

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 15th July, 2015**

The House met at 2.40 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon, Hon. Members. Let us proceed.**MOTION****CENSURE OF CHIEF OFFICER, COUNTY SPECIAL PROGRAMS****Hon. Manyolo:** Thank you Mr. Speaker, Sir, and the House at large. May I bring to your attention that the mover of the motion is not around?**Hon. Speaker:** Yes, Hon. Majority Leader.**Majority Leader (Hon. Mwonga):** Mr. Speaker, I had lunch with the Hon. Member and he hinted to me that he was going for some documents and, Mr. Speaker, I want to remind this House what I said yesterday: now my fears can be confirmed because even the seconder of yesterday's motion is not with us here. This tells...sorry Mr. Speaker, if the seconder of the motion is here we can hear him on behalf of the member.**Hon. Speaker:** Can you apologize.**Majority Leader (Hon. Mwonga):** I do apologize, I do apologize.**Hon. Speaker:** It is alright.**Hon. Kavuu:** Thank you, Mr. Speaker. I want to tell the Majority Leader that I am always around and, Mr. Speaker, I would request if I can be given this chance to take over from the mover of the motion. Thank you, Mr. Speaker.**Hon. Speaker:** Hon. Members, the motion is the property of the House. It is already on the floor and we must proceed. Let us proceed to get contributions from where we left yesterday and I will urge that we begin with Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I think Mr. Speaker, Sir, as the Majority Leader has said, you can see the people who brought the motion they look to have eaten *kuku* (chicken) and---

(Laughter)

Mr. Speaker, Sir, I think it is not good for the Hon. Members to be bringing motions to look for money. Thank you, Mr. Speaker, Sir.

Hon. Kathinzi: Thank you Mr. Speaker. I would like to bring to your attention that the Hon. Member for Muthwani is not properly dressed. We seek guidance Mr. Speaker, and also the Minority Leader is not properly dressed according to the ethics of this house. Thank you.

(Hon. Maitha withdrew from the Chamber)

Hon. Speaker: Sorry, I am not able to see Hon. Dominic.

Hon. Kathinzi: Mr. Speaker, he just moved out as I was addressing that particular issue but even the Minority Leader is not---

Hon. Speaker: I agree with you that the Minority Leader is not properly attired.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Mr. Speaker if you check me--

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Hon. Speaker: You are not able to address the House. I have made a decision that you are not properly dressed.

(Applause)

Kindly take a moment outside and watch yourself. Welcome, Hon. Ngunzi. Maybe you can quickly remind us where we reached. Hon. Mueni feared that you may not attend this session. Proceed.

Hon. Ngunzi: Mr. Speaker, I know and I heard Mueni feared that I had eaten chicken and was not to be here and that is not the case. Mr. Speaker, I want to propose to make an amendment to my motion on one particular area where I had talked of a purchase of 1000 water tanks of 10,000 litres. I want to amend the 1,000 water tanks to 2,400 water tanks of 10,000 litres each and I want to request Hon. Geoffrey Munyao to second the amendment.

Hon. Speaker: Thank you. Proceed.

Hon. Munyao: Thank you Mr. Speaker. I stand to second the motion. Sorry, Mr. Speaker, I stand here to---

Hon. Speaker: It is alright. The amendment is permitted, proceed.

Hon. Ngunzi: Mr. Speaker, I want to draw the attention of the House to an advertisement that appeared in the local dailies in November, 2014 and the advertisement was from the Government of Machakos County and it was a tender for 2,400 10,000 litre water tanks and Mr. Speaker, the bids for the tender were to be submitted latest on 5th November, 2014.

The House here met to discuss the water tank issue for the villages and suspended the tender on 5th November, 2014; that Mr. Speaker is contained in a letter that was drawn to the Chief Officer, department of Water, by the Clerk to the Assembly and I want to quote part of it, that the subject of the letter that was drawn by the Clerk was cancellation on tender for supply and delivery of 10,000 litres PVC tanks by Machakos County Assembly. The letter was forwarded on 6th and the tender was closing on 5th.

However, later the Chief Officer wrote through the Chairman, Water and Agriculture committee to the Clerk on 24th March and what is contained in that letter that the Chief Officer drew is a lie; he lied to the House and I want to quote a section of the letter that was drawn by the Chief Officer who was then Jeremiah Lemmy on 24th March to the Chairman, committee of Water and the letter says in part, 'kindly note that by the time we received the letter by the County Assembly, the evaluation process had been completed and the report forwarded to the County Tender committee for consideration.'

Here comes a lie to this Hon. House by the Chief Officer that the tender was stopped by this House on 5th November, 2014, the letter was received on 6th at his office and the tender was closing on 5th. So the Assembly had stopped the tender a day earlier before it closed and he hereby goes ahead to lie to the House that evaluation had been done and documents forwarded to the tender committee.

Mr. Speaker, the said officer went ahead to purchase the tanks, some were deposited at Matungulu, a total of 188 of them. Those tanks, through the Sub-County water officer of Matungulu, disappeared. The total number disappeared. We cannot trace a single tank. As the chairman, Water committee, and I want members to take this with the seriousness that it deserves, as the Chairman, we have only been able to recover 10 out of 188 water tanks. Some are held by churches yet these water tanks were meant strictly for primary schools and not for churches and villages and that is why we stopped because we feared that the same tanks could be misused, Mr. Speaker.

Today, 178 tanks are in people's homes. I don't see how this County Government will spend thousands of money to give water tanks to individuals. We cannot give tanks to churches. As we speak, we have got the nearby secondary schools that are in need of the tanks but we have not given them yet we have gone ahead to disburse tanks to individuals.

Mr. Speaker, we have another 250 water tanks lying at Masinga sub-county office. We cannot tell up to today, why the tanks were procured way back. It is now almost a year, tanks are there burning in the sun. They are not being given to anybody. This is a clear manifestation that the tanks were only purchased for somebody to receive a kick-back.

(Applause)

They cannot tell where to give the tanks. They are not giving them to schools and I don't know as I speak today, whether the total 250 tanks are held at Masinga. Maybe we could find a lesser number. I will make my investigations and report to this House.

Another 50 tanks were procured and placed at Kithimani. Not even a single tank is there today so we can never tell, Mr. Speaker, why we still want to claim that the Chief Officer, after doing all this mess to this county, can still remain in office today and remain as the Chief Officer in charge of special programmes. I will, Mr. Speaker, with your leave, because somebody holding the documents rushed to address an emergency, we still have Kamu and Kondo water projects, irrigation schemes, that disappeared in the hands of the Chief Officer and to date, nobody will tell what will happen to those schemes; lots of government money was lost. So we still wonder why people should feel that the said officer should not be censured to step aside or to go out and investigations be immediately put to have him answer the charges before him.

