

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 3rd November, 2015**

The House met at 2.34 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed, Clerk.**COMMUNICATION FROM THE CHAIR****MEETING WITH COMMISSION ON REVENUE ALLOCATION**

Hon. Speaker: Hon. Members, there is this communication from the Chair. The subject title is meeting with the Commission on Revenue Allocation. Hon. Members in a communication that was made here in the 27th October, 2015 by the Hon. Deputy Speaker who was the Chair seated, you were informed of a workshop planned by the CRA for members of this County Assembly. This is therefore to remind you to attend the forum that would be held at the Gelian Hotel from 8.30 am tomorrow the 4th November, 2015. I have looked at the program of the day and key among the day's activities will be the discussions on the oversight role of the County Assembly, PFM Act as well as issues of best practices and challenges that we face in executing our mandate.

The forum will present an opportunity for us to interact with the commissioners on various matters including the CRS ceilings on ward offices rent, personal assistants for the nominated members of the Assembly, among other challenges facing the County Assembly. The day's program of activities is already with the office of the Clerk and copies will be circulated to all members. Note that the day's business will be treated as an official assembly business. Thank you. Let us proceed.

MOTIONS**SUMMARY OF SITTINGS, REPORTS AND BILLS FOR JANUARY AND JUNE 2015**

Hon. Leonard Katela: Thank you Mr. Speaker, Sir, I have a summary of the sittings and reports and bills tabled by this committee the liaison committee last week and which we did not discuss. Mr. Speaker, Sir, I thought it was wise for me to give a summary of what we did last week so that it can be discussed by the house after it becomes or it has already become the property of the House.

Hon. Speaker: Proceed.

Hon. Katela: Thank you Mr. Speaker, Sir. This is a summary of the sittings, reports and bills tabled by committee on liaison between January and June, 2015.

Summary Of Sittings, Reports And Bills Tabled By Committees Between January And June 2015

COMMITTEE	NUMBER OF SITTINGS	NUMBER OF REPORTS	NUMBER OF BILLS
Tourism and Culture	12	0	0
Labor, ICT and Public Service	9	1	0
Transport Public Works and Housing	13	1	0
Education and Social Welfare	22	0	0
Finance and Revenue Collection	20	2	0
Trade, Planning and Industrialization	13	0	0
Decentralized Units and Urban Areas	8	0	0
Agriculture and Cooperative Development	12	1	0
Youth, Women and Sports	14	0	0
Environment, Lands and Natural Resources	5	0	0
Health and Emergency Services	10	0	0
Justice and Legal Affairs	14	0	0
Rules and Procedure	9	1	0
Selection	2	1	0
Delegated	7	1	0

PAIC	9	1	0
Implementation	9	0	0
Budget	10	4	1

Analysis

The most active Sectoral committee during that period was Finance and Revenue Collection. It presented the most reports to this Hon. House. The Committee was also among those which held the most meetings.

The least active Sectoral Committee during the period under consideration was Environment, Lands, Energy and Natural Resources. It held the least committee sittings. The Committee neither presented any report nor discussed any bill during this period.

The Most active Select Committee over that period was Budget and Appropriation Committee. It held the most Committee sittings and presented the most reports and bills for adoption by this hon. house. The least active Select Committee over the period under review was Delegated legislation Committee. The Committee is among the Select Committees which held the least meetings.

Mr. Speaker, Sir, the Liaison Committee has noted that there are committees leading in the number of meetings during the period under review yet no report or bill from such committees was presented in this hon. house for discussion. The Liaison Committee urges all the members to be responsible for creating agendas in Committee meetings.

Challenges Faced By the Committees

Mr. Speaker, Sir, almost all the committees faced the following challenges during the period:-

1. Lack of quorum during committee meetings resulting to adjournment.
2. Present members signing on behalf of an absent member.
3. Failure by the executive committee member and the chief officers to;
 - honor the committee's invitation.
 - submit the status reports and any prerequisite documents on time.
4. Financial constraints resulting to being unable to undertake the committee duties as per their mandates.

Recommendations

Mr. Speaker, Sir, the Committee recommends the following:-

- The registration of members during Committee meetings should be digitized by using the Biometric method to avoid situations where members are signing for others.
- Members to observe time during Committee meetings to avoid circumstances where meetings are adjourned due to lack of quorum.
- Committee Chairpersons to crack the whip on members who fail to attend Committee meeting for four consecutive sittings pursuant to Standing Order 167.
- The Liaison Committee has noted that there are some Committees which have undertaken project supervision exercise but have not yet tabled report to this Hon. House for adoption. Mr. Speaker, Sir, the Liaison Committee recommends that such reports be tabled in the floor of this Hon. House within the next one month.

Acknowledgment

Mr. Speaker, Sir, the Liaison Committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed time to participate in the activities of the Committee and in preparation of this report.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Liaison Committee, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you very much Hon. Members. I think the report that has been presented is an annexure to a report that was previously presented by the chairperson of chairpersons. Copies of the report were circulated and therefore the matter is before us for debate. I will allow the chairperson of chairpersons to introduce the debate. We are waiting for the chairperson of chairpersons to introduce debate on the matter of the report at hand.

(Addressing the Majority Leader) I remember I talked to the Deputy Speaker and he told me you sent somebody to represent you. That is the person supposed to stand in for the chairperson of chairpersons.

Majority Leader (Hon. Mwonga): Thank you. Mr. Speaker, it is true the chairperson of liaison committee had sent me to represent him but already I found Hon. Katela had taken over. Now, unless I am advised otherwise, already the report has been read by the chairperson, which is also okay, he is a member of that liaison committee. Unless you give another direction I am confused on what to do.

Hon. Speaker: Alright, the position that I gather is that, although I was not present when the report was read, that the report had not been concluded and there was additional report that Hon. Katela was reading and that is the report that I granted leave to read. He has now concluded the report so now we expect the chairperson of chairpersons to deliver on this debate. So if you have brief from the chairperson of chairpersons, now it is your moment.

Majority Leader (Hon. Mwonga): Mr. Speaker, already the chairperson, labor committee stood for the chairperson liaison committee and I think he has a brief on that because the chairperson of liaison committee had told me I will be called by the Clerk, which did not happen. Mr. Speaker, I think for me to act as if it is me who has read the report will be more confusing. Can the chairperson who has presented the report open the debate then maybe I will support or contribute when my turn comes. Thank you.

Hon. Speaker: Let us hear Hon. Katela.

Hon. Katela: Thank you Mr. Speaker, Sir, I am ready to take over but then---

Hon. Speaker: Maybe before you take over let us hear the point of order.

POINT OF ORDER

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Mr. Speaker, it is amazing because even the Majority Leader has confirmed that he is in a state of confusion the he alluded that he was send by the person who should have presented the papers or the report, that is the chairperson of chairpersons and now the additional report which was read by Hon. Katela, which anybody else in this house can read, it seems that there is some confusion. It seems that this team is not ready to introduce the debate. So, if you give us direction, Mr. Speaker, I think anybody else now can open the debate because the issues that have been raised here they are thrived (??) and everybody is acquainted with them. Thank you.

Hon. Speaker: Thank you. Hon. Katela, I think the issue been raised is, are you ready to move on and open the debate?

Hon. Katela: Yes Mr. Speaker, Sir, I am ready.

