

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 11<sup>th</sup> February, 2015**

The House met at 2:31 p.m.

*[The Speaker (Mr. Mung'ata) in the chair]***PRAYERS****Hon Speaker:** Good afternoon Hon members. Let us proceed Clerk.**PAPERS****PROCEDURE AND RULES COMMITTEE REPORT****Hon Speaker:** Yes Hon Deputy Speaker.**Hon Deputy Speaker (Nathanael Nganga):** Mr. Speaker, Sir,, pursuant to Standing Order 233 as read together with Standing Order 151, subsection 1, 2, 3 and 4, I beg to lay the following paper on the table of the Assembly today, 11<sup>th</sup> February 2015: The Procedure and Rules Committee report. Thank you Mr Speaker, Sir.**Hon Speaker:** Thank you, paper laid.**NOTICE OF MOTION****PROCEDURE AND RULES COMMITTEE REPORT****Hon Nganga:** Mr. Speaker Sir, pursuant to Standing Order 233 as read together with Standing Order 151, I wish to give notice of the following motion: that this house discusses and approves the Procedure and Rules Committee report. Thank you Mr Speaker, Sir.**Hon Leonard Katela:** Mr. Speaker Sir, I would like to give a notice of motion that this Hon House debates and approves the buying of a printing machine for the county. Thank you Mr. Speaker, Sir.**Hon Speaker:** Hon Leonard Katela, I urge you to repeat your notice of motion. The notice of motion you have given to this House is not in the order paper.

**Hon Katela:** Mr. Speaker, Sir, sorry. I wish to give notice of the following motion that this Hon House discusses and resolves that the county government of Machakos establishes a county printer. Thank you Mr. Speaker and I'm sorry.

**Hon Speaker:** Then Hon Katela, you can take your moment to withdraw your earlier motion.

**Hon Katela:** Thank you Mr. Speaker, Sir; I stand to withdraw my earlier motion.

## MOTIONS

### ESTABLISHMENT OF A MACHAKOS COUNTY GOVERNMENT PRINTER

**Hon Katela:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, aware that the government of Machakos does a lot of printing, which is done by the National government printer and that the government printer does printing for the whole country; and aware that printing of county documents has been delaying due to heavy workload at the government printer, with our own printer, the County Government can save on cost and time. I wish to move the motion that the county government of Machakos establishes a county printer. I call upon Hon Kalunde to second my motion.

**Hon Joseph Kalunde:** Mr. Speaker, Sir, aware that the government printer does print for the entire country which means that it prints for the 47 counties including national government departments, that means it has got a lot of work, and sending our papers to be printed in the government printer will take a lot of time and delay, therefore Mr. Speaker Sir I stand to second the motion. Thank you Mr. Speaker Sir.

**Hon Speaker:** Thank you. The motion is seconded and properly laid on the floor for debate. Debate is open for the motion; those in proposition? Hon Dominic Maitha.

**Hon Dominic Maitha:** Thank you Mr. Speaker and Hon Members present. I think it will be in the best interest of this assembly that the mover of the motion expounds further on the benefits of the printer to the County Government of Machakos that is going to serve the eight sub-counties of this county, the benefits and cost implication, Mr. Speaker, before we debate much on this motion because, Mr. Speaker, Sir, the mover of this motion you remember sometime late last year with your permission, moved a motion to establish a radio station which up to date Mr. Speaker, he has not confirmed to this house the state or the situation of that radio station Mr. Speaker. I think in as much he might have a better idea of how that radio station was supposed to benefit us, it is in the best interest of the people of Machakos County and this assembly that he expounds further and explains the wider benefit of the printer and the cost implication. Thank you Mr. Speaker, Sir.

**Hon Speaker:** Thank you very much. Hon. Katela, I am persuaded by Hon Dominic; you need to tell us more about this printer.

**Hon Katela:** Mr. Speaker, Sir, without much ado-----

**Hon Speaker:** It must be much ado.

**Hon Katela:** (*Laughing*) Ok, with much ado, I think the motion is self-explanatory and my colleague as I have read it, I don't think he has a copy of this because first we are out to cut on cost and time which we are wasting a lot when we are waiting for our stuff to be printed at the government printer; that much I said. Again it's good that he can remember I moved a motion to start printing a Paper for the Assembly and a radio station which will also need printing materials. The same, same printer will assist very much in doing so, instead of sending them out and paying for them. Again, the county has grown and as much as the government side is printing a lot of things outside, I think we can also take that and make money out of it and I think then, without much ado, my colleague can very well see that. Thank you Mr Speaker.

**Hon Speaker:** Thank you. Hon Katela, if I understood Hon Dominic, he wants to understand, where will this money come from, how much it is, and if you don't have those figures, why don't you have them? Maybe if you are not able to have the figures, you tell us whether the matter will be presented to the Committee on Budget to...

**Hon Katela:** Ok. I think there is a procedure to follow and I don't want to educate my colleague very much because he knows the procedure in the house. We are soon making the budget for this year, so I thought the committee on budget will sit down and do the budget for this printer, if the house approves. Nothing much.

**Hon Speaker:** Ok, let us have additional contribution.

**Hon Alex Kathinzi:** Thank you Mr. Speaker. Mr. Speaker, I think Mheshimiwa Katela is taking this house round and round because as the chair of that particular committee, he has to have some estimates of the cost of this particular machine. Mr. Speaker, the problem with the assemblies is to make and approve budgets whereby we do not have ideas and estimates of what we deserve to do. We need to give priorities to issues which are helpful to our people.

Therefore Mr. Speaker, I'm throwing back this ball through you to Mheshimiwa to have a good study and give this Assembly furnished information and documents. Mr. Speaker, it is in the best interest of our citizens, Machakos County people, that we need to give proper documentation, proper information Mr. Speaker, so that we can proceed with such a motion because I don't see whether it is possible for us to proceed with this particular motion when we are in darkness.

Mr. Speaker, this chairman has been there since last year; he has failed in terms of resource mobilization and in terms of ideas. He must look in to ways and means of getting this particular information.

