

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 12<sup>th</sup> November, 2014**

The House met at 10.26 a.m.

*[The Speaker (Mr. Mung'ata in the Chair)]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed.**Hon. Kavuu:** Mr. Speaker, there is a request because when you look at the House, there is no quorum so that we can whip the members to come.**Hon. Speaker:** Clerk, please confirm the matter of quorum. Okay, may the bell be rung and Hon. Kavuu, if I know well, you are a Whip. I don't know what you are doing about this. Work a little bit harder, we are almost there.*(Quorum Bell rung)***Hon. Kavuu:** Thank you Mr. Speaker. I went round the compound of the assembly and these are the only members who were within the assembly. So Mr. Speaker, you will forgive me. Thank you.**Hon. Speaker:** Clerk, kindly advise whether we have quorum. Ok, I learn that we have quorum. Then we can proceed.**PAPER LAID****KICOSCA AND EALASCA GAMES REPORT**

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the house today Wednesday, 12th November, 2014, the KICOSCA and EALASCA Games report from culture and tourism committee.

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

### NOTICES OF MOTIONS

#### KICOSCA AND EALASCA GAMES REPORT

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker, Sir. I wish to give notice of the following motion that this house discusses and approves the culture and tourism committee report of the KICOSCA and EALASCA games as laid today Wednesday, 12th November, 2014.

#### PAYMENT OF CONTRACTORS

**Hon. Kitheka:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir. I wish to give a notice of the motion that executive to consider paying all contractors who have satisfactorily completed their contract with immediate effect to safeguard the good image of the county and avoid legal action by the said contractors. Thank you very much.

**Hon. Speaker:** Thank you. Is your motion dated hon. Kitheka?

**Hon. Kitheka:** It is dated.

### MOTIONS

#### PAYMENT OF CONTRACTORS

**Hon. Kitheka:** Once more thank you Mr. Speaker, Sir and the house at large. Mr Speaker, Sir, aware that this Hon. House has approved budget for the county government of Machakos for the year 2013/14 and aware that the Executive has the mandate of implementing all the programmes as per the approved budget.

Aware that the Executive has awarded several tenders to various contractors to construct several projects within the county and other services, further aware that some contractors get bank facilities so as to finance some of their operations, and finally aware that these bank facilities continue attracting interest and penalties if not paid, this hon. house discusses and

approves payment of all contractors who have completed their work satisfactorily with immediate effect so as to safeguard the good image of our county and avoid legal actions which may arise due to failure to pay them.

Thank you, Mr. Speaker, Sir. I wish to call upon hon. Stephen Muthuka to second the motion.

**Hon. Muthuka:** Thank you Mr. Speaker, Sir, and the rest of the house. I stand here to second this motion. Aware that the financial year 2013 is long gone and we had already budgeted for the projects, which to some extent, most have been completed but we are having some problems because most of the contractors had not been paid and this is the reason why you are finding that most of the projects for this financial year are yet to start, because most of the contractors are waiting to be paid so that they can start other projects.

So it is my humble request that this house discusses and approves this motion so that we can speed up this process and then we can also encourage our investors so that they can also be able to do business in our county. At the same time, for completion of those projects and then starting of this financial year's projects will also spur growth in our county and also we will be serving the interests of our electorates who elected us and to be a step forward towards making Machakos county the place to be. Mr. Speaker, Sir, I wish to second and support this noble motion. Thank you.

**Hon. Speaker:** Thank you very much, the motion is properly laid. I open debate on it. Those in support?

**Hon. Ndeto:** Thank you Mr. Speaker, for the opportunity to contribute to this motion. I stand to support this motion with amendment to include those contractors who have done their work halfway as per the contract argument. For we know in most cases, when contractors are contracted, they are supposed to do the work, then at a given stage, a down payment is made, and when they complete the project, the rest is paid. So I support this motion and I request this house to amend the motion also to include those who have done their part as per the agreement.

We are aware that many of the contractors have not been paid. I will give an example of my ward. The contractor who was constructing the road has not been paid and he completed his work. The contractor who was constructing the hospital did it halfway as per the agreement and the down payment was not done. Then we also have the contractor who was supposed to construct the market sheds.

He has not started simply because he undertook another contract in which he was not paid. This is becoming a failure of the county and I request the entire house to support this motion and have these contractors paid. Thank you.

