

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 14th July, 2015**

The House met at 2.36 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRA YERS****Hon. Speaker:** Good afternoon. Let us proceed, Clerk.**STATEMENT****REPORT OF THE SELECTION COMMITTEE**

Majority Leader (Hon. Mwonga): Mr. Speaker, last week on Thursday, you directed that I issue a statement on the issue of the report of the committee of selection which I had issued sometimes back. Mr. Speaker, I seek leave of the House, I do the same on Thursday afternoon. Mr. Speaker. Thank you.

Hon. Speaker: Leave granted. Proceed.**MOTION****CENSURE OF CHIEF OFFICER, SPECIAL PROGRAMS,**

Hon. Ngunzi: Thank you, Mr. Speaker. With the leave of the House and with the leave of the Speaker, I wish to request to table the motion tomorrow afternoon. I have documents that I have not gotten and will be ready tomorrow. Thank you.

Hon. Speaker: Hon. Ngunzi, your request for leave is denied. Proceed with your motion.*(Laughter)*

This is the nature of motion we cannot dilly-dally about. You gave a notice, you must have been ready. Hon. Ngunzi, proceed.

Hon. Ngunzi: Mr. Speaker, the motion is ready to be presented before the House and I thought I had documents to support the motion that were not ready and I still plead that the motion comes tomorrow afternoon, Mr. Speaker. With the supporting documents not here, Mr.

Speaker, it would not be in order to table my motion. I still once again plead with the Chair of the House to allow me one more day to come with the motion.

Hon. Speaker: Hon. Ngunzi, the Chair has refused. Proceed with your motion.

Hon. Ngunzi: Mr. Speaker, Sir, I wish to table the motion. Aware that this House---

Hon. Speaker: Kindly give me my copy of the motion please.

Hon. Ngunzi: Now it is in order, I can proceed. Aware that this Hon. House suspended the purchase of water tanks for the public and authorized specific purchase of tanks for schools; aware that the Chief Officer of county special programs was by then responsible for purchase of 1000 water tanks of 10,000 litres each against a directive from this Hon. assembly; aware that the Chief Officer, Mr. Jeremiah Lemmy, was well informed on the 188 tanks reserved at Matungulu sub county that were disposed for personal benefits; that aware that, the chief officer further directed the tanks reserved at Masinga to be distributed to residents and churches in Yatta sub county. The dubious action was visibly to acquire political mileage.

Mr. Speaker, Sir, aware that the Chief Officer has declared his aspirations to vie for Yatta parliamentary seat in 2017 while in office, serving in the Machakos county government, the Chief Officer poses to extensively misuse the county government resources to build his political platform and he is highly questionable to perform in office to offer balanced meaningful services across the county as expected.

Mr. Speaker, Sir, aware that during the Chief officers tenure at the department of water and sanitation, he siphoned GI water pipes and other water piping accessories destined for Kamu irrigation scheme in Kibauni Ward and Kondo irrigation scheme in Kithimani Ward and in so, doing suspended the continuity of the projects indefinitely.

Mr. Speaker, Sir, I wish to move the motion that this Hon. Assembly discusses and approves the censure of Mr. Jeremiah Lemmy Nzuma, Chief Officer of the County Special programs, for misappropriation of county resources, gross misconduct, defrauding the county, abuse of office and gross violation of section 46 of Kenya anti-corruption and economic crimes act. Thank you, Mr. Speaker. I now ask Hon. Gideon Kavuu to second my motion.

Hon. Kavuu: Thank you, Mr. Speaker. I stand now to support this motion and again as you know in Machakos County, we have so many Chief Officers and most of them are not good but Mr. Speaker, the one we are discussing is the most dangerous and I kindly request his House to discuss and approve for this gentleman should go, Mr. Speaker. So again, Lemmy must go. He is a very bad Chief Officer. Thank you, Mr. Speaker.

Hon. Speaker: I will take the point of order.

Majority Leader (Hon. Mwonga): Mr. Speaker, the mover called on Hon. Kavuu to second the motion and if my ears serve me well, hon. Kavuu has not seconded his motion. He is

just supporting the content of the motion. I don't know whether it is in order for this House to discuss the conduct of this chief officer whose motion has not been seconded Mr. Speaker. Thank you.

