

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday, 1st September, 2015**

The House met at 2.34 p.m.

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

**Hon. Speaker:** Yes, Hon. Members, this is the communication from the Chair dated 1st of September, 2015. And it begins; Good afternoon Hon. Members. It gives me much pleasure to welcome you all to the third part of the third session of the first County Assembly of Machakos. I believe that each of you is well rested and will undertake your mandate this session with renewed vigor.

However, allow me to talk about indiscipline. Hon. Members, we have had cases of indiscipline in this Assembly on several occasions. We have witnessed Members creating disorder, using violence against colleagues and abusing their privileges. We have seen behaviour that bordered on disrespect for officers of the Assembly. This state of affairs, which is unacceptable, will erode public confidence and bring the institution of the County Assembly into disrepute.

Pursuant to Article 196 (3) of the Constitution of Kenya, Parliament shall enact legislation providing for the powers, privileges and immunities of county assemblies, their committees and members. Furthermore, section 17 of the County Governments Act, states that the national law regulating the powers and privileges of Parliament shall, with the necessary modifications, apply to a county assembly.

In the absence of a substantive Machakos County Assembly Powers and Privileges Act, the National Assembly's Act prevails. Section 23 of the National Assembly Powers and

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Privileges Act stipulates clearly that any person who assaults, interferes with, molests, resists or obstructs an officer of the Assembly while in the execution of his duty, shall be guilty of an offence and liable of conviction before a subordinate court of the first class.

Last week, on 26<sup>th</sup> August, 2015, a member of this house, Hon. Rachael Nduku, tore the Labour, Public Service and ICT Committee register for reasons best known to her. The matter was reported to the Rules and Procedures committee and I take that as extremely disorderly conduct. The committee is in the process of investigating the matter and a decision on the course of action will be made soon. Hon. Members, in spite of the privileges and immunities of the County Assembly, let us not go to the extent of engaging in offensive and criminal behavior in the name of defending our Powers and Privileges.

In the meantime, Hon. Members, there are several administrative matters that have come to my attention and I will soon convene a Speaker's Kamukunji for members to discuss the same. Key among them is issues to do with e-procurement, the Integrated Financial Management Information System (IFMIS) and the cashless system. Communication on the day the Kamukunji will be held will be done later this week.

In conclusion, Hon. Members, as we start this part of the third session, let us debate with sobriety and order, knowing that the people of Machakos are looking up to us for direction. I urge you to work harmoniously for the betterment of our institution and the whole Machakos County and I welcome you anytime to my office in case you need to consult. Thank you very much.

Proceed, Clerk.

#### **PAPER LAID**

#### **PROGRESS OF MACHAKOS COUNTY WARD DEVELOPMENT FUND**

**Hon. Sammy Nduva:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I would like to lay the following paper on the table of the Assembly today, 1st September, 2015. Report on Trade, Planning and Industrialization Committee on progress of the Machakos County Ward Development Fund. Thank you, Mr. Speaker.

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

#### **NOTICE OF MOTION**

#### **PROGRESS OF MACHAKOS COUNTY WARD DEVELOPMENT FUND**

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**Hon. Nduva:** Mr. Speaker, Sir, I wish to give notice of the following motion that this house discusses on the report on Trade and Industrialization Committee on progress for the Machakos County Ward Development Fund. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Notice issued, proceed.

**STATEMENT**  
DELAY OF JULY 2015 SALARIES FOR MACHAKOS LEVEL 5 HOSPITAL  
WORKERS

**Hon. Nduva:** Mr. speaker, Sir, pursuant to Standing Order No. 41 (3), I wish to seek a statement as to why the following Officers serving Machakos level five Hospital has not been paid for the month of July, 2015. Mr. Speaker, Sir, the Officers are as follows;

- The contracted Nurses.
- The contracted Clinical Officers.
- Information Technologists.
- The contracted Accountants.

Mr. Speaker, Sir, I want to put to attention of this Hon. House that it is of great concern when we are talking about officers that are serving our Level Five Hospital because Hon. Speaker, this people or this matter, touches the lives of our people in the entire County. Mr. Speaker, Sir, today is 1st September, 2015 and Hon. Speaker, we are talking about July that this officers have not been paid. Mr. Speaker, this officers, as ourselves, they eat, they rent houses and they have other requirements. Mr. Speaker, today the schools are being opened and we know very well how costly is to educate our kids. Mr. Speaker, I wish this house to discuss and Mr. Speaker to come with a position that Mr. Speaker, this matter should be.....protect me, Mr. Speaker, addressed urgently because these officers are not paid---

**Hon. Speaker:** Order, order Hon. Sammy Nduva

**Hon. Nduva:** Yes, Mr. Speaker.

**Hon. Speaker:** What you have is a statement?

**Hon. Nduva:** Yes, Mr. Speaker.

**Hon. Speaker:** You have made it.

**Hon. Nduva:** Yes Sir.

**Hon. Speaker:** I will urge that you rest.

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

**Hon. Speaker:** The statement raised by his Hon. Sammy Nduva, in view of its urgency the Chairperson of Health committee would deliver answer tomorrow, afternoon. Let us proceed.

#### ALLOCATION OF FUNDS TO HOUSE BUSINESS COMMITTEE

**Hon. Gideon Kavuu:** Thank you Mr. Speaker. Mr. Speaker, I want to seek this statement. Mr. Speaker, Sir, I stand under Standing Order No. 40 (1), which states that; notwithstanding Standing Order 27, (*hours of the meeting,*) the Speaker shall interrupt the business of the House every Tuesday at 6 p.m. to facilitate Members to make general statements of the topic concerned. Mr. Speaker, Sir, my concern is the budget apportionment by the National Committee which did not allocate any funds to the House Business Committee which was charged with balloting and coordinating the business of the House.

