

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 25<sup>th</sup> March, 2015**

The House met at 10:11 a.m.

*[The Speaker (Mr. Bernard Mung'ata in the Chair)]***PRAYERS****Hon. Speaker:** Good morning Hon. Members. Let us proceed.**NOTICE OF MOTION****Hon. Speaker:** Hon. Anne? Sorry I hear the notice is already given. Hon. Nduva, kindly present.**CENSURE OF THE COUNTY PUBLIC SERVICE BOARD SECRETARY****Hon. Sammy Nduva:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I want to give a notice of the following motion that this hon house discusses a motion to censure the county public service Board secretary. Thank you Mr. Speaker, Sir.**Hon. Speaker:** Hon. Nduva, this motion was not balloted and you need to seek leave of the House.**Hon. Nduva:** Mr. Speaker, Sir, I seek leave of the house for the same motion.**Hon. Speaker:** Proceed, Clerk for the next matter.**MOTION****ESTABLISHMENT OF A COUNTY EMERGENCY FUND****Hon. Anne Wairimu:** Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, aware that section 110 of the Public Finance Management Act, 2012 provides for the establishment of emergency fund for the county government which is under the department of health; further aware that some parts of the County are arid and semi-arid and experience long spells of drought leading to famine, Mr. Speaker, sir, sincerely concerned that food shortage is increasing over this area and may lead to loss of lives and aware that most affected victims of the calamity are the children

and the aged Mr. Speaker, Sir, I wish to move the motion that this Assembly discusses and resolves that the County Executive committee moves with speed to provide relief food to drought affected areas through the establishment of a county emergency fund. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you.

**Hon. Wairimu:** I call upon Hon. Alice to second my motion. Thank you Mr. Speaker, Sir.

**Hon. Alice Nzioka:** Asante sana Bw. Spika. Nimesimama hapa ili kuunga huo mswada mkono kwamba bunge letu lipitishie mswada kwamba tutoe pesa za msaada ili kupatia wananchi wa Kaunti yetu chakula. Bw. Spika, kama vile unavyojua, sisi kama kaunti ya Machakos tunategemea sana mvua. Ni sehemu chache sana katika kaunti yetu ambazo tunapata chakula kwa mradi wa kunyunyiza maji.

Kama miaka miwili iliyopita, sisi kama kaunti hatujapata chakula cha kutosha na tukiangalia nyuma utakuta sehemu nyingi sana za kaunti yetu zina ukame mwingi na hakuna chakula. Kwa mfano utakuta wale wanaoadhirika sana na njaa ni watoto wachanga, akina mama wazee na wale wasiojiweza.

Sisi kama bunge la Machakos, tulichaguliwa na kuja hapa kuwakilisha waliotuchagua ama waliotuteua ili tuangalie maslahi yao. Sisi kama bunge haitakuwa vizuri kukaa kwenye bunge letu kujadili mambo mengin a wale ambao wametuleta wana madhara ya njaa na wanateseka. Kwa hivyo kama bunge, tupitishie mswada kwamba kaunti yetu itenge pesa ili kutafuta chakula kwa kaunti yetu.

Mapendekezo yangu ningesema, ile kamati ambayo itakuwa inashughulikia kupatia wananchi chakula katika msingi ama mashinani iwe ina chaguliwa na wananchi wenyewe na anayewakilisha sehemu ya wadi awe kiongozi ambaye anaangalia maswala, maana yeye ndiye anajua kabisa sehemu yake na sehemu ambayo ina ukame zaidi. Kwa hivyo nawasihii wabunge wenzangu tushikane mikono pamoja tumuunge mkono mheshimiwa Anne Wairimu ili tupitishie mswada tutenge pesa ili kupatia wananchi wa Machakos County pesa za kununua chakula. Asante.

**Hon. Speaker:** Thank you. The motion is on the floor for debate. Hon. Mueni.

**Hon. Benedetta Mueni:** I stand to support the motion because everybody knows that people are suffering outside there. So we have to give money to buy food for them. Thank you Mr. Speaker, Sir.

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

**Hon. Justus Kimata:** Thank you Mr. Speaker for giving me this chance to contribute on this motion. I think it is a very important motion because as you know, most of the areas are getting short rains so most of the people are experiencing drought so there is urgent need of food required to be distributed to each ward and also to be extended to schools through a food programme; it will help a lot. We should also link with partners from outside like NGOs like Red Cross which could also assist us in such situations. So it is a good motion and I stand to support.