Hon. Speaker: Proceed.

Hon. Katela: Thank you Mr. Speaker, Sir, It is true that, as the immediate contributor said, it is self explanatory and Mr. Speaker, Sir, standing for the chairperson of chairpersons, as you have seen here we are debating on committees' performance. It is true that some committees have done poorly and it is just a matter of chipping in and debating on your committee or any other committee of the house. If it has not performed and I believe most chairpersons are in here, they can answer why they did not perform this time round and just look for the way forward. Nothing much, Mr. Speaker, Sir. Thank you. So the debate is open and we are ready to debate. Thank you.

Hon. Speaker: Hon. Katela. Anyway, let us move on. Let us hear contributions. Yes Hon. Kitheka.

Hon. Kitheka: Thank you, Mr. Speaker. Per the report which has been tabled into this house, Mr. Speaker, I have pinpointed some issues within the document where you find that a committee, like committee for education and social welfare seems as if it is a big joke because that is the committee which has been having the most meetings and at the end of the day, every member here has been crying on what is happening within the corridors of the department of education and the engagement of the committee from the assembly. We have been questioning about the bursaries and we have been not getting any report. Mr. Speaker, I tend to wonder whether some of these committees just go and get the register, register their names the walk out. Mr. Speaker, I also wish the liaison committee could go ahead and be looking for the minutes which have been discussed by such committees. Because some committees might be just be calling the committee, coming to a meeting and then adjourning without anything being done.

Mr. Speaker, I still wish to go to the issue of the delegated committee which has somehow poorly performed and defend the same committee because I am a member and I am the vice-chairman of the member of the committee and I wish to defend my chairman jealously and defend him like Coca Cola because I know he is a performing chairman. Simply because the business which would be generated to be debated in that committee, it is the business which should come through the assembly. The only committee which should discuss the policy statements or any guidelines which have to be discussed.

So Mr. Speaker, when there is nothing which has been passed by these committees which are reflecting zeros, you expect even our committee to have a zero. So I wish, Mr. Speaker, you can give me permission to say to my chairman thanks for the good job he has done but the people who are gauging about the performance of the committee should also look for the content which the committee should be discussing because we can not just go out to discuss about a project outside like other committees. We cannot just call members to interrogate them just like other committees. Our work is only to debate what has come from the assembly in terms of legislation and policy guidelines. So Mr. Speaker, we wish the house can generate business for us in that committee.

Also Mr. Speaker, I was on the request from the chairman so that at least in the committee of delegated legislation can source all the policy guidelines which have been debated in this house which, some did not pass through our committee, we seek permission from you they be brought to the committee for clarification and then for adoption, Mr. Speaker. So Mr. Speaker, with that I wish to point out in the analysis which has been read by Hon. Katela, the chairman for labor committee, which says about the issue of the committee of lands and energy and other issues. Mr. Speaker, I wish to point out that this committee, some of its work have been taken by outsiders outside there.

We hear people are dividing land, people have taken the mandate of the assembly to own the pieces of land which have been given out from the Government. So Mr. Speaker, I tend to wonder why this committee has got no business yet other cocoons and other people outside there,

imposters, are dividing public land. Mr. Speaker, I wish to point out that there is that land whose lease lapsed and it was brought back to the leadership of the county by the commission led by Mohammed Swazuri (National Land Commission) and now the land is being divided by quacks outside calling themselves chairmen, others calling themselves treasurers and we have a chairman here who has been elected by able members of the assembly. Now, Mr. Speaker, can you give a guideline on how we should handle outside cases of land which ought to be in this house. So Mr. Speaker---

Hon. Speaker: Point of order is taken.

Hon. Kitheka: Mr. Speaker, protect me.

Hon. Speaker: No point of order.

Majority Leader (Hon. Mwonga): I want to draw the attention of the Chair that the Deputy Majority is not properly dressed.

(Laughter)

Hon. Speaker: He is apparently not in the house, I cannot find him.

(Laughter)

So, proceed.

Hon. Kitheka: So Mr. Speaker, I wish this house takes what is necessary for them and debate what is necessary for the residents of Machakos. Mr. Speaker, if you can check on all the public land, if this committee was serious, all the public land which is within Machakos and all other areas, that land has been taken by individuals yet we have not gotten any report in this house for any allocation of land which is being allocated to people that there is a percentage which goes to the public.

That same percentage which is given to the public is not coming to the public. It is going to the pockets of a few and I wish now the committee, you can give them 10 days to go and camp in that land which belongs to the County Government of Machakos and bring a report here and tell us who are benefitting from that land because we know people are benefitting from that land and is land which should have reverted to the leadership of the County Government of Machakos.

If it has not reverted to the County Government of Machakos, those are grabbers and we are not going to deal with grabbers within the assembly or even the assembly. Thank you Mr. Speaker and I wish those chairmen whom I have blacklisted, now they can pull their socks. Thank you.

(Laughter)

Hon. Speaker: Hon. Kitheka which committee were you referring to. I think I lost you. The committee on environment?

Hon. Kitheka: Lands and natural resources.

Hon. Speaker: I have got it.

Hon. Kitheka: They have not brought any report in this house.

Hon. Speaker: Order Hon. Kitheka. I think the point you are raising you can bring up a private members motion and the matter is still within your hands. Yes.

Hon. Ndeto: Thank you Mr. Speaker, for this opportunity to contribute to this report. The fact, Mr. Speaker, is this morning I came a little bit earlier and as I was leaving the house, I met the mamas who sell *sukuma wiki* very early in the morning carrying those *kiondos*, *gunias* (baskets) sweating very early in the morning and something came into my mind. The work those mamas are going to do is where we get our pay. That is from the little money they pay the tax, it ends up collecting money in which we as the County Assembly and any other legislator is paid. When you look at this, from January to June as a report of a County Assembly, in a County number one, which is Machakos, it turns out to be a shame.

I tend to believe after the debate, we seriously need, as the Chair to call a *kamukunji* and discuss this with us because this shows a total failure of this County Assembly. When you start with committee number one, tourism and culture, 12 sittings, no single report, no single bill,. Committee number two labor ICT, nine sittings and just one report and no bill. Committee number three, 13 sittings one report, no bill. In fact, when you go down, all the committees, it is only one committee that is budget that presented a bill. Which is congratulations to that committee. Mr. Speaker, we seriously need to rethink of our mandate. There is a lot that we should be doing as committees, right from the PAC and PIC, the implementation, environment has been pinpointed by Hon. Kitheka which you have just given direction and if you may allow me to give you a little bit of the same.

In the same morning, I was given a lift by a very senior officer of the National Government and when we were passing through that land, already some roads have been made and he told me ‘mheshimiwa, can you see what is happening. These are your people being conned by conmen while you are seated in Machakos and very soon they will start crying and this is the time to protect them.’ This is something this committee needs to raise, move with speed and arrest the situation. Because, in fact, he was even telling me ‘very soon people will start killing one another because of the land. Because these cartels are selling those parcels they do not belong to them, they do not have any document and it is the duty of the Machakos County Assembly to arrest that situation.’

Therefore, Mr. Speaker, this is difficult when we look at this report but all is not lost. We can raise up to our duty in which we took an oath two, three years down the line. Thank you.