Today, he is the Chief Officer, special programmes and Mr. Speaker as I had indicated here, and I will lay that evidence before this House at a later date, the officer is busy campaigning using the same water tanks that he purchased and placed at strategic positions for him to pick whenever need arises.

I totally urge this house to censure the officer, through the proper channels, to have him answer why so much was lost during his tenure at the office of the Water Department as the chief officer there. So Mr. Speaker, I want briefly to lay my case there and ask members to look into the matter with seriousness. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Welcome Hon. Kasoa. We can here you in contribution to the motion.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Mr. Speaker, I stand here to support this motion and Mr. Speaker, put to your attention that in the year 2013/2014, in our respective wards, each member here has nothing to show from the department of water where the said officer was in charge. So Mr. Speaker, this house should seriously measure on the officers who are misusing public money, so I stand here to support this motion and say that enough is enough and Mr. Lemmy must go.

I talked with the Hon. Member for Matungulu East, Hon. Nzoka and he said that over a 100 tanks were lost in Matungulu. So this one is true that the county lost tanks and we should censure this officer and not only censuring, this officer should go home. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Yes, Hon. Kasimu.

Hon. Kasimu: Thank you, Mr. Speaker, Sir. I want first of all to correct Hon. Minority Leader that Hon. Nzoka is the member for Matungulu North, not Matungulu East. Mr. Speaker I want to talk on behalf of Hon. Members of Matungulu sub-county - the five elected and four

nominated, that it is true that water tanks were distributed in Matungulu sub-county in the offices of the sub-county administrator, that it is true that one Lemmy gave instructions that the water tanks, through the water engineer of the sub-county, should be distributed to churches and women groups at a price.

Mr. Speaker, Sir, I want to confirm that there is a bishop, one pastor Kasyoki, who now has more than 10 water tanks in his homestead because the bishop bought the water tanks from one Lemmy at a price that given time, I will bring the price to this house, and when we confronted the water engineer, he confirmed that he was working under strict instructions from Mr. Lemmy.

Mr. Speaker, Sir, I stand here to support the motion that the man that is under siege in this house is a man who does not deserve to hold the docket of any public office because he has interests and is not faithful because if he was faithful, he would have distributed these water tanks free to churches and free to women groups, but he went ahead and sold the water tanks to churches and finally they landed in individuals' homesteads that we can go door by door and show you, Mr. Speaker, Sir.

So we are very disappointed as Matungulu people because our primary schools and secondary schools that were supposed to receive these water tanks never received, some of them, and this, I understand, is the second phase of the distribution of water tanks to Matungulu sub-county.

The first distribution was also done in the same manner and water tanks went to the wrong places instead of schools. So we waited and we inquired and found out that it was instruction from his office. Mr. Speaker, I stand to support the motion. Thank you Mr. Speaker, Sir.

Hon. Speaker: Okay. Yes, Hon. Mutuku.

Hon. M. Mutuku: Thank you Mr. Speaker, Sir. I hereby wish to support the motion in totality. As you are aware, yesterday I was on the floor and I said that one Mr. Lemmy has actually violated many things in line with the Constitution. Yesterday, I was in a position to say that one Mr. Lemmy has violated public procurement and I was also able to say, because we have been told by the mover of the motion, that despite the fact that this house had stopped the procurement, he went ahead and procured those water tanks.

Once again, it is against the spirit of the Constitution to misuse public funds and Mr. Speaker, Sir, we have heard from the mover of the motion that there was a reason why this Hon. House had stopped the procurement of those water tanks because the earlier procurement we had realized there was misuse of public funds.

Mr. Speaker, Sir, it was also yesterday when we were told that one Mr. Lemmy had actually been violating the Constitution. The Constitution is clear, you cannot serve two masters; you are either in Executive or you are in politics and I think that is an issue of integrity. Mr. Speaker in the view of that, I hereby in totality, support the motion for one Mr. Lemmy to be censured. Thank you.

Hon. Speaker: Thank you very much. Let us hear Hon. Itumo.

Hon. Itumo: Thank you, Mr. Speaker, for giving me this important chance to contribute towards this very sensitive motion on the censure of one Lemmy Nzuma. Mr. Speaker, I smell a rat because before this motion was brought to this Hon. House, it was said that one Lemmy Nzuma had an interest of contesting a seat in Yatta. Mr. Speaker, I smell a rat because maybe this is with strings attached Mr. Speaker and maybe this... protect me Mr. Speaker because one Hon. Kavuu is trying to push me and I wonder. It is my right to participate Mr. Speaker.

Hon. Speaker: Proceed, Hon. Itumo. I did not see that.

Hon. Itumo: Yes he is just sitting and trying to push me, Mr. Speaker.

Hon. Speaker: Proceed.

Hon. Itumo: Mr. Speaker, my contribution is that maybe this is a witch-hunt, Mr. Speaker. Over 2,400 tanks have been said are out of sight but Mr. Speaker only 10, I don't know a very small number, that were traced maybe in churches and in individuals' homes. Mr. Speaker I feel that more investigation should be done.

Hon. Speaker: There is a point order here, Hon. Itumo.

Hon. Kasimu: Mr. Speaker, I want to make it clear to Hon. Itumo---

Hon. Speaker: Hon. Itumo, take your seat as we take the point of order.

Hon. Itumo: I do, Mr. Speaker.

Hon. Kasimu: He should cease to say that we lost 10 water tanks in Matungulu; our water tanks were more than 100 water tanks that he cannot confirm or substantiate where they are so Mr. Speaker, Sir, I wish to correct Hon. Itumo that they were not 10 but more than that.

Hon. Speaker: Hon. Itumo and Hon. Kasimu, both of you are stating from the floor. Yes?

Hon. Maitha: Mr. Speaker, I wish to inform Hon. Itumo that I am a member of the Water committee. Less than month ago, seated in this committee chamber with the minister for water, he claimed and the clerk who was recording that day can produce the report, the minister said so far they have recovered 61 tanks and Hon. Members of the water committee who were present can attest to this.

The CEC member said so far they have recovered 61 water tanks within Matungulu sub-county and they are still pursuing some more tanks. So already 61 have been confirmed to have been collected and more and the minister went and said that he is happy that he now has a chief officer who he can rely on, on the floor of this Assembly. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Itumo, now faced with those facts, and this is a House of record, now you can proceed.

Hon. Itumo: Mr. Speaker, I do not want the Hon. Members to feel that I am protecting the Chief Officer.

Hon. Speaker: Proceed.

Hon. Itumo: But what I am saying, Mr. Speaker, it will be very much justifiable to have enough evidence towards any person who is accused, Mr. Speaker. If the evidence is there, Mr. Speaker, then let the decision of the House be final. Thank you, Mr. Speaker.

Hon. Speaker: Alright, thank you. Let us hear Hon. Kathinzi then Hon. Muli.