**Hon. Kathinzi:** Thank you Mr. Speaker. I would want to congratulate mheshimiwa for bringing such a motion and also support what mheshimiwa Ndeto has just said. We need to support but with amendments. I would like to give reasons for example with Kivaa ward where a contractor was paid fully in Komola water project, Ksh 2.1 million in the last financial year. And Mr. Speaker, today that project is nothing but just a very big white elephant. Because I understand there was no part provision for payment of the same.

Secondly, last week, we were discussing the water tank supplier. There is a crisis of payments, as we understand at this particular house, that we discuss this particular issue and that is why even today, I have like 29 schools where water tanks have never been supplied because of non-payment issues.

Thirdly, there is the first phase of payment of roads which was supposed to be paid Ksh 5000 and the supplier was never paid in Kivaa ward---

**Hon. Speaker:** Hon Kathinzi, let me understand why you keep talking about water tanks.

**Hon. Kathinzi:** No, Mr. Speaker, it is because when I go to any particular meeting in my ward, that is the agenda number one for all the teachers and parents and even the pupils in all schools and the contractor is not paid. Now Mr Speaker, it is not the issue of water tanks in Kivaa ward but the issue is the contractor who was supplying water tanks never supplied the water tanks because of non-payment---

**Hon. Speaker:** But last week we referred the matter to a committee.

**Hon. Kathinzi:** I am just highlighting issues I am not dwelling on that. The other one Mr. Speaker is the market sheds which are being built in Kivaa area and that market shed contractor called me last week. He told me 'why can't you talk to the payment department so that I can get part payment?

I understand some of these projects, Mr. Speaker, are just being given to youths and women who have financial crisis. They do not have much resources to facilitate for that and even as we are speaking, Mr. Speaker, the Kithyoko community hospital has been after the contractor who finished the first phase, and this contractor was given three contracts in Machakos county,

and he has not been be paid. So that building is standing there, the community committee is asking why the contractor just disappeared and therefore, Mr. Speaker, that is why I am giving this reason why I support this motion with amendments so that we can give a fair judgment for our contractors so that when they finish a certain stage and get their payment. Thank you, Mr. Speaker.

**Hon. Speaker:** So hon. Kathinzi, you are saying the contractors be paid for work done.

**Hon. Kathinzi:** Yes, for phases. In fact, I am a contractor for more than 10 years. When you finish the first phase of the floor, you are given something. When you finish the second phase, you are paid something and then there is retention of around 10 percent that will be kept for more than six months so that, if there are cracks on the wall, you can be held responsible, then after six months you can be paid your balance.

**Hon. Speaker:** Hon. Kathinzi, there are many forms of contractors. There may be service contractors, can they be paid in these---

**Hon. Kathinzi:** Mr. Speaker, this one I am emphasizing on my field of specialization about contracts of building and therefore for suppliers they should be paid in totality. Last time, I gave a reason as to why we should allow the finance department to be effectively paying our contractors. I have one who was given a contract to fence a livestock yard in Kivaa market. This contractor had some money was solicited from him, almost Ksh. 75,000 and I requested *mheshimiwa* Kitheka, because we are sitting in his ward, to allow us to move to that particular kiosk. I know where it is. Where the contractors are begin fixed to give some cash so that they can be facilitated with their payments. This is so bad. It is giving bad reputation to our county.

**Hon. Speaker:** But you now understand where we are getting into. There are various forms, various modes of payments and we may perhaps need more research on this and have a report. Because we cannot just say, 'let all contractors be paid,' we need a report telling us that this has been done, this is what ought to be done and I think you understand what we are getting into now.

**Hon. Kathinzi:** Mr. Speaker, I think there is a procurement rule of law, how things will be done. If I am told to supply this mace in this particular assembly, I am accepting to be paid in totality because one, the tender committee, when they sign delivery note, I need to give my

invoice so that I can be paid, but for a contractor who is doing some renovations like the chambers, then is when we allow in phases. This contractor should be paid something to make sure he does his work quickly.

**Hon. Speaker:** Okay. Let us have more contributions.

**Hon. Maitha:** Thank you Mr. Speaker and the hon. members present. Mr. Speaker, Sir, I tend to sympathize a lot with the service providers and contractors of this county. And this is in reference to the financial statistics that have been advertised for the last three months regarding the financial status of our beloved county, Mr. Speaker, Sir.

I really sympathize with those contractors and those service providers. Irrespective of their terms or conditions they have agreed with the County government of Machakos, as far as the services they were supposed to render the contracts which they were given, they have accomplished in the right time, in the right manner and they are supposed to be paid, Mr. Speaker.