**Hon Speaker:** Order, order Hon Kathinzi... order, order Hon Kathinzi. What do you exactly mean by 'he has failed'?

**Hon Kathinzi:** Mr. Speaker, I attended his committee one day and I suggested that, and even it is on record, you can confirm with the HANSARD. Mr. Speaker, I request for your protection.

**Hon Speaker:** Kindly have your seat. Let us move on. Let us hear the Majority Leader.

**Majority Leader (Hon. Joshua Mwonga):** Thank you Mr. Speaker, for giving me this chance to contribute to this noble motion and Mr. Speaker, with your permission I want to introduce myself for the interest of the members of the public who are in the gallery. Mr. Speaker, the hon member on the floor is none other than the Leader of Majority of Machakos County Assembly Mr. Speaker, and I feel very much privileged to contribute on this noble motion when the gallery is full. I think after this session they will take the message, that I'm still the Majority Leader Mr. Speaker, and I am not shaken neither have no fear of the consequences. And Mr. Speaker I am sure and I have confidence. I am going nowhere, Mr. Speaker.

**Hon Speaker:** Order Hon. Majority.

**Hon Mwonga:** Mr. Speaker, back to the motion.

**Hon Speaker:** Proceed.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I think this is a noble idea of buying Machakos County printer. One reason is this: it is a way of job creation. Secondly, it can be a way of increasing revenue Mr. Speaker. Why? It is only last session where we took our bills for printing in the national printer Mr. Speaker and they had to take more than two weeks because of the queue.

Mr. Speaker, with this the county can make a lot of money because the neighboring counties will not want to take their bills to the national government printer to go and queue there Mr. Speaker, so it is a way of enhancing our revenue.

Mr. Speaker, on the issue which is being raised by the members who are opposing this motion, Mr. Speaker, I think it doesn't bear any weight. The reason is, it is the duty for this house is to approve the logistics of how much the printer is going to cost; we have technocrats who will have to sit with the budget committee and come up with the cost of his printer. With that Mr. Speaker, I beg to sit. Thank you.

**Hon Speaker:** He is already through, he cannot be out of order, he has finished.

*(Laughter)*

**Hon Speaker:** Let us hear other members. Hon. Ndeto, at the back.

**Hon Ndeto:** Thank you, Mr. Speaker, for that opportunity to give my contribution towards this motion. It is a good motion which I support, and as I support, I tend to believe, in Kenya we have only one government printer, but we have several printing houses in Kenya in which we cannot go to print our county stuff and I believe there must be reasons because in the establishment of a national printer, there must be legal implications towards this and I believe this house before we pass this motion, we need to understand the legal implication of a government printer and also a county printer. That is my request that we first know what are the legal implications on a county printer based on the national printer. Thank you.

**Hon Speaker:** Yes Hon Matheka.

**Hon Matheka Musyoki:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, I want to go back to the issue of cost analysis. I heard my friend, the mover of the motion, hon. Katela say that we are saving on time and money. I tend to disagree with him because Mr. Speaker, he is just telling us we are saving on money but we don't know how much. We don't know how much it costs to print a Bill or Bills in the government printer and we don't know how much the machine will cost.

Those are two different issues. Mr. Speaker, Sir, I believe the County Government of Machakos has technocrats and it can consult widely to give us exactly what will be the cost of this machine versus what is the cost at the moment, then we give it a benefit of time, we see what will be the cost eventually. Mr. Speaker, Sir, the cost of this press will include employees and I tend to believe at the moment, the county is struggling to pay the current employees. Mr. Speaker, Sir, where will we get extra money to buy machines and extra money to pay extra employees? Mr. Speaker Sir, I am wondering and allow me to wonder loudly.

Mr. Speaker, there is also the issue of the Budget Committee. I don't know where the budget committee is coming in. The Budget Committee should be forwarded the figures to see whether they can factor them in the budget but not to be told to sit down by this house and workout on the figures; the technocrats should do that. So Mr. Speaker, Sir, I tend to disagree, and I tend not to support this motion because of the cost analysis.

We need first to see it, we analyze it and we see whether it will be cost effective for the County Government or not. Mr. Speaker, Sir, I believe the government printer has alot of work, but it has been doing that for the last 50 years. I don't know whether it will make any difference. I believing we have 48 governments who are queuing to do the work, but first Mr. Speaker, Sir, we should do a cost analysisso that we can know exactly what is happening. To finalize Mr. Speaker, Sir, I want to congratulate my Majority Leader and I am giving him-----

**Hon Speaker:** Is that on point really?

**Hon Matheka:** I just want to congratulate him because he said something-----

**Hon Speaker:** Hon Matheka, let us first deal with this.

**Hon Matheka:** Ok, thank you Mr. Speaker, Sir, and thank you for your correction. So, Mr. Speaker, we need the cost analysis and then from there, we can work out on the figures and see whether the press will be cost-effective or not. Thank you, Mr. Speaker, Sir.

**Hon Speaker:** Maybe perhaps before you take your seat Hon Matheka, unless we have forgotten the procedure, ordinarily when a motion is passed to this house, it is referred to a committee that deliberates, collects views and brings a report to the house and that is the report that normally has the content. Now perhaps with that reminder, what would be your contribution?

**Hon Matheka:** I tend to agree with you Mr. Speaker, Sir, but it is not the Budget Committee to do the cost analysis, it is the technocrats, then they give the Budget Committee the figures and the figures will be brought to this house for comparison. I think that is the procedure Mr. Speaker,,Sir.

**Hon Speaker:** Thank you, I agree. I think now with that, we can take proper direction on the matter. Let us hear Hon Manyolo and then the chair legal, sure you need to tell us something.

**Hon David Manyolo:** Thank you Mr. SpeakerSir and the house at large. Mr.Speaker I'm here to support the motion.It is of essence and it is also good for the county. May I also advice my fellow Hon Members that fear of competition is the beginning of..... (*inaudible*) and we need to achieve and to have an image of the county, but not stick to one point.

As you all know, the national printer is so busy; why can't we have our own which will have efficiency, privacy and also reduce the cost of time because most times when we pass our bills, they delay and we have time frames. Why can't you consider that Hon Members? The issue of the cost is not ours. Let the committee sit down and come up with a figure which will be considerable. If no money, we pass a supplementary budget for this issue because we need to work very fast.