Hon. Kathinzi: Thank you, Mr. Speaker. I am standing on the floor of the House to support this particular motion on censure of this fella, Lemmy. I would like also to put into record that I've written three letters complaining about one Ngomola borehole which was renovated; the ones which were called the quick win in my ward. This guy was in charge, the contractor was paid, he did the job halfway and until today, there is no water in that borehole. The same way *Mheshimiwa* Minority Leader has said, it is good to protect the image of our Governor that surrounded by such characters, this county is not going to perform as we expect it to.

Another day I was called by somebody from Masinga who was selling a 10,000 litre water tank at Kshs. 5,000. He was looking for a customer. He told me, 'I have it, I have a pick-up I can drop for you.' He never knew he was talking to a *Mheshimiwa*. He was given a job to do, I don't know where he was collecting the tank from and that is on record, Mr. Speaker. I told him if it is a water tank you are selling for Kshs. 5,000, come with a receipt with an ETR and I will buy. If it is not documented, I am not ready. Then he told me 'I am going to look for a customer elsewhere.' That was way back in February. So I was somehow confused. On the other side---

Hon. Speaker: Hon. Kathinzi, from February to date, you have been confused?

Hon. Kathinzi: Yes, Mr. Speaker, because I reported to the Chairperson of Implementation committee. He should have followed with this fellow, since last year November; he should have sat down with his committee and made a quick follow-up to see what this fellow is doing; we just hold our documents loose. He is my good friend, he usually invites me in his committee. I think this problem we are addressing today lies squarely in the Implementation committee.

(Applause)

He should have followed from the first day of the document so that we cannot... he should not be sacrificed today for this particular case, but I'm saying it is something we need to

handle with a lot of keenness. I think Mr. Speaker, it is not fair to have such people in the office even as we are speaking today, because we have lost county money; we have been sitting in this House to regulate and put things in order so that our people can get services.

As we are speaking today, I have no water project since 2013/2014 financial year. I don't know whether it is until 2017 when I will tell my people 'Mr. Lemmy Nzuma was in charge of you not getting some water,' I don't know.

I think we need to take swift action and I am totally supporting this without malice. I know him personally but I am going to say and I support this particular issue and then also request the mover of the motion to provide the documents so that at least we can be in a greener place for us to discuss. Thank you.

Hon. Speaker: Thank you.

Hon. Muli: Mr. Speaker, I stand here to support this motion on two or three grounds. Mr. Speaker, first, I once called Lemmy, the former Chief Officer for water who was transferred to Special Programmes Mr. Speaker, in my ward, that is in Ndithini, Kawethei water project which was given Kshs. 1.4 Million from the issue which was indicated. Mr. Speaker, there was nothing which was done; it was only duplication of the Plan International programme and as I followed, the contractor was paid and even there was much contradiction whereby the project was indicated that it was for Muthesya ward.

We pursued it, I also involved the Hon. from Muthesya whereby under that contradiction, Mr. Speaker we did not manage to get the truth of the matter. Things were very much contradictory; we tried also, Mr. Speaker, to get the information from the department, that is from the water Engineers from our sub-county but, Mr. Speaker, we did not succeed.

Also, Mr. Speaker, the issue of the tanks which is the greatest which relates to the accused Mr. Speaker, in my ward, the Governor gave an order to supply the tanks in primary schools whereby I would also like to inform this house that there are some wards, like Ndithini whereby the tanks have not been supplied in primary schools. I have kept on following up on the issue and it is becoming complicated.

Therefore, I believe the tanks which have already been named here, had been given to individuals and churches. Maybe, Mr. Speaker, they are the ones which belong to Ndithini ward because I can't see if the primary schools had been supplied with the tanks and I have kept on following those issues of the tanks and there is no sign of success, Mr. Speaker.

Therefore I support the motion in totality and also appreciate and applaud the mover of the motion and I request, Mr. Speaker, the mover of the motion to be given time to provide more evidence because more evidence is there. If the evidence he is surrendering to this House is not enough, we have enough evidence, Mr. Speaker. Thank you.

Hon. Speaker: Thank you. Hon. Veronica.

Hon. (Ms.) V. Mbithe: Thank you, Mr. Speaker and the House at large. I am shocked that people who have been serving under this government are not having the vision for the Government and they are not driving the vision for this Hon. House forward because every part of Machakos County has a problem of water, Mr. Speaker, Sir, and if the said Lemmy is the one involved with this, together with all other officers who handled those water tanks in the wrong way, they should all be sent home, Mr. Speaker, Sir.

(Applause)

Because if we continue like that, by the year 2017, the objective of getting our people to drink water and to have shower will not succeed, Mr. Speaker, Sir. Thank you.

Hon. Speaker: Thank you. Hon. Kitheka.

Hon. Kitheka: Thank you Mr. Speaker and the House at large. Mr. Speaker, I wish to stand to oppose this motion in totality, with evidence. Mr. Speaker--

(Loud consultations)

Hon. Speaker: Order, order. Proceed.

Hon. Kitheka: Mr. Speaker---

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Continue

Hon. Kitheka: Mr. Speaker, I wish to give evidence of the entire process, Mr. Speaker and Mr. Speaker, I seek your indulgence on this matter.

Hon. Speaker: I have given you the indulgence. Proceed

Hon. Kitheka: Mr. Speaker, first and foremost, when the issue of a censure motion in this House came in for Mulee, you ruled and we have to use it as a precedence that this House doesn't have the capacity to suspend or to censure. Mr. Speaker, I wish to give the chronicle on the same from the website elementary dictionary on the censure issue. Censure is an appreciation of strong approval or criticism and it is an official reprimand---

Hon. Muinde: Mr. Speaker, I would want to hear it clearly, did you ever rule in this House that this House does not have power to censure and is the Hon. Member trying to make his own rules in this chamber?

Hon. Speaker: Point of order sustained. This House, to my memory, has never made such a ruling.

(Applause)

Hon. Kitheka: Mr. Speaker, I wish to point out that the ruling which you made for Mulee had some details. Mr. Speaker---

Hon. Nganga: Mr. Speaker, could the Member make reference to a document before him so that we may be properly guided and if he doesn't have such a document to explain where he is making his reference from, then refrain from misguiding this House on the interpretation of the ability of the House to censure in such a thing, Mr. speaker because the Member is taking other members in a circus without being very explicit on why such intentions might have been achieved, Mr. Speaker.

So, may he be refrained from referring to documents that he doesn't have and in whose his mind the facts does not serve him right, Mr. Speaker, because I have also heard him whisper that he is going to serve us with chicken soup. I don't understand what he meant by that.

Hon. Speaker: Hon. Kitheka, I think I agree with that point of order. You need to properly guide yourself and misleading this House is a disorderly conduct. Now proceed with that caution.