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

Hon. Kamitu: Thank you Mr. Speaker, Sir. I have also gone through this report in regard to the number of sittings and this time round Mr. Speaker, Sir, my attention goes to also the committee of environment, lands and natural resources. This is in line of a letter as an MCA Tala Ward there is a letter that I had written to the department concerned and a copy to our Chair in this assembly touching on a dumpsite in Tala whereby all the garbage collected from Kangundo town, Tala market are dumped in Tala and that is not a dumpsite. It is not a gazzetted dumpsite. My humble request Mr. Speaker, Sir, was that the committee visits that place because it is a land belonging to the county but it is a livestock market which was turned to be a dumpsite and it is not gazzetted. So my humble request, because I am seeing in the column there is no report and that was my humble request that the committee goes to Tala, writes a report brings to this house so that we may see our way forward.

The other issue Mr. Speaker, Sir, and which has also been mentioned by our Hon. Members is in regard to land. Land issues. Mr. Speaker, Sir, you are aware that the land issues is one of the department from the central government that was devolved to the counties. So it is just a simple mathematics that all lands that are under the Machakos County Government they should be audited and taken charge for so at least we may know all the public lands. This is to prevent what is now the report we are getting, Mr. Speaker, that some of the public land is being grabbed. We have the lands, like now you remember there was a report and let me bring you to the attention that the East African Portland, there are those pieces of land it is a very big land around 16,000 acres and I am saying that because when the chairman of Land Commission visited that area, he directed that that is an area that the members of the public should be given that land and unless there are some policies from this Assembly, either a motion should be taken so at least we may have some legislative guideline as policies in regard to safe guarding of that land.

So it is on the same issue that we may request a report from the committee of environment so that all lands belonging to the Machakos County Government should be audited, they should be taken charge of so that we may know which is for public to safeguard our land belonging to the County. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I do not know let us hear Hon. Ngunzi, I think you are the chairperson around this area that is hot on debate.

Hon. Ngunzi: Thank you Mr. Speaker. It looks today like a.....the whole debate is centralized around my committee and I sincerely understand that we have not been able to move with speed as required but the problem has been with the Clerk's office. I have been there, I

think for more than 20 times to request that my committee be allowed to move not only to the land held at Portland but to other pieces of land that are in dispute but now that my committee cannot sit here and make a report about a land that is in Athi River, about a land that is in Kivaa, about a land that is in elsewhere without visiting the place, seeing the piece, talking to the parties concerned. The Clerk has always insisted, Mr. Speaker, I seek your protection---

Hon. Speaker: I think the chairperson, as you present, perhaps, your argument you need to know that we now have a bus, I don't understand where problem is and we do not have to hire.

Hon. Ngunzi: That is what I am coming to.

Hon. Speaker: Yes.

Hon. Ngunzi: I have always sought.....this is disturbance, Mr. Speaker, I need your protection.

Hon. Speaker: Allow the chairperson to conclude. Yes.

Hon. Ngunzi: I have sought that bus and the Clerk has talked of cash flow issues within the assembly. That he complains that every movement made outside will interfere and I was referred, Mr. Speaker, to the committee on liaison. The liaison committee and I presented the matter here on Thursday that my committee needed to go out. The liaison committee referred me back to the Clerk saying that was---

Hon. Speaker: Order Hon. Ngunzi. I think Hon. Ngunzi

Hon. Ngunzi: So it is not the problem of my committee, it is the office.

Hon. Speaker: Let me take a point of order.

POINT OF ORDER

Hon. Katela: Thank you Mr. Speaker, Sir. I think Hon. Ngunzi is trying to run away from the truth. This is where I will come in and support Hon. Ndalani of what he said. Do you really have the minutes of what you are saying? Because I can see here you met five times and I can remember I have been out with you in other committees out of Machakos Town, it is only your committee that does not get money to go out bearing that now we have a bus, Hon. Kamitu was hear crying for with Hon. Ndawa and Tala is just here and you now our trend in the house. We can go there for half a day and then you come back using your vehicle. So Mr. Speaker, Sir, I think the Hon. Chairperson should come out clearly and ask the house to assist him. Thank you.

Hon. Speaker: Let me hear Hon. Majority Leader.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, last week I was not in when this report was being tabled but going by what I have seen in the summary, Mr. Speaker, I want to start by applauding the chairperson of budget committee whose committee has done very well and the committee members also. I also want to applaud the chairperson, finance and revenue collection committee, in terms of sectoral committee that was the best performing committee. Straight to the analysis, Mr. Speaker, we have committees which have done badly, Mr. Speaker. To start with, is the committee on environment lands, energy and natural resources. Mr. Speaker, the analysis is very clear that it held the least committee sittings, Mr. Speaker. This being a very important committee, the question we should be asking ourselves Mr. Speaker, is; 'are some chairpersons equal to the task?

Mr. Speaker and some of these chairpersons are the ones which are giving me sleepless nights asking me about the performance of the County Government, Mr. Speaker. And when we come to committee performance, Mr. Speaker, he chairpersons are sleeping on their job Mr. Speaker.

(Applause)

I need your protection, Mr. Speaker.

Hon. Speaker: Let me take this point of order.

POINT OF ORDER

Hon. Nzoka: Yes, thank you Mr. Speaker, Sir. I have come to defend my chairman environment. What he has said is the plain truth. We cannot keep on meeting hear, earning allowances when we should be outside. There has been a lot of challenges--

Hon. Speaker: Hon. Nzoka that is not a point of order.

Hon. Nzoka: No, I am saying. We have---

Hon. Speaker: Hon. Nzoka, have your seat. Hon. Mwonga proceed.

Majority Leader (Hon. Mwonga): I am zeroing on the report before this house, Mr. Speaker. I am questioning about a committee which has sat only five sittings, Mr. Speaker, in six months. From January to June---

Hon. Speaker: Now you conclude?

Hon. Mwonga: Mr. Speaker, five times---

Hon. Speaker: Order, allow the Majority Leader to conclude.

Hon. Mwonga: While Mr. Speaker, the other committees in the same period of time they have sat 22 times, Mr. Speaker. The question here should be; is it the ineffectiveness of the chairperson or it is members of that committee which are not putting the chairpersons on their toes, Mr. Speaker? Mr. Speaker, some members have been complaining to the office of Majority Leader that they are called to attend committees but the chairpersons do not appear. What happens, Mr. Speaker? They will only register and that is all, Mr. Speaker. One Hon. Member raised an issue of minutes. I do not think some committees have minutes and they ever sit but Mr. Speaker, they just register and that is all, Mr. Speaker. That is why a committee has sat for about 10 times and there is no single report which has been brought in to this house, Mr. Speaker.

(Applause)

Mr. Speaker I am also a chairperson. My committee sat twice and we brought a report Mr. Speaker. Look at the analysis but Mr. Speaker where are the other chairpersons? What are they doing? Mr. Speaker, I want to throw a challenge to the members of this particular committees and that is why Mr. Speaker, the public has petitioned this house. And I want to give an example. There is a petition which came from my ward, Mr. Speaker, and you directed the report be brought back within seven days, Mr. Speaker, and that petition you reverted to a certain committee. Now it is over two months, Mr. Speaker. I want to ask the Hon. House, surely do we have all the chairpersons knowing what they should be doing? Mr. Speaker, I have not pointed to a particular committee. I do not think I need a point of information---

Hon. Speaker: Proceed.