Mr. Speaker, Sir, the House Business Committee requires funding to undertake benchmarking and training so as to facilitate the business of the house in a proper manner. Mr. Speaker, I therefore call upon the Liaison Committee to consider the apportionment and the factor funds for the house business since without the committee, the house cannot sit as their will be no business before the house. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** The statement will be referred to the Chairman, Liaison Committee who will deliver his answers next week. Let us proceed.

#### MOTION

#### PROGRESS OF MACHAKOS COUNTY WARD DEVELOPMENT FUND

**Hon. Nduva:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, aware that Machakos County Ward Development Fund was established pursuant to Machakos County Ward Development Fund Act 2014; aware that the Assembly allocated Ksh. 800 million to the fund and Hon. Members expected that the fund to be operational after allocation of the funds---

**Hon. Speaker:** Sorry, Hon. Nduva. Has the report been circulated? Maybe, the report can be circulated so that we are together as you present it. (*Report circulated to members*). Then you can proceed. Lay your motion.

**Hon. Nduva:** Again Mr. Speaker, Sir, aware that Machakos County Ward Development Fund was established pursuant to Machakos County Ward Development Fund Act 2014; aware that the Assembly allocated Ksh. 800 million to the Fund and that the Public and Hon. Members expected that, the fund to be operational after allocation of the funds. Further, aware that the take off of the fund has delayed and that further delays without being informed why there are such delays would lead to anxiety among the electorates as well as the speculations that may paint the Assembly in the manner, I wish to move the motion that this Hon. House discuss the report of the Trade, Planning and Industrialization Committee on progress of Machakos County Ward Development Fund. Thank you Mr. Speaker, Sir. I call upon Hon. Kavuu to second the motion. Thank you Mr. Speaker, Sir.

**Hon. Kavuu:** Thank you Mr. Speaker. Mr. Speaker, I understand during the budget day we allocated money for each ward and Mr. Speaker, when you to our wards, there are some rumors whereby all this members were given Ksh. 20 million and Mr. Speaker, Sir, this thing is killing us in our wards. Therefore Mr. Speaker, I request the Members of this Hon. House to discuss this motion and then approve so that we can save ourselves. Mr. Speaker, Sir, I therefore stand to second the motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Let us proceed. Chairman, did you properly lay your report? You need to take us through your report.

**Hon. Nduva:** Yes I did.

**Hon. Speaker:** You have done that?

**Hon. Nduva:** I did.

**Hon. Speaker:** Did you? Yes.

**Hon. Leonard Katela:** Thank you Mr. Speaker, Sir---

**Hon. Speaker:** Hon. Sammy, you may take a rest.

**Hon. Katela:** I am just wondering whether, is it not, because the House passed the Ward Development Fund, the Committee of Implementation which should tell us where we are at this

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position? I thought it should be implemented now. We should not go back to planning, that is the further I can see it---

**Hon. Speaker:** Yes, let us hear---

**Hon. Dominic Maitha:** Unless this Member is living in the moon, he should not interrupt such kind of an important report. It does not matter which committee presented this. As far it is presented in the floor of this house and members discussed about it, let him give the Hon. Chairperson of Planning committee enough time and that is why we allocated this business today afternoon so that we can deliberate it all. So that we can clear the moving round cloud of what is happening. So we with your permission, Mr. Chair, can you grant the Hon. Chairperson for planning committee time to take us through the report then we can start going through it Mr. Speaker, Sir. Thank you.

**Hon. Speaker:** Yes, let us take a point of order by the Deputy Speaker.

**Hon. Nathaniel Nganga:** Mr. Speaker, I believe with your guidance, the Member should make it very clear that is matters on the point that was raised by the predecessor before his speech because Mr. Speaker, this is a house of procedure and rules, Mr. Speaker and when we ourselves will lead in flouting the rules, then we shall be putting the cart before the horse. Mr. Speaker, I think it is only proper that the matter that was raised might have substantial reasoning and it is only proper that Members give the Chair the opportunity to guide the House on that matter because also it has not hit me until he raised the issue to do with the implementation of the matters that are passed by this house are supposed to be updated to the House by the relevant Committee on Implementation. So, Mr. Speaker, I raise point on order on that, I believe he should also withdraw that, 'it doesn't matter' because it matters for this house to observe rules and procedure.

**Hon. Speaker:** Yes, I will not command a withdrawal because he is entitled to his opinion. Yes, Hon. Ndeto.

**Hon. Festus Ndeto:** I wish to inform the House that, according to the report which the Hon. Member was to table, in fact 1. 2, he has given the mandate of the Committee in which he explains the reasons as to why he is entitled to lay this report as it is and I would wish he be given the opportunity to proceed and we come to the mandate of the committee, if there is any question to be raised, that is the point we need to come up with it.

*(Applause)*

**Hon. Speaker:** Hon. Members, you realize that this report has not been properly laid and I was asking the mover, Hon. Sammy whether he has presented his report and he appeared to say yes. Take us through the report Hon. Nduva. That is basically what I meant.

**Hon. Nduva:** Thank you Mr. Speaker. Mr. Speaker, I want to give the report on Trade, Planning and Industrialization Committee on progress of Machakos County Ward Development Fund. Mr. Speaker Sir, Machakos County (Ward Development Fund) Regulations is established pursuant to section 45 (1) of the Machakos County Ward Development Fund Act, 2014 section 4 (1) which states that, ‘there is established fund to be known as the Ward Development Fund which shall be administered by the Officer administrating the Fund under direction of the County Ward Development Fund Management Committee.’ This Fund was appropriated Ksh. 800 million by the County Assembly in the 2015/2016 Budget.