Hon. Kitheka: Mr. Speaker, I want to clarify and ask, Mr. Speaker, the issue of a censure motion, where is it anchored in our Constitution? Mr. Speaker, I wish to point out some issues. First and foremost, Mr. Speaker, I have clarification---

Hon. Speaker: There is a point of order here from Hon. Mueni.

Hon. Kitheka: Mr. Speaker, the orders are many.

Hon. Speaker: Members have a right.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. I think when a person has eaten people's things---

(Laughter)

Can I please continue?

Hon. Speaker: Proceed.

Hon. (Ms.) Mueni: You know he can talk anything to pay the money. So I think Hon. Kitheka is wasting the time of this Hon. House, already when we have so many proofs somebody is selling the tanks. There are documents Hon. Kitheka. Sometimes you are very clever but today you are stupid.

(Laughter)

Hon. Kitheka: Mr. Speaker---

Hon. Speaker: Order, Hon. Kitheka.

Hon. Kitheka: I wish to continue.

Hon. Speaker: Order! I need to make... order!

Hon. Kitheka: I want to prove to Hon. Mueni---

Hon. Speaker: Order, Hon. Kitheka. Kindly have a seat and maybe Hon. Members, we need to always look at Standing Order No. 79 on how to raise points of order and one of the rules under Standing Order 79 (1) is that: Any Member may raise a point of order at any time during the speech of another member, stating that the Member rises on a point of order, and that Member shall be required to indicate the Standing order upon which the point of order is raised. (2) When a Member raises a point of order during the speech of another member, the Member who was speaking shall thereupon resume his or her seat and the Member raising the point of order shall do likewise when he or she has concluded his or her submission but no other Member may, except by leave of the Speaker, speak on the point of order.

I think Members we have now come of age and we need to observe these Standing Orders. For the purposes of the point of order then, that was raised by Hon. Mueni, the entire point of order is dismissed. It has no basis on the subject at hand and Hon. Kitheka may proceed.

Hon. Kitheka: Mr. Speaker, the way we are handling this issue, we may be handling a very sensitive issue and Mr. Speaker I wish to point out, from the County Governments Act Section 45 (2) on Appointment of a Chief Officer, ‘the office of a chief officer shall be an office in the county public service.’ Mr. Speaker, I wish to point out Article 59 of the same Act.

Hon. Speaker: This Act or what?

Hon. Kitheka: The County Governments Act.

Hon. Speaker: The County Governments Act doesn't have articles. Articles are only carried by the Constitution.

Hon. Kitheka: Section 59.

Hon. Speaker: Alright.

Hon. Kitheka: The functions of the County Public Service Board shall be (c), exercise disciplinary control over, and remove persons holding or acting in those offices as provided for under this part.’ Mr. Speaker, we may be doing the right thing. We may be doing a censure motion in this House.

Hon. Speaker: So you are saying section 59 on the functions of the County Public Service Board?

Hon. Kitheka: Proceed now, I am there.

Hon. Kitheka: Mr. Speaker, we may be doing the right issues in this Assembly but we may be falling short of our mandate, simply because that job has been given to another body which is an appointee of this Assembly. Mr. Speaker, when you go to the Public Finance Management Act---

Hon. Speaker: Order!

Hon. Kitheka: Mr. Speaker---

Hon. Speaker: It is the order of the Speaker.

Hon. Kitheka: Yes.

Hon. Speaker: Hon. Kitheka, are you telling this Assembly that it should sit helpless when a Chief Officer outruns the Constitution?

Hon. Kitheka: I am saying it was a very simple job for this House to discuss because he should also have been dismissed by the County Public Service Board, or if we come to section 153 of the Public Finance Management Act, accounting Officer to be responsible for management of assets.

Mr. Speaker, if you go through it, you will find that in 156, it says, disciplinary measures against public and accounting officers. Mr. Speaker, you will find that this person should have even been dismissed by the County Executive committee member, which we should not have tired up.

You check also on 156 (1) and (2) and (2) says, 'if the County Executive committee member for Finance reasonably believes that an accounting officer has engaged in improper conduct within the meaning of the sub-section, the County Executive committee member for Finance shall take appropriate measures to address the matter.' So Mr. Speaker---

Majority Leader (Hon. Mwonga): Mr. Speaker, mine is a point of information. I want to inform the Member for Machakos Central where this Government has done a lot of projects, that, one role of this House is oversight, Mr. Speaker and what we are doing now is exactly oversight. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kitheka, kindly conclude.

Hon. Kitheka: Mr. Speaker, I am not denying the issue of oversight. I truly believe that we are doing our oversight work, but we should check not to overstep the mandates of other offices.

Mr. Speaker, I wish to point out on the last issue, it is on the fairness of what we are trying to do. Mr. Speaker, if you go to Article 47 of the Constitution on fair administration of

action, Mr. Speaker, it speaks clearly that ‘every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.’

If we go to the issue of Article 50, Mr. Speaker, ‘for fair hearing of any member who is accused, Mr. Speaker, every person has the right to have any dispute that can be resolved by the application of law, decided in a fair---

Hon. Speaker: Order! Order, Hon. Kitheka. You are saying Article 51, which relates to persons in prison custody.

Hon. Kitheka: Article 50, fair hearing.

Hon. Speaker: Okay, proceed.

Hon. Kitheka: So Mr. Speaker, ‘every person has a right to have any dispute that can be resolved by the application of law, decided in a fair and public hearing before a court, or if appropriate, another independent and impartial tribunal or body.’

So Mr. Speaker, to be very short and precise, we should apply the maxims of equity in which if we come for equity, let us come with clean hands and if you are coming to seek equity, let us do equity. So, Mr. Speaker, I think we have a lot to iron here.

Mr. Speaker, the issues which are being raised here as pertains chicken and chicken soup, Mr. Speaker, I know very clearly we are trying to address issues where majority of Hon. Members here have got interest of that member to be kicked out on disciplinary matters so that that person cannot seek any elective posts in the near future.

So Mr. Speaker, we are truly on a position to talk on behalf of the people who are voiceless and who are not in this Assembly. So Mr. Speaker, can we see everything put in order. Towards the end of last year, Hon. Kasoa challenged the Governor and told him to bring the names of individuals whom he had pin-pointed as corrupt. The chief officers were not brought into this house; he kept quiet, we don't know what is happening. The Governor himself said in the media that he is going to make major changes in reprimanding his chief officers who are corrupt. He has not honoured his words. So Mr. Speaker, we want a list---

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I want to urge the Member for Machakos Central not to misuse words. Mr. Speaker, I urged the Governor to shake his government and he reshuffled the permanent secretaries in charge of ministries and Mr. Lemmy was moved from the Ministry for Water to Special Programmes. So Mr. Speaker, I urge the Member of Machakos Central to go slow on this. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kitheka I think you have concluded. Now, one last moment.

Hon. Kitheka: Mr. Speaker, I want to conclude by telling Hon. Kasoa that I know the difference between 'kick them out' and 'transfer them.' So those are very simple words, I can understand.

