

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 5th November, 2015**

The House met at 2.38 p.m.

*[The Deputy Speaker (Mr. Nganga) in the Chair]***PRAYERS****Hon. Deputy Speaker:** Proceed, Clerk.**STATEMENTS****BUSINESS COMING NEXT WEEK IN THE HOUSE**

Hon. Kasimu: Thank you, Mr. Speaker. Mr. Speaker, Sir, I stand under Standing Order 41 (2a) where during the statement hour, a Member of the House Business Committees designated by the Committee for the purpose, shall every Thursday or on every last sitting day, for not more than 10 minutes, present and lay on the table, a statement informing the House of the Business before the House in the following week. Mr. Speaker, Sir, the House Business Committee met today the 5th November, 2015 and balloted business for the following week as follows;

1. Tuesday, afternoon, 10th November, 2015: motion on revenue collection potential in the County by Hon. Cecilia Sereka.
2. Wednesday, morning, 11th November, 2015: motion on abolition of verification Committee in the department of Finance Management by Hon. Felix Ngui.
3. Wednesday, afternoon, 11th November, 2015: debate on El-Nino preparedness statement.
4. Thursday, afternoon, 12th November, 2015: report on Environment plant energy and Natural Resources Committee on status pollution in the river Athi at Fourteen Falls and its environment and statements by all Chairpersons of committees work plan. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you for that. Proceed, Clerk.**IMPLEMENTATION OF COUNTY PROJECTS SINCE 2013**

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, the Deputy Majority Leader, on behalf of the Majority Leader, issued a statement concerning projects implemented by the

County Government since 2013 following a motion moved under Standing Order 227 on 30th September, 2015 by Hon. Felix Ngui which urged the Hon. House to suspend its business for one week to discuss the state of El-Nino Preparedness and also projects implemented by the County Government since 2013. Mr. Speaker, Sir, the Clerk to the County Assembly wrote to all the Sixteen (16) Chief Officers in the ten (10) Departments and the reports were being received in bits. Last week, statement on eight departments was issued and a statement on two more will be issued. A second and last reminder has been written to the Chief Officers whose departments are listed below:-

1. Irrigation.
2. Agriculture, Livestock and Fisheries.
3. Special Programs and Projects.

Mr. Speaker, Sir, the department of Finance and Revenue Management, department of Public Works and Housing and that of Health, Environment and Emergency Services have just brought in their reports. These reports, together with the others that will be forwarded, will be presented to this House next week. Mr. Speaker, Sir, this statement is for two departments namely:-

1. Energy and Natural Resources.
2. Transport and Roads.

Mr. Speaker Sir, analysis of the above Departments is as follows:-

Department Of Transport and Roads

The committee chairperson is Hon. Felix Ngui and he is the one who sought for this statement.

Mr. Speaker, Sir, the Department of Transport and Roads implemented 10 projects since 2013. These 10 projects comprise different works on 137 roads, drainage works on Masaku Avenue, road infrastructure and associated works and marking of three roads.

Mr. Speaker, Sir, in the financial year 2013/14, the department completely implemented six (6) projects. These projects include upgrading of one road per ward except Kithimani and Kangundo Central wards which had two each but whose cost was the same as one road in other wards. The average cost per road per ward was approximately Ksh. 5 million giving a total sum of Ksh. 195 million for 39 wards since cost for Masinga ward road was not shown. Other projects in the financial year were drainage works along Masaku Avenue, upgrading of Makutano-Kithimani road, road furniture and associated works on Makutano-Kithimani road,

rehabilitation of 3 Athi River roads and marking of three roads namely Joska-Koma Hill road, Kangundo town-Koma Hill road and Kyumbi-Mavoko town road. Total sum for the projects was Ksh. 938,273,202.70.

Mr. Speaker, Sir, in the financial year 2014/15, the department implemented three (3) projects, completing one fully, namely upgrading of 7 Syokimau roads. In this financial year, the department started implementing phase 2 and 3 roads projects. Most of the work on this roads involved site clearing and excavation and filing structures, culvert and drainage works, construction of drifts and gravelling. This project involved 7 roads cutting across all wards. The number of roads per ward varied from 1 to 3 but the cost was within the average of Kshs. 8 million. The department completed 40 roads; eight are partly with percentage of work completed ranging from 20 per cent to 90 per cent and terminated work for 22 roads. The other project in this financial year was upgrading of 3 Tala roads and they are at 80, 70 and 30 per cent complete. Total planned expenditure for the projects was Ksh. 4, 458,403.92.