Hon. Speaker: Let us hear Hon. Kavuu. What did you say that it does not amount to seconding the motion?

Hon. Kavuu: Mr. Speaker, initially I started supporting the motion. I started seconding the motion, Mr. Speaker. Therefore, Mr. Speaker, I would second the motion and again I say that this Chief Officer, Mr. Speaker, we are discussing is one of the dangerous Chief Officers because, Mr. Speaker, each time when you go to his office, when he was the Chief Officer of water, he could not hear you. So Mr. Speaker, again I stand to second the motion and ask this House to kindly discuss and approve the motion on the bad behaviour for this Chief Officer. Thank you, Mr. Speaker.

Hon. Speaker: Yes Hon. Ngunzi. Going through paragraph two of your motion, it says 'Mr. Speaker, Sir, aware that the Chief Officer has declared his aspiration is to vie for the Yatta parliamentary seat that is 2017. Isn't it his right to vie, to express his aspirations?

Hon. Ngunzi: Mr. Speaker, it is his right to exercise but he has to leave public service to campaign the way he is doing Mr. Speaker. Once he has declared his interest, it is his time to quite public service. Thank you.

Hon. Speaker: Okay. Let us hear our contributions the motion is properly seconded. Let us hear those in support of the motion.

Hon. M. Mutuku: Thank you, Mr. Speaker, Sir, and the entire House. Mr. Speaker, Sir, I hereby stand to support the censure of one Lemmy with the following reasons. Mr. Speaker, Sir, this House is the custodian of the Public Procurement and Disposal Act which we know, one Mr. Lemmy has violated. Mr. Speaker, Sir, this Hon. House is also the custodian of Public Finance Management Act, which we know one Mr. Lemmy has violated. Mr. Speaker, Sir, this house is still the custodian wishes, desire and expectations---

Hon. Speaker: Order, order hon. member. You say that he has violated procurement laws. You have the evidence?

Hon. M. Mutuku: Yes, Mr. Speaker, Sir.

Hon. Speaker: Can you table it.

Hon. M. Mutuku: We know we had said we should not those tanks---

Hon. Speaker: Do you have the evidence with you?

Hon. M. Mutuku: Mr. Speaker, I have the evidence I think it is with us because actually-

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Hon. Speaker: On the floor, do you have the evidence?

Hon. M. Mutuku: (*laughing*) You can receive the point of order from my colleague.

Hon. Speaker: Let us hear Hon. Mutuku, the speaker cannot be out of order.

Hon. M. Mutuku: Mr. Speaker, Sir, for now we might not be having the evidence in front of the house---

Hon. Speaker: For now. This is the most important day. You don't have the evidence.

Hon. M. Mutuku: You are asking the mover of the motion Mr. Speaker, probably at the initial stages the mover of the motion is alleged the supporting documents are not ready but you insisted the Chair to continue that's why we may not be having the supporting documents.

Hon. Speaker: Yes, I did because at the time of giving the notice, the mover ought to have been ready, isn't it?

Hon. M. Mutuku: I suspect Mr. Speaker, Sir, man is to error and error is to man, maybe, he forgot. May I continue? Will you allow me to continue, Mr., Speaker, Sir?

Hon. Speaker: Conclude.

Hon. M. Mutuku: Mr. Speaker, Sir, as we recall as we know the spirit of devolution was to devolve the resources but was not to involve corruption in counties. Mr. Speaker, Sir, I wish, due to the fact that we have actually presented in this hon. House, I hereby support the censure of one Mr. Lemmy because if we allow that Mr. Speaker, Sir, we will end up misusing the public funds and also worsening or making life difficult or failing. We will end up failing to improve the standards of living of people of Machakos County. Mr. Speaker, Sir, in view of that, I hereby support censure of one Mr. Lemmy. Thank you.

Hon. Speaker: Allow me to hear Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I stand to support that Bwana Lemmy must go because those are the people who are surrounding our Governor to make him weak because of stealing the things of wananchi. So by this, because last weekend I was with him in a funeral somewhere and he was still campaigning for that seat but not working in the office that he already has been given.

So he must work in the office already he has been given and not asking for the seat using the finances of the county. He is using those(*inaudible*) to ask for the seat and not working for the county. Mr. Speaker, Sir, even he was saying he would not go anywhere he has already talked with you. Thank you, Mr. Speaker, Sir.