Hon. Speaker: Order, Hon. Kitheka. Your matter between Hon. Kasoa and yourself is not in contest. It is out of the matter that is before the House.

Hon. Kitheka: Okay. So Mr. Speaker, I wish to rest my case by saying that before we censure, which is not anchored anywhere in the Constitution, before we do what is not anchored anywhere in the Constitution, let us have vivid documents to validate the same. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear Hon. Muthuka.

Hon. Muthuka: Thank you Mr. Speaker, sir, and the rest of the House. Mr. Speaker, I may say that I'm mesmerized that even the blind can see and Mr. Speaker, I want also to bring to the attention of Hon. Kitheka that we have the power to censure and I will guide you to where you will find that information because it is readily available and those are some of the powers that are bestowed in this House.

But all said and done, Mr. Speaker, the issue of a censure motion, I believe in this Assembly I was the first person to bring a censure motion for the CEC, formerly for Agriculture, but I had to withdraw because by the end of the day, you must make sure that you have enough quorum who will be able to support.

Initially I had the quorum but you have been talking about chicken, before I don't know what it was called, and I could see that my motion would go nowhere because these things that we are addressing are things which we started with; 2013/2014 projects, up to today, most have become white elephant projects.

I can also quote from my area and Mr. Speaker, sir, with your guidance, I believe tomorrow you will be available in the afternoon because I am expecting some answers to some statements that I sought for my ward concerning water whereby there were two projects and up to today they are white elephants yet they were allocated money; Kavoloni water project, Kshs. 2.7 Million which got lost and also we have Ndongololo and other projects.

Mr. Speaker, sir, as we talk about censure motion, it should be a big list for chief officers and I believe that the person who brought this motion should also consult through the Liaison committee because we have many chairs whom we know that there is a lot they have not done. We had the chief officer of decentralized units, he was transferred.

I don't know whether Lemmy will be transferred to another department because now we have come up with some issues that we should censure him for, but before we go there Mr. Speaker, it is very important that we get the facts right. We should be getting the reports from these departments and again...

Hon. Ngui: Mr. Speaker, is the member in order to start discussing matters of other Chief Officers? Matters of chairpersons of committees when the matter on the table is a censure motion to censure only one Chief Officer? So Mr. Speaker, can you guide this House to concentrate on the matter of the censure motion alone.

Hon. Speaker: Point of order is sustained.

Hon. Muthuka: Thank you Mr. Speaker, Sir. I just alluded, because it is a big list and that is our work.

Hon. Speaker: The point of order is sustained so proceed.

Hon. Muthuka: Mr. Speaker, before we go to the censure motion, let us get the reports of how many tanks we have, how many were distributed to the schools---

Hon. Speaker: Hon. Muthuka, when I say the point of order is sustained I meant that the areas touching on other officers, other matters other than the censure motion are not within your deliberations. Now proceed with the matter at hand.

Hon. Muthuka: That is exactly what I am doing when I am asking for the reports from water department. I am supporting this because three weeks ago, the same Lemmy was in my area, whereby we were constructing a dam and he came there in a capacity that he is the one who is doing all that work while I knew he had moved to the special programmes and out of that, to me it wasn't right because why are we giving our electorates the wrong information.

He alluded that, that is a special programme which is coming from his department while we know, water is different from special programmes.

Today as we talk, we have one bulldozer at my area which has been there for the last one month simply because he is not in charge of water, and I have noticed that there is something like sabotage, because he had promised people that he is the one to give them water but now he is more of controlling the other departments.

So everything can stall so that people can feel he was the one who was driving the water issue in our place. So as I support this, I was requesting that, can we get tangible records, because we have seen it before when the Mulee issue came, now she has gone to court. Can we get some things so that we do not start an exercise in futility?

Mr. Speaker, I want to rest my case there and I want to support the censure motion plus other chief officers who are not performing their duties. Thank you.

Hon. Speaker: Okay. Let us hear Hon. Ndeto, then Hon. Dominic and Hon. Kalunde.

Hon. Ndeto: Thank you, Mr. Speaker, and before I make a few references, I want to make it clear that I fully support this motion and as I support it, I want to raise a few issues. First, the issue of procurement has been raised and this issue is not done by one person, so the one who brought this motion, move, bring the whole team that was doing the procurement and if you can remember, Hon. Speaker, the list that was given by the president to the National Assembly talked about the procurement team of Machakos county government.

Secondly, this issue we are discussing about the water tanks under which the chief officer messed up with is the same issue that the chairman and deputy, Agriculture, that was Hon.

Collins Mbithi and Hon. Muthuka were following towards the end of the 2013/2014 financial year and they are the same matters in which those two were sent packing from that committee.

Thirdly, the ministry of water has really messed the Governor; in fact I had come to a point where I was thinking it is the governor 'shielding' these people but now, if this goes the way it is going and we see the end of the tunnel, I will believe otherwise. I will think otherwise.

And when I say this ministry has messed us, the 2013/ 2014 budget, in terms of water, it is almost the same in all the wards- nothing was done and I believe there is the minister who is in charge of this ministry. There is also the director who is in charge of this ministry, plus the chief officer. These three people, something ought to be done, as we censure this one chief officer.

Let me bring another issue which maybe can raise some heat; it concerns what Hon Kitheka was talking about. About the house taking a censure motion and having somebody to step aside, I don't want to take a lot of time here, but Mr. Speaker, there is the ruling you gave after I questioned why one Mulee is still in office after this House passed the censure motion and I still have the copy with me, not here, and I believe we need to look on the ruling that you gave as to why Mulee is still in office. Otherwise, we will censure Lemmy, and tomorrow and the day after tomorrow he will still be in office.

In the same matter, the ruling that you gave, because I took a copy immediately and I have it, if Lemmy gets that ruling after we censure him and goes to court, this one will raise issues about our ability and also our transparency in this house.

So I stand to support this motion fully and I request this Hon. house, if we are to achieve anything in the remaining two years, this is now the way to go, not only for Lemmy but also for other ministries which have done totally nothing for two financial years. Thank you.

Hon. Maitha: It is my time, thank you Mr. Speaker. I want to start by saying, if always debates and point of reasons were like today, I think every member would be smiling all the way back to the wards and much better, smiling all the way to his bank, because of projects done properly and our accounts heavy.

Mr. Speaker yesterday I got numerous calls from one Hon. Kitheka. I was attending a funeral for my mother-in-law yesterday and I was wondering, what this member was calling me about and at around 7.30 which can be attested through my number. He told me that the motion has come but I am going to object and I objected. I gave him points of reference which he has given us and I told him, 'be very careful about them, but on this one you are alone.'

(Laughter)

Hon. Kitheka: Point of order, Mr. Speaker.

Hon. Maitha: Protect me, Mr. Speaker. I told him very clearly, Hon. Kitheka

Hon. Speaker: There is a point of order.