Hon. Majority Leader (Hon. Mwonga): The issue here, Mr. Speaker, is that some members have gone to bed and are very much a sleep, Mr. Speaker, and they should be woken up. The only way to wake up these chairpersons is the members of those particular committees to see whether they can have change of leadership in that committee, Mr. Speaker. That is the only way we will be seeing as doing our oversight role, Mr. Speaker, but if, Mr. Speaker, we have chairpersons who do not know what they are doing in their committees as chairpersons, Mr. Speaker, we should not have such chairpersons.

And Mr. Speaker, I have no apologies to make on this. That is why when we go out there we are being accused. The assembly is not doing its work. It has gone to be with the executive which is not, Mr. Speaker. The chairpersons should take up their responsibility and if they are not equal to the task, I want to challenge the members of those particular committees, being also a member of these committees, let us play our role as members of committees. Thank you. Mr. Speaker.

(Applause)

Hon. Speaker: I think it is important that we hear Hon. Ngunzi.

Hon. Ngunzi: Mr. Speaker, I would begin first by challenging the gauging performance by the number of meetings that a committee has sat. I am a member of other committees and if it is washing dirty linen in the public then, Mr. Speaker, we would do so. The kind of meetings that are counted as 22 and I would better not do it with my committee, are not actually meetings. If we are gauging performance with those kinds of meetings that are witnessed in this house, Mr. Speaker, then my committee will be number one next time. But I will better not sit than to sit and do nothing.

(Applause)

I am saying that my committee is not like any other committee. We have to derive business from activities that we should perform outside and I am repeating it 100 times that I have been to the Clerk's office over 100 times and every time I am told of cash flow problems. My committee cannot bring reports from, like he is expecting a report from Kitangani, do we do it here?

Hon. Speaker: Hon. Ngunzi.

Hon. Ngunzi: Mr. Speaker, we want to perform---

Hon. Speaker: Order, Hon. Ngunzi.

Hon. Ngunzi: Can we be allowed to move out, the bus is here. We are denied the bus.

Hon. Speaker: I will allow you to approach me whenever you want the bus. I will make it available.

Hon. Ngunzi: I am not the Clerk.

Hon. Speaker: You can approach the Chair whenever you want the bus and I will make you travel.

(Applause)

Hon. Ngunzi: Good. Thank you. Then we will be making reports here.

Hon. Speaker: Okay, let us hear Hon. Cecilia.

Hon. Cecilia Sereka: Thank you Mr. Speaker, Sir. I think we have a problem with our legal office because my committee gave them a bill, HIV and Aids bill a year ago. We have been following that bill, Mr. Speaker. It is now when it is ready from last year. I think members of my committee are here and they can agree with me. When we go there the legal officer just tells us, the draft has not been finished, it is on the way, it is coming and it has taken us more than a year

Mr. Speaker. So I think that our drafters should be active on doing their work. Thank you. Mr. Speaker.

Hon. Speaker: Thank you I will personally take that one up. Let us hear yes Hon. Nduva.

Hon. Nduva: Thank you Mr. Speaker. I also Mr. Speaker, have a concern on the committee of planning which made the very important bill for the ward and is not yet here. Mr. Speaker, I would also want---

Hon. Speaker: That was the committee on planning.

Hon. Nduva: Yes, Mr. Speaker.

Hon. Speaker: I have also being having a feeling these statistics are not accurate, isn't it? Sorry, I am reminded that there was a mistake. This report is not for 2015. This is for 2014. Sorry I am told this report is from January to June, this year. What you are referring is what was on last year.

Hon. Nduva: Okay, Mr. Speaker, another concern is I am not arguing but I would like things to be put right because there is a mandate which was given to this committee of planning by yourself, Mr. Speaker, in this Hon. House and we visited Kitangani one time then we were not able to accomplish the assignment because some of the key stakeholders were not present. We tried the following week which was not possible because of maybe the constraints of the business of the office of the Clerk. Later, Mr. Speaker, last week, I tried to channel the request to the committee of liaison but I think it was overtaken by events because the chairperson for lands felt that this function was not for the committee on planning and I think he took over. So I think he will be in a position now to explain to this Hon. House or to the member concerned how he is going to go about it because it was removed from my---

Hon. Speaker: I do not think the member is yet out of order unless. What is it you think is out of order?

POINT OF ORDER

Majority Leader (Hon. Mwonga): Mr. Speaker, I am wondering, is it in order if the Chair of this Hon. House, that is the Speaker, directs a certain issue to a particular committee then that chairperson of that particular committee feels that issue does not lie in his docket and hands it over to another committee. Is it in order, Mr. Speaker?

Hon. Speaker: Yes, correct that information. I think...

Hon. Nduva: Mr. Speaker, it should be understood well. I did not hand over the assignment to the other committee but in a committee of liaison, he argued the function does not

belong to my committee. What powers do I have? What function do I have, Mr. Speaker, to refuse because the chairperson of chairpersons chaired the meeting---

Hon. Speaker: Order Hon. Nduva, if the assignment was given in this house, it remains your assignment until you return to the house and say, you are not able to handle the assignment.

Hon. Nduva: That from my committee---

Hon. Speaker: Order Hon. Nduva in view of this, I would want you to give us that report on Tuesday afternoon.

(Applause)

Hon. Nduva: That is all. Thank you.

Hon. Speaker: There is nothing to clarify unless you want to contribute. There is nothing before us for clarification.

Hon. Kitheka: Mr. Speaker. I just want to get clarification whether we are coming here to defend ourselves when we fail or we are contributing. Because it has become a battle of defense from members yet we have the report.

Hon. Speaker: Yes Hon. Kitheka I think defense is a natural human reaction but we shall try to limit the defense. Yes let us hear somebody yes. Okay, let us hear information from Hon. Muthuka.

Hon. Ndeto: He is contributing.

Hon. Speaker: Okay, then inform us.

Hon. Ndeto: Who started the debate on defense when he defended his chairperson?
(Reacting to Hon. Kitheka's contribution)

Hon. Speaker: I agree but we shall limit that defensive reaction. Yes.

Hon. Muthuka: Thank you Mr. Speaker, Sir, I think now we have woken up now. Since the day we came to this house we have never gotten such a report. First of all, we should be happy now we can gauge ourselves whether we are going the right direction or we are not going in the right direction. Mr. Speaker, I have gone through the challenges faced by the committees and sometimes I cannot help to laugh myself because we now the problems yet we try to run away from them. Mr. Speaker, number one was lack of quorum during committee meetings resulting to adjournment. We now very well the reasons during that period in question. January to June. One member in seven committees and meetings called at the same time. You can not

attend them at the same time so what happens? You attend one the rest you are absent. So the resultant lack of quorum, no business.

Number two, present members signing on behalf of the absent members. Yes, because we have come here to earn money. It is about sittings, and sittings, and sittings by the end of the day how fat are our salaries. So Mr. Speaker, we know the problems where they are and again this is a result of ignorance and that attitude that by the end of the day what counts is what you take home not the service that you give to the people.

Number three, failure by the committee executive committee member and the chief officers to honor the committee invitations, submit the status reports and any prerequisite documents on time. Mr. Speaker, I think this is a point of ignorance because we very well know that we have been singing everyday that we want quarterly reports but happens after we leave this house? We go and defend the executive and hence I concur with what Majority Leader has said 'we have gone to be with the executive because instead of requesting them for the status report we defend them.