Mr. Speaker, Sir, in the financial year 2015/ 2016, the department was implementing one project on upgrading 11 market roads to bitumen standards. Works on all the roads were on-going. The roads were in the following markets; Machakos town, Mitaboni, Kisukioni, Kinyui, Mbiuni, Mwala town, Muthetheni, Katangi, Masinga, Mlolongo town and Kakuyuni. Total planned cost for the project is Kshs. 138,326,142.

Mr. Speaker, Sir, the department was able to provide the names of the contractors who undertook various projects for all the financial years. A summary of the projects implemented is provided in the table below:-

Development Projects For 2013/14, 2014/15 and 2015/16

	PROJECT	WARD/ LOCATION/ SUB- COUNTY	CONTRACT SUM	REMARKS
FINANCIAL YEAR 2013/2014				
1	Upgrading of 42 roads - phase 1	One road each ward	195,268,551 for 41 roads	All roads complete. Masinga road is not costed
2	Drainage works along Masaku avenue (5lots)	Machakos central ward	15,740,928.85 for all 5 lots	All lots complete
3	Upgrading Makutano-Kithimani road	Mwala/Mbiuni/Kithimani wards	568,700,014.90 for all 11 lots	Complete
4	Road furniture and associated works	Makutano-Kithimani road	30,119,013.33 for 2 lots	Complete

5	Rehabilitation of 3 Athi River roads	Mavoko Sub-County	103,846,677 for the 3 roads	Complete
6	Road Marking – Joska-Koma Hill Rd (17.6 km), Kangundo town-Koma Hill rd (17.6 km) and Kyumbi-Mavoko town rd (16km)	Matungulu, Kangundo, Mlolongo/Kinanie	24,598,017.60 for the 3 roads marked	Complete
FINANCIAL YEAR 2014/15				
7	Upgrading 7 Syokimau roads.	Syokimau	118,210,074 for all the 7 roads	Complete
8	Phase 2& 3 wards roads projects (70 road projects) involving culvert and drainage works, drifts, site clearing, excavation and filing structures, gravelling and grading works	All wards	4,314,087,875 for all the 70 roads (??)	22 terminated, 40 complete, 8 partly done ranging at 20 to 90 per cent
9	Upgrading of 3 Tala roads	Tala ward	26,105,143.29 for all 3 roads	Roads are 80, 70 and 30 per cent complete
FINANCIAL YEAR 2015/16				
10	Upgrading 11 market roads to bitumen standards	All sub- counties	138,226,142 for the 11 market roads.	On-going

Department Of Energy and Natural Resources

Mr. Speaker, Sir, the department of Energy and Natural Resources implemented 3 projects since 2013. The department started street lighting on Joska-Kangundo road and Mlolongo-Athi-River road in 2013 and it is estimating that the lighting will be complete by December, 2015.

The department also undertook a mega project to light up all markets in all the wards. A number of the markets have already been lit up by *Mulika Mwizi* (floodlights) and a number were awaiting connection from the KPLC. In total, 151 markets will be lit up by *Mulika Mwizi* at a cost of Ksh. 47 million of which Ksh. 28 million have been paid out so far. The projects also started in 2013 and are expected to be complete by December, 2015.

Further the department Rehabilitated Kithoni River in Katangi by constructing a weir and a drift at a cost of Ksh. 974,350.45 and Ksh. 2,033,445.20 respectively. A summary of all the projects was provided as below:-

Projects Implementation Fy 2015/2016

	PROJECT NAME	WARD	ESTIMATED COST OF PROJECT	ACTUAL SUM	PROJECT STATUS
1	Street/ Road Lighting	Joska-Kangundo road.	29,000,000	16,000,000	10 km lit. Project started in 2013 and expected date of completion was December, 2015
		Mlolongo-Athi River road	23,000,000	17,000,000	Installation complete
2	Lighting up of Markets (<i>Mulika Mwizi</i>)	All markets in all the wards	47,000,000	28,000,000	Masii, Muthetheni, Miwani, Mutituni, Athi River, Mitaboni, Kathiani and all markets in Mbiuni ward were complete. All other markets in were ongoing.
3	Rehabilitation of degraded Rivers (Kithoni River) drift and weir	Katangi	3,007,795.65	3,007,795.65	Complete

Mr. Speaker, I can hear some whispers asking me where I am reading this and I think Members have been supplied with this extra statement. It is an additional statement to what was read by my Deputy Leader, last week.