On the other hand Mr. Speaker, Sir , I do understand how Majority Leader said before, that it is going to create employment and also we will get money from it because other counties will come and forget saying how much the bill costs; it will be of our benefit, so Mr. SpeakerSir, I stand to support the motion. Thank you.

**Hon Speaker:** Let us allow the chair first and then the Deputy Speaker. The chairperson legal affairs committee and I will be very happy if you can respond to the issue raised by Hon Ndeto on whether it is legal to have a county printer.

**Hon Joseph Itumo:** Mr. Speaker, Sir, first of all, I do not support this motion and the reason behind it is that we are talking about a very expensive machine. However, and Mr. Speaker, I am perplexed, rather perturbed, when my people are dying of hunger. I thought we would use that money to buy relief food because the season has not been favorable this time round. Mr. Speaker Sir, it is perturbing when we talk about spending much on such machines when instead, we should be talking about how we are going to deal with the hunger that we have at hand Mr. Speaker. So Mr. Speaker, I do not think it is legally advisable to go for that machine so I do not for now support this motion Mr. Speaker. Thank you, Mr. Speaker.

**Hon Speaker:** Thank you, Hon Itumo. It is for that reason you did not advise the house on the legality of the motion?

*(Laughter)*

**Hon Deputy Speaker:** Thank you Mr. Speaker and the house at large. I want to contribute on the motion on the floor of the house and say that whenever we have a motion on the floor of the house Mr. Speaker, the essence of the motion is not actually to give legal standing to the establishment of a county entity or an institution, but rather, it serves to express the interests of the house and the willingness of this house to have a certain facility set in place.

Mr. Speaker, following the trainings that we have had for hon members, what the passage of this motion will do is it will empower the relevant committee to move forward and evaluate its circumstance, whether it will be good or bad to have a county printer established Mr. Speaker. So I would want to take this opportunity to advise my hon colleagues, that it will be of importance we explore the viability of having a county printer with us, Mr. Speaker.

Mr. Speaker, you realize as a government, we are printing many private government documents and we have been forced to undertake private printing engagements Mr. Speaker, which is not legally very good because, most of the government documents end up being in the hands of people who have not been legally mandated to handle those documents. So Mr. Speaker, the passage of this motion is good for the house because the relevant committee on ICT will move forward and call on experts to come to them and explain to them the cost implication of this machine and the viability of it being purchased by the county. Then from there a substantive report will be brought this house and as members of the house we will have the collective responsibility to approve the establishment of that institution or even revoke it Mr. Speaker.

So I want to urge my colleagues not to have fears of the unknown Mr. Speaker because there is due process that lies ahead of this motion and if we give the committee the opportunity to explore, then we will be better informed in coming days whether we really need to have a government printer or we don't need. So Mr. Speaker, with your indulgence, maybe you can

guide the members so that we can we have them see the reason why we need to have this motion in place and have the relevant committee explore the opportunities before we bring the relevant figures to be annexed within our coming financial years' budget. Thank you, Mr. Speaker.

**Hon Speaker:** Thank you. I think members, it is well said, that you all understand that a motion basically cultivates the intention of the house and there is an exercise whereby Hon Itumo will have an opportunity to say perhaps this can come after relief food. Then Hon Members, I think the mood of the house and the argument I have heard is that it is good that there is a government printer but issues shall be determined at the committee stage and eventually, the report comes to the house. Unless there is any pressing point, on this matter I would wish to propose the question. Let us hear Hon. Ndeto. Kindly come here, oh yes now you can use that.

**Hon Festus Ndeto:** Okay thank you. I'm just following on my point, because when I talked about the legal implication of a government printer, it is like in Kenya, we have one Attorney General, we have one Chief Justice, then we have the government printer- my point was geared towards that direction. That is why I wanted a clear guidance on the same.

**Hon Speaker:** The *County Gazette*, Hon. Ndeto is already established even in the Constitution. It is only that it has not been implemented and we are within the law. Let's hear Hon. Isaac Muinde.

**Hon Isaac Muinde:** Mr. Speaker, I was rising on a point of procedure, just to draw to your attention that a member cannot contribute twice on the same motion and that it was not proper for Hon Ndeto to stand again and purport to contribute to the same motion. However Mr. Speaker, earlier a member had questioned or raised an issue about technocrats.

**Hon Speaker:** I thought hon Ndeto did that with my permission? But you can now proceed.

**Hon Muinde:** Now that has been mentioned, I also want to draw to your attention that one member had earlier said that an analysis needs to be presented to this house by technocrats and somehow he mentioned that there are no technocrats in our Budget Committee. I want to draw to your attention that the Budget Committee is made up of technocrats.

**Hon Speaker:** Perhaps you are the first technocrats. Finally let us hear you.

**Hon Veronica Mbithe:** Thank you Mr. Speaker and the house at large. Let me take this opportunity to contribute to this motion. You can bear with me or take it with me that in Machakos County, we have many urgent needs and I don't think this is a priority Mr. Speaker Sir. There are many projects that are almost stalling because of financial constraints and I feel like this is not the right time for such a motion. Thank you Mr. Speaker Sir.

**Hon Speaker:** Thank you very much. Let us hear Hon. Alice.



**Hon. Alice Nzioka:** Bw. Spika, nashukuru kwa kunipa hii nafasi ilikuongea juu ya hili wazo nzuri ambalo Mwenyekiti wa Kamati ya Utendakazi amelea. Ni wazo nzuri kwa Kaunti yetu. Ningetaka, kupitia kwako Bw. Spika, kwamba mwenyekiti wa Kamati ya Utendakazi afanye utafiti zaidi juu ya hii mashine ambayo wanataka kuleta, itatupa sisi kama kaunti faida gani, na kitambo akifanya hiyo kazi, kusudi afanye kazi nzuri ambayo itatusaidia sisi wanakaunti na Bunge la Machakos kwa jumla.