Actually we act as if we are the ones who are supposed to bring the reports in this Hon. House. Mr. Speaker, failure for the executive to bring the reports to the house that also is a report because that committee should come and report to this Hon. House so that is a point of ignorance and now maybe going forward, I think we should put even the chairmen on contract performance. Mr. Speaker, I am contributing I beg your protection.

Hon. Speaker: I urge that you allow him to conclude.

Hon. Muthuka: Thank you Mr. Speaker, for your protection. Mr. Speaker, sometimes you may shout but you may not understand what you are saying but everybody is listening, so we will echo your words Majority Leader. So financial constraints resulting to being unable---

Hon. Speaker: Order Hon. Muthuka, this house did not hear you, repeat that again.

Hon. Muthuka: Thank you Mr. Speaker, Sir, I want to put it clear that the Majority Leader wants to give a point of information or order so that he can refute his early statement that he has already said in this house. Maybe he thought he was talking outside but we are here listening to every word every member is contributing. So I am saying we are not in a contest of defense but maybe outside you may defend your position.

Mr. Speaker, financial constraints resulting to being unable to undertake the committee duties as per the mandates, Mr. Speaker, financial constraints, I wonder if you go to the Controller of Budget, the report that they have released for the 2014/2015 financial year you find that our absorption, sitting Hon. Members sitting absorption is at 58.2 per cent low below the 100 per cent. So it means that funds are available but we are not able to utilize our funds but now

the question begs 'every day we do not have money, where do we take our money if we do not consume them in our sittings? Where is this money going?

Like now, the assembly does not have money and I believe we have a lot of pending work which we should now be concluding but what we are getting is that the assembly cannot fund, at the moment. We must wait until we get our disbursement. Mr. Speaker, we have other counties who have received their last disbursement on July but on July but still they have some balances which they can run the business. What about in Machakos whereby a few days, if we are late by a few days every monthly disbursement, we cannot operate. Mr. Speaker, even today, today is the third day of the month. I do not know when to get my salary if it gets to 5th; I am living in a rented house. A Hon. Member, the landlord will come knocking to request for the money. What about the people who are employed by the executive?

That is where we have lost the direction. That is why we do not have even the muscle even to oversight the executive because it seems we are not able to even coordinate ourselves. So Mr. Speaker, my recommendation is one, let us put all the chairpersons under performance contract. In three months, if you do not bring the reports because we keep on debating in those meetings, we need to chuck you out without protection of the leadership of the house. Two, Mr. Speaker, we need to know how this financial flow in the assembly because sometimes back, I requested a statement whereby I sought to know how do the budget of the assembly flow. But what happened that thing has never even come to this Hon. House.

Mr. Speaker, last year before we went for the long recess, I brought a motion in this Hon. House whereby I sought to be furnished with the inventory of this county. Now it is one year down the line, the motion was committed to the committee of environment and land, where now I have been posted and I believe now with your leave, we may sit down and then we may now re-ignite that so that we may know what we are standing for because I have heard another discussion about a land, which is I do not know, Mavoko but already we do not know what we have in Machakos.

So we need to sit down as a committee and then push the relevant authorities who can give us the information we need. We need to know the number of parcels of land that belong to the county and the number of parcels of land which we can give other squatters in our county, those needy people that need to be helped. So Mr. Speaker, if we put the Chairmen on contract performance, I think we will see some business and we have our duties well performed. Thank you.

Hon. Speaker: Thank you yes Hon. Mueni.

Hon. Benedette Mueni: Thank you Mr. Speaker, Sir. I think the chairpersons who are active they know themselves and the ones who are weak, their committees know them. So what

am asking the chairpersons to do is to be active and to do their work because I think Majority Leader you know the chairpersons whom you have given the work and they cannot make it. Change them because they cannot do it. Mr. Speaker, Sir---

Hon. Speaker: *(addressing a Hon. Member)* I will not allow you inform Mueni because I am sure you know what she is saying.

(Laughter)

Proceed Hon. Mueni

(Laughter)

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. In fact, I am not saying the Majority Leader has not done bad. He thought the person was capable but he is not capable so what is there, you just tell the committee to change those chairpersons who are not doing their work and I think Mr. Speaker, Sir, we know our selves nowadays we can understand and we know the people who cannot make their work to proceed. So I ask the chairpersons to do their work and in fact the committees, the ones who are not active, we know them and if they can be changed, the committees can do better. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Maybe now you can support Hon. Mueni.

Majority Leader (Hon. Mwonga): Mr. Speaker, thank you I wanted to inform Hon. Beneddette Mueni who we come from the same party, Wiper, that the work of the chairperson of the selection committee who happens to be the Leader of Majority ends immediately after this house approves his report. So I have no business in deciding who is to be the chairperson in a particular committee or who is not to be a chairperson. Thank you. Mr. Speaker.

Hon. Speaker: Thank you but I am sure Hon. Mueni made her point.

Hon. Nzoka: Thank you Mr. Speaker, Sir. There is some point which my colleague explained a bit and I want to say we know our problems and they are the problems which have been said for the chairpersons, like in environment committee. I can recall what Hon. Kamitu has said. Chair you remember, I was also dumped. I, Hon. Kathinzi and Hon. Dominic at Tala dumping site, he was to come there but the Clerk told you there were no finances. Mr. Speaker, Sir, me personally, I was in the dumping site, we were to visit Tala dumpsite. I was there, Hon. Kathinzi was there and Hon. Dominic was there but we were told the Clerk has said we cannot move. It is not there. As you have heard, environment, natural resources and land committee has not met many times. When we met, we discussed and we have a minute to say we have to visit next, such area---

Hon. Speaker: Hon. Nzoka, that point was raised and we handled that. I said I will deal with the matter with the chairman.

Hon. Nzoka: Okay, thank you. I also want to defend my chairman for education committee. We have talked of bursaries even members here know. We have talked off ECD classes. He promised us all the two ECD classes will be out by December of which we are not sure. We are trying to push so the education committee is not sleeping. No, I am we are still fighting here and there. We have a problem with the executive as it has been said and I need the assembly to do this, to stamp its authority on challenges number four; that is financial constraints resulting to being un able to commit duties as per their.....So I need that one the assembly to stamp authority. When you want to go here you go there you come with a report, we table here so as to see how we can move forward without finances and moving it is difficult for the committees and again---

Hon. Speaker: Conclude.

Hon. Nzoka: Failure by the executive that is another challenge we have. Can now the house stamp authority and make sure whoever has been requested to visit the committee and he has not turned up, he is summoned. If he is summoned and he has not come, can we have that report from the chairperson in the house so as the house to come up with a decision? Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I thought members we could then conclude the debate this way; that perhaps as a rider to the report and the debate we have had that we have all the chairpersons issue statements in the week to come on their committee work plan. I think that will put the house in tandem with your programs and know how to supervise. Maybe you can say something? Hon. Kitheka.

Hon. Kitheka: Mr. Speaker, the just immediate contributor has stood vigorously to defend the chairman of education by saying that they have discussed widely about the issue of bursary, widely about the issue of ECD classes but I tend to wonder, Mr. Speaker, have they been discussing in informal meetings because there is nothing reflecting on the paper whether they sat or they did not sit to come up and deliberate on a report. There is no report so where were they sitting? We do not want amorphous issues to be brought into this house.