Hon. Kitheka: Mr. Speaker, I don't know when one Hon. Dominic became a tutor to one Hon. Kitheka because I don't know what expertise he has in constitutional and law legislation matters. So Mr. Speaker, I tend not to understand.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. I am still in the Chair, members. Proceed, Hon. Kitheka.

Hon. Kitheka: The Hon. Member had told me to call him to confirm whether he is coming to the House, because he was in a funeral in Kirinyaga. So as a friend, I had to call him to confirm whether we are going to come to the House today. I also called Hon. Muthuka and Hon. Festus Ndeto.

So, Mr. Speaker, one thing you should understand is that we are trying to embrace teamwork and we are working as a team and have to work as a team. So I was trying to embrace teamwork as we come to this House. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think that does not amount to a point of order. Proceed, Hon. Maitha.

Hon. Maitha: Mr. Speaker, I want to tell Hon. Members, if this is the caliber of Hon. Members we have in this House, it is a pity. He should not stand before this Hon. House and cheat. Where facts have to be facts, let them remain facts and I told him yesterday; 'Hon. Kitheka, you will be alone in that opposition.'

Mr. Speaker, I want to say this, to date unless a Hon. Member in this house is living in the moon, Hon. Members can attest that our government functions are moving in a snail mode, reason being, majority of our chief officers are messing the operations and expedition of activities, Mr. Speaker.

If you allow me, Mr. Speaker, to slightly deviate, with your permission as the constitution entails you, Mr. Speaker, tell me the sense where a grader was sent to my ward yesterday and today morning it has been recalled again back to Machakos without any good reason. The chief officer does not even have the courtesy of informing the duly elected Hon. Member for Muthwani and any other member anywhere else to inform that kindly I want to withdraw this grader. Is that in order?

And then here we come, 61 tanks reported by the CEC member had been lost and have been recovered and reported in this House and put in record, then Hon. Kitheka seeks for further evidence. Which evidence does he want? Which evidence does he want, Mr. Speaker, Sir?

Mr. Speaker, Hon. Members have to separate politics with the environment and service delivery. He can eat as many chickens as he can, if he will eat, but I don't want to allude to anybody who has eaten anything, Mr. Speaker. We will eat and eat and eat, but service delivery is a must Mr. Speaker, Sir. I am a member of the water committee, Mr. Speaker.

Hon. Nganga: Mr. Speaker, I find it disturbing while in the full glare of the members of the House and the gallery, Mr. Speaker, a member would confirm that members will eat some chicken of some sort or some soup. Mr. Speaker, that will be reducing the level of integrity of this house and I beg that member apologizes and withdraws and the matter be expunged from the proceedings of this House because it would demean the integral status of this institution. Thank you, Mr. Speaker.

Hon. Maitha: Thank you, Hon. Deputy Speaker. I respect you---

Hon. Speaker: I am still employing my mind on that point of order. I had not committed you to talk. But now tell us what was in your mind when you talked about chicken.

Hon. Maitha: Mr. Speaker, the issue of chicken has been the subject matter today but I have said it does not matter; if someone feels that is the way to go, service delivery cannot be compromised by that. That is what I meant and I appreciate the concern of the Deputy Speaker; I respect him so much, but what I want to say is---

Hon. Speaker: Maybe what he doesn't know is that there is now chicken soup.

Hon. Maitha: Mr. Speaker, what I want to say is, it is good that he is paying a lot of attention to this matter.

Hon. Nganga: Mr. Speaker, if my ears served me right and members can confirm, while making his submission, the member has said that we will eat and eat and eat. Mr. Speaker, that implies that members of this House can be compromised; they are able to receive tokens to alter or shake their thinking, which is a matter that we swore never to undertake.

And for the sake of the integrity of this House, it is on those grounds that I was seeking that that part be expunged from THE HANSARD and the member withdraws forthwith, Mr. Speaker, because it compromises the integrity of all of us that are in this House, because the future of this institution will be guaranteed by the same thing.

Hon. Speaker: I agree. Hon. Dominic, without engaging further debate, quickly withdraw that statement.

Hon. Maitha: Mr. Speaker, even if it means to withdraw a thousand times, I have withdrawn. I want to continue by saying this, Mr. Speaker, I said it last week here; we might think we have a permanent contract to be in the floor of the House.

Mr. Speaker, today unless, and I have repeatedly said, unless someone is living in the moon, the 40 elected members of the County Assembly serving the county government of Machakos, Mr. Speaker, today when you meet them out there, everybody is complaining about services that have not been rendered, projects that have delayed and nothing is going on.

Hon. Speaker: Try to come back.

Hon. Maitha: So what want to say is this, Mr. Speaker, I am supporting the issue before the House in totality because I am a member of Environment and Natural Resources committee where water lies.

If the CEC member attested here that tanks were lost, today it is a shock that we can even hear some areas like Ndithini ward, primary schools have not received water tanks, yet water tanks are lying all over. Accountability is an issue. Stalled boreholes, Mr. Speaker. I believe if this Chief Officer was effective, the department of water is a department that has been given almost 50 per cent of the just passed budget.

That means the Governor is so much serious about the issues of water, and if such an officer can be removed from that department Mr. Speaker, then it confirms the inefficacy of that officer, Mr. Speaker. The chief officer for education was handing not more than Ksh. 200 to 300 Million, Mr. Speaker, Sir.

He has been moved to the ministry of health which is handling almost two billion shillings and whoever has eyes can go and see the department of Health slightly has got a face, Mr. Speaker. That is a promotion. Do we continue working with chief officers who are not delivering services Mr. Speaker?

This chief officer should be censured, and not even censured, he should go home and now continue practicing more of campaigns so that he can come in 2017 and know the pain these Hon. Members are going through. So I urge hon members, let us not mix politics with leadership. Let us not mix politics with service delivery. We have evidence that a contract which was supposed to end on 5th, submission of papers, you are being told that by 6th, which is a day after, the contract had already been finalized. How?

Mr. Speaker, I want to say this: whoever is opposed to this is alone, and not even him; those other chief officers who members are complaining bitterly about them, censure motions should come to this house almost every other single day so that service delivery can become an issue of a must, not an issue of request, Mr. Speaker.

I support this motion in totality and by next week it should be finalized we get an effective chief officer. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Yes, Hon. Christine.

Hon. (Ms.) Mutune: Thank you, Mr. Speaker, Sir. I want to support that one Mr. Lemmy must leave the office simply because Mr. Lemmy was the accounting officer for water; we have noted that some tanks got lost in his hands. He should be explaining where the tanks are.