**Hon. Speaker:** Thank you. Any additional contributions?

**Hon. Alex Kathinzi:** Thank you Mr. Speaker. I concur with *Mheshimiwa* Anne Wairimu in regard to this particular motion that we need to supplement our food programme by an additional cake on top of what we have been providing in this particular budget, Mr. Speaker. I remember sometimes last year when we were in the funeral of the father of *Mheshimiwa* Waziri, there is a promise which was done in my area that the county government has set aside Kshs. 250 million for relief food which was announced by his Excellency, the Governor.

Mr. Speaker, I think food provisions to our people is a basic necessity; it is a basic need whereby our children are starving, our old women are starving and also putting into consideration that there are some delays in putting across the check off systems for the moneys for the elderly.

These people are suffering Mr. Speaker, therefore I would like to request all the Hon. Members in this Assembly Mr. Speaker, to support totally and allow us to push for a supplementary budget maybe so that we can provide food for our people. It will at one time be remembered that this Assembly tried to facilitate provision of food security to our people.

Aware Mr. Speaker, also for this particular programme, next financial year we need to budget for this particular kitty; we need to put like at least Kshs. 600 million Mr. Speaker to provide for the urgent and emergency food famine which can arise any time. Aware that *Ukambani* has been facing a lot of drought, I think if we supplement this, then our people can push for their own animals and cattle to see what they can do about it but for food security, I think this is an urgent matter Mr. Speaker and treated that way, I do support and request the house to put this particular consideration into real action. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much. Yes, Majority Leader.

**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. I would like to start by thanking the mover of this motion for sponsoring a well thought and timely motion. Mr. Speaker, it is said mostly it is women who feel for the children when there is famine Mr. Speaker and I

don't think she has brought this motion on that aspect, but Mr. Speaker, it is because of the reality on the ground.

Mr. Speaker, some years ago when I was doing my certificate in the University of Nairobi, I remember my lecturer telling us that....Mr. Speaker, sorry you were consulting with the Clerk.

**Hon. Speaker:** Proceed, I can hear you.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, with your permission, I want to repeat what I had said. I had said, some years back when I was doing my Certificate in Guidance and Counseling at the University of Nairobi in the year 2009, I remember the lecturer taught us that in human needs, there was a gentleman by the name Abraham Maslow who lived in the year 1907 to 1977. He came up with the hierarchy of needs and food is categorized as one of the basic needs, Mr. Speaker.

So Mr. Speaker when we are talking about food, we are talking of the basic needs of a human being Mr. Speaker because he said we cannot think of security, love or belonging, self-esteem or actualization.

Mr. Speaker, I think this is the time we should move at high speed and have the Executive side, which I represent in this Hon. House, moving very fast and bringing a supplementary budget in this house Mr. Speaker which I know the members will pass in a record fraction of a minute so that we can buy food for the needy, Mr. Speaker. With that Mr. Speaker, I beg to support. Thank you.

**Hon. Speaker:** Thank you very much. Yes Hon. Kamitu.

**Hon. Alex Kamitu:** Thank you Mr. Speaker, sir. I stand here to support the motion. It is a well thought motion by Hon. Anne Wairimu Musyoki. I stand to support the motion Mr. Speaker, taking into consideration that Machakos County as you know geographically, is a county which falls under areas that don't have enough rain and in relation to this motion that has been brought on the floor of this House, it is true that Machakos county does not have enough food.

It has been mentioned by the members who have stood here to stand and support this motion that something should be done in regard to food security and supplying food to the elderly and my contributions goes especially to our chair or to this house in regard to the supplementary budget that has been mentioned by our Majority Leader and again to our chairman budget when we sit down to consider the supplementary budget because this is a need, an urgent need.

Again I would add Mr. Speaker, prevention is better than cure. So what am I saying? We should also sit down and see means, facilities and equipment that we should also bring in regard to curbing or preventing such a situation, that is by doing irrigation, doing a lot of things that make Machakos to be called county number one; we should be number one by having the facilities because now we got our bull dozers. They should be used extensively to promote food security within our county.

Because we cannot predict weather and now we have the equipment Mr. Speaker, Sir, I would urge the chairman of Agriculture to sit down with the members of this Hon. House to see means and equipment that can bring enough food or food security in this county. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much. We can hear Hon. Kyalo Kyuli and then Hon. Sammy Nduva but let us take the point of information.

**Hon. Dominic Maitha:** Thank you Mr. Speaker. I wish to applaud the mover of the motion and would like to give guidelines on this motion because we might be discussing a motion that at the end of the day even if we discuss, there is a legal provision on how to handle the same Mr. Speaker. In as much as I would like to applaud the mover, remember and it is even in the HANSARD recording, I had even sough a statement on the same and sometime last year Mr. Speaker, I spoke at large and in wide expression of the same issue Mr. Speaker.