Hon. Speaker: Thank you, I get that. Thank you, very much. Yes Hon. Nzeki.

Hon. Oliver Nzeki: Thank you Hon. Speaker, I am chairman of the most performing committee, finance.

(Applause)

Hon. Speaker, I was not surprised to find that the committee of finance was the most performing committee because all my members are very active. I have put strict measures, if you are late, if you do not come nobody signs for you. If you are not participating in that committee you are kicked out---

Hon. Speaker: Order, allow the chairman

Hon. Nzeki: Yes, I can see you are protecting me. So what I can tell other committees is that you crack the whip to the members. If you are chairman and you see your member is not attending the committees, signing because it has already been said that people are signing for others they do not attend the committees, you find somebody has not come and the register is signed. I am requesting Hon. Chairmen that they crack the whip. I have seen in my committee there was a report which was sought by Hon. Muthuka about foreign trips. That report I think it was returned back from the finance committee then taken back to, I think County Assembly Service Board. It was brought I read it then all of a sudden it was said it is not supposed to be brought to that committee. It is supposed to be taken back to the service board. So Hon. Muthuka, *fuata*. Follow that report with the service board. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Yes.

Hon. Muthuka: Thank you Mr. Speaker, Sir. I think we are the custodians of public funds and if we are spending public funds, I do not think I should be following reports to specific committees when I have requested the report to be tabled in the house because this is for everybody's knowledge how we are spending because it has been in the media. How we have been misusing public funds. And we must start within ourselves to defend that position that we are not wasting public funds because already we know how much we have spend how many places we have gone, and how much do we spend per place?

So Mr. Speaker, I think you should give a direction that I should not even follow the service board to bring the report here. If the report is ready, I am requesting now, even an observation, I have made, I have not seen that service board is also a committee because there are some sitting allowances. I think we should have been getting some reports from the County Assembly Service Board. So I think whoever was putting this report, the work is not complete. Can we also get the report of the County Assembly Public Service Board report at the same time will you direct that the report I had requested be tabled to this Hon. House. Thank you.

Hon. Speaker: Thank you. I will follow up if the report was ready it will be made available. Yes any other contribution? Yes, Muthesya.

Hon. Nzioki: Thank you Mr. Speaker. I am the chairman of delegated county legislation committee, the least in active select committee and inactive, Mr. Speaker, does not mean

underperformance. Mr. Speaker, it has been alluded by some of the members who have been speaking in this floor, it is like when you are not active you are under performing. Mr. Speaker, I beg to defend myself by saying, we only deal with matters that have been generated in this house and from other quarters like the executive and if there is no business to meet, Mr. Speaker, then we do not meet. Otherwise we are using public funds unreasonably. Mr. Speaker, I would want to urge the house and other quarters that generate legislations to do so and in the near future, we will be meeting more than we are supposed to meet, Mr. Speaker. Thank you.

Hon. Speaker: Thank you that is...

Hon. Ngunzi: Mr. Speaker, I wish the Majority Leader was here to hear my contribution but that the Minority is here. I heard the Majority Leader complain of our going to be with the executive. He took us there.

(Laughter)

He now then, Mr. Speaker, cannot ask what we are doing in bed.

(Laughter)

Mr. Speaker, again, I would urge that this house, because sometimes we are slowed down when we pass recommendations in this house and nothing happens. So many things have passed through this assembly to the executive. When the executive does not act on the recommendations we make here, Mr. Speaker that also slows us down. Can this house be grown to have some little teeth because when you cannot bite you do not keep licking a finger while it remains in your mouth and you have no teeth to bite? So for us again, Mr. Speaker, to be seen to be serious we need to be grown some little teeth. So that the executive also sees that this is a house of legislation and that all that is made here, is law and should be followed as we represent people.

Our voices are the voices of the people and when for example, we sack somebody, in this house and he remains in office, why do we need to keep on overseeing the rest? Mr. Speaker, we need teeth and we need teeth and we need your guidance to grow teeth. Thank you.

Hon. Speaker: Thank you. But Hon. Ngunzi and I have said this many a time, that this house has its teeth. We have the powers off the High Court. You summon a member and he does not attend, prepare your report, bring your motion here and we shall pass it over, issue and have summons issued even warrants of arrest issued, that person will be arrested and..... *(inaudible)* if that fails then he will be prosecuted. We still have our teeth, we make use of them. Yes Hon. Nzoka. Sorry Hon. Muthwani.

Hon. Maitha: Thank you Mr. Speaker. I apologize for being late not my trend. Mr. Speaker, I tend to differ sharply with my chairman about the inability of this house to execute its

business. It is not about the house. It is about the greed of members who do not want to execute their work. That is the simplest what I can say. Mr. Speaker, so many things have been planned on how we can try to make the County Government of Machakos work but overnight what happens, the following day members start speaking a different language. So why are we blaming? We better wait for the five year to come and end and then we stop complaining because we are the ones who are putting ourselves in this fix. I want to go straight to the points that have been stated here. So, Hon. Ngunzi, you are asking for powers from the Speaker, powers that he does not have. It is you to empower the Speaker. The work of the Speaker is fully to act.

If you bring a motion today to impeach someone, the Speaker will table it in the floor of the house and we are going to impeach somebody who does not want to perform. If you bring a motion to censure someone here, the Speaker cannot refuse. It is us members. So let us not give the Speaker a lot of work that he cannot do, yet we are the ones who have failed to do our work. Mr. Speaker, I want to go to the challenges, in page 20. 'Failure by the executive committee member and the chief officer to honor the committees invitations, submit the status reports and prerequisite documents on time. Four, Financial constrains resulting to being unable to undertake the committees' duties as per the mandates.'

Mr. Speaker, those points are self-explanatory. The question we need to ask ourselves is, the Hon. Chairman has just said, they failed to execute their duties because the Majority Leader took them to the Government. So now why are we complaining then because the source of the finances is from the same Government. So if you are dining and wining with same Government, then why do you expect them to give you money from? On implementation of projects, if you are dining and wining with the same Government, where do you expect the money to come from to implement the same projects? If you are dining and wining the same Government when do you expect that Government to sack an official that has been censured by the assembly? It is impossible.

We have to separate these two arms of Government and each arm has to undertake its duties in the right way, Mr. Speaker. Actually, I will be very honest. I cannot blame the failure in the Machakos County Government to fail to deliver services on the side of the executive. It is the total failure of this Hon. House that has failed to undertake its functions. If the Hon. Chairperson, my able chairperson for environment has allocated the department of water Kshs. 2.5 billion today, he should be tabling before this house how much money has been used as per that budget. How many projects have been successfully undertaken but he should not now start telling us about the issue off the executive. He is the chairman who proposed to this house to give that committee that amount of money like other chairmen.

Every other chairman gave the executive amounts of money to undertake projects, be it be in roads, be it be in health, be it be in the department of education, it is the chairmen who went and were paid taxpayers' money to go and sit down with the chief officers and CEC

members and gave them monies to those respective departments. Then, when they are bringing us blank reports and telling us they are facing financial challenges, then I think they are confused, Mr. Speaker. I will as well as echo the word off Hon. Mueni, if they are incompetent enough, let them give way for competent people to deliver.