Mr. Speaker Sir, the purpose of this report is to provide the exact position of the Ward Development Fund as at now after the Assembly allocated it money and also to inform House so that further action can be taken through fast-tracking enabling regulations, motions or seeking of statements in case there are delays.

### **MANDATE OF THE COMMITTEE**

Mr. Speaker, Sir, the Committee on Trade, Planning and Industrialization was established pursuant to the second schedule of the Standing Orders with specific mandate on all matters related to trade development and regulation including markets, trade licenses (excluding regulation of professions), fair trading practices and statistics.

Mr. Speaker, Sir, Standing Order 190 (5) states the functions of a Sectoral Committee shall be; ‘(a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department; (b) study the programme and policy objectives of departments and the effectiveness of the implementation; (c) study and review all county legislation referred to it; (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives; (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly; (f) to vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*) and (g) make reports and recommendations to the assembly as often as possible, including recommendation of proposed legislation.’

### **COMMITTEE COMPOSITION**

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Mr. Speaker Sir, the committee has thirteen (13) members as follows;

1. Hon. Sammy Nduva - Chairman
2. Hon. Ruth Ndumi - Vice Chairperson
3. Hon. Joshua Mwonga - Member
4. Hon. Cornelius Kitheka “
5. Hon. Stephen Muthuka “
6. Hon. Francis Matheka “
7. Hon. Phillip Ndolo “
8. Hon. Collins Mbithi “
9. Hon. Nina Mbithe “
10. Hon. Phoebe Koki “
11. Hon. Gideon Kavuu “
12. Hon. Cecilia Sereka “
13. Hon. Alex Kamitu “

#### **AMENDMENTS AND REGULATIONS**

Mr. Speaker, Sir, there has been a climate of uneasiness across the County about the Machakos County Ward Development Fund leading to speculation by members of the public and even politicians that the Controller of Budget rejected the Ward Development fund. Further, other persons aspiring to be politicians in 2017 have seized this opportunity of imperfect information to allege that the current Members of the County Assembly were given Ksh. 20 million each through the Ward Development Fund and they had squandered (eaten) the money.

Mr. Speaker, Sir, these two pieces of information were far from the truth and were fabricated lies targeted at painting the Hon. Members of this House badly. They were in bad taste and that was why the Committee on Trade, Planning and Industrialization which sponsored the Machakos County Ward Development Fund Bill, 2014 which eventually was enacted by the House felt it was good to inform the House and the public of the actual position of the Fund.

Mr. Speaker, Sir, the Controller of Budget raised certain concerns on the Machakos County Ward Development Fund Act, 2014; that the roles of the Members of County Assembly in the Act should be oversight and monitoring of the implementation of projects being undertaken with the Funds as provided under Article 185 (3) of the Constitution of Kenya, 2010.



Further, the Members of the County Assembly were tasked with mobilizing residents for the purposes of identifying priority projects for each financial year.

Mr. Speaker, Sir, going by the concern raised by the Controller of Budget, the Members of the County Assembly were not supposed to be in the Ward Development Fund Committee as stated in section 34 (d) of the Act.

Mr. Speaker, Sir, section 33 of the Act whereby the Member of the County Assembly is to constitute Ward Development Fund Committee within thirty days of a new Assembly contradicts section 34 (2) (a) whereby the County Ward Development Fund Management Committee through the Officer Administering the Fund will convene registered voters within 45 days of swearing a new Assembly for the purpose of electing a ward committee.

Mr. Speaker, Sir, such contradictions and other clauses that give the member of the Assembly role of implementation which was a preserve of the County Executive have been identified for amendment. These amendments have already been sent to the Government printer for publishing and very soon they would be in the House for necessary actions.

Mr. Speaker, Sir, it was these amendments which were partly holding the release of the Ward Developments Funds. The other factor that was holding back the release of the Funds was the issue of Regulations as provided for in section 45 (1) of the Act.

Mr. Speaker Sir, the County Executive Committee Member, Finance should come up with regulations for the smooth running of the Fund. The CEC member took long and when the Committee realized that the CEC member was not going to make the regulations, it contacted the legal department in the Assembly which drafted the regulations for the CEC member to sign.

Mr. Speaker, Sir, the regulations drafted by the County Assembly Legal Department were forwarded to the CEC – Finance for signing and publication at the Government printer. Mr. Speaker, Sir, the Committee was in liaison with the CEC Finance to set the necessary structures required for the take – off of the Ward Development Fund so that once the Regulations were passed funds could be credited to Ward accounts without further delay.

## **CONCLUSION**

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Mr. Speaker, Sir, this is the true position of the Ward Development Fund that funds are being held up by some few amendments and regulations. I call upon all the Honorable members of this County Assembly to support the amendments and regulations once they are before the House.

Further, I request the House to be vigilant that there were no more delays concerning the Ward Development Fund. In case of delays I urge members to stand united and demand what was right for their people and there is not better right than the Ward Development Fund. Mr. Speaker, Sir, I propose that this information to be shared with the Executive so they come to realize that they need to support the take-off of the Ward Development Fund. Thank You Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think this is now the proper time to hear Hon. Kavuu in support of your motion. Support the report Hon. Kavuu. This is the proper time.