Reference to the Daily Nation newspaper of July this year, Mr. Speaker, after all the disbursements were done from the national government, it was clear in the newspaper that Machakos County had a balance of Ksh. 15 million. That was the daily newspaper of July this year. That is the 2013/14 budget as per the national government disbursements, Mr. Speaker, Sir. 23rd October, this year, Mr. Speaker, the---

**Hon. Speaker:** Hon. Maitha, in the newspaper for July this year, are you suggesting that there is only one newspaper for the whole month?

**Hon. Maitha:** The Daily Nation newspaper, the Star, the Standard newspaper, all the national dailies, Mr. Speaker, I am talking about. They advertised clearly from the office of the Treasury and the Controller of Budget and the Commission on Revenue Allocation, Mr. Speaker. It clearly said that, as at that time at the expiry of 2013/14, budget plans and disbursements for the national governments---

**Hon. Speaker:** The concern of the Chair is, are you in a position to tell us this newspaper was for which date because we do not have one newspaper for a whole month.

**Hon. Maitha:** Mr. Speaker, given time. I might not quote the exact date but the publication was on July. This assembly purchases newspapers every single day and they are

supposed to have somewhere where they keep them for reference, but I can get that newspaper, Mr. Speaker. I am 100 per cent sure that by mid July, Mr. Speaker, the advert was that Machakos County had only a balance of Ksh 15 million as at the end of June, 2014, Mr. Speaker.

So I really sympathize with this because what we are talking about is the service delivery issue. These services were supposed to have been undertaken between 1st July, 2013 to 31st June, 2014, Mr. Speaker, and when these services are rendered, the monies were released but these contractors have not been paid. What we are talking about today is, those services which were rendered to the county government of Machakos for the last financial year and they have not been paid and reference to that advertisement, Mr. Speaker, I wonder where we are going to get money to pay for those services, Mr. Speaker. To date we should be talking about contractual services that are supposed to be given for the financial year 2014/15, Mr. Speaker.

The three dailies advertised a week ago that the first disbursement and second disbursement of the 2014/15 Machakos County had received a total of Ksh 1.3 billion but what was remaining in the account is only Ksh 15 million for the current expenditure and Ksh 450,000 for development expenditure, Mr. Speaker.

The big question is how we are going to get to pay these contractors, Mr. Speaker, because the services that we are asking for payment are those services that were supposed to be catered for in the last financial year.

So Mr. Speaker, what I want to emphasize is this, we need to ensure that fiscal budgetary discipline is exercised in this county. The committee on health, last week, visited the General hospital, Mr. Speaker. It is in a pathetic state- no medicine, no food, no firewood, totally nothing, Mr. Speaker.

We got a report here about the situation of other medical facilities in Machakos County. The reason their situation is so pathetic is because, those contractors are speaking to almost all these hon. members and expressing their concern that they can no longer supply services or supply goods because they have not been paid. A case of reference, Mr. Speaker, is that I happen to have met some contractors last week, and the big question they were asking me is, 'we are worried if we are going to supply services and be paid.'

So I support this motion Mr. Speaker, but in as much as we want to support this issue, Mr. Speaker---

**Hon. Speaker:** Hon, there is a point of order there, let us hear it.

**Hon. Nduva:** Mr. Speaker, I want to correct the hon. member who was giving statements that the issue here is not where to get money to pay the contractors because Machakos county government cannot give contracts that it doesn't have money for today. The issue here is contractors to be paid, Mr. Speaker, Sir. Thank you.

**Hon. Maitha:** Mr. Speaker, as I conclude, I want to tell hon. Nduva, the issue is payment but unless you want to hide our heads under the sand, Mr. Speaker, no one can wake up today and say that Machakos is not facing financial crisis. Evidence, we got our salaries 10 days after the end of the month, can we wake up and say, Mr. Speaker, that we are having stable financial ground.

I was giving a reference. A week ago, it was Machakos had Ksh 15,400 (sic) in their account, the salaries are supposed to be paid more than Ksh 100,000 (sic) Mr. Speaker. So the question is, the money that had been appropriated to pay for those services and contracts is what we should be asking ourselves. Otherwise I support the motion. Wherever the money will be gotten from, Mr. Speaker, let the contractors be paid so that we can avoid the burden. Thank you, Mr. Speaker.

**Hon. Speaker:** thank you. Let us hear the chairman of legal committee.

**Hon. Itumo:** Thank you Mr. Speaker. I represent Kangundo Central ward and I also I said the last time that I am the vice-chairman of the big clan, *Aiini* clan, the *muiini nthengo ngo'* clan. I knew you would catch my hand earlier, maybe I look somehow, but my wife who is supposed to be in charge of my dressing was not around this morning. Mr. Speaker, I take this opportunity to support that motion fully.