So we are tying ourselves and the failure to have services in Machakos County and the people of Machakos who voted for us who are crying, seriously, it is not about the failure of the executive. It is about the failure of the functions that have been vested in the County Assembly being one representation, oversight and legislation. We are failing in those ones, Mr. Speaker. So if we are going to oversight, do our role of oversight as it is envisioned in the constitution, then we will stop complaining every other single day. We have just become crying babies, Mr. Speaker, and yet we have the carrot and the stick. We have the powers to deal with the executive but we do not have the will to do it.

So let us not complain, let us sustain the pain that we have already inflicted on ourselves, if we are not willing to change. Mr. Speaker, it is only one and a half years to go. We have got only one budget to sit down and prepare, Mr. Speaker and yet we are here complaining. So, Mr. Speaker, what I want to say that is, in as much as committees continue to bring reports here, this reports are not much helpful other than the services, key services that we need to have our people see. We can deliberate as many issues as we can, we can complain as many times as we can but unless we exercise the powers vested in us, we will keep on complaining, remain crying babies and at the end of the year, you will go and tell your people why you were asking the Speaker to act while you had the powers to act. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Hon. Members, we allow Hon. Kathinzi to conclude then we go to the next matter. Remember I had directed that with a rider that all the chairpersons will be giving statements, from next week, on their work plans.

Hon. Kathinzi: Thank you Mr. Speaker---

Hon. Speaker: I think before you proceed, the purpose of this report is to put the chairpersons on notice that we are watching them and we are watching their performance and I think that we have done decisively. Proceed.

Hon. Kathinzi: Thank you, Mr. Speaker. I would like also to emphasize on what mheshimiwa Dominic has stated that still on that particular page 20, the issues of challenges because some of the challenges we are being given here are not actually challenges but a matter of integrity issues. Mr. Speaker, lack of quorum during committee meetings resulting to adjournment of the committee sitting of that particular committee, that committee that is liaison. Maybe, I think it is a matter of concern that commitment is not analyzed, members are not keen

on their duty to execute whatever mandate has been given by the electorates of this particular County, Mr. Speaker.

I think when we talk about the quorum, the Standing Orders are very clear, Mr. Speaker, and every member, every chairperson, has to abide by that particular rule that it is shame per se, that an excuse of quorum to be given as a challenge. That is not a challenge. It is lack of commitment. It is the lack of goodwill of the members because even when we are discussing this particular issue in this floor of the house, Mr. Speaker, majority of the chairpersons are not in the chamber. They are absent. We are passing the feeling that legislation side of this government is not performing because off the incompetence of the chairpersons we have. It is a very clear indication and I think we need to set a precedence that the chairpersons who are in this particular chamber, Mr. Speaker, now they need be given a small token to appreciate their patience to know that they are here because of the work they have been given by these various committees.

We have several guys here, we have several Hon. Members, Mr. Speaker, who are very competent and who can deliver and all at all times when we are n this assembly, Mr. Speaker, and they contribute the issues with a lot of keenness, with a lot of concern, with a lot of respect. Mr. Speaker, you are the chief executive officer in the side of legislation, in this particular county. His Excellency the Governor is the chief executive officer in the side of the executive. Before we went to recess last time, I requested this particular side that we reconvene, let us have a joint sitting, a true joint sitting between the chief officers the CEC members, the chairpersons, the Speaker himself, the clerks and everyone and sit down and ask ourselves; where did the rain start beating us? Because there is a real problem.

An excuse of quorum Mr. Speaker, should be, I support with amendment that we expunge that from that particular report, Mr. Speaker, because that is not a challenge, it is lack of commitment, it is lack of goodwill and I think that is a statement for each and everyone to understand that we need to tell our chairpersons to just wake up. Mr. Speaker, the other issue you have been communicating in this particular floor of the house, Mr. Speaker, the item number 2, 'that the presence of members signing on behalf of absent member.' How will that particular member, who is signing to another particular chairperson, representing a different department be able to caution an ordinary member, like Mheshimiwa Kathinzi that Kathinzi please do not sign for an absentee member in that particular committee.

That chairperson has got no guts to stop me signing for another member. So, Mr. Speaker, I read mischief that is not a challenge. We cannot call it a challenge. It is lack of goodwill. Integrity issues are under question in that particular issue. The Chair of this house, Mr. Speaker, yourself you have been communicating 'please do not sign on behalf of any other member.' These are the issues which are in black and white. On various times, I have said in this floor of this house that the writings are already on the wall. The first assembly under devolution, Machakos County, has lost the will of the people. We are not able to communicate really what we are doing in the assembly because whatever we say it is never implemented.

Nowadays, I thank my chairperson here, implementation committee, in fact he is a very active chairperson now but the composition of the membership in that committee, I can see and I can tell you, Mr. Speaker, it is taking this particular committee to the next level. Lack of goodwill, commitment, the direction under which we need to guide the executive is in our hands and is not what Hon. Ngunzi is trying to explain. We have all what it takes, we took an oath of office and in fact, Mr. Speaker, I remember I was the first member, who welcomed the now sitting Speaker. Unfortunately mheshimiwa Muthesya was telling me that I did not get my allowances that day. I think it will come as a motion. But as of now what we are discussing, in this particular forum, Mr. Speaker, it is important to just tell our brothers and sisters, the chairmanship they have, the leadership we have entrusted ourselves with them is enormously very important.

They need to just wake up. They just need to get committed. Let us give them that respect. We are supporting you, our chairpersons and we love you so much. Please look forward, just get committed, respect the job we have given you and we are behind you. But whenever you are behind somebody, pushing for good things to come up and the chairperson is not present in that committee and some of the chairpersons are very greedy, let me tell you, Mr. Speaker, they cannot allow the vice chairpersons to chair the committees in their absence. You read mischief in that. It is good to train them, it is good to allow them to push some agendas because if they allow the vice chairpersons to be committed and deliver, and the chair the committees when they are absent, I think we could be having several reports and something good can be recorded in this particular scenario.

So, Mr. Speaker, the challenges the liaison committee is giving are not true challenges and that is my observation, my private personal observation. 'The financial constraints resulting to being unable to undertake the committee's duties as per their mandates.' Mr. Speaker, you realize most of the times, we go out when we are not facilitated, just given transport and then you are told let us go. That has been the culture nowadays. The members are now ready to work for this particular county. We love our county, Mr. Speaker, and it is important to know that the funds, in the presence or absence of funds, if there is facilitation of movement, let us go out, let us find our ways out to make sure that things are done in the correct manner. So as I support, I propose that we ignore that clause of challenges faced by committees. Those are not challenges, Mr. Speaker, it is lack o goodwill. Thank you.

Hon. Speaker: Thank you very much. That was the last contributor and my opinion in the report has been adequately exhausted with the rider that the chairpersons will be expected to deliver the work plan in form of statement from next week.

(Question put and agreed to)

Let us proceed.

MOTION
BENCHMARKING TOUR TO KISUMU

Hon. Alphonce Wambua: Thank you Mr. Speaker, Sir. Aware that the committee on implementation pursuant to Standing Order 188 is mandated to scrutinize the resolutions of the assembly, including adopted committee reports, petitions and the undertaking given by the county executive committee. Aware that the committee is also mandated to examine whether such decision and undertaking have been implemented among other functions. Mr. Speaker, Sir, aware that the implementation committee went for a benchmarking tour to Kisumu with an aim of establishing the success achieved and the challenges facing their counterparts.