**Hon. Kavuu:** Thank you Mr. Speaker. Mr. Speaker, without wasting time, this is a very good report which contains what we passed here during the budget day. It was about Ward Development Fund. Therefore, Mr. Speaker, I request Hon. Members to support the report and approve so that we can get that money. So Mr. Speaker, I stand to second the report. Thank you.

**Hon. Speaker:** Thank you, the matter is properly laid. It looks like there is a report on the progress but I will open the floor for any contributions.

**Hon. Maitha:** Thank you Mr. Speaker and I applaud you for the direction you have given because Mr. Speaker, this is a matter of concern. Mr. Speaker, when you roam about and around this Hon. House, every Hon. Member and especially the elected Members are raising eyebrows and concerns about development projects in their Wards. Inasmuch as Mr. Speaker, we have allocated millions of shillings not even million, billion of shillings to the County Executive there are so many complains that members feel that, the creation of this fund is the only saviour to their perishing political support because of the development projects which are much being awaited by them. Therefore Mr. Speaker, there has been a lot of speculation unlike what the Hon. Member, Chairman has said here about the operationalization of the fund. Some comments being

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taken to the Controller of Budget, others being subjected to the Executive, other complaints coming to the house and I feel Mr. Speaker right now we've got the actual position of this fund which, personally, I can say I had followed very closely to get to know about it.

Mr. Speaker, sometimes back we sat here and we were trying to analyze some few letters which were sent to this house by the SRC Commission about certain allowances; the house allowances, mortgages and this and that. The three letters we scrutinized, none of them contradicted another. Then there comes the Ward Development Fund letter which was received in this Assembly Mr. Speaker. The letter was very clear that it was talking about operationalization of the Ward Development Fund. So I don't think this house was not in a position, or was misled or did not see the need as to why they were to put the word 'Ward Development Fund' in the budget. Because if the Controller of Budget would have defied to accept the budget because of the Ward Development Fund, then we needed to have been given a document so that we can prove that. But that has not been given.

The only thing that we need to abide Mr. Speaker, is to change those regulations as immediate as it is practicable. The Chairman has said they have been taken to the Government Printer, if any other business that should come in before this house and stop the amendment of that section Mr. Speaker, we can vote and request Members we vote it, in totality we keep it aside then first we pass the amendments that need to be passed. Mr. Speaker, it is three years now and I cannot even say there is a toilet that has been constructed in my ward. Most of the members here can say, even the projects we started doing in 2013, to date, giving an example of the roads phase 1, phase 2, phase 3, have not been actualized, Mr. Speaker and it is only through this Ward Development Fund, that members will be seen relevant in their wards because they will be able to own and associate themselves with a road that they have been able to see accomplished.

With two years remaining Mr. Speaker, I am sure if Hon. Members support this bill and it goes through and we get Ksh. 20 million, next year when we will be talking of saying we need Ksh. 2 billion for the Ward Development Fund, I believe every member will support it because they will have seen what Ksh. 20 million has done in their wards Mr. Speaker. So, it is the high time that we have got the information and it is the high time that the Chairman moves with a lot of speed and we get to have these monies. We don't want it to happen like the situation in which the High Court has passed. The Supreme Court has said that teachers should be paid and then the Government says that there is no money. We want to actualize it and as immediate as it is practicable Mr. Speaker, we have the money in our accounts we start the operationalization of this projects Mr. Speaker.

I want to say this Mr. Speaker. Last week we managed to interact with a number of members of County Assemblies in Eldoret from various Counties Mr. Speaker, but Mr. Speaker when you sit with them, you even become politically irrelevant because they are telling you of figures that seem to be like they are not in this Country, Mr. Speaker. An MCA tells you that he has an Account for bursaries. The first year they are allocated Ksh. 2million, the second year they are allocated Ksh. 4million, this year they have allocated Ksh.6 million and the monies have already started jetting into their accounts. They sit in consensus, if they get Ksh. 6million for the account every MCA they give the Governor only Ksh. 6million and whenever they are disbursing, they disburse in a harmonious manner. Ward Development Fund Mr. Speaker, they have been having Ward Development Fund even before it was properly and legally given out using their own, you know, underground and proper arrangements and they have been doing it. The first year---

**Hon. Speaker:** Order, Hon. Dominic. I want to understand, and help me understand what are underground and proper arrangements.

**Hon. Maitha:** Mr. Speaker, the manner in which they did it, it was not underground but it was a man to man talk, whereby you are allocated Ksh. 5 million in the department of tourism and then it is disbursed to you in the right manner and you do the project that you have agreed with your people. They allocate Ksh. 15million in the department of transport, roads are done through the same, so they are sure that every MCA has got Ksh. 30million to undertake projects. So now, with the actualization and legalization of the fund Mr. Speaker, they are getting to the tune of Ksh. 40 or 50 million Mr. Speaker and they can associate themselves with projects. What about Machakos County Assembly? Mr. Speaker, we don't want to become Hon. Members, crying babies, every single day, this and that this has not been done in my ward, this has not been done in my ward.

We want to associate ourselves with projects and let the Executive part of the Government undertake its projects, undertake one single capital project in every ward and the rest as Hon. Members, we are going to handle it Mr. Speaker. We cannot stand to see ourselves getting perished in the ward level Mr. Speaker because the Executive is not implementing the projects that we pass in this house. I demand and request this Hon. Members, Mr. Speaker, to pass any regulations that will land in the floor of this house to regularize the Ward Development Fund and forget about the other issues. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Maybe before you sit down you can help the Chair know which county is that. Maybe I may want to benchmark with that County. What is the name of that county?

**Hon. Maitha:** Mr. Speaker, I was trying to intimidate you in a way so that you can be touched. Mr. Speaker, I want us to benchmark on none other than Kirinyaga County.