Mr. Speaker, it is like this House has been discussing negative motions, because what has been brought in this hon. House is not positively sounding. Mr. Speaker, imagine yourself being a contractor and you are supposed to be paid in phases and after every one phase, you are not given anything.

You know most of these contractors are Young Turks or even their finances are not up to date. Mr. Speaker, Sir, I urge this hon. house to pass this motion, because we have grounded all this contractors by not paying them. Mr. Speaker, at my place there happens to be a young contractor who was building a water kiosk where a tank was supposed to be placed on top.

Mr. Speaker, the furrows were dug, that small kiosk was built but he was grounded because whenever I ask him about the work not going on, he told me, 'you know I am supposed to be paid in phases. I have finished the first phase, I have not been paid.'

Mr. Speaker, let us all play clean cards on the table and not hiding the dangerous ones under the table, Mr. Speaker. Mr. Speaker, there is this saying that goes 'a bad start makes good endings' but now it may seem the vice versa and that will spoil the good image of this county because we do not want to go the way the donkey goes. Mr. Speaker, I beg each and every member of this hon. house who has a sound mind to support this motion. Thank you, Mr. Speaker.

**Hon. Speaker:** I hope hon. Nduva you have sound mind. Proceed.

**Hon. Nduva:** Thank you, Mr. Speaker, and I stand to support this noble motion because there is nothing to hide as far as the projects across the county are concerned. Mr. Speaker, we don't want to make assessment of what the government has and what the government has not done, but now the clear picture tells the position of the contracts and the contractors.

Mr. Speaker, if you go around the wards, the projects have stalled. We have the community hospitals even the markets sheds. Mr. Speaker, the contracts which were awarded recently for the classrooms, most of the contractors had not reported. When we tried to inquire because some have started and others are finishing, they tell us, 'you see I was given another contract before and I have not been paid.' Mr. Speaker, a bad image is being seen towards ourselves as the leaders and stakeholders of this county.

Mr. Speaker, what we are talking today here is a matter of facts of what is happening. So I urge this hon. house to consider and approve this motion that, consideration be made so that we may not end in the pictures that we never decided for when were prepared to work for the electorates of this county. Mr. Speaker, I totally support this motion with sound mind. Thank you, Mr. Speaker.

**Hon. Nzoka:** Thank you Mr. Speaker, Sir. I support this motion because everyone on the ground is seeing what is happening and what we don't want to see and hear is that our county to be taken to court because it seems we are going there. It will be embarrassing to hear that Machakos County has been unable to pay the contractors. So we request the Executive to do what it does to see that it has saved that image.

Again, those contractors, most of them have taken loans from the bank. When you sign an agreement that you have received such a job, it is easy to be given money from the bank but o

because of non-payment, they are also getting further loses. So we need swift action to save the Machakos county Image. Thank you Mr. Speaker, Sir.

**Hon. Mbithi:** Thank you Mr. Speaker. I am very happy a time like now when everything is taking the right course. For the past few months, I have been very passive and this time round, I want to be very active because I can see we are heading in the right direction.

Mr. Speaker, there is a saying 'give Caesar what belongs to Caesar'.

The contractors have done their part. They need to get their share. Mr. Speaker, to be a contractor, it is a business like any other. It is a business like any other person running a shop, a driver, and it is good at the end of the day as those other businesses are getting their share the county gives the contractors what belongs to them.

I understand as a businessman, and investing heavily in these projects, many of them must have taken loans which have to be paid. Many of them have liabilities. They have school fees, they have rents and their hope is in the outcome of what they get from these projects. So I don't think there is any other thing we need to do other than paying the contractors so that they can continue with their work.

We have different types of projects, Mr. Speaker, going on in the county. We have the roads, the ECD classes, the hospitals, and you find in each and every other ward, almost all those projects are stalled. Reason? Contractors have not been paid. For example, in Lower Kaewa, we have the hospital which is almost at the roofing stage but the contractor says he has worked all along with his own finances and now he is stuck. These projects are not benefiting the contractor, they are not benefiting the MCAs, they are benefiting the sons and daughters of Machakos County and it would only be fair if we fight for what is benefiting those people on the ground. So, to sum it up, I am in total support of the motion. Thank you.