Tutakuwa tumeweza kuangalia miradi ambayo inapaswa kupewa kipao mbele tuiipatie ndio akileta utafiti wake na kazi nzuri ambayo atafanya, sasa tutakuwa na mioyo mikunjufu na kuangalia vizuri sana ilikupitisha huu mswada kwa pamoja. Lakini kwa sasa, hio mashine ni nzuri lakini hatuwezi kuipatia kipao mbele. Kwa hivyo mwenyekiti, fanya utafiti zaidi, tutakuja kukuunga mkono katika mswada ukileta tena. Asante.

**Hon Speaker:** Asante sana. I think we all hear Hon. Alice, that is what I was saying, the mood of the house. As I was saying we can have the report referred to the appropriate committee and at that stage a proper report will come before the House and we will properly deliberate. In the meantime, those in support of the motion as presented by Hon. Leonard Katela, MCA Muthetheni ward.

*(Question put and the House divided)*

**Hon Speaker:** So Hon. members, we will take a division.

*(Division bell ringing)*

**Hon Speaker:** Sergeant at Arms, I thought the door should remain open in the meantime. Order Hon members. No member should leave the chamber. Division has been ordered, so members remain seated.

*(Division bell continues to ring)*

**Hon Speaker:** Order, order, order hon. members, order. Sergeant at Arms, I think the time is up, the bell may stop. Clerk you can now guide us, we need to first take the number of members in the House, and the Clerk can give us the count.

*(Clerks at the Table take the count and give the Speaker results)*

**Hon Speaker:** We are a total of 45 members in the house. This is a motion of simple majority and I will urge those who said 'ayes' to raise their hands prominently for counting.

*(Members supporting motion raise hands)*

**Hon Speaker:** And those for ‘nays’, again let us have your hands prominently up.

*(Members not in support of the motion raise hands)*

**Hon Speaker:** Hon. Itumo, you are out of order and I direct that you leave the chamber. We cannot entertain that. It cannot be taken as a joke for you to raise two hands. Let us get the count. Let us repeat and sorry for that.

*(Counting done)*

**Hon Speaker:** Those who abstained.

*(Counting done)*

**Hon Speaker:** Hon members, these are the findings of the voting: Abstinance recorded three, the ‘nays’ recorded 13, the ‘ayes’ recorded 27, one member is unaccounted for and the ‘ayes’ clearly have it. So the motion succeeds with the result that it is referred to the relevant committee, for further deliberations. Thank you.

## MOTION

### REPORT ON RULES AND PROCEDURE COMMITTEE

**Hon Nathaniel Nganga:** Mr Speaker, Sir, aware that the procedural matters of the assembly rely on the Standing Orders; further aware that the Committee on Procedure and Rules is mandated to propose amendments to Standing Orders, pursuant to Standing Order number 187 sub section 4, noting that assembly parties can nominate members to a committee upon approval by the House, pursuant to Standing Order number 152 sub section 1(e), Mr. Speaker, Sir, I wish to move a motion that this house discusses and approves the Committee on Procedure and Rules report. Thank you Mr. Speaker, Sir. I want to call upon Hon Joseph Muli to second my motion before I present the report to the house. Thank you, Mr. Speaker.

**Hon Joseph Muli:** Thank you Mr. Speaker. I stand here to support the motion. This motion Mr. Speaker was long overdue because we needed a streamlined Committee of Selection and House Business Mr. Speaker. And Mr. Speaker, as we agreed before we broke for recess, we agreed to have unity, and we promised to have this year as a year for dedication and hard work. Therefore, Mr. Speaker, under the issue of considering the House Business Committee which is very vital in this house, which prioritizes the agendas and the motions of the house Mr. Speaker, I stand here to second the motion. Thank you, Mr. Speaker.

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

**Hon Nathaniel Nganga:** Mr Speaker this is the report on Procedure and Rules Committee presented by Hon Nathaniel Nganga, the Deputy Speaker and MCA Ikombe Ward,

dated today 11<sup>th</sup> February 2015. Mr. Speaker Sir, on 9<sup>th</sup> July 2014, the Machakos County Assembly adopted the new Standing Orders, a process which took the concerned committee 7 months to do the amendments. Mr. Speaker, pursuant to the provisions of Standing Order 235, it is worth noting that the Standing Orders need to be reviewed often so that they fully suit the operations of the Assembly and its members. Further, Mr. Speaker, the operations of this Assembly are governed by the relevant laws. On procedural matters, this Assembly relies on its Standing Orders.

### **Mandate**

Mr. Speaker, Sir, pursuant to provisions of Standing Order 187(3), the Procedure and Rules Committee shall consider and report on all matters related to these Standing Orders. In addition, Standing Order 187(4) mandates this committee to propose amendments and upon approval by the Assembly take effect at the time appointed by the Assembly.

### **Subject Matters**

1. Establishing a new select committee to be known as the Committee on Devolution and Intergovernmental Relations (*attached is a copy of justification of establishing the committee and its functions.*)
2. Nomination of House Business Committee members.
3. Constituting the Committees on Selection and Broadcasting as per the new Standing Orders

### **Committee Composition**

1. Hon. Bernard Mung'ata – Chairperson
2. Hon. Nathaniel Nganga – V/Chair
3. Hon. Felix Ngui – Member
4. Hon. Joseph Muli ”
5. Hon. Cecilia Sereka ”

### **In Attendance**

1. Mbiuki F.G – Clerk to County Assembly
2. Peter Kivelenge – Ag. Deputy Clerk
3. Luke Maingi – Clerk Assistant

### **Establishment of the Committee on Devolution and Intergovernmental Relations**

Mr. Speaker, on 13<sup>th</sup> November 2014, a letter from the Leader of Minority, Hon. Thomas Kasoa signed by Hon. Raphael Mutuku and Hon. Wilson Kasimu was tabled to the Committee on Procedure and Rules pursuant to Standing Order number 234 (3). Mr. Speaker Sir, the

application required the Committee on Procedure and Rules to consider amending Standing Orders to accommodate the new committee to be established.

Mr. Speaker, Standing Order 234 states that “a member may with the support of at least two other members request the Procedure and Rules Committee to consider an amendment to the Standing Orders. This request shall be in writing and shall contain the text of the proposed amendment, justification and names and signatures of the supporting members.”