The issue we are discussing right now I can say is a failure by the minister in charge of finances, the CEC member of Finance. It is clearly stipulated in the PFM Act Mr. Speaker, that the CEC in charge of finance should set aside two per cent of the total budget estimates as an emergency fund. That has not been happening Mr. Speaker; this is the second year running; now we are heading to the third financial year.

Mr. Speaker, I want to say where the point of information was coming in, we will pass a motion but this motion as the Majority Leader has suggested we cannot come up with a supplementary budget and create a new vote in terms of emergency funding Mr. Speaker, because we are creating a new entry in the budget. We are only supposed to have a supplementary budget to fund existing or ongoing projects which need further funding Mr. Speaker.

In as much as the minister will bring a supplementary budget Mr. Speaker, we cannot create a new vote in a supplementary budget Mr. Speaker. So the failure of this emergency fund has been as a result of the CEC member failing to bring that proposition which is already anchored in the PFM Act of two per cent in case of an emergency Mr. Speaker.

At times she doesn't need to seek the approval of the Assembly and the PFM Act stipulates and outline clearly the creation of that fund, how it is supposed to be utilized, where the County Assembly comes in, the powers and authorities of the CEC member.

So Mr. Speaker, in as much as I support this motion, I would request the mover of the motion to consult further what the PFM Act talks about regarding emergency funds and how they are supposed to be handled instead of we pass the motion, we adopt the motion and maybe Mr. Speaker, we may not be able to go further because the PFM Act is clear on how we should create the emergency fund and how it is supposed to be managed. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much. Indeed I have been thinking about that and it is only that I was not able to see the chairman, budget to clarify on that point. It is true that the provision of the emergency fund has a standing provision in the Act; it is always there, but then it is the duty of the House to initiate a process. We may not exactly need a new line budget for this particular purpose because every minister must set aside that fund. But as we wait for the chair budget, let us hear the contribution of hon. Kyalo Kyuli, but the point is appreciated.

**Hon. Kyalo Kyuli:** Thank you Mr. Speaker. Mr. Speaker, while supporting the motion and in line with what Hon. Maitha and what you have directed Mr. Speaker; it is also our mandate to instigate such a move so that the kitty that is created by the PFM Act is utilized therefore by way of triggering the funds that are supposed to be there under the Act, so that that particular money is utilized and it talks about emergency and therefore an emergency that is called food insecurity is here with us Mr. Speaker.

Therefore, we know that a hungry man is an angry person and where there is hunger, anger comes in. Before our electorates become angered by our actions of not providing for something that they know is anchored in the law Mr. Speaker, that is why I want to support this motion and I want to contribute by saying that from now, the kitty that is supposed to be set aside of two per cent our budget that is called emergency, I am proposing that it is utilized under provision of food for our people that are hungry in our areas.

Therefore Mr. Speaker, in line with the PFM Act, in line with what you have directed, in line with what Hon. Maitha has brought up about PFM Act Mr. Speaker, can we as an Assembly pass that, that particular kitty be used to buy food for our people who are facing famine?

Mr. Speaker, as agriculture committee, we were invited last week by the meteorological department and they gave us their predictions. Although in most cases their predictions are not usually what they say, they also give us a direction on what we are going to expect in the forthcoming rain season.

Therefore Mr. Speaker, in that particular forecast they brought , there was a brown mark in their predictions that was marking one place called Yathui, and it happens to be my ward Mr. Speaker. That particular prediction was saying that in that particular side of our county, we are going to receive less than 250 millimeters of rainfall; Mr. Speaker, that was very worrying. So if there is a motion that can trigger some food to be bought for our people, Mr. Speaker, I support it with a lot of effort.

Therefore Mr. Speaker, when the MET people showed us their predictions, there was an alarm that they were sending to the people of Machakos and particularly those parts. I was with the Chairman, agriculture that day and the predictions were that in parts of Masinga, they are going to receive a little higher ranging to about 400 millimeters, which again according to them will not be very sufficient.

So Mr. Speaker, when we are talking about buying food for our people, this time round Mr. Speaker let us be serious on this issue; let us support it, let us use this chance we have and a motion is here with us so that we make use of the funds that is called emergency to buy food because emergency things are many Mr. Speaker.

So let us redirect or direct most of the funds in that kitty that is created by PFM Act to buy food for our people. Thank you Mr. Speaker and I congratulate Hon. Anne for bringing such a motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you.

**Hon. Festus Ndeto:** Thank you very much. Let me say first I support this motion because of the situation that is prevailing in the county right now and also because of the report that when we the Agriculture committee met with the meteorological department, they gave the predictions of the forthcoming rainfall. At the same time I am bit troubled because of this trend of providing *mwolyo* to our people for years and years.