*(Applause)*

Mr. Speaker when you listen about the story of Kirinyaga County Mr. Speaker, I think the Hon. Members who are here will find that we have been wasting a lot of time, going around and about doing nothing.

**Hon. Speaker:** Kirinyaga

**Hon. Speaker:** Thank you, thank you

**Hon. Maitha:** Kirinyaga County is a living example and I request you, Mr. Speaker, with your permission, you can invite any other Hon. Member who has got additional information of any other, any other County so that we can split into like two or three groups, we benchmark and bring a report possibly next week Mr. Speaker. Thank you.

**Hon. Speaker:** I have heard you. Let us hear Hon. Kitheka.

**Hon. Cornelius Kitheka:** Thank you Mr. Speaker for giving me this chance and before I take on that issue, which is on the floor, I wish to echo the sentiments of my friend, my Hon. Member, Hon. Dominic and to inform you that, they have even exhausted their full throat allocation of allowances. They get Ksh. 124,000, something like that.

*(Applause)*

So you can hear, you can guess on what I am trying to drive here. Thank you.....while you are getting a percentage of Ksh. 60 something. Thank you very much Mr. Speaker. Mr. Speaker, as a Member of the planning Committee I wish to point out on the issues which had some ambiguities on the issue of the Ward Development Fund. We talked about the issue of the oversight for the members and there was the issue of the time for the commencement of the fund utilization. Mr. Speaker, to me I see this as big shame, as a big joke to this Assembly because Mr. Speaker, if you can calculate the more times we have been working on the issue of putting this document into place, it pains very much when you find documents running up the corridors and up, down and yet we are not getting the right answer.

Mr. Speaker, I tell you outside there, it is burning because of the issue of the Ward Development Fund. People are crowding into our offices demanding for immediate attention to

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projects, to immediate attention to bursaries. Mr. Speaker, this morning I was accosted by a group of a committee from my place demanding for tanks. They are saying that, we have been given the funds and have to make arrangements of the procurement of the tanks so I had to ask them, where they are getting the information. Mr. Speaker, it is true they are getting the information from the Executive offices that we have been given the amount of Ksh. 20million per ward to run the projects.

Mr. Speaker, we want to put this into a reality because if we continue with this kind of shame into our offices and into the entire County, it will bring a lot of controversies to this County. Mr. Speaker, I know very well we have to implement this issue to the bitter end even though it is a bitter pill to swallow by the Executive, Mr. Speaker, I know it is our mandate to oversight and to monitor. There are small technicalities which are being used to knock out the document are not valid. So Mr. Speaker, the two amendments which have been made and we are aware that office of the Clerk is very keen on first tracking of the issues of the amendments with the Government press, Mr. Speaker, we are calling upon this house and this members to stand up for their rights because this is one of their big rights which should be given to them so that they can go and work in the wards in the right way.

So Mr. Speaker, those two small amendments, we are requesting for them to be brought into this house latest on Thursday so that at least we can be able to access the funds and the people we are representing they can see what we are doing in the Assembly. Mr. Speaker, it has become a very big problem to us in the wards because the people are saying that you are just been given money to pocket, you are not doing anything. So Mr. Speaker, we are kindly requesting as a member of the Committee, I know the amendments have been made in the right way, so it is upon us in this house to fast track completely the document and bring it into the house so that at least we can reduce the tension and the fights outside there.

So Mr. Speaker, without going to the many goodies which are in the other wards like Kirinyaga, of which the Hon. Member has demonstrated, I think this is the high time now Mr. Speaker, we sit with you one on one and address this issue. I won't call it like my friend has called it. I will call it on a friendly basis, we talk and address the issues which pertain to these members because majority of the members and other issues have been going under the bridge without our awareness. So Mr. Speaker, Chinua Achebe in his book 'Things Fall Apart' said; 'when the falcon cannot bear the falconer, the centre cannot hold; things fall apart.' Mr. Speaker.

*(Applause)*

We don't want to fall apart. We want to be together, and we want to work together and we want the centre to hold. The centre is the Chair of the Speaker. Please can I hold? Thank you.

*(Laughter)*

**Hon. Speaker:** Hon. Mueni.

**Hon. Benedetta Mueni:** Thank you Mr. Speaker, Sir. Mine is to support the Chairman for bringing that motion so that they can get the Development fund.

*(Applause)*

But, when the people are in this house, they have no difference between the nominated and the elected. We have all been told that we have been given the Ksh. 20 million. So Chairman, you bring all those papers or the changes which are going to be made, they be changed, you get the money. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let us hear Hon. Mutuku at the back.

**Hon. Michael Mutuku:** Thank you Mr. Speaker, Sir. First and foremost, let me applaud the Chairman, for the report. It is a good report and I think this Hon. House is going to pass it. However, in the report, we have seen the Controller of Budget has raised a concern whereby a member of the County Assembly is not supposed to be the implementer, which is true. However, the wordings should be also friendly to the MCA because we should not distance the MCA so far from the kitty because by distancing or derailing the MCA, to be far away, it will be like also putting the key to the Executive---

**Hon. Speaker:** Hon. Mutuku, I think it is clear there is an amendment coming next week on this matter.

**Hon. M. Mutuku:** Sure.

**Hon. Speaker:** Then it will be pre-emptive to discuss.....(inaudible) So you need to, perhaps, re-arrange your contribution.