(Laughter)

Hon. Speaker: Very serious. Alright. Let me take the point of order that has been raised by.

Majority Leader (Hon. Mwonga): The allegations which have been laid before this house by hon. Mueni have grave concern. Purporting that Mr. Speaker, she heard Mr. Lemmy say that he has talked with the Speaker of this House, Mr. Speaker, and in the beginning of the debate of this motion, you have vehemently refused for this motion to be tabled tomorrow and the allegations which have been brought by hon. Mueni, I think we should adjourn this motion and allow for documents to come tomorrow otherwise members will conclude what hon. Mueni has said has a bit of truth in it, Mr. Speaker. Thank you.

Hon. Speaker: Let us proceed.

Hon. Kitheka: Thank you Mr. Speaker and the house at large. Mr. Speaker, I stand here to oppose the censure of one Lemmy Nzomo on the following grounds Mr. Speaker. One of the things we are doing, first and foremost, this motion is trying to outline clearly is that we are clearly violating the rights of this individual who we are trying to censor in this house.

One, he has the right to express his ambitions to vie for any seat in this land because he has the qualifications. Secondly, Mr. Speaker, if per the ethics and the nature of the rules of officers, if we censure this officer and discipline him in this nature, he will not be in a position to vie this seat he is ambitious of because he has been censured in this manner.

Mr. Speaker, secondly, the issue of procurement is straight forward as we go to Article 227 of the constitution, as it is enshrined in our constitution. It is very clear on the rules of procurement and in the Procurement and Disposal Act of 2006 and the regulations of the same of 2006. They stipulate clearly that there is a procedure of procurement which is not done by the one Lemmy Nzuma who we are purporting to censure.

So Mr. Speaker, if we come here in this house with hearsay of people we want to censure, next time we will come here with malice and censure somebody and at the end of the day, we will recognize and realize we have censured the wrong person. Mr. Speaker, if it comes to the issue of procurement, I want to give notice to the member who brought this motion, this motion is totally political from Yatta to this place and you can see and I know there are many people with ambitions of politics from Yatta and they are still in this house. And Mr. Speaker---

A Hon. Member: Point of Order, Mr. Speaker.

Hon. Speaker: Order, Hon. Kitheka. Order! Even the order comes from me. You say that he is not a member of the procurement committee. Do you have a list of the members to show that he is not a member?

Hon. Kitheka: Mr. Speaker, I have said he is not the procurement officer. He might be in the committee for procurement but the process and the nature of the procurement has got a long process where he will be the final in the final list of payment and I know that Mr. Speaker---

Hon. Speaker: I am taking that other point of order now. Let us have the other point of order. Have a seat, please.

Hon. Nduva: Thank you, Mr. Speaker. I am standing on a point of order to reject the words of Hon. Kitheka that this is an issue of people from Yatta because Hon. Kitheka does not come from Yatta and the matters.....Mr. Speaker, protect me.

Hon. Speaker: Proceed.

Hon. Nduva: The matters mentioned here by the mover of the motion have nothing to do with the people of Yatta so we should discuss or Hon. Kitheka should discuss or make his contribution towards what has been mentioned here and not mention the people of Yatta and also saying that the issue is a political matter, that other people are in this House, Mr. Speaker, I would request, through the Chair, for him to substantiate who are those people in this House who are connected with political issues connected with Lemmy Nzuma. Thank you, Mr. Speaker.

Hon. Speaker: Just conclude.

Hon. Kitheka: Mr. Speaker, this morning as we were here in a meeting for the planning committee, hon. Nduva said 'Nzuma must go because he is walking around in Yatta with my opponent who we were contesting with.' So, Mr. Speaker, I am not a mad man.

Hon. Speaker: Sorry, we know you are not.

Hon. (Ms.) Ndumi: Mr. Speaker, Sir, I want to clarify to Hon. Kitheka not to mention my chairman in the House because we were in the committee of planning and we can say anything. Mr. Speaker, Sir, can you tell Hon. Kitheka to apologize to my chairman, Hon. Nduva. Thank you, Mr. Speaker, Sir.

(Laughter)

Hon. Speaker: I think the Chair has but the Chair could not intervene.

Hon. Kitheka: Can I finish?

Hon. Speaker: Yes, a minute a minute. Allow him to conclude.