Mr. Speaker, the committee considered the application and approved the matter for discussion in the House.

### **Nomination of House Business Committee Members**

Mr. Speaker, the newly amended Standing Order 151(1) provides that this committee shall comprise The Speaker, Chairperson of committees, Leader of Majority party, Leader of Minority party, Majority and Minority Whips and not less than 9 and not more than 11 other members nominated by Assembly parties and approved by the House at the commencement of every session, reflecting the relative majorities of the seats held by each party.

Mr. Speaker, Standing Order 154 (1) provides that “in nominating members to serve in a select committee, the selection committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.”

Further, Mr. Speaker, during a committee sitting on 29<sup>th</sup> January, 2015, the committee on Procedure and Rules considered this matter and through the Majority and Minority Leaders called for various Assembly parties to forward their nominees for this committee.

### **Party Strength Formula**

**Total No. of Hon. Members = 59**

**Number of Party Members Divide by 59 Multiply by Maximum Seats in a Committee = Party Strength**

The parties therefore qualify seats as follows:

Wiper = 5 seats

CCU = 1 seat

DP = 1 seat

PICK = 1 seat

ODM = 1 seat

TNA = 1 seat

TIP = 1 seat

**TOTAL = 11 seats**

The Hon. members forwarded from the respective parties are as the attached list: -

### **Nomination of Members to Committee on Selection**

Mr. Speaker, Standing Order 152(1) provides that this Committee will comprise the Majority Leader, the Minority Leader and not less than 7 and not more than 11 other members, who shall be nominated by Assembly parties and approved by the House.

Mr. Speaker, just like in the House Business Committee, the Procedure and Rules Committee notified the various Assembly parties to forward their nominees for this committee pursuant to Standing Orders. Basing on party strength the parties therefore qualify seats as follows:

Wiper = 5seats

CCU = 1 seat

DP = 1 seat

PICK= 1 seat

ODM = 1 seat

TNA = 1 seat

TIP = 1 seat

**TOTAL = 11 seats**

The Hon. members forwarded from the respective parties are as the attached list. Mr Speaker, with you permission, I will read the names for the various members who will make the composition of the two committees, the Committee on House Business and the Committee on Selection.

### **Members Appointed to the House Business Committee**

1. Hon. Bernard Mung'ata - Chairperson
2. Hon. Joshua Mwonga - V/Chairperson

3. Hon. Thomas Kasoa- Leader of Minority
4. Hon. Nathaniel Nganga- Deputy Speaker
5. Hon. Timothy Kilonzo
6. Hon. Alex Kamitu
7. Hon. Stephen Muthuka
8. Hon. Dominic Maitha
9. Hon. John Sila
10. Hon. Joseph Muli
11. Hon. Joseph Itumo
12. Hon. Nina Mbithe
13. Hon. Mary Ndinda
14. Hon. Gideon Kavuu
15. Wilson Kasimu
16. Hon. Phillip Ndolo
17. Hon. Anne. W. Musyoki

#### **Members Appointed to the Committee on Selection**

1. Hon. Joshua Mwonga - Chairperson
2. Hon. Thomas Kasoa – V/Chairperson
3. Hon. BrigidMbinya
4. Hon. Christine Mutune
5. Hon. Veronica Mbithe
6. Hon. Catherine Nguluku
7. Hon. Renson Muthiani
8. Hon. Timothy Kilonzo
9. Hon. Charles Mutisya
10. Hon. Rachael Nduku
11. Hon. Ruth Ndumi
12. Hon. Alphonse Wambua
13. Hon. Benson Kasyoka

#### **Broadcasting Committee**

Mr. Speaker, the committee considered establishment of the committee on Broadcasting pursuant to the Third Schedule of the Standing Orders (*Min.11/2015*). The members agreed that the committee on Selection should take up the matter to have the committee in operation by overseeing nomination of members.

## **Conclusion**

Mr. Speaker, the Committee on Procedure and Rules, having exercised its mandate in considering amendments to Standing Orders and observing the legal procedures in constituting committees, I therefore request this Honorable House to discuss and approve this report. Thank you Mr. Speaker Sir. The proposed amendment to the Standing orders are as per annexed and on the new committee and the functions are outlined there Mr. Speaker. Thank you Mr. Speaker Sir.

**Hon Speaker:** Thank you very much, and the report is on the floor of the house for discussion and debate. I open contributions on the report. Yes Hon Matheka.

**Hon Matheka Musyoki:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, I want it to be on record that CCU party members never met to select whoever will be in those committees. I got a letter yesterday, from the clerk, from the reception and I was supposed to meet my members we select whoever was supposed to sit in those committees. No communication came to me after getting the letter. So in CCU there were no elections, it was a selection, let it be on record. Thank you.

**Hon Speaker:** That is noted, but let's hear the minority leader here. I think that touches on his party.

**Hon Thomas Kasoa:** Thank you Mr. Speaker. The communication was done yesterday by the office of the clerk and each member was given a letter and I remember very well, yesterday afternoon I met Hon Matheka, Member of the County Assembly for Kangundo North at the parking, and I told him personally, to meet me in my office today morning at 9:30am. All the other members came expect him and Hon Amina Mutio; the members came and selected the members. Thank you, Mr. Speaker.

**Hon Speaker:** Thank you. I will not dwell on those party issues; let's hear hon Kitheka.

**Hon Cornelius Kitheka:** Thank you Mr. Speaker Sir and the house a large. Mr Speaker, aware that we are at loggerheads in the entire assembly on matters concerning allocation and appointments in the committees Mr. Speaker, I would wish to point out the following issues:- Mr. Speaker, if this proposal for the amendment of the Standing Orders was genuine, we should have been called to the assembly like today, we make the amendments, then an action be taken later. Mr. Speaker, I can see now we have made the amendments and we are still acting on the same amendments even before we conclude everything which has been put in the Standing Orders.

**Hon Speaker:** Point of order taken, just have a sit. I think you need to explain the genesis, why are we having these committees because these are committees that lapse after a session and it is essential they are done. Just proceed.