**Hon. M. Mutuku:** Well, I appreciate your corrections and I would not wish to pre-empt the amendment which is actually on the way coming. Therefore, sincerely speaking, let me say the report is in line with the aspiration of the Hon. Members and we as Hon. Members are aware the Ward Development Fund will be synonymous to the Development within the ward and what we can do as an Assembly, is actually fast track when those amendments come we pass them then we start actually using the funds for the benefit of our wananchi within Machakos County. With those few remarks, let me rest my case there. Thank you.

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**Hon. Speaker:** Thank you. Yes, Deputy Majority Leader.

**Hon. Wilson Kasimu:** Thank you Mr. Speaker. Mr. Speaker, I want to congratulate the Chairman for the report that he has given us today. Mr. Speaker, I would like to caution our Hon. Members to know that there are forces that are against the plans that we have concerning our wards.

*(Applause)*

We have to stand united and fight for the rights of our people because Machakos County is bigger than one person, Machakos County is bigger than me, myself Willy Mukewa and we have to forget that the titles that we have today, we have them because people voted for us to come here and fight for their rights as our electorates. I am cautioning members that we forget our political affiliations and come together for this one course.

*(Applause)*

If we don't deliver between now and 2017, the ward fund, no one would like to listen to you because you failed your people. So Mr. Speaker, I want us to be united as a house and I still don't understand why we haven't formed the Ward Development Committee up to now, it has taken us months and going round and round. Mr. Speaker, Sir, I would like your guidance on that because I don't know why the select Committee has not met and organized or proposed members that are supposed to be serving because without a Committee we cannot approach the Executive. We need a Chairperson of this fund; we need a committee of this fund that will engage the Executive ---

*(Applause)*

So we have our responsibility as the House and one of the responsibilities is forming that committee and we have failed on that. As we wait for the regulations, as we wait for the other part of the Commission that has given us work to do, we have a part as this house and one of them is; we form a committee. Mr. Speaker, Sir, I would like your guideline on the same. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. There is a valuable point there. There is a committee has already been created by the act, so we don't even need to amend on Standing Orders because



there is an act that has created that committee. Then I will urge the Majority Leader to give a statement on that position tomorrow.

Let us hear Hon. Ndeto. You will realize that this is a report, this is a progress report so we just need to give thanks to it or say it was not properly done.

**Hon. Ndeto:** Thank you Mr. Speaker. I am happy because of the speaker who has just spoken, today he has just spoken like somebody filled with the Holy Spirit and I believe---

**Hon. Speaker:** Who is filled with the Holy Spirit, the Speaker or the member?

**Hon. Ndeto:** The immediate member who has just spoken.

**Hon. Speaker:** Alright.

**Hon. Ndeto:** It is my prayer that the same will continue throughout this period in which the unity of this house will be maintained. Hon. Members, through the Chair, let us be true to ourselves and note that right from the beginning as the Hon. Member said, there have been forces against the Ward Development Fund. We need to understand the day we were debating about the code of the Ward Development Fund, issues came and the Speaker gave us assurance that, all those issues had been taken care of and as it stands today, with the status report, I am still optimistic that this will come to pass and we shall succeed and in this report Mr. Speaker, as much as I support it, and I support it fully, I just need a clarification, the last page, page number 4, in conclusion, it states; ‘Mr. Speaker, Sir, this is the true position of the Ward Development Fund that funds are being held up by some few amendments and regulations’.

Then page 3, the last paragraph states; ‘Mr. Speaker, Sir, the County Executive Committee Member, Finance, should come up with regulation for the smooth running of the fund. The CEC member took long and when the committee realized that the CEC Member was not going to make the regulations, it contacted the legal Department in the Assembly which drafted the regulations for the CEC member to sign. When we go to page 4, ‘Mr. Speaker, Sir, the regulations drafted by the county Assembly Legal Department were forwarded to the CEC Finance for signing and publication at the Government printer. What I need to get clarification on is to whether, the CEC member signed this document.

Secondly, it is also to get clarification if this document has already been forwarded to the Government Printer because the delay, the CEC is taking signals something and probably we may be waiting, assuming the document has gone to the Government Printer, yet it has not gone. Further to that, Mr. Speaker, as an example, we have the County Government of Makeni in

which many people think has not been working. I border two of their wards and I feel ashamed when I see the development that is going on within that County and in the first two Financial years, they have been getting Ksh. 18.5 million per ward which has been implemented and they continue to implement and I urge this house, this is the time to unite, rescue our people and also rescue ourselves because somebody somewhere made a statement that he would not wish to see anybody, 40 of us, come back to this Assembly and the indicators are very clear of what I meant. So I believe we shall be united and through your guidance, this house shall succeed in this Ward Development Fund. Thank you.

**Hon. Speaker:** Thank you. Maybe before further debate, the clarity is that the amendments are at the Government Printer and they will be debated next week. The regulations are before the CEC for execution. That is the actual position, we shall have the amendments before the house for debate next week the earliest so the print out is likely to be out on Friday. Let us hear Hon. Alice.

**Hon. Alice Nzioka:** Asante Bw. Spika kwa kunipa hiyo nafasi. Namshukuru Mwenyekiti wa Kamati ya Biashara, Mpango na Uwekezaji kwa ripoti nzuri ambayo ameleta juu ya pesa za maendeleo katika ward. Bw. Spika ukinirohusu, kuna msembo kwa lugha ya Kikamba, ukinirohusu niseme kwa kikamba kwamba "*kanatemwa ilui niko koe*" (a chick that survives an eagle attack is wiser).