Hon. Kitheka: Thank you, Mr. Speaker for protecting my speech. Mr. Speaker, I was trying to drive my point home by saying if we entrench ourselves in this kind of business of just censoring whoever has political ambitions in this county, we will end up even censoring our Governor and everybody who has ambitions to vie for political seats. So let us just end this process.

Let me tell the hon. member that the process where this.....I am talking to hon. Ngunzi, I am telling him that the only process where this member comes in is when it comes to issue of payment and I know clearly that the issue of payment had not been made the on the payment you are talking about before he was transferred to the other docket.

Mr. Speaker, please let us seek your indulgence as we discuss at this crucial point which touches on the lifeline of somebody as a far as his work is concerned. Thank you, Mr. Speaker.

Hon. Speaker: Order hon. members. We need to make my decisions here. My mood here when this matter was being presented is that, matters presented here should be matters that are serious. When you are attacking the character of a person, you should have evidence. I heard that Hon. Ngunzi was not adequately prepared when he was presenting this matter. It is important that when a motion of this nature comes, a member is adequately prepared because these are allegations that even the member is not here to defend himself.

I appreciate that Hon. Ngunzi has attempted to lay his paper on the floor so the motion is partly handled. He has requested for only a day to provide evidence and prosecute his motion and I would think that we allow him to do that tomorrow.

(Applause)

As we open the session tomorrow, I would also allow Hon. Mueni to expound on allegations that Lemmy had talked to me because I think that is important. Kindly, grasp the area, if you have photos, kindly display them here. We need to know whether the officer has gone cozy with the Speaker.

I think in the absence of any other business, let us prepare for tomorrow and allow Hon. Ngunzi to prepare. We would want to deal with evidence. You also need to look at the Standing Order 44 should guide you as you prepare whether your motion is within the Standing Orders.

Hon. (Ms.) Musyoki: Thank you, Mr. Speaker, Sir. As you are postponing this debate, I hope this does not open a door for people to be corrupt because we know what goes on. The moment people get out of this place, they go behind, I know some who will go behind looking for him tonight. Kindly, let it not open a door for corruption. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Yes, I didn't know that that happens. So, Hon. Ngunzi you need to restrain your members not to visit the suspect.

Hon. Nduva: Mr. Speaker, despite Hon. Kitheka had said during my committee meeting, I said Lemmy must go, I think documents are important when we are discussing matters of what someone has violated and I would go by your word. Let us have documentation of the accusations of one Mr. Nzuma. So I support the mover of the motion should table documents that

the officer has done contrary to what is expected of him and I think, this house would be fair enough to discuss the matter.

Hon. Speaker: Thank you. I think I raised the point clear Hon. Ngunzi, you still own the motion. If you are not ready you can withdraw your motion and bring it at the most appropriate time. If you are ready tomorrow, then we deal with it tomorrow.

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to thank you for adjourning this motion. I had only risen on a point of order. I did not contribute on this, Mr. Speaker, and I will be ready to contribute when the motion is back in the house and echoing sentiments of Hon. Wairimu, Mr. Speaker, we need not to wait for more time to know whether members of this house have been talked to by the by one Lemmy.

It is said that whenever you see a pregnant woman, know that something had happened and somebody is responsible, Mr. Speaker. The issues of opposing this motion which have been raised by some members is an eye opener of what has been happening and what will happen before this motion is brought back to this House, Mr. Speaker.

Mr. Speaker, my stand on this is not known and I will make it known when the motion is back in this House. Thank you, Mr. Speaker, but a word of advice as Hon. Katela says 'I know many will not sleep tonight looking for this gentleman.' Thank you.

Hon. Speaker: Let us hear the mover of the motion. Will you be ready with your motion tomorrow?

Hon. Ngunzi: Mr. Speaker, it is a few documents that I have to get from a few areas and I think as earlier on requested, I will have the documents with me tomorrow when the motion comes up again tomorrow.

Hon. Speaker: In the afternoon or in the morning when we have the morning sessions and afternoon.

Hon. Ngunzi: I had requested for the afternoon.

Hon. Speaker: Then you will have the motion in the afternoon. Clerk, proceed.

ADJOURNMENT

Hon. Speaker: Then the house adjourns for the day. Thank you.

The house rose at 3.10 p.m.