**Hon. Kimata:** Thank you Mr. Speaker for giving me this chance to contribute to this important motion. I think, Mr. Speaker, some of these contractors get loans from the local banks and they get it with a lot of interest, so what they require is to be given their share or their money so that they can repay their loans. So it is high time for this county to make sure that the contractors get their share.

They also have families that depend on them and if they are not given this money, they cannot cater for their basic needs. Also most of these projects were stalled due to them not being given their money so the Machakos county government should make sure that they pay these people their money. Thanks.

**Hon. Speaker:** Thank you. Hon Kitheka, the mover of the motion, tell us, there is an amendment that was proposed by hon. Festus Ndeto. Tell us your reaction on that amendment.

**Hon. Kitheka:** Mr. Speaker, knowing very well the issues we are discussing are pertinent, I wish in totality to accommodate the amendment which has been put into the motion and wish to continue with the debate with the members, unless there is another issue.

**Hon. Speaker:** So maybe I put the question that those in agreement that the motion be amended to include payment for partial work done.

*(Question put and agreed to)*

The motion will proceed as amended, any additional contributions for the motion?  
Let us hear the mover once more.

**Hon. Kitheka:** Thank you Mr. Speaker. I wish to thank the entire house for this noble job they have done for considering this motion which has been laid in to this house. I wish also to congratulate hon. Kavuu, the Deputy Whip, who has managed to whip members to come into this house and to consider this motion which was a very hard motion to make a verdict on. Mr. Speaker, I know very well the issues which have been discussed in this motion are not witch hunting issues. They are issues which have truth in them and are giving the hon. members a very hard time in their wards and even in town.

Mr. Speaker, I give you an evident issue which happened to me last week at T-TOT hotel, somebody accosted me and told me, 'you, Mr. Kitheka you are not paying us and you have to pay us our money, we have paid taxes and you are not paying us when you give us contracts.' So Mr. Speaker, for such scenarios not to happen and to have a good rapport in the county and the residents of Machakos, I wish the county to consider this issue as a very important issue which can be implemented within the shortest time possible for us to live in harmony within Machakos.

I know very well there are financial constraints, but even if they are there, we are also calling for fiscal discipline within the county so that at least we cannot just do priorities upside down and paying things which have not been in the budget to an extent of overlooking the issues which have been passed in the most rightful way.

So Mr. Speaker, knowing that some of the contracts, were given in the best procedure of procurement, we are requesting the payment to be prompt. So Mr. Speaker, there was an issue which was raised by hon. Kathinzi on the issue of the kind of job which has to be paid under what certain time, Mr. Speaker. On the issue of the supply of goods and services, they have to have nine days of payment after the completion of supplying and on the issue of contracts like a building and a road; they have to be paid in phases which have to be given a certificate of completion at each particular phase which has been completed.

So Mr. Speaker, I wish to thank these hon. brilliant members for a good job done in this house. Thank you very much, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Members, that is the conclusion of debate on this motion and now I put the final question.

*(Question put and agreed to)*

With the directions that the result of the motion be communicated with the CEC finance and the entire motion be further referred to the finance committee which shall compile a report and present it to this house for further deliberations. Thank you very much. Let us proceed, Clerk.

#### KICOSCA AND EALASCA GAMES REPORT

**Hon. (Ms.) Ndinda:** Thank you, Mr. Speaker, Sir. Mr. Speaker, aware that Machakos county participated in KICOSCA competition in Nakuru on 17th to 24th August, 2014 and EALASCA competition in Kampala from 26th September to 5th October, 2014, aware that the games have a long history since 1978. Mr. Speaker, Sir, aware that games and sports are instrumental in promoting values that are harmonious and non-discriminatory in the society.

Mr. Speaker noting that there is need to enhance good relationships and promotion of equality of opportunities, which are some of the mission of National cohesion and integration, I wish to move the motion that this hon. house discusses and approves the report of Kicosca and Ealasca competition. Thank you, Mr. Speaker, Sir and I thereby call hon. Joseph Itumo to second the motion.

**Hon. Itumo:** I stand here to support the motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I open debate on the motion as presented.

**Hon. R. Mutuku:** Mr. Speaker, I want to bring to your attention that we do not have the report with us.

**Hon. Speaker:** Clerk, can the report be circulated. We can proceed and hear the report.

**Hon. (Ms.) Ndinda:** Thank you, Mr Speaker, Sir. The 2014 KICOSCA and EALASCA games.

Mr. Speaker, there is need to facilitate and promote a Kenyan Society whose values are harmonious and non-discriminatory for peaceful co-existence. This helps to address and reduce inter-ethnic conflicts, promote equality of opportunities and good relationship. The above, Mr. Speaker, are some of the missions of National Cohesion and Integration Commission which is a Statutory body established under National Cohesion Integration Act ( Act 12, 2008).