Hon. Deputy Speaker: Hon. Member, restrict yourself to the opportunity that you have been given. Those whispers are not directed to you neither to the Speaker but rather to the self.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let him clear with the presentation---

Majority Leader (Hon. Mwonga): Mr. Speaker, I am through with my statement.

Hon. Deputy Speaker: Which page are you? You are through with the statement?

Majority Leader (Hon. Mwonga): Page 4.

Hon. Deputy Speaker: I hope Members have been supplied---

Majority Leader (Hon. Mwonga): Page 4.

Hon. Deputy Speaker: Page 4. Yes, what is it Hon. Ngui?

Hon. Felix Ngui: Mr. Speaker, I think the document you have is not the same document the Majority Leader is reading because page 4 is totally different from what he is reading.

Hon. Deputy Speaker: There is a report on additional statement on implementation of projects by the County Government since 2013. You don't have a document by that headline?

Majority Leader (Hon. Mwonga): Mr. Speaker, as I have said, some Members are having the documents which they were given last week, which was read on my behalf by my deputy and today, I was reading an additional statement and the Hon. Member who is raising that issue is none other than the Chairperson, Transport committee and he has just come in. He cannot understand where we are, Mr. Speaker, unless he takes a bit of time to know where we are. Thank you.

Hon. Deputy Speaker: Thank you. I will allow a few reactions to the statement issued last week together with the additional sentiments that have been brought about. Yes, Hon. Dominic.

Hon. Maitha: Thank you, Mr. Speaker. Mr. Speaker, I am in a fixed position to make my contributions to some great extent regarding to this report. Mr. Speaker, this report looks like a novel, a movie because the figures and the activities that are being reflected on this document, Mr. Speaker, are totally different from what is on the ground. Completely different because, Mr. Speaker, when you see the figures that have been indicated to some of the projects, we are confused and actually I believe it is a strategy by the Government to give us so many documents so that we may be able to peruse through the document, as it has been the trend, so that we cannot be able to question, Mr. Speaker. I want to make just one observation, Mr. Speaker. Mr. Speaker, I have seen projects, personally being implemented by the National Government. I have seen roads being done by the National Government through KeRRA and KURA.

Mr. Speaker, when you compare the valuation of those road projects compared to what we are doing here, I can assure you, Mr. Speaker, we will never achieve our development agenda in Machakos County because a road less than 2 kilometers can cost more than Ksh. 4 million and yet the same road being done by either KURA or KeRRA is costing Ksh. 1.5, 1.6 million and better job is done, Mr. Speaker, then I do not see us seeing the value of money.

Mr. Speaker, just a simple reaction. I do not even want to go far because if I continue looking at this paper, I might go ahead and suffocate, Mr. Speaker, or maybe feel bad. When the street lighting about Joska-Kangundo road is being lit at Ksh. 29 million and the Government says it has lit 10 kilometers. This is a pure lie. Hon. Mukewa, the Deputy Majority Leader plies that road on a daily basis, Hon. Nzoka plies on that road on a daily basis, Hon. Renson Muthiani plies on that same road on a daily basis, Hon. Kamitu plies on that road on a daily basis. We have got living testimonies. That road is not lit anywhere 10 kilometers. The section which is lit is after Tala Boys as you are going to Tala Town the market, then you move to somewhere called Gonda which is less than even a kilometer.