*(Applause)*

Bw. Spika, sisi kama bunge tumekua na shida sababu sisi kama bunge tunafanya kazi yetu vilivyo tunapitisha mipango hapa kwenye bunge lakini hakuna utekelezaji. Mwenyekiti wa hiyo kamati ambaye amelete hii ripoti, ameleta na kuona kwamba, sisi kama bunge tulipitisha kwamba, wodi zipewe pesa. Na ni kama kuna mtu anakanyagia mahali anaona hizo pesa ili wabunge wasififiwe ama wasifanye kazi yao. Bw. Spika, kwa usaidizi wako tunahitaji ushauri kutika kwako. Sisi kama bunge tukipitisha kama tumepitisha juu ya mpango fulani utendeke na ukatae kutendeka sisi kama bunge tutachukua hatua gani? Maana nikianza kuhesabu nitahesabu tumepitisha miswada mingi hapa kwenye hili bunge, Mwenyekiti wa Kamati ya utekelezaji akienda kukaa chini atekeleze hakuna kitu yoyote ambacho sisi kama bunge.

Tukianza kuhesabu tumepitisha miswaada mingi itekelezwe kutoka kwa serikali ya juu, ikifika huko, imekanyagiwa. Kama bunge tunakuja tunakaa tunaona huyu mtu hafanyi kazi inapopaswa katika kaunti yetu. Tunafanya kazi yetu lakini hakuna utekelezaji. Bw. Spika, sisi kama bunge tuna shida na tunahofia kwamba tukiendelea hivi, sisi kama bunge tukifikia mwaka wa 2017, tutakua bunge ambalo halikufanya kazi yeyote. Bw. Spika, tunahitaji ushauri. Asante.

**Hon. Speaker:** Thank you. Let us listen to Hon. Nzoka.

**Hon. Nzoka Munywoki:** Thank you Mr. Speaker, Sir. Let me applaud the Chairperson who brought this motion here and I say I have heard some members also talking of it, that there is someone who said, might be most vote of us will not come back; it doesn't matter. Might be he shall be leading us out. What I say is, it is bad for this Assembly, Members of the public are watching us, not watching the Governor. There in the wards we have been sent here by the members of the public. It is a shame 2013/14, we set a budget of which it has not been executed up to now. Even there are some contractors who did some work and they have not been paid. So, in fact, if we go the way of Kirinyaga, Kirinyaga set aside the precedent of how you can develop the wards.

I urge Mr. Speaker, Sir, we just go to Kirinyaga and benchmark. We have been sent here by the community, better we get disadvantaged, we stay without money but let us focus on the common mwananchi on the ground. It is a pity up to now in Donyo Sabuk, I cannot show anything I have done. So which means I was elected and I should have been.....even they should collect signatures then they send me home. Because we have some projects which are halfway done and the people ask me. You know Mr. Speaker, let me bring to your attention that, my community there, many of them do not move to other wards to understand what is happening in my ward is what is happening on the other side. So they just say the other side, it is good, the other side it is good. I border Hon. Willy here and I told them to go and see the dispensary and see the nursery school. Even mine is thatched---

**Hon. Speaker:** You say you border who?

**Hon. Nzoka:** So what I am saying---

**Hon. Speaker:** Order, order.

**Hon. Nzoka:** Thank you.

**Hon. Speaker:** You said you border who?

**Hon. Nzoka:** Hon. Mukewa.

*(Laughter)*

**Hon. Speaker:** Alright, proceed.

**Hon. Nzoka:** Thank you. So, in fact, if we were like Kirinyaga, we could have set money for development, let it go to the ward, let it be administered by the Executive, we have no problem, but you can see if the money is pumped there you can see the work is going on and that will even build the Executive because we are working together. It seems now everyone is working on his own and the problem is not the Executive, the problem is the Assembly.

*(Applause)*

You are not stamping your authority. We cannot be ruled by the Governor. It is our duty to pass regulations here and pass motions there and then it is executed. If we bring things, we discuss here, we pass it, he executes. It is our duty now to come up and know your stand. If you just say; Hah, we are friendly this way, by 2017, *utaenda peke yako* (you will go alone). Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** Okay, yes let us hear Hon. Kamitu.

**Hon. Alex Kamitu:** Thank you very much Mr. Speaker, Sir. Mr. Speaker, Sir, let me take this opportunity to applaud our Chairman. I happen to be one among the members of this committee and Mr. Chairman, to be very precise, we have gotten a very good report so I would kindly urge you Mr. Speaker, Sir, not that we are going by circulating or we are going by circuit but on a very sincere note, this report is very precise, and as we had mentioned, we are only waiting now for the regulations and the amendments which are at the Government Printer and for us not to pre-empt what is ahead of us. As most of the members have explained, it is very relevant, the definition of development. What development means, that whatever fund that we are going to be given and simply and in any case what we are saying is that, there is money which was allocated for this fund.

It will be a very simple, easy job for us now, going down with the committee that is as per the committee which is going to be formed and legalized. It will be a very simple thing for us. Things will be seen to be done on the ground because exactly what it means on the ground is development. Wananchi are waiting for development and what it means for this development fund, it is the fund so we are only saying, and as I said, for us to be precise, let us wait for the Government Printer, let us go ahead with the regulations that will come ahead as per our mandate and we shall come out victoriously.

So Mr. Speaker, Sir, I would kindly urge you now that the remaining minutes, because members have aired their minutes and we are really, we are not even, there is nobody who is complaining, let us go ahead, wait for the legal aspect of it and for the amendments for us to

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move, for thus for us to be felt down at the ground in regard to development. Thank you very much Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. I think Hon. Members, we need to take this direction that the mind of Hon. Sammy Nduva was to give the progress report and we all have it now so that we don't preempt debate that is coming on the amendment. We proceed and conclude this matter and expect the amendments to be done in the earliest next week, those who sit in the House Business Committee. This is a business of priority and if you watch over this in the next two weeks, we shall be through with this process. Allow us to hear the mover in conclusion unless there is something burning that is different. Hon. Matheka.