Mr. Speaker Sir, it is worth noting that H.E Kofi A. Annan, on 1 February, 2008 in Nairobi, witnessed the forum that brought together the Government, PNU and ODM delegations to have a dialogue and reconciliation agreement, hence the need for Kenyans to interact peacefully.

Mr. Speaker, KICOSCA stands for Kenya Inter-County Sports and Cultural Association and ELASCA is East Africa Local Authorities Sports and Cultural Association. KICOSCA, originally referred to as KIMSCA (Kenya Inter- Municipal Sports and Cultural Association) was formed in 1978 and the name changed after development of County Government in accordance with the Constitution.

Mr. Speaker, the main aim was to reach East African Countries (Kenya, Uganda, Tanzania, Rwanda and Burundi) not only through games but also cultural dances in order to enhance good relationship between the Kenyan Local Authorities and other countries.

Mr. Speaker, Sir, the KICOSCA games were held on 17<sup>th</sup> to 24<sup>th</sup> August, 2014 in Nakuru and ELASCA 26<sup>th</sup> September to 5<sup>th</sup> October, 2014 in Kampala. Machakos County Government staff participated in nine disciplines namely folksongs, netball, basketball, football, darts, athletics, borrowed song, culture dance and set piece.

Mr. Speaker, these games squarely lie within the mandate of the Committees of Labour, Public Service and ICT and Culture and Tourism.

Further, Mr. Speaker, Sir, pursuant to the Standing Orders, Second Schedule the Committee of Culture and Tourism shall deal with ‘All matters related to cultural activities, public entertainment and public amenities, including betting, lotteries, casinos and other forms of gambling, racing, liquor licensing, cinemas, video shows and County parks, beaches and recreation facilities and local tourism, culture; control of drugs and pornography; and annual animal control and welfare, including licensing of dogs and facilities for accommodation, care and burial of animals.’

The Committee of Labour, Public Service and ICT is mandated to deal with ‘all matters relating to Labour, trade unions relations, man power or human resource planning; information, Communication and Technology.’

## **NATIONAL KICOSCA LEADERSHIP**

Fredrick Rimbere –National Chairman

H.E, Kinuthia Mbugua (Governor Nakuru) –Patron

## **MACHAKOS COUNTY KICOSCA LEADERSHIP**

Mr. Speaker, on 5<sup>th</sup> November, 2014 through the office of the Clerk, a document entitled Machakos County Sports Policy was received and forwarded to the Committee on Culture and Tourism. This policy is intended to streamline and harmonize all aspects of sports by County staff and Assembly members, acting as a reference and guideline.

Mr. Speaker, the Committee is referred to as Central County Sports Committee (CCSC), comprising of three officials from each registered team. The Committee will be responsible for overseeing, organizing, preparation, planning, participation and coordination of the County Teams in any scheduled games and Sports.

## **2014 KICOSCA THEME**

*“Enhancing National Cohesion through Sports”*

## **PREPARATION**

Mr. Speaker, Sir, during a joint meeting held on 4<sup>th</sup> September, 2014, the aforementioned Committees formed an *ad-hoc* committee to discuss on the motion of KICOSCA competitions which had been referred to the two committees. The Hon. members nominated to comprise the committee include the following;

1. Hon. Leonard Katela - Chairman, Labour, Public Service and ICT Committee
2. Hon. Alex Kathinzi - member
3. Hon. Phoebe Koki - ”
4. Hon. Francis Matheka - ”
5. Hon. Dominic Maitha - ”
6. Hon. Winston Kanui - Chairman, Culture and Tourism Committee
7. Hon. Alice Nzioka - ”
8. Hon. Justus Kimata - ”
9. Hon. Justus Katumo - ”

## **PERFORMANCE IN NAKURU**

1. Folk Song – position 2
2. Traditional Dance – Position 3

Mr. Speaker, the choice of Nakuru to host the competitions was based on security purpose as opposed to the opinion of many who preferred Mombasa.

## **ELASCA GAMES IN KAMPALA**

Mr. Speaker, the participants of Folk Song got the opportunity to represent Kenya in Elasca games in Kampala. On the material day, Mr. Speaker, the Hon. Members listed below had the opportunity to accompany the teams.