Mr. Speaker, Sir, aware that the committee witnessed three ECD classes built at a total of Ksh. 5 million and a three kilometer road tarmacked at a cost of Ksh. 14 million whereby value for money was realized. Mr. Speaker, Sir, I wish to move a motion that this hon. house discusses and approves the report of the implementation committee on benchmarking tour to Kisumu. I call upon Hon. Nzoka to second. Thank you.

Hon. Nzoka: Thank you, Mr. Speaker, Sir. I stand to second the motion as it is a very important motion whereby this committee moved and saw something different from what we are doing. It is the duty of this house to get informed about that tour so as, might be, it can also need to expose more members for exposure and we see how we can spend our resources where we can have value of our money. So Mr. Speaker, I stand to second the motion. Thank you.

Hon. Speaker: Thank you. Motion is at hand, proceed.

Hon. Wambua: Thank you Mr. Speaker. If you allow Mr. Speaker I am going to read the report on Implementation committee---

Hon. Speaker: The report has been circulated?

Hon. Wambua: I request the Clerk to circulate the report.

Hon. Speaker: Hon. Chairman, your committee is comprised of how many members?

Hon. Wambua: 13 members.

Hon. Speaker: They are in the house?

Hon. Wambua: Mr. Speaker, I see some members are in. Others, I think are committed somewhere else although I do not have their reports. Thank you, Mr. Speaker,

Introduction

Preface

Mr. Speaker, Sir, the committee on implementation undertook a benchmarking tour to Kisumu on 24th and 25th September, 2015. The committee had a prior arrangement to visit Migori County during the same period, but due to some logistical issues, they were unable to visit Migori and therefore ended up visiting Kisumu alone. The forum was very healthy as highlighted in the observations and recommendations.

Mandate Of The Committee

Mr. Speaker, Sir, the committee on implementation is mandated to scrutinize the resolutions of the Assembly (including adopted committee reports), petitions and the undertakings given by the county executive committee and examine:- Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented, and whether such implementation has taken place within the minimum time necessary.

Whether or not legislation passed by the assembly has been operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

Committee Composition

Mr. Speaker, Sir, the committee has thirteen (13) Hon. Members and two members were invited as shown below:-

Hon. Alphonse Wambua	Chairman
Hon. Catherine Nguluku	V. Chairperson
Hon. Alex Kamitu	Member
Hon. Nathaniel Nganga	“
Hon. Magadaine Ndawa	“
Hon. Collins Mbithi	“
Hon. Peninah Kaluki	“
Hon. Jacqueline Nziva	“
Hon. Raphael Mutuku	“
Hon. Edrick Ngunzi	“
Hon. Margret Ndalana	“
Hon. Winston Kanui	“
Hon. Peter Nzioki	“

Invited

Hon. Dominic Maitha

Hon. Alexander Kathinzi

The committee invited them because they had special interests but now they are committee members.

Benchmarking With Kisumu County Assembly

Mr. Speaker, Sir, the committee on implementation had a healthy interaction with their Kisumu counterparts after receiving a warm welcome by the Speaker, the acting Clerk, the Committee chairman and the implementation committee.

Observations and Findings

Wrangles within the Assembly has made the executive not to take them seriously thus leading to non compliance to invitations and summons by the Assembly.

1. Consultation within the two arms of the Government was very vital in building good relationship but that should not allow the role of oversight by the Assembly not to be adhered to.
2. There should be separation of powers between the two arms of the Government.
3. Separation of accounts, that is Assembly and Executive, is mandatory to ensure independence in decision-making since lack of information by Hon. Members on when the executive receive their allocation from treasury brings a lot of wrangles.
4. The Assemblies pass budget on time but the executive fails to implement thus failure to the county.
5. The executive to work within the budget.
6. Order of priority by the electorates should be adhered to when implementing projects.
7. The Executive should heed to the resolutions of the house failure to which the committee on implementation under Standing Order 188 (5), can propose to the Assembly, sanctions against any member of the county executive committee who fails to report to the relevant select committee on implementation status without justifiable reasons.
8. The assemblies from the 47 counties should come up with a forum which will unite them to speak in one voice.

9. The Governors are seeing the members of county Assemblies as their juniors and therefore they don't want to under oversight by them and as a result not honoring the resolutions of the house.

Site Visits

Mr. Speaker, Sir, the committee visited a three kilometer tarmacked road done by the county government of Kisumu at a cost of Kshs. 14 million which the committee felt it was good work and value for money was realized. Further the committee visited ECDC classes in Kondele ward which had three classes, an office and a store at a cost of Kshs. 5 million. The committee was amazed by such wonderful work having been told that each ward was scheduled to have similar project.

Recommendations/Observations

The committee, during the visit, came to realize that Machakos County Assembly leadership was far much ahead in terms of development that is on construction of a modern chamber, employment of adequate workforce and sufficient offices and therefore applauding the team unlike their counterparts in Kisumu who are still staggering on the mentioned matters.

The Machakos County Assembly should establish its own autonomy when it comes to implementation on legislation, oversight and representation. The Assembly should invoke Standing Order 188 (5) to sanction the Chief Officers and CEC members who do not honor invitations by committees of the Assembly.

The committee recommends the committee on Transport, roads and public works to visit Kisumu county Government to witness a three kilometer road tarmacked at a cost of Kshs. 14 million unlike the murraming of Syokimau/Katani road of only 2.5 kilometers in Machakos which was done at a total cost of Kshs. 15.7 million.

The committee recommends the education and social welfare committee to visit Kisumu County Government to witness construction of ECDC classes with 3 classes, an office and a store at a total cost of Kshs. 5million. (See attached photo). Mr. Speaker, my clerk will circulate the photos through the County Assembly wall immediately after we leave the chamber. So every member will see those photos. The committee further recommends that the county employs ECD assistants pending a case in court on recruitment of ECD teachers by the TSC. They further recommended that the said assistants be given priority during the employment.

The committee recommended that all development projects budgeted in the county be contracted instead of implementing them internally to embrace efficiency, accountability and value for scarce resources.

The committee recommends that solar panels be installed to replace electricity on the lighting at People's Park, markets, floodlights and street lights within Machakos County. That move will result to bill reductions.

The committee recommends trees to be planted along the roads instead of flowers since they play a multi-tasking role of both beautification and attraction of rain.

The committee recommends the county Government of Machakos to acquire land, where need be, for construction of ECDC classes since Early Childhood Education was a devolved function.

Acknowledgement

Mr. Speaker, Sir, the implementation committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and visit. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the activities of the committee and in preparation of this report.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the implementation committee, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you very much. I think Hon. Members the report is properly laid on the floor of this house and I will allow members to go through it and then we can discuss it on Thursday afternoon.

ADJOURNMENT

Hon. Speaker: I would want to repeat, perhaps, for those who were not in when I gave the communication, we shall have a whole day tomorrow with CRA and I would urge members to refresh their memories on functions so that they can raise them with the commission tomorrow. The venue of the meeting is Gelian and the program is being circulated by the office of the Clerk. Beginning from 8.30 in the morning and with that Hon. Members, have a good day.

The House rose at 4.20 p.m.