**Hon. Francis Matheka:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I wanted to contribute but you have overruled the matter but my worry was about the regulations. There are contradicting responses that the CEC member has signed, the CEC member has not signed. Which is which because as it pertains me, I know the Executive is not for this fund and surely for the CEC member to sign these regulations, she needs to be pushed? And Mr. Speaker, Sir, if I may add something, it will go down in the history of the Machakos County Assembly if this fund is not actualized that the first assembly meant or enacted a bill giving the people of Machakos money for development but it stalled somewhere and it will stall in the Executive offices.

The Hon. Members of this house will go down in history as members who failed to push for their right and for the right of the electorate. Also Mr. Speaker, we need your hand in this because also questions will come up; who was the Speaker, and it will be mentioned who was the Speaker.

*(Applause)*

Mr. Speaker, Sir, I urge that you fast track this thing as our Chair, we back you as Members then we will make history. I would also like a clarification from the Chairman who is my Chairman, whether the CEC Finance has signed these regulations or she is sitting on them. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Hon. Matheka, I think you were away. I had given that clarity. I said that the amendments are at the Government Printer. They will be gazette, probably, this Friday and the regulations have not been signed but .....(inaudible) but we dealt with this matter in the morning and a report is forthcoming. Finally Hon. Kasoa, maybe we can hear you briefly and then you can hear the mover.

**Minority Leader (Hon. Kasoa):** Thank you Mr. Speaker. It is just information that Mr. Speaker, as we wait for the document to be brought back to the house, you can direct that,

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because the house has no committee for WDF, maybe you can order the selection committee to sit down and come up with the committee members for this committee. Thank you.

**Hon. Speaker:** Sorry Hon. Kasoa, that order has already been made and a report should be supplied tomorrow in the morning by the Leader for Majority. Let's hear the mover of the motion.

**Hon. Nduva** Thank you Mr. Speaker, I want to applaud the Hon. Members for their contributions towards this noble motion because it is a matter that touches all of us in this house despite either elected or nominated because the works that will be done by the monies in this fund, I know it will be of benefit to every member of Machakos County. Mr. Speaker, I want to put across to these Hon. Members and congratulate you, in a meeting that was held in some times three weeks back at People's Park when his Excellency the Governor had a meeting with investors. Mr. Speaker, in your speech and I am sure the members who were there will say it, concerning the development that has been done by the Governor and his Government, you pointed out that while also the Assembly working closely with the Government, the development agenda will speed after the inauguration of the Ward Development Fund. I wanted to put across this because I think no member had instructed you to say that and I will say that I know you are behind this fund and for the benefit of this Hon. Members. So Mr. Speaker, I congratulate you for that.

*(Applause)*

The other matter that Mr. Speaker, I want to say, life has not been so easy for me in this Assembly as it concerns this fund. Majority have said that I have been seen aside and you can hear them. Others have told me I was not wearing spectacles before we started this fund.

*(Laughter)*

Mr. Speaker, this are communications that have been directed to me by Hon. Members and I am happy because now today, we have put everything right and in front of everybody here and that is why I could not hesitate to mention what you said there so that no one will say, the Speaker is also sitting on the other side. Mr. Speaker, you are one of us and the position as it is now in this document. What I want to put across to this Hon. Members is it has not been easy for us and to this matter as it concerns the CEC Finance. We have tried to push this matter with Hon. Clerk of the Assembly so that, because an account for this fund would have been set by the CEC member but this one could have been after signing the regulations which are lying on our table.

Last week Hon. Members, I tried to chase the CEC member but it was all in vain until Friday night she called me and told me that she had not received my document because after going to her office several times, I wrote a document and left on her table that I urgently wanted to see her because of this fund. So Hon. Members, the position is that as for the regulations, the CEC is still holding them but I will try the much I can and I know with the assistance from the office of the Clerk and the Speaker, this week that the regulations be signed so that, you know the structures for this fund to be put in place. If it becomes too much for me, then we will report back to this Assembly and you members will be able to decide. So I thank you all Members, the Clerk and the Speaker because of, you know, what you have been going through. Thank you and I appreciate your participation. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much and we are with you in the matter and I proceed to put the question.

*(Question put and agreed to)*

**Hon. Speaker:** There is a motion that by Hon. Wilston Kaniu? Chairman Tourism.

**Hon. Wilston Kanui:** Thank you Mr. Speaker, Sir. I stand under Standing Order 49 on motions which may be moved without notice. Mr. Speaker, Sir, aware that on 30th June, a public petition from Mau Mau Veterans Association was tabled in the Assembly and later committed on committee on Tourism and Culture pursuant to Standing Order 201 (1), further aware that the Committee tabled each report to the Assembly on the 11th August, 2015 and after debate was, unfortunately, referred back to the Committee. Informed that pursuant to Standing Order 201 (2) a committee is obliged to report in not more than 60 calendar days which expired on the 31st August, 2015 owing to the fact that the committee had not fully completed compiling the process, I wish to move the motion that the committee be given more time to finalize the report as I have not been feeling well and now I am back and feeling well. Thank you Mr. Speaker, Sir, I wish you consider that request.

**Hon. Speaker:** Thank you, in the absence of any serious objection, I exercise my discretion and grant the permission.

**Hon. Kanui:** Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Any other business? That is all for today then the house will adjourn until tomorrow. Thank you.

The House rose at 3.50 p.m.