**Hon Deputy Speaker:** Thank you, Mr. Speaker. Mr. Speaker, as you realize, the report on committee on Procedure and Rules is comprised of two elements. If you have gone through the report that we have, we have the amendment of the Standing Orders to include the committee on Intergovernmental Relations and Devolution. That is the only amendment on the Standing Orders that we are doing today; no other amendment is being done. And Mr. Speaker, further to elaborate on the nomination of members, this matter was occasioned by the enactment of the new Standing Orders that we are using, Mr. Speaker.

As I have stated in my report Mr. Speaker, we enacted the new Standing Orders Mr. Speaker, because you realize after we took oath of office, we immediately approved the transitional Standing Orders we have been operating with and on 9<sup>th</sup> July, 2014, we enacted new Standing Orders, Mr. Speaker. If the member has his own Standing Orders Mr. Speaker, he can make reference to the front page, Mr. Speaker, which shows when we enacted the new Standing Orders and that is what occasioned the revision of the committees which were not in line with the requirements of the new Standing Orders Mr. Speaker.

As you realize, the former Standing Orders required the House Business Committee to have approximately 27 or 29 members Mr. Speaker, and these new Standing Orders are reducing that number to 17 members Mr. Speaker. So this is not part of the amendment of the Standing Orders that is being done, the amendment that we are doing on the Standing Orders is as annexed in the fifth document. There is a proposition that we received as a committee, and there are recommendations that we have sent to the house for Standing Order 190 that will be put in the Standing Orders to conform to the expectations Mr. Speaker.

If I may elaborate on the amendments that we are doing, we have challenges as county assemblies, because we don't have an intergovernmental relations organ between the county assemblies and the national organs of the National Assembly and the Senate, Mr. Speaker. If it is a matter that the County Assembly feels it is important to be taken to the Senate or the National Assembly, Mr. Speaker, it can only be done through sending of messages. But when we have a properly constituted committee on Devolution and Intergovernmental Affairs Mr. Speaker, we shall have that committee being able to formally meet with the committee of Senate on Devolution and Intergovernmental Affairs and furnish them with the challenges that we are facing in implementing devolution, Mr. Speaker.

So this is the brain behind the formation of this committee and that is why we have found it important to enhance the coordination of activities between the various state organs that are coordinated with devolution, for example the CRA, the SRC and many other organs of the national government. So Mr. Speaker, the nomination of members is not actually an amendment in itself, it is going to comply with the requirement of the nomination of members to that committee.

So Mr. Speaker, this was actually laid, we are behind schedule, it should actually have happened sometimes last year but due to some challenges here and there, that is why now, after



getting to consult far and wide, we were able to develop the formula that we were supposed to use, according to the standing orders as we have mentioned and then calculated on the party strength. Actually the parties that have one member nominated to those seats have at least two members in the County Assembly, except for CCU and DP which have approximately four members.

But Mr. Speaker, for those with a challenge interpreting the formula, I will be available for further elaboration Mr. Speaker after the session, so that we may be able to let them know that we calculated this well with the best interests of every member at heart Mr. Speaker. Thank you.

**Hon Speaker:** Thank you very much. Hon members I want to read you the provision of the new Standing Orders that we have. Standing Order number 151, subsection 1(e) says, “not less than nine and not more than 11 other members, who shall be nominated by assembly parties and approved by the house at the commencement of every session, reflecting the relative majority of the seats held by each of the assembly parties in the assembly and taking into consideration the interest of independents.” So that is why we are here today, because it ought to be the first assignment and those who noticed, even in the National Parliament, that was their business on Tuesday. Hon Matheka we have heard you, let us hear Hon Kathinzi

**Hon Alex Kathinzi:** Thank you Mr. Speaker. Once again thank you for seeing my hand. Mr. Speaker. I am totally agreeing with this particular document, but I wanted, if you agree I point out one issue that if minority leader has agreed that he had called his members to give directions on who are going to be in this particular committee, Mr. Speaker, in Wiper, we have never been called and that is my point of observation because we have never been called to agree who is going to be in this particular House Business Committee.

Therefore, Mr. Speaker, as I support, that is a point I would wish to be put on record that Mheshimiwa Kathinzi has raised that particular concern, because I have been a member of the House Business Committee and our member of that party, Majority Leader, has not been communicating that there are such things to happen, Mr. Speaker. Therefore I seek for your directions. Thank you, Mr. Speaker.

**Hon Speaker:** Let us hear the Majority Leader; he is in the house.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, as you have earlier ruled that you don't want to indulge in party issues, I want to assure you there was a Wiper Party members' meeting Mr. Speaker, and about nine members, when we were sitting and deliberating on who should be members of this committee, it is unfortunate Mr. Speaker that the other nine members were seated somewhere, scheming on how to sign that I be removed as the Leader of Majority, that is why they did not come.

**Hon Speaker:** Order! Order! Restrain yourself to the matter at hand.

**Majority Leader (Hon. Mwonga):** So Mr. Speaker, we did what was required. Mr. Speaker, there was a meeting. Thank you.

**Hon Speaker:** Order, order, order! Let's take that point of order.

**Hon Dominic Maitha:** Mr. Speaker, the law of Maxims of Equity states very clearly that if you come for equity, come with a clean heart. Mr Speaker, Sir, you gave a very wonderful speech yesterday whereby you called for reconciliation and yet a Hon Member stands on the floor of this house, makes accusations that people who were seated somewhere, not even mentioning Hon Members, calling them people, were seated somewhere scheming. We want him to reiterate what scheming means. That is undermining hon. members, Mr. Speaker.

**Hon Speaker:** The point is taken Hon. Member.

**Hon. Maitha:** That is undermining Hon members Mr. Speaker. Thank you.

**Hon Speaker:** The point is taken. Hon. Joshua Mwonga, I remember you introduced yourself very well in the first address to the house this afternoon. Kindly tell us, which were these people or rather withdraw.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, it is nine members, Hon. nine members, who were holding a meeting somewhere else. Mr. Speaker, the members who came for the meeting, we had a meeting in the office of the Majority Chief Whip Mr. Speaker, and without fear or favor, I want to tell these Hon. Members that, the nine other members of Wiper party were in Ikuuni in the morning, that is where they were holding their meeting, discussing how I should be removed as the leader of majority Mr. Speaker. They also even in the presence of one member....