When they are talking about 10 kilometers, Mr. Speaker, Sir, there is no single *Mulika Mwizi* (floodlight) from Joska market where we border Nairobi up to Tala Market. There is none of them which is even fixed with the lights. It is only the poles and some of them are even falling down, Mr. Speaker. I think Hon. Members, we came to represent our people here for a common goal and purpose. We came here to ensure that projects are implemented as per the expectations and the requirements of the people based on needs. But whatever figures we are given here, I do not see this County going anywhere because if you can now have these figures and you relate to the projects that we gave as priorities, most of them are stalled. So, Mr. Speaker---

Hon. Deputy Speaker: Hon. Dominic, the role of the comments on the statement hour is to seek clarity on matters that you are not certain about so you need to be very specific on the clarity that you seeing.

Hon. Maitha: Mr. Speaker, thank you for your guidance but I have given a simple example. Where does the department of energy say it has lit 10 Kilometers of Joska-Kangundo road yet between Joska and Tala Market, there is no single *Mulika Mwizi* which is working apart from a small section between Tala Boys and somewhere we call I do not know Ngonda which is less than even 3 Kilometers. This is a pure lie. I need substantive information about this. It is a pure lie. When the school the Government says, on another page, they have constructed two classrooms at Kamulu Primary School, where? Those class were classes were in existence even before this Government took over power. They had been allocated funds by LASDAP, LapFund, whatever they call it. They were not made by the County Government and already money is being said here they have completed and paid. Those classes were undertaken by LapFund. The Committee on Implementation, where my able Chairperson sits, they went to Kamulu to see the classes. They were not done by the County Government. Mr. Speaker, this is theft of the highest order. Thank you.

Hon. Deputy Speaker: Order Members. I am informed that there is a substantive motion. If you look at your order paper, there is a substantive motion at 8 (b) that we are supposed to.....that will open the floor for every Member to contribute on this motion and because under the statement hour only at least at most five people are allowed to contribute.

With the leave of the House, you will allow us to proceed and here more statements then that will be the last item that we shall handle. I think that is an oversight that had not been indicated. So we are supposed to get another statement. Clerk, proceed then we shall be back to that matter.

OBTAINING OF TITLE DEEDS IN NDALANI

Hon. Muthuka: Thank you, Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, it is evident that many parts of Kenya are suffering from rise of land grabbing. Mr. Speaker, senior people in the Government and politically-influential by the virtue of their positions, have legal avenues to manipulate their ways to obtain title deeds that are not authentic to claim land from either innocent Kenyans or the public. Mr. Speaker, the biggest percentage of citizens in Ndalani Ward do not have title deeds but they have allotment numbers. Currently, we are witnessing people from other parts of the country settling in the area and displacing other people from Ndalani who have settled there for many years in the pretext that they have genuine title deeds.

Mr. Speaker, with me I have 13 cases which have been forwarded to me and I wish to report them to this Hon. House. Mr. Speaker, I wish to seek also a statement on the legal grounds warranting this people to possess land in Ndalani and why the department concerned with land and boundaries matters in Machakos County is not protecting innocent citizens of that area from fraudulent transactions of land and what the department has done to have Ndalani citizens obtain title deeds before the end of this term. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you. Chairperson of committee on lands. Majority Leader, you indicate to the Chairperson concerned that this matter seems to be urgent and we are supposed to file and respond to the House in two weeks time and engage the Member so that they may be able to visit the various affected persons and interview them on the issue that have been raised and also the office of the Clerk to quickly facilitate that the concerned committee to be able to expedite this matter. So, you can give us your commitment to pass the detail to the Chairperson concerned.

Majority Leader (Hon. Mwonga): I do give the commitment, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you. Proceed, Clerk.

COMPLETION OF TRADE DEPARTMENT PROJECTS FOR 2013/14

Majority Leader (Hon. Mwonga): Mr. Speaker, the Chairperson is not in the House and had requested me to issues this statement as a Member of planning committee. Mr. Speaker, Sir, on 22nd September, 2015, Hon. Dominic Maitha, sought a statement on why the Department of Trade, Economic Planning and Industrialization has not completed the projects initiated in

2013/2014 financial year despite having been budgeted for and funds for the projects released by the National Government through equitable share on development projects.