1. Hon. Winston Kanui -Chairman, Culture and Tourism Committee.
2. Hon. Leonard Katela -Chairman, Labour, Public Service and ICT
3. Hon. Joseph Itumo -Member
4. Hon. Mary Ndinda “

5. Hon. Justus Kimata “
6. Hon. Bibiana Nduku “
7. Hon. Nina Mbithe “
8. Hon. Veronicah Mbithe “
9. Hon. Peninah Kaluki “
10. Hon. Catherine Nguluku “
11. Hon. Sammy Nduva ”

## PERFORMANCE

**Folk song** – position five behind Uganda that scored position 1

Mr. Speaker, the team could have scored better in the above song if at all, it had another presentation of a borrowed song since this was a pre-requisite, one participant complained. Mr. Speaker, Sir, the Hon. Members who accompanied the participants to Kampala had an opportunity of interacting with the participants who stated the challenges faced as:

- Delayed payments of per diem allowances where some participants had to go without their basic needs before payments were effected.
- Delay in delivery of uniform hence participants didn't attend parades as the uniform was delivered late.
- Communication breakdown where participants didn't know when and where they were to perform from.

The Sub Committee therefore recommends the following.

- That the County Assembly owns a budget for its staff to avoid conflict on payments of the participants.
- The County Assembly staff to form their own independent team.
- A budget to be set aside annually for the said games.
- MCAs and staff to register and start practicing in the different disciplines in preparation for the games.

**Comments by National Chairman**

Mr. Speaker, speaking during the handing over ceremony of the KICOSCA Ceremonial Chain and Peace Torch from the former Patron and Nairobi County Governor, H.E. Evans Kidero to his Nakuru counterpart H.E Kinuthia Mbugua, Mr. Rembere appealed to the Council of Governors to support the games, now in its second edition after the new constitutional dispensation. “Governors need to support us so that we can make the games more vibrant as they were in the initial stages,” Rembere said.

Thank you Mr. Speaker, Sir. I hereby call hon. Joseph Itumo to second.

**Hon. Itumo:** Mar Speaker, Sir, I do stand here to support the report. Thank you, Mr Speaker.

**Hon. Speaker:** Any contributions with the report.

**Hon. Kitheka:** Mr. Speaker, Sir, and the house at large. Mr. Speaker, I wish to support the report and I wish to make some few comments as I support the report. Mr. Speaker, as you can see in the first paragraph, were we are talking about establishment of National Cohesion and Integration Act 12, 2008, I wish Mr. Speaker, and this was portrayed and acted upon within the selection of the members who went to participate in the games. For instance, in page four, there is a preparation committee which comprised of Hon. Leonard Katela, Hon. Alex Kathinzi, Hon. Phoebe Koki, Hon. Francis Matheka, Hon. Dominic Maitha, Hon. Winston Kanui, Hon. Alice Nzioka, Hon. Kimata and Hon. Justus Katumo.

Mr. Speaker, when those members have fully participated in the preparation, they are automatically, majority of them due to lack of that integration and cohesion, they have been automatically eliminated from the list which traveled to Kampala. You can see they were all and majority were eliminated. So Mr. Speaker, we kindly urge the committee to consider practicing what they are trying to propagate on issues of integration and cooperation within the assembly. We need it to be practiced. Mr. Speaker, Sir, on the same comment.

**Hon. Speaker:** Hon. Kitheka, do you have a better word. I think elimination means to kill, to do away with.

**Hon. Kitheka:** Okay. I wish to put the word they were sidelined instead of elimination.

**Hon. Speaker:** Okay. You have gotten it.

**Hon. Kitheka:** Mr. Speaker, in the last second phase, there was the issue of the sub-committee, and it recommended the following.

Mr. Speaker, I want to bring to the attention of the hon. member who has given us the report that, I have been in the council for the last nine years and I have witnessed no participation of any hon. member, be it a Councilor or even the hon. members. Their work is to go and cheer or act as spectators when they go but not participate with the staff.

So I wish to make such a correction which if it can be accommodated for us not to create controversy within the participation when we go there. Otherwise Mr. Speaker, on the issue of the assembly making their own team to go and participate, I think there are no any games which are associated with the assembly per se, but it is within the entire county.

So I wish the report to be corrected that, the participants be well-accommodated within the assembly and not to have two teams, one from the assembly and the other one from the county Executive. It will not make sense. So what we need is good cooperation, good management of the team so that at least, we can make a very vibrant team.