**Hon Speaker:** Order, Hon member. I think that is enough for the House. You may be seated.

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

**Hon Speaker:** We don't want to indulge on what is happening with the parties. Yes Hon Kavuu. And remember the electorate is listening.

**Hon Gideon Kavuu:** Thank you Mr. Speaker. As you are aware I am the Deputy Chief Whip. Mr. Speaker, yesterday I got the communication from the Leader of Majority, through my boss Chief Whip and they told me to whip all the members of Wiper. And Mr. Speaker, I went round the assembly and the members I found present I told them we should meet at the Chief Whip's office and that is what we did Mr Speaker, and then we selected the people or the members who should be in the House Business Committee. Thank you, Mr. Speaker.

**Hon Speaker:** Now that point is denied. Let us hear Alice.

**Hon Alice Nzioka:** Nimesimama kuunga hii ripoti mkono ambayo imeletwa. Kuna msemu wa Kiswahili husema, “Mwenye nguvu, mpishe.”

*(Applause)*

Sisi kama wanachama wa chama cha Wiper party, tumekubaliana na ripoti ambayo imeletwa. Wakati mwengine, waswahili husema, “aliyejuu, mngoje chini.” Huyu ambaye ako juu, tutamngoja chini. Nasema aliyetengeneza hii, Mwenyezi Mungu akipenda, wakati mwingine, tutakuwa na fursa pia sisi kuleta ripoti kama hii kwenye hili bunge la Machakos. Asante.

*(Loud consultations)*

**Hon Speaker:** Okay, any other contribution. Let us hear the point of order.

**Hon Deputy Speaker:** Mr. Speaker, quoting the words of the expelled member, not the actions, I am perturbed and perplexed whether that Hon Member means that because I presented this report, I am the member that is expected down. Maybe Mr. Speaker, with your indulgence, she may further elaborate *kana kwamba mimi ndiye nakuja chini ama namna gani?*

*(Laughter)*

**Hon Speaker:** I think she is protected, she quoted the Bible. Yes Hon Katela.

**Hon Leonard Katela:** Mr. Speaker, Sir, mine is just a confirmation that the chairperson of Committees should not be worried because she has already confirmed that they sat yesterday. So we will still wait for them up. Thank you.

**Hon Speaker:** Thank you. I want a person who has not spoken.

**Hon Sammy Nduva:** Thank you Mr. Speaker. As you are aware, business of this house must continue; I would like to recommend the work that has been done by the chair of Chairs and that Mr. Speaker, we can't all of us fit in that committee. There are other committees which will be formed; there are several others which are in existence, that whoever did not fit in that committee like myself, will switch to that one. So Mr. Speaker, let us look for the way forward and conclude this matter; the committee has formed. Thank you Mr Speaker.

**Hon Speaker:** Yes Hon Munyaka.

**Hon Oliver Munyaka:** Thank you Mr. Speaker. I thought the Standing Orders say that every party should be represented in the committee. So I thought my party, because it has only one ranger, that is only me, I thought I would just like the other committees that I used to be in the past-----

**Hon Speaker:** That is a valid point. Let the mover respond to that. That is a serious question, why indeed that party is not represented.

**Hon Deputy Speaker:** Thank you Mr. Speaker, for that matter raised by the member and I want to call upon members, whenever we present reports as we read them that we go with them throughout the whole report. Mr. Speaker, if the member was not present when we were presenting the report, it appears that he did not go through the report when it was issued to him. Mr. Speaker, we have quoted the Standing Orders that say that these positions were given depending on the relative party strength. Mr. Speaker, we have even given the formula of computation of the party strength, so Hon Munyaka, it is in black and white and I know you wear spectacles; using them, you shall be able to see the answer to your question. Thank you, Mr. Speaker.

**Hon Speaker:** I think that answer is well taken. Finally let's hear, I am giving you a second opportunity. And you make sure you utilize it well.

**Hon Matheka Musyoki:** Thank you Mr. Speaker, Sir. For the matter of record, we were supposed to meet yesterday and I was here until 5 p.m. which is what my Minority leader had told me. It is not today in the morning because Hon Kamitu was not in today in the morning, he had a meeting at Sengani dispensary. Hon Amina Mutio was not in today and yesterday because-----

**Hon Speaker:** Order Hon member. I have said those are party issues and we will not indulge on party issues.

**Hon Matheka:** It was a matter of record Mr. Speaker, Sir. I am not complaining. I fully support the report but it is just for a matter of record.

**Hon Speaker:** If it is for a matter of record, then you have done it.

**Hon Matheka:** Thank you

**Hon Speaker:** Hon Muli.

**Hon Joseph Muli:** Thank you Mr. Speaker, Sir. I stand here to support this motion. Mr. Speaker, what the Chair of Chairs has presented to us, he has elaborated to us very clearly that he has followed the Standing Orders clearly and Mr. Speaker, I wonder why other Hon Members are bringing the issues of reluctance, while if you are being whipped, Mr. Speaker, you maybe in

the premise of this assembly, but you may not be understanding what is going on because you have a lot of agendas to represent outside there. Therefore Mr. Speaker, issues of what has been presented here, I support it and let us agree on issues which are for the betterment of our County Assembly. This is the year of Machakos Assembly *chap chap*, (quick development) not slow, slow, Mr. Speaker. Thank you.

**Hon Speaker:** Thank you. I think we have exhausted debate on this matter. Let us hear hon Ndalana.

**Hon Margaret Ndalana:** Mr. Speaker, Sir, I am Hon Ndalana, part of the Wiper Six. I want to say that I was in a meeting yesterday for Wiper party and I was not appointed and I am happy because others will work for me and I will be appointed to other committees. I thank God for that.