I remember very well Mr. Speaker, when we were launching the food security programme with the Governor a year ago down at Kithimani, the Governor explained very well that the plan for his government is that by the end of five years, we will completely move from this trend to self-reliance and he gave the measures that his county government was taking.

One was irrigation and two years down the line, nothing has been done of this as a government. I remember a day before yesterday, I was talking to one of the Hon. Members here who has done irrigation and he harvested over 100 bags of maize last season -that is one person. How I wish we had around 1000 farmers within the county doing the same, because we have water with us, we have the land with us, the only failure that we are having is implementation of those projects which are on papers.

The other thing is about storage facilities. A time comes when in Ukambani specifically in Machakos, we harvest but within a very short time, we are faced with the situation that we are having now because of lack of storage facilities. Our first budget, we have papers about storage facilities, silos, which are not in existence but they are in paper having been done.

How I wish these facilities were in existence. Like the day before yesterday, the agriculture Minister, national government said that almost all the facilities in which they store maize are full; how I wish we had these storage facilities in Machakos County. The national government could have brought those surplus maize to Machakos we would have also stored the same.

When we talk of subsidies, which the government of Machakos through the Governor launched a year ago, today what is happening, this is the planting season, we bought tractors, this season no work was done. We have been asking, where are these tractors, what is happening? Right now the farmers are asking, are you going to provide us with seeds? The chairman, Agriculture the other day when we met told us the minister told him they are not able to provide the same.

In giving these contributions Mr. Speaker, as I support the motion that we provide our people with relief food, I challenge each one of us as a member of this Assembly, before the end of the remaining two or three years, we think deeper on how to end this situation of providing our people with relief food and I believe it is possible.

For those of us who follow news, what is happening in Turkana and North Eastern-irrigation, they are now moving from being given relief food and they are supplying food. Why is it not possible with us in Machakos? With the fertile land that we have, with the sources of water we have like Masinga and Athi River, I believe if we take a new dimension and a new direction, things will change and will change for good for our people. Thank you, Mr. Speaker for that.

**Hon. Speaker:** Thank you Hon. Ndeto but I just became curious, is Turkana supplying food? I think I was there the other day and I did not see that.

**Hon. Ndeto:** Turkana, there is a river they call –I can't recall right now, but they are doing a lot of irrigation and they are supplying food for themselves. They used to receive food from Kitale and other places but right now, they are getting sufficient supply for themselves within themselves without going out and I believe this can also happen within us. When you go to Tana River, the National Government has done a lot of dams; they have diverted this major river somehow and they are doing a lot of irrigation on thousands of acres which I strongly believe....



**Hon. Speaker:** That is in Turkana you say?

**Hon. Ndeto:** In Tana River. Even now I know quite a number of my friends who are down there doing the formation of the dams sponsored by the National government. And I believe the same can happen to our people. Thank you.

**Hon. Sammy Nduva:** Thank you Mr. Speaker. Mr. Speaker, I want to thank the mover of this motion and like to urge this Hon. House to support the same. Mr. Speaker, hunger bites much when it rains because our electorates down there, mothers, brothers and sisters, while it is time for planting and there is no food, suffering is a lot.

Mr. Speaker, I remember a time when we visited the country of Israel and Israel is a desert but agriculture is done extensively there. Supporting the words of Hon. Ndeto and Kathinzi Mr. Speaker, this House should commit much of what we need to be doing as far as development is concerned, to see to it that before the end of our term, we will have areas of agriculture because we have rivers in this county Mr. Speaker.

So Mr. Speaker, it is important for this Hon. House to support this motion and ways and means be put in place to see how we will rescue our community down in the villages, because Mr. Speaker, in most parts, people are suffering because there is no food. The last season, rains did not do well, so I support this motion fully and urge the Hon. House to support this motion fully and measures to be taken quickly to see how we will rescue the lives of our people. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. We can hear a statement from the finance department.

**Hon Oliver Nzeki:** Thank you Mr. Speaker. When we entered into this era of devolution, I remember we sat down, and we had a motto of 'operation *mwolyo* out' that is when we budgeted for construction of silos in every sub-county, we budgeted for tractors for cultivation and we also budgeted for dozers.

Mr. Speaker, as we said that "operation *mwolyo* out," we have not done anything since 2013/2014. Silos have not been constructed, we don't know where they can be constructed and since we know Kambas are very hard working people and suppose they were given water, the tractors for cultivating would be operating.