Otherwise Mr. Speaker what I just witnessed within them participating as I was the chairman for labor, there is that the members are not fairly treated in terms of their allowances. So the chairpersons of those two committees can closely check on that seriously. Thank you very much, Mr. Speaker.

**Hon. Speaker:** I think on the terms of the budget, there is a proposal that a budget be set aside annually to the said games. I think that is accommodated properly.

**Hon. Kitheka:** Mr. Speaker, I think even that we discussed when I was the chairman for labor. We said that we should have a budget for the entire county which should be factored within the budget and also Mr. Speaker, I would see it wise for the members of the Assembly who are going to participate, to be dealt with in the assembly in the manner everything we deal here and they go to participate. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Mary Ndinda, what do you say about the team, that we cannot have two teams, the assembly team and a team for the Executive?

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker, Sir. When I spoke of the two teams, I did not mean that we should be separated but we should have teams from both the Assembly and from Machakos County Executive, so that we can unite and work together. Because I can make a reference of last year and this year Mr. Speaker, Sir, we had staff from both the Machakos county assembly and Machakos County Executive.

So at least, when I was talking of that I did not say we should be separated but we should have representation because all staff is one. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Any additional contribution? Yes.

**Hon. Nzoka:** Thank you Mr. Speaker, Sir. What I want to comment here is, first I say it is good for our county, it has shown something. In fact to be number two is not easy, and they have laid their challenges here. It is our duty to rectify and appreciate. You have said the budget to be set for that, so as to have money on time.

Again, what I need the mover of the motion to explain to us is why those who prepared this were deleted from going to Kampala. I think that is for the house and she should explain to us how you can prepare something when it is good it benefits others. The person, who was doing that, should have accommodated all those who wanted to be preparing then they can select. So we need explanation.

**Hon. Speaker:** Hon. Nzoka, that point has been handled by Hon. Kitheka in a very good way and he has communicated. Your demand is overruled. Proceed.

**Hon. Nzoka:** I think I will go up to there.

**Hon. Speaker:** Any other contribution? Then I therefore proceed to ask the question towards the adoption of the report.

*(Question put and agreed to)*

The report is adopted and shall be presented to the appropriate action (*inaudible*). There is a motion here for adjournment by Hon. Joseph Itumo.

ADJOURNMENT MOTION UNDER STANDING ORDER 227

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Machakos County Assembly.*

**Hon. Itumo:** Mr. Speaker, Sir, I stand pursuant to Standing Order No. 227 as read together with Standing Order No. 49 (b) on exemption of business from Standing Orders and motions which may be moved without notice.

Mr. Speaker, Sir, aware that the house business committee met on Tuesday, 11th November, 2014, to ballot for the business of the House, aware that the house has exhausted the business balloted and aware that the next house business committee shall be on Tuesday, 13th November, 2014. Further aware that there are five bills that have been committed to various committees and they should be passed before the assembly, calls for recess in early December, I wish to move the motion that this hon. House adjourns its sittings to Tuesday 25th November, 2014, to pave way for discussion and public participation on the aforementioned bills.

Thank you Mr. Speaker, Sir. I call upon my learned Hon. Member Justus Kimata to come and second this motion. Thank you, Mr. Speaker, Sir.

**Hon. Kimata:** I stand to second the mover of the motion.

**Hon. Speaker:** Hon. Itumo, you said that is your learned what?

*(Laughter)*

**Hon. Itumo:** I said he is a learned friend. Thank you, Mr Speaker.

**Hon. Speaker:** And you are in the legal committee?

**Hon. Kitheka:** Mr. Speaker, knowing that yesterday in the house business committee, we passed some business for this house in terms of bills, I wish to support the motion, but I also wish to notify you before you make a determination of the verdict, that there is no quorum in the house.

**Hon. Speaker:** The motion is on debate. That ought to have been put a little bit before the motion begun. Let us proceed. Any further contribution? Members are we in agreement that the house adjourns as proposed? Because, even without the motion, I was going to adjourn the House anyway because there is no business.

Then hon. members, the house shall adjourn as proposed. No question will be put since there are concerns on quorum. Directions have been issued that the house adjourns as requested. Members, I want to remind you that there is a lot of work in terms of bills. Let committees sit on a continuous basis. We are looking at next week as a week of public participation and these bills must be passed before we break for the holidays.

So we must work hard on that issue. The chairman of legal affairs committee, kindly study the bills and advise the other chairpersons accordingly with your other learned friend.

### **ADJOURNMENT**

**Hon. Speaker:** Otherwise, the House adjourns. Thank you very much.

The House rose at 11.36 a.m.