**Hon Speaker:** Hon Ndalana I am still thinking, what is the ‘Wiper Six?’ What did you exactly mean by the Wiper Six?

**Hon Ndalana:** The ‘Wiper Six’; we are waiting for the letters to go home

*(Laughter)*

**Hon Ndalana:** So we are the ‘Wiper Six.’

*(Laughter)*

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

**Hon Isaac Muinde:** Thank you Mr. Speaker. While I support the membership to this committee, perhaps it will be in order to encourage the Wiper Six that there is always life and they are here to stay. Mr. Speaker, I support the list as forwarded by the Chair of Chairs. I was a member of the House Business Committee but now in the new list I am not a member, but I’m not complaining. Mr. Speaker, as you look at the members who have contributed, most of those complaining could be because their names are not included. It is time we forgot about I, myself and me and also talk about we.

So Mr. Speaker, the fact that we are not members of the House Business Committee and the Committee on Selection does not mean that we have no agenda to contribute. So Mr. Speaker, I want to say that we should let those who have been appointed to belong to this committee work and perhaps find our space even within those committees by bringing agenda for business. So Mr. Speaker, I would urge my members or our colleagues to sometimes allow others have the space and have their say elsewhere. Therefore, Mr. Speaker, I support.

**Hon Speaker:** You want to say something, Majority Leader, about the ‘Wiper Six.’

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I fear that you are going to rule me out of order. Mr. Speaker, I just wanted to make a clarification about the 'Wiper six' Mr. Speaker. Mr. Speaker, what Hon. Ndalana has said, it is about the members who we are hearing rumors that they have been expelled by the party Mr. Speaker.

*(Consultations)*

Mr. Speaker, I need your protection. I said it is just a clarification Mr. Speaker.

**Hon Speaker:** Order, Order, let us hear the Majority Leader.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. It is about the six members of Wiper, five nominated and a Hon elected member representing a ward, that is me, who the Wiper sat and decided that they should expel from the party Mr. Speaker. That is why we have nicknamed ourselves the Wiper six Mr. Speaker. Remember, also in the National Assembly, there was a time when we had the six bearded sisters Mr. Speaker, and Mr. Speaker, I want to say, and I want to be on record because we have Wiper members here, it was not easy for the six bearded sisters to go but Mr. Speaker, they stayed in the house, even in the recent years Mr. Speaker, and I wish the same is going to apply to the 'Wiper six' Mr. Speaker. Thank you.

**Hon Speaker:** Hon Majority Leader, that communication is not yet with the chair. I will only allow Kitheka to talk because you have said something.

**Hon Kitheka:** Thank you Mr. Speaker. Mr. Speaker, a few minutes ago, you were on record telling us we should not bring party issues in the assembly and Mr. Speaker, you still in a couple of minutes violate the same by allowing the Hon Member for Masinga, the Majority Leader, to drag party issues in this house.

**Hon Speaker:** Hon Kitheka you are out of order on this matter.

**Hon Kitheka:**I want to contribute now on the party issues. Now

**Hon Speaker:** Now you are going to get seated; I am the one who said I needed to know more about the Wiper Six. That is the chair that requested for that information; now you can interrogate that issue from that perspective.

**Hon Kitheka:** Thank you Mr. Speaker. Now Mr. Speaker, aware of what you have now communicated to this house rightfully, Mr. Speaker I want to bring to your attention that the Wiper Democratic Party, of whom the members are being caught up in a trap of being told that they were whipped to go and seat and select the members, that is unfounded, that is untrue and that is void to that extent because I am very clear, very honest to tell you that all the

members who are opposed to some of the issues which go around within the county have all been removed from the committee.

To make matters worse, Mr. Speaker, a member like me who had only that committee, where I can earn my allowances, I have been kicked out now. Now I have to go and stay within my ward, deal with my people instead of coming to the Assembly. Mr. Speaker, I tell you, the Maxims of equity are very clear, if you want to come for equity, come with clean hearts. If you are seeking equity, do equity. That is exactly what we are praying for these people to understand.

We are here for a season, we are not here to stay and to say that people have been removed from the party and bringing unnecessary communication in the House, where the Speaker is not aware and he is not even aware that there are other communications coming, it is very unfounded and creating disharmony in this house. Mr. Speaker, we have said we need cohesion and good relationships to bring harmony to this house; we have been praying for that and we will still keep on praying for that. And I know one day, light will shine in a tunnel. Thank you very much.

**Hon Speaker:** Thank you, thank you. I think it finally came well. We have not heard hon Mutuku.

**Hon Michael Mutuku:** The Speaker and the entire house, mine is first to support the report then again, I would like to comment the following: for those who watch cartoons, there is a cartoon we call Tom and Jerry. Tom and Jerry used to fight every other time and one day they realized working together is more beneficial than fighting each other. Hon Members, this is the third session of the financial year 2014/2015 and I think it is the year we need to play our role, which the electorate had given us.

Members you are aware fighting every other time is costing this county in terms of development, in terms of everything. I wish to call upon the Hon members, let's forget the past and let us forge ahead to the future because the future is bright. Truly speaking, the in-fighting every time is costing the hon members in terms of what they are saying; they cannot deliver in terms of legislation, representation, oversight and all that. And for that, let me stop by saying, let this year of 2015 be the year of peace, love and unity for the county. Thank you.

**Hon Speaker:** Thank you very much. I think we should hear the mover of the motion. It is my opinion, debate is exhausted.

**Hon Deputy Speaker:** Thank you Mr. Speaker. I want to take this opportunity to appreciate members for their positive contributions, the concerns that have been raised and I want to assure them, within the committee of Rules and Procedure, we are determined to uphold the rules and processes that are outlined in law and in the Standing Orders for this house. Any other matter that you feel as a member can be corrected through an amendment to the Standing Orders, you are always welcome to write a petition to the Speaker, as it has been explained in this report that we have presented.

So I want to appreciate all members for the support of that report and I want to be certain that the emotions that have been elucidated by the matters that have been deliberated upon here shall be calmed when you reconstitute to your parliamentary group meetings and there you shall be able to thrash them out and then we continue working harmoniously for the benefit of the great county of Machakos. *Asante sana, nawashukuru sana* Mr. Speaker. Thank you.

**Hon Speaker:** Thank you very much and I would wish to finally put the question and before I put the question I wish to remind the Deputy Speaker that if you elect English, it must be English.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon Speaker:** In the absence of any further business, then the house adjourns until tomorrow afternoon.

The House rose at 4.10 p.m.