Mr. Speaker, I happen to come from Yatta where Mr. Lemmy is doing the campaigns. On Saturday last week I attended a funeral service somewhere; Mr. Lemmy came with a team of youths who do campaigns for him. They were there campaigning and I remember one former Hon. Charles Kilonzo confronted Lemmy and told him, 'why can't you serve the people who

took you to the Executive side and don't double deal. Don't do work which is not yours.' If down there people can confront such officers, why not this assembly, Mr. Speaker, Sir?

Mr. Speaker, Sir, we have heard of projects which have gotten lost in the hands of Lemmy. The one for Kondo and Kamu. We heard of the pipes which went to Masinga through another senior officer. Those things were done in the tenure of one Lemmy and he must explain. I even think he should be in jail telling us where those things are.

Mr. Speaker, Sir, I support that Lemmy should go home, constitute a campaign team and wait for 2017. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: I think Hon. Members it is time now perhaps to give guidance. One of the issues that have now emanated is whether the house has authority to censure and that, it has. This is a process of oversight. A conclusion on a motion of censure is a communication that the people of the county have refused to work with this particular individual because this Assembly represents the people of the county and as this house has power to censure any officer who works for this county, including chief officers.

A motion of censure is a motion of simple majority and once a communication is sent to the employer, that is the service board, I wish Hon. Ndeto was here, it is now upon the county service board to initiate the process of dismissal.

(Applause)

We can now proceed and conclude this debate. What we were handling the other time is a matter of an officer again where a procedure has been provided for and in this particular case a simple resolution is adequate. Let us proceed, Hon. Matheka. After Hon. Matheka, we can hear Hon. Ngui, then Hon. Nzoka and Hon. Alice. And it will be important that we hear Hon. Nganga. I don't know why Hon. Nathanael Nganga is not contributing today. Proceed.

Hon. Matheka: Thank you, Mr. Speaker. I should state from the onset that I support this motion and many more motions of this kind should be coming to this house. Reason being we have so many chief officers who have not done their jobs as it was expected and who are not doing it at the moment. So, Hon. Members, we should be having more motions of this kind.

Mr. Speaker, Sir, from the onset of this motion, money has been lost. We were only supplying water tanks to primary schools alone and I believe we have around 900 of them within the county and the said officer went ahead and purchased more than 2000 tanks for reasons better known to him.

Mr. Speaker, Sir, if he was doing this for the benefit and goodwill of the people of Machakos County, he should have done the distribution in the right manner; first to the primary schools and maybe to secondary schools. But going ahead and selling water tanks, yet some primary schools, and to be precise, nine of them in my ward, never got a single water tank. Mr. Speaker, Sir, that one leaves a lot to be desired. He needs to be shown the door.

Mr. Speaker, Sir, we should also note that many of the white elephants in the water docket came in his tenure. They have been mentioned and some wards never benefited from a single project. Mr. Speaker, Sir that leaves a lot to be desired.

Also Mr. Speaker, Sir, I would like to have a word of caution to Hon. Members of this house; those who live in glass houses should not throw stones. Maybe Mr. Speaker, Sir, some members of this house benefited from those tanks and they are here yelling at the top of their voices to the one Lemmy Nzuma; they should also check their character. We know them and given time we can bring evidence to that.

Mr. Speaker, Sir, also, there is the issue of chicken, allow me to divert to that. Mr. Speaker, Sir, we should not behave as if we come from the moon. We come from Machakos and in particular Machakos County Assembly. We know what has been happening. If we can divert from that Mr. Speaker, Sir, I think we will be moving in the right direction.

Mr. Speaker, Sir, the Hon. Member for Machakos town has right to take any direction because this is a democratic country, but for Hon. Members to come and shout at him that he has eaten chicken, I don't think it is right because as Hon. Mueni said the other day, we know each other very well as at now. Thank you Mr. Speaker, Sir, and I fully support the motion.

Hon. Speaker: Thank you. Hon. Alice.

Hon. (Ms.) Nzioka: Asante sana Bw. Spika kwa kunipa hii nafasi---

Hon. Speaker: Na utajaribu. Nimekupatia dakika kama moja hivi.

Hon. (Ms.) Nzioka: Bw. Spika nimesimama kuunga mkono kwamba Lemmy apumzike maana ameonyesha ako na kazi muhimu ambayo anaweza kuifanya kuliko ile ambayo amepewa. Waswahili husema, yaliyopita si ndwele tugange yajayo.

Mimi nimekuwa mpinzani kwenye hili bunge kuona kwamba kazi ambayo Gavana wa Machakos anafanya haikunipendeza, lakini nimekuja kugundua kwamba mmoja kama Lemmy ameharibia Gavana wetu sifa.

Gavana amesimama na kusema kwamba, kaunti ya Machakos ipewe maji; sisi kwenye hili bunge tulipitisha kwamba Lemmy akiwa afisa mkubwa katika wizara ya maji, asinunue tanki zaidi za maji. Sababu alisikia amevuka zaidi, amekuwa mkubwa hata kuliko Gavana wa Machakos, akanunua tanki zaidi. Ni nani mwingine anayemweza isipokuwa ni sisi?

Sasa sisi kama bunge tunasema, Lemmy aende nyumbani. Sisi sehemu kubwa ya Machakos inahitaji maji; ukienda sehemu kama Masinga, mwakilishi wa Masinga ambaye ndiye kiongozi wa wengi katika bunge anasema tupate maji. Lemmy anataka kuonyesha ya kwamba, yeye ndiye anaweza kutupa maji.

Amekuwa akisema kwamba kama kutapatikana maji Masinga na Yatta, yeye ndiye atapatiana. Yeye ni mfanyikazi, sio mwanasiasa. Sasa tumpe nafasi ili aende afanye siasa tuone kama 2017 atakuja kama wengine ambao wamechaguliwa hapa maana anaonekana hiyo nafasi ambayo amepewa imemshinda; sehemu yake ni siasa. Wacha sasa aende achape siasa. Mimi nasema Lemmy aende nyumbani. Asante.

Hon. Speaker: Okay. Hon. Ngui.

Hon. Ngui: Thank you, Mr. Speaker, Sir. I stand before this house in support of the censure motion. Mr. Speaker, I wish to state that these are some of the chief officers who have made this county stall. Mr. Speaker, this motion is timely, it is an eye opener for members of this house to open their eyes and do their work as an oversight authority.

Mr. Speaker, the said chief officer, when he was in the ministry of water, that was the financial year 2013/2014, there were the first contractual works which were given to contactors and I want to state, some of the contracts were given to Katangi ward. If you go to Katangi ward today, you will find a project called Mekilingi Water Project which was allocated Kshs 4 million since then and this project has remained a white elephant up to date. It is my fear that maybe the contractor might have been paid and the contract was not done.

Again Mr. Speaker, there is another project in my ward called Kikeneani borehole that was initiated by the former County Council. Mr. Speaker, the former county council procured pipes which were brought to Kyua market. When this contract was given to a new contractor, the Bill of Quantities (BQs) contained purchase of new pipes. The said chief officer colluded with the contractor and they used the pipes that were procured by the former county council of Machakos. Mr. Speaker, protect me.