Mr. Speaker, Sir, in the financial year 2013/14, the department had the following projects:

1. Market sheds.
2. Jaw crushers.
3. Mavoko offices.

Mr. Speaker, Sir, the department for trade, economic planning and industrialization gave the following response:

- i) **On market sheds:** Due to lengthy process of procurement, tenders were awarded in May, 2014 and contractors moved to site in June 2014. So far 14 market sheds have been completed namely; Tumba, Kathome, Joska, Kiatuni, Ithaeni, Kawethei, Kyeleni, Katangi, Kisiiki, Ekalakala, Kithyoko, Milaani, Kathiani and Kyumbi have been completed. Out of these markets, 11 have been handed over to the public and are in use and they include: Tumba, Kathome, Kiatuni, Ithaeni, Kawethei, Kyeleni, Katangi, Ekalakala, Milaani, Kathiani and Kyumbi.

The Department further reported that 16 markets were on-going and they are: Mwala, Mbiuni, Wamunyu, Muthetheni, Matuu, Kithimani, Ikombe, Kivaani, Masinga, Mitaboni, Kangundo, Katineni, Athi River, Masii, Kaveani and Oldonyo Sabuk.

In addition 6 markets namely; Mlolongo, Mutituni, Muumandu, Ikalaasa, Matuu ma Mwiitu and Kinyui have been terminated for contractor's non-performance. The Chief Officer, Trade informed the Committee that process of re-tendering had been initiated with the first step being quantifying the work already done so that new contracts can be awarded under new BQs. The Department of Public Works was already working on the BQs and the procurement processes would soon begin.

The market shed for Muvuti/Kiima Kimwe ward which was being constructed at Kaseve market along Kitui road was put on hold while at roofing stage because of its proximity to the highway. A solution was being sought between the Department and KeNHa on the way forward.

The Nairobi Metropolitan Support Program has prioritized to construct a much bigger and modern market in Tala. To avoid duplication, Tala market was put in abeyance. The Committee met the Chief Officer, Trade on the issue of the market since Nairobi

Metropolitan could not start construction without title deed to the land. The Chief Officer informed the Committee the project can start with an allotment letter.

Further, the Committee invited the Chief Officer for lands who reported that they had done everything on their part and the plan for the market was in the office of the Chief Officer, Finance awaiting funds for advertisement. She also reported that the Chief Officer, Finance had promised to ensure that the land was put in the Kenya Gazette by 6th November, 2015. That is tomorrow, Mr. Speaker.

Kikambuani market has not commenced due to the problem of land. The committee met with Chief Officer and it was agreed that market shed be moved to Kawauni market where there was availability of land.

ii) **Jaw Crushers:** The procurement process of the jaw crushers was completed in March, 2014. Tenders were issued but the supplier did not supply and the department had cancelled the contract and initiated new process which was at the technical evaluation stage.

iii) **Mavoko Office:** The offices did not have budgetary allocation in 2013/14 financial year and in 2014/15 the Department could not proceed because the existing contract had been issued by Mavoko Municipal Council as it then was. There were no clear transaction procedures hence it has taken time to have the work commence. The department had partitioned the ground floor and was in the process of commencing procurement process with a view of completing the additional floors.

Mr. Speaker, Sir, members of the committee were able to interrogate the Chief Officer, trade on the statement and she promised to ensure the stalled projects were completed as soon as possible. She also offered to accompany members to the sites of the projects to find out the actual position of the projects in case there was variation of what she had reported and what the members had on the ground. Mr. Speaker Sir, the statement has been availed to Hon. Dominic Maitha. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Members. Whenever a statement response is issued we always give priority to the Member that has sought the statement to make his submissions then you allow three or four more Members and then the final submission by Members. So we will start with Hon. Dominic and a few others also that might have submissions to make.

Hon. Maitha: Thank you, Mr. Speaker. Mr. Speaker, I have received report from the department of Trade and according to the report it says that, Joska market is complete. But Mr.

Speaker, I want to report to this House, according to the BQ, and it is a shock and surprise Mr. Speaker, to find that and I would like to pose this to the Majority Leader, as the advisor of the Government, tell the Government to do pilot survey of projects before they are implemented. Why am I saying this?

According to the BQ and the contractual agreement between the department of trade and the contractor, the contractor was supposed to construct a market shed and construct a toilet next to an existing toilet, less than a meter. Mr. Speaker, there was no sense to construct two toilets at the same place because there is already an existing toilet. For those who ply Kangundo road, they know Joska has a very good toilet that was constructed by the former Mayor of Mavoko who is the current MP for Mavoko. So, that was duplication. So one Mr. Speaker, that toilet has not been constructed.

