stage. So, I want to tell him that he should not feel that he has been left out but I take the concern positively and I can urge that, once he gets at that point he can raise his concern and it will be adequately taken care of and make sure that he also buys the mood of the House so that other Members still will also support him when that matter comes up. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, very much. What we want to achieve is that whether we now have the mood to convert to a committee of the Whole House and deal with the document?

Hon. M. Mutuku: Thank you, Mr. Speaker. Basically I would like to say amending the Standing Orders is, really, a process, it has a life cycle. And I think the life cycle started when

the idea was conceived by the Committee. Now, it has come now actually to the Assembly and it is like we have a culture or a tradition in this Assembly whereby when the document comes, it is stalled, it delays. We need to understand that time is of essence. When we delay making achieve the goals, we might end up finishing the five years we have been having here without achieving anything. So, Hon. Members, being a continuous process, I think we can initiate because I believe there is a saying says ‘a journey of a 100 miles starts with one step.’

Let us initiate reviewing the document, amending it, even if we complete and later we realize there are some challenges in the document, we can also initiate the process again because we have a committee for rules and regulations. We can actually initiate the process if we realize we erred somewhere. So, Hon. Members, let us have a goal or a purpose and start the journey so that we see where we can reach. Thank you.

Hon. Speaker: Thank you. I think it is then appropriate that we begin this process because we cannot keep adjourning this process, the House will now revert to a committee of the Whole House and the Deputy Speaker will take charge and we can help the process begin. This will now be the afternoon session.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman (Hon. Nganga) took the Chair]

REVIEW THE INTERIM STANDING ORDERS

Mr. Chairman: Members, I think we can begin. Order! members. Hon. Itumo, we are still in a committee of the Whole House and the rules apply, only that they are relaxed but they still apply. We are beginning with page 1 on the proposed amendments. Order members! Majority Leader, you may sit close to the Minority Leader so that we can the issue discussed. Let us start with page 1; the proposed amendments in the interim County Assembly standing orders. We are proposing to delete the entire page of page one from number 1, 7 and 8

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(Question of amendment proposed)

(Question put and agreed to)

Page 2

I hope you have a copy of the interim standing orders with you so that you aware of what we are doing.

Insert the following; Machakos, day, month, in page 2, where we have the county of Machakos and down there, as adopted by the county assembly of Machakos on a specific date. Therefore, pursuant to the provisions of section 14 of the County Governments Act 17 of 2012

(Question of amendment proposed)

(Question put and agreed to)

Page 17

Standing Order 2

We insert ‘Machakos; where we have the meaning of the Governor so that it can be specific

(Question of amendment proposed)

(Question put and agreed to)

Therefore the clause is amended as proposed.

Page 16

Standing Order 2

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The meaning of ‘Majority Party’

Insert ‘as officially declared by Registrar of Political Parties.

(Question of amendment proposed)

(Question put and negatived)

Therefore, the clause is not amended and is retained as it is.

Page 16
Standing Order 2

Insert Machakos.

(Question of amendment proposed)

(Question put and agreed to)

Page 16
Standing Order 2

The meaning of the county assembly, insert Machakos.

(Question of amendment proposed)

(Question put and agreed to)

Page 16
Standing Order 2

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The meaning of a minority party, insert ‘as officially declared by the Registrar of Political Parties.

(Question of amendment proposed)

(Question put and negative)

Therefore, the clause is not amended. Retained as it is

Page 18

Standing Order 3 sub-section 1

We delete the word ‘county gazette’

(Question of amendment proposed)

(Question put and agreed to)

Page 18

Standing Order 3 (2) (a)

We delete the wording ‘and the county gazette’

(Question of amendment proposed)

(Question put and agreed to)

Page 20

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Standing Order 6

We delete the heading, 'secret ballot' and insert the heading 'election of the speaker'

(Question of amendment proposed)

(Question put and agreed to)

Page 36**Standing Order 44 (3)**

We propose to insert the following immediately after the word constitution:-

- (i) Taxes;
- (ii) imposition of charges on a public fund or variation or repeal of any of those charges;
- (iii) appropriation, receipt, custody;
- (iv) The raising or guaranteeing of any loan or its repayments; or
- (v) Matters incidental to any of those matters.

That is 44 (3) (f). After 'the constitution', at the end of (f), that is where we want to insert those wordings. That is an explanation of the meaning of Article 114 (2) of the constitution. We have only taken what is in the constitution and brought it here.

(Question of amendment proposed)

(Question put and agreed to)

Page 44**Standing Order 62 (6)**

We delete 'a third' and insert 'five.' When you read that Standing Order, when the motion has been passed by at least one third of all members of county assembly, the county assembly shall within seven days, appoint a special committee comprising of a third of the members of the assembly to investigate the matter and shall within ten days report to the assembly, whether it finds the allegations against the member of the county assembly executive

to be sustained. In the Act that is supposed to be five and it was erroneously put here as ‘a third.’ Therefore, we propose the amendment.

(Question of amendment proposed)

(Question put and agreed to)

Page 72

Standing Order 152 (1)

This is about the county assembly business committee, whereby at some stage, the Deputy Speaker is expected to chair the committee but he is not expressly made to be a member of that committee. Therefore, we are inserting the Chairperson of committees so that there could be consistency in operations of that committee under (b). Therefore, I propose that the clause be amended as proposed.

(Question of amendment proposed)

(Question put and agreed to)

Page 72

Standing Order 152(1) (d)

We delete ‘21’ and insert ‘nine’, then delete ‘29’ and insert ‘11.’ Members we are changing the size of committees from 29 maximum to 11 and from 21 to nine minimum, so that is why we proposed that amendment.