Hon. Maitha: Mr. Speaker, I am surprised that an Hon. Member can stand and say he saw a BQ that contained purchase of pipes yet there were existing pipes and he allowed the project to proceed in the same manner, having been sworn in before this house and said that he is going to abide by the Constitution which entails oversight. Is he in order Mr. Speaker, Sir?

Hon. Speaker: Hon. Ngui, take us through that matter please.

Hon. Ngui: Mr. Speaker, this matter of pipes came to my attention the other day when I saw a notice of motion, so I tried to get facts and grounds on how we can send this man home.

Hon. Speaker: So it happened just the other day?

Hon. Ngui: Yes, Mr. Speaker.

Hon. Speaker: Alright proceed.

Hon. Ngui: Then Mr. Speaker, I also want to put it right to Hon. Dominic that I don't work with the Executive.

Hon. Speaker: Proceed, you point is clear.

Hon. Ngui: Thank you, Mr. Speaker. So I was saying that the said officer colluded with the contractor and they used the pipes which were procured by the former county council. It is in this regard that I also wish to let this house know that it is against the Constitution of this land for

any government officer in office to go for campaigns. This man is holding campaign rallies, holding *harambees* in churches.

Mr. Speaker, I happen to come from Yatta and the same *harambees* and rallies are happening in my ward. This man is going round telling people that he is the only one who can provide water to the people of Yatta. We have got photos when he is contributing money in churches and all that.

Hon. Speaker: Order! Restrain yourself to the matters at hand. I wouldn't think that really is a crime.

Hon. Ngui: Mr. Speaker, I therefore wish to support this motion and maybe propose to this house that this man should step aside and we invite the other relevant bodies that do investigation so that the matter can be investigated fully. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I don't know, but I feel I should hear the Hon. Nathanael Nganga. I don't know why, but---

Hon. Nganga: Thank you Mr. Speaker, and the House at large. I will start by saying that I am in support of the motion because of various reasons that are very precise and clear to me.

Mr. Speaker, earlier in the debate yesterday and today, there were allusions of this motions being politically motivated and some of these things came short of mentioning the members that might have politically motivated this matter. Mr. Speaker, I wish to clear the air that, the matters have been explicitly explained before this house by the sponsor of this motion.

Mr. Speaker, as a member of this house, as a representative of the ward of Ikombe in the house, I have pertinent issues towards delivery of service with regard to the department of water while the tenure of the said chief officer was in force.

Mr. Speaker, I am not against any public officer or chief officer within this county, but I am against those chief officers who want to hide behind the good name of the Governor and say that whenever any corrective moves are coming from this house, they are political witch-hunts Mr. Speaker.

That has happened for the last two years and I believe as a house we have been able to crash that shell now and we will be able to move forward and tell the governor things as they are happening because Mr. Speaker, there are two sets of elected leaders within the county government: the members of the county assembly and the governor and his deputy Mr. Speaker.

When the people do not receive the quality of service that they expect and desire, then it will be those people, us now and the governor, who will be liable. Those that we have together appointed will never face the *mwananchi* and be questioned about their misdeeds while they were in office Mr. Speaker.

So we must not let the duty of disciplining officers only be the prerogative of the governor alone Mr. Speaker. This house has the supreme authority over the issues of the county of Machakos and has the duty to make a decision when matters of concern come before it Mr. Speaker.

Mr. Speaker, this is a wakeup call. It is common knowledge to the members of this house, the Machakos county government and the public in Machakos County that myself and other leaders, early this year if am right, issued a request to the governor to streamline his government because we had some of our officers who are not delivering towards our expectations, Mr. Speaker in the various departments for which we have fully supported for the last two years but our support to them has turned into frustration Mr. Speaker.

They have not met our expectation and now some of them were reshuffled and when members feel that the reshuffle is not enough, then the power belongs to the people according to the first article of the Constitution of this land. The second part of the article says that it can also be exercised through their elected representatives Mr. Speaker, and the elected representatives now have the duty to make this determination.

Mr. Speaker, I want to say that it is only proper that once officers are given a duty, they live and limit themselves to it. The various officers that have been appointed to the County Executive through this house must learn to respect it, never send lies to this house, because in various instances we have received information that is conflicting and has not been substantiated and has not been in line with the expectations of the house.

Mr. Speaker, with those remarks I want to support the motion and say that it is a wake-up call to the other officers and I had a reminder to the members of the Liaison committee; I want to use this opportunity to raise the same reminder to them. The chairs of committees, in the new constitutional dispensation, the legislative arrangement that we have, puts the chairs of committees into almost equal positions with the members of the County Executive and with that understanding, it is your duty to know that you should be able to check your colleague on the other end.

It is the duty of the chairs of committees to make sure that the various members of the County Executive committee and the various chief officers deliver to the expectation of this House, Mr. Speaker. There should be no complaints of chief officers or ministers not delivering on the expectations while their peers are on this other end because the chairs represent similar portfolio and the vice chairs also represent a similar portfolio. They should be able to put them on check every other time.

I would like to see what I see with the National assembly; any matter whether it is about insecurity, food or whatever, you see chairs of committees in the National Assembly raising concerns and demanding actions on those issues.

Mr. Speaker, when there was the saga of the CS of the Ministry of Devolution and National Planning, we saw the chairman of the committee summoning the relevant person. Mr. Speaker, I want to call upon my chairs to rise to that call and play their duty as expected. I want to stop there and beg to support the motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the business has been concluded, in my view, but I will allow the Majority leader to tell us why he is not offering protection to the said officer.

Majority Leader (Hon. Mwonga): Mr. Speaker, I had not raised my hand to make any contribution on this matter and yesterday I said my stand is not known on this. Mr. Speaker, as the MCA Masinga central, I do support the removal of one Lemmy Nzuma and on the other side as the Leader of Majority, I am not supporting this, Mr. Speaker. Thank you Sir.

Hon. Speaker: Let us hear the mover of the motion in conclusion.

Hon. Ngunzi: Mr. Speaker, in conclusion, I would want to thank the members most sincerely for waking up to their call of oversight. We have in oneness spoken against the ills that were committed by the Chief Officer who was in question today. If members we live to this kind of call, then we will be sincerely streamlining systems and we will be in control of the people who elected us to this Hon. Assembly. So, Hon. Members, thank you, and thank you once again. Thank you, Speaker.

Hon. Speaker: Then I will proceed to put the question that those in support of the censure motion against Jeremiah Lemmy Nzuma as presented by Hon. Edrick Ngunzi and amended today, 15th July, 2015, discussing and resolving with approval that the Chief Officer, Special Programmes, Jeremiah Lemmy Nzuma be censured.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, there is no other business for the day. The house adjourns until tomorrow.

The House rose at 4.23 p.m.