Secondly, a water tank was supposed to be erected on the same, was supposed to be provided for. As we are speaking at the moment, there is no water tank, there are no gutters which have been connected to tap water from the market. The market is wide open. In case it rains, Mr. Speaker, Sir, even those who are inside the market, they would better be more comfortable outside the existing temporary sheds than the market itself.

Thirdly, the market was supposed to be connected with power but to date, nothing is happening. I can confirm to this House Mr. Speaker, I had to open that market unofficially after endless promises by the department of trade that they are going to complete the market and they are going to open the market. For those people who ply along Kangundo road, Joska is not a place where you can go around and start giving people false promises. Joska is a market place where we moved over 500 people who were operating on the open air markets.

We promised to do them a market that was to support them. We only did a market for 40 people. So, Mr. Speaker, as the Chief Officer has promised, I would request I be accompanied by the Chief Officer to go the ground, with a copy of the BQ and we ascertain whether what she is saying here that the market is complete as per the BQ whether it is like I sought. I am not satisfied that Joska market, as per the report, is complete. Those who ply along Kangundo road can attest to that. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you and that is granted. The Chairperson of the Committee, I think it is good you visit the site and see. Hon. Kitheka.

Hon. Kitheka: Thank you, Mr. Speaker. I have heard what the Majority Leader has read from the statement but unfortunately Machakos is not featuring anywhere. Can he tell us where Machakos is placed in that big statement you have read in this House. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Confirm about Machakos Central ward on whether the shed is done. Hon. Muthesya

Hon. Nzioki: Thank you, Mr. Speaker. Mr. Speaker, the Majority Leader has read his list in the completed sheds, Milaani being one of them, which belongs to my ward. Mr. Speaker, Milaani sheds were partially completed. It is about 70 per cent completed but hurriedly officials from the department, came and handed over the sheds to the community. Mr. Speaker, toilets are supposed to be done. The toilets are not complete and the toilets were not handed over to the community. Mr. Speaker, when I say partially done on the sheds, some cement works was not complete, the gutters are not there and a water tank was thrown just next to the sheds. Mr. Speaker, I request that the department comes back and does the uncompleted work. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Muthuka.

Hon. Muthuka: Thank you, Mr. Speaker. I want to applaud the Majority Leader for presenting the statement though the statement is full of lies. Mr. Speaker, from the statement Kisiiki is indicated as if it is complete. You remember, a month ago, I had sought a statement which was read in this Hon. House that, that market is not complete. So, Mr. Speaker, it is the high time now we call his executives so that they cannot take us for a ride because this is a House of honor. Why do we come and discuss lies. Mr. Speaker, it is very painful, because if all those markets are complete, why are they not being handed over to the community? Mr. Speaker, I suspect, I smell a rat. Mr. Speaker, I would like to dismiss that statement and request that we can get a more accurate and truthful statement so that we can give our insights. Thank you.

Hon. Deputy Speaker: Hon. Kyalo Kyuli.

Hon. Kyuli: Thank you, Mr. Speaker. I listened to the statement very well and Mr. Speaker, if you have this document that is giving us the statement on implementation status of the projects done by the County Government, when you go to page 14, Mr. Speaker, you will find that one, No. 7 Mavoko Trade Offices, there was a budget of Ksh.2, 162,236 and the status right now or the remarks therein, are saying it is ongoing, Mr. Speaker---

Hon. Deputy Speaker: Yes, what is your point of order Hon. Majority Leader?

POINT OF ORDER

Majority Leader (Hon. Mwonga): The member who is contributing, Mr. Speaker, is contributing on the statement which I have just issued or the first one, Mr. Speaker. I think the member is confused on where we are.

Hon. Deputy Speaker: Thank you. The member is out of order and the chance is lost.

Hon. Kyuli: Mr. Speaker, before the chance gets lost, I am comparing---

Hon. Deputy Speaker: Order Hon. Kyalo Kyuli. You are referring to the wrong statement and the opportunity is gone but then as a way forward, as we proceed on that matter, I take note of the observations that have been raised by Members and I would order that the Chairperson of the Committee undertakes a thorough audit of the statement that has been presented today and files a report to this House in the next three weeks so that we may ascertain the truthfulness of the response that was given by the Chief Officer.