(Question of amendment proposed)

(Question put and agreed to)

Page 73

Standing Order 152 (4)

We delete the word ‘attend and’ because that was deemed to happen when the Chair of committees is not a member.

(Question of amendment proposed)

(Question put and agreed to)

Page 73

Standing Order 152 (4)

We delete the word Deputy Speaker and insert ‘Chairperson of committees.’

(Question of amendment proposed)

(Question put and agreed to)

Page 73

Standing Order 153 (1)

Committee on selection, we reduce the membership from 19 to 11 maximum and from 11 to 7 minimum and therefore we are proposing to delete seven and insert 11, delete 19 and insert 11.

(Question of amendment proposed)

(Question put and agreed to)

Page 75

Standing Order 158

Still, on the size of committees. We don’t have a point of order on these. We have no quorum? The clerk you can confirm whether we have a quorum as we continue. Still on the

size of committees, delete 11 and insert nine, delete 17 and insert 13.

(Question of amendment proposed)

(Question put and agreed to)

Page 82

Standing Order 182

We are proposing to delete article 153 (4) (b) and insert article 183 (3). There was an error on the constitutional referencing there and the right one should have been 183 (3). That is why we are proposing to make that amendment.

(Question of amendment proposed)

(Question put and agreed to)

Page 82

Standing Order 185 (4)

We propose to insert sub-article (b).

(Question of amendment proposed)

(Question put and agreed to)

Page 103

Standing Order 225

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This is the Standing Orders that we are changing because of the attendance of the county assembly plenary by the county executive committee members in response to summons to make presentations or answer to questions in the plenary.

(Question of amendment proposed)

(Question put and agreed to)

Page 104
Standing Order 228

Insert the respective Standing Orders.

(Question of amendment proposed)

(Question put and agreed to)

Page 108
Standing Order 238

We propose to delete all that section because it is about transition and now we have already gone through the transition.

(Question of amendment proposed)

(Question put and agreed to)

Second schedule

Page 112-113
Standing Order 190

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We are proposing the re-arrangement of sectoral committees to have committee of agriculture and cooperative development, committee of environment, land, energy and natural resources, committee of roads, transport, public works and housing, committee of trade, planning and industrialization, committee of education and social welfare, committee of health and emergency services, committee of culture and tourism, committee of Justice and legal affairs, committee of labor, public service and ICT, committee of decentralized units and urban areas, committee of finance and revenue collection, committee of youth ,women and sports and persons with disabilities.

(Question of amendment proposed)

(Question put and agreed to)

New proposed clauses

Remember we deleted what we had in page one. Now we want to insert a new cover page with the following:-

Republic of Kenya as the heading
County Government of Machakos
Machakos County Assembly

Then we shall have coat of arms of Kenya and also the emblem of the County Assembly of Machakos, that says 'Kyaa kimwe Kiyuaa Ndaa'

(Question of amendment proposed)

(Question put and agreed to)

Standing Order 2

We have some definitions there that are missing within our Standing Orders like the interpretations in page 15 onwards. We include the interpretation of the Chairpersons of

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committees, interpretation of Coalition and interpretation of Gazette, interpretation of the Special Sitting.

(Question of amendment proposed)

(Question put and agreed to)

Page 27

Standing Order 25 (5)

We are inserting a new clause.

(Question of amendment proposed)

(Question put and agreed to)

Page 27

Standing order 26 (1) (b)

We are splitting Standing Order 26 (1) into two and insert a new clause.

(Question of amendment proposed)

(Question put and agreed to)

Page 34

Standing Order 41(3)

We insert a new clause where a member requests for a statement from the committee chairperson.

(Question of amendment proposed)

(Question put and agreed to)

Page 83

Standing order 186

I propose that the clause be part of the Standing Order.

(Question of amendment proposed)

(Question put and agreed to)

Page 83

Standing order 185

I propose that the clause be part of the Standing Order.

(Question of amendment proposed)

(Question put and agreed to)

Page 83

Standing Order 185

I propose that the clause be part of the Standing Order.

(Question of amendment proposed)

(Question put and agreed to)

Page 102
Standing Order 223

Insert the following.

(Question of amendment proposed)

(Question put and agreed to)

Page 103
Standing Order 225

We are proposing to split Standing Order 224 into two sections and insert sub-sections there.

(Question of amendment proposed)

(Question put and agreed to)

Page 108
Standing Order 238

I propose that the clause be part of the Standing Order.

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(Question of amendment proposed)

(Question put and agreed to)

Page 108
Standing Order 239

The interim county assembly standing orders adopted by the county assembly during the first session of the first assembly are hereby revoked.

(Question of amendment proposed)

(Question put and agreed to)

Therefore, members, having gone through all the Standing orders and approved them, I would request that I give back the report to the plenary once the House reconvenes and in this juncture then, I therefore put the question that the committee do report to the House on its considerations of the Standing Orders and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Therefore, members, I will be presenting the report of the work we have just done in the committee of the Whole House once the House reconvenes in the presence of the Speaker so that from that point, the Standing Orders of this county assembly will stand appropriately amended as proposed and approved by this House.

(The House resumed)

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[Mr. Speaker in the Chair]

**CONSIDERATION OF REPORT
REVIEW THE INTERIM STANDING ORDERS**

Hon. Nganga: I wish to report that the committee does report to the house its consideration of the Standing Orders and its approval thereof without amendments. Thank you, Mr. Speaker, Sir.

(Question proposed)

(Question put and agreed to)

Hon. Nganga: Mr. Speaker, Sir, I beg to move that review of interim Standing Orders be now read the Third Time.

Hon. Itumo seconded.

(Question proposed)

(Question put and agreed to)

(The Standing Orders were accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Speaker: Thank you very much. I am advised that that is the end of business today. Enjoy your lunch. Thank you.

The House rose at 1.33 p.m.