So Mr. Speaker, Sir, as the motion has been brought I really congratulate the member who has brought it and about the fund, I can remember the PFM Act, there is a fund and I don't think we can create another fund. There is a fund which solely stays in the docket of the finance ministry.

So Mr. Speaker, because the hunger is biting, the CEC, finance can take over and buy food for our people because you can't wait until you see them dying. Mr. Speaker, I support the mover of the motion and I really congratulate her.

**Hon. Speaker:** Thank you very much. I think now that the Majority leader is here, I have been looking for him to perhaps conclude this debate. Tell us the position of the emergency fund.

**Majority Leader (Hon. Mwonga):** Mr. Speaker I am neither the Chairman budget, nor the Chairman, finance. I think they are in a better position to tell us where we are: the chair budget or the chair finance.

### POINT OF ORDER

**Hon. Leonard Katela:** Mr. Speaker, I think the Majority Leader is misleading the House because when you saw him and you called him to answer that question, you are talking to the government of Machakos. But not any other chairman, he is not a small man in this government, so as he calls himself the conveyor, why can't he convey to us the information from the side of the government. Majority Leader, with all due respect, please apologize.

**Hon. Jacqueline Nziva:** Thank you Mr. Speaker and the House at large. I wish to applaud the mover of the motion and say it has come at the right time. In fact down there, our people are suffering, drought is a calamity in our county and everyone knows that. We need to come with some ways of curbing food insecurity whereby it means that all people at all times have physical or economic access to adequate amounts of nutritious food, hence a healthy life.

The Bible tells me, 'when my people were hungry and you didn't feed me.' So if we are going to feed our people down there, God will bless us and at the end of it all, everything in the county will be moving smoothly. Thank you Mr. Speaker, I wish to support the motion.

**Hon. Michael Mutuku:** Thank you Mr. Speaker, sir, and the entire house. First let me applaud the mover of the motion, Hon. Anne Wairimu; it is really a nice motion. Mr. Speaker, sir, as you are aware, food is a basic necessity; it lies with the shelter and clothing.

Mr. Speaker, Sir, I wish to say since devolution took over, agriculture is a devolved function and before we used to cry to the National government and say our people are suffering. For now we are not in a position to say so because we have what we call self-governance of the people of Machakos; they need to take care of their issues.

Mr. Speaker, Sir, it is the high time this Hon. House pressurizes the Executive to budget the money for the emergency kitty which we know, emergencies don't include food alone but

also include other emergencies because even this county has been experiencing fire disasters, other disasters like road disasters among others.

Mr. Speaker, Sir, failure of this House or the government to take care of emergencies, means that our people will continue suffering. Therefore in view of all that, I wish to support the motion. Thank you.

**Hon. Speaker:** Thank you. I think the point is made here and I will perhaps direct that before we conclude on this important debate, the house directs that a statement be delivered by the office of the Majority Leader on the status of the emergency fund and then we can conclude the debate on Tuesday after we receive the statement. Are you able to do that Majority Leader? I think it is your duty to do that.

**Majority Leader (Hon. Mwonga):** You have not said when I should issue the statement.

**Hon. Speaker:** Tuesday.

**Majority Leader (Hon. Mwonga):** Tuesday, on the same day we will be debating the motion?

**Hon Speaker:** You issue the statement and then we proceed with the debate in the afternoon of Tuesday.

**Majority Leader (Hon. Mwonga):** I will Mr. Speaker.

**Hon. Speaker:** Thank you. I think before we move on now we can hear the request by Hon. Nduva.

**Hon. Sammy Nduva:** Thank you Mr. Speaker. I had requested the leave of the house that this Hon. House discusses a motion to censure the County Public Service Board Secretary, Mr. Speaker.

**Hon. Speaker:** Thank you. Leave is granted and the motion can be circulated for debate on Tuesday.

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

## **MOTION**

### **REPORT ON PHASE 1 ROAD PROJECTS**

**Hon. Felix Ngui:** Thank you Mr. Speaker, sir. Mr. Speaker, I wish to lay down a report that I had brought to this House a few weeks ago and if you can remember Mr. Speaker, the report was referred back to the committee after the members expressed their concerns about the recommendations that we had made concerning the phase one road projects in our ministry of transport and roads.

Today Mr. Speaker, I wish to reintroduce the report again; my committee went back, sat down and invited the minister and the chief officer and after further interrogations, we came up with a comprehensive report. So now I would wish the report to be circulated to the members and then you grant us leave to discuss it in the afternoon session after the members go through the report. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much. I think the report will be circulated then members can prepare for debate this afternoon.

### ADJOURNMENT

**Hon. Speaker:** No other business. Hon. Members have a good afternoon.

The House rose at 10.58 a.m.