So the Majority Leader, you have undertaken to pass that expectation from the Chair that they file a thorough report on the truthfulness and while visiting this said complete and incomplete projects within the various wards, they can invite the committee members and the members who represent those wards to ensure that the projects are done to satisfaction. Proceed, Clerk.

BILL

First Reading

MACHAKOS COUNTY E-WASTE MANAGEMENT BILL (BILL No. 9, 2015)

Hon. Joseph Muli: Thank you, Mr. Speaker. Mr. Speaker, Sir, pursuant to Standing Order 119, I would like to present the Machakos County E-waste management bill No. 9 of 2015 to this Hon. House for the first reading. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Clerk.

(Order for First Reading read - Read the First Time and ordered to be referred to the committee of Environment, Lands, Energy and Natural Resources.)

MOTION

BENCHMARKING TOUR TO KISUMU

(Resumption of debate interrupted on 05.11.2015)

Hon. Alphonce Wambua: Thank you, Mr. Speaker. Mr. Speaker, this week on 3rd Tuesday, I tabled a report on benchmarking tour to Kisumu and Mr. Speaker, the Speaker deferred the motion to today to be debated. Mr. Speaker, I want to point out just a few issues to allow the House to contribute on the report because the document was circulated to the House.

Recommendations and Observations

The committee, during their visit, came to realize that Machakos County Assembly leadership was far much ahead in terms of development, that is in 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.

Mr. Speaker, my committee went to Kisumu and the aim was to understand the challenges they are facing on implementing their projects and their motions, Mr. Speaker. My committee Mr. Speaker was impressed by what we found in there Chamber, because in there chamber, Mr. Speaker, the way it is, you cannot compare it in with our chamber here. Mr. Speaker, maybe Members they cannot understand whether it is true but the committee can confirm that our chamber is modern. There are so many things that Mr. Speaker, my committee pointed out and at this juncture, Mr. Speaker, I can allow the Members to contribute. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Wambua. I invite submissions in response to the report on the committee on Implementation. Yes, Hon. Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I would like to applaud the Chairperson, Implementation Committee. First and foremost, that the benchmarking tour to Kisumu was well attended, indeed all the Members were present and that time Mr. Speaker, as you can see from the report Hon. Dominic and I were invited but now we are Members of that particular committee. Mr. Speaker, the spirit of performance in this County Assembly will be seen in such scenarios whereby even part of annex report in this particular committee, has been circulated in digital system through the *whatsapp* wall of this Assembly that a classroom was very well built. Those are some of the things, I think you are also present, Mr. Speaker, and I congratulate you for your timely arrival.

Mr. Speaker, I would like to go to just point out an issue in point 1.6 whereby there is that is recommendations and observations which were done by this particular committee because whenever we make submissions of various committee findings and reports, it is good to see that which we learnt being uplifted and given attention to make sure that we move forward. There is that bulletin number 4, of that recommendations and observations of that particular committee which reads in part that; ‘the committee recommends the committee on transport, roads and public works to visit Kisumu County Government to witness a three (3) kilometer road, and it is put on bold, that is tarmacked at a cost of Ksh. 14 million unlike the murraming, also put on bold, of Syokimau/Katani Road which is at a length of 2.5 kilometers in Machakos which was done at a total cost of Kshs.15.7 million.

Mr. Speaker, the key word here is tarmacked at a cost of Ksh. 14 million and the length of that tarmac road is 3 kilometers Mr. Speaker. The other scenario, in Machakos County, a murraming was done in Syokimau/Katani road at a total length of 2.5 kilometers and it did cost

almost Ksh. 15.7 million. One is tarmacking and another one is murraming. Murraming is costing more, they are almost the same distance if you can see, a distance of a situation of almost 0.5 kilometers.

Mr. Speaker, that is a point to find out and I would wish that the Chairperson, Transport was here, I think he is still around, that he could borrow this particular idea and maybe have a tarmacking, maybe a tour in Kisumu County and try to see whatever has happened there, this guys are looking more organized. Mr. Speaker, the County Assembly Service Board, Machakos County, has tried to go an extra mile in trying to organize the Assembly's status.

The Assembly hall of Kisumu County is, rather I could say in a soft language, that it is in pathetic situation. You cannot consider, you cannot compare it with this chamber. This are two different things but I wish and I would like also to report to this Assembly that they told us that they are waiting to build their ultra modern chamber, which I do believe you read the newspapers, there is a tug of war between them and the Governor but I believe the chambers we are utilizing now in Machakos County is far much better than what they are using, Mr. Speaker.

The wrangles in that particular legislative House of the Arm of Government in Kisumu, they reported to us, they have been having some various problems. Per se the Majority Leader in Kisumu is in acting capacity and some of the duties they are not able to execute as expected, Mr. Speaker.

We would also want to find out that even the organization, you saw yourself, and because I am sure you were there, I was seated next to you, Mr. Speaker. This are issues to say that the County Assemblies are almost facing similar scenarios or problems but in Machakos County, my point is that they organization and planning of the precincts of the Assembly Chambers, I would like to say I propose the Speaker himself to take that particular committee for a retreat somewhere because they have tried to think far outside the box. The Assembly Chambers in Machakos County, they are better placed.

Mr. Speaker, that is part of the implementation works which we are expecting to see. To avoid some doubts and questions maybe from the House, in matters which have never been reported in this House by this Committee, is that in the next two, three weeks, I believe the Chairperson should have reported to you that we are bringing various reports, several reports.

For instance issues and regulations we are passing in this Assembly, for instance, the portrait of the Governor, for instance why we sack employees or this Assembly would pass a regulation or a motion that certain Officer should be sent home and you find Mr. Speaker, that particular fellow is still in office. They are still working. Some of the people have been suspended by the rule of law, from the courts that if somebody has some case, a case in court,

that particular person should not be working in the public office. Some of the fellows, Mr. Speaker, as you know in Machakos County, it is not as usual. Some of them are working, we know they are drawing salaries and these are things we would wish to see. Mr. Speaker, protect me because I am saying that this---

Hon. Deputy Speaker: What is the point of order, Majority Leader?

POINT OF ORDER

Majority Leader (Hon. Mwonga): Thank you. Mr. Speaker, can the Hon. Alex Kathinzi substantiate. Who are these officers who are in office and already they are in suspension. Mr. Speaker, and can he also tell this House, what it means when an Officer is on suspension? Does it mean he should go home and stay home or in house for the entire period of suspension? Mr. Speaker, maybe the Hon. Member does not know. When you are in suspension, Mr. Speaker, the law is very clear, Mr. Speaker---

Hon. Deputy Speaker: I thought you were asking him to substantiate.

Majority Leader (Hon. Mwonga): I wanted him to substantiate and also wanted to give him some information, Mr. Speaker. Maybe he does not know. You know he is new in---

Hon. Deputy Speaker: Proceed.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. The point of information is that, Mr. Speaker, while an officer is on suspension, Mr. Speaker, it does not mean that he should not visit or make visits to the place of his or her work, Mr. Speaker. Thank you, Sir.

Hon. Deputy Speaker: Hon. Kathinzi you are able to substantiate?

Hon. Kathinzi: Thank you, Mr. Speaker and I would like also to thank my Majority Leader, even though he said it was a point of order but he has also included a point of information on himself. But I am saying, Mr. Speaker, that I was just highlighting an issue whereby we will present that report in this Assembly and I think at that time he can be able to provide---

Hon. Deputy Speaker: So you do not have somebody in mind under suspension?

Hon. Kathinzi: So I was just saying it is very clear, Mr. Speaker, we reported in this Assembly, for instance I am just giving a case study of one Mr. Nzuma and at two weeks later,

he was visiting my ward saying that he is still in the office of special programs. He was still working and that report is in the implementation committee as at then, not today.

Hon. Deputy Speaker: Alright.

Hon. Kathinzi: So Mr. Speaker as I finalize---

Hon. Deputy Speaker: Stick to the matter present so that you do not appear to pre-empt debate.

Hon. Kathinzi: So, Mr. Speaker as I continue supporting this report, I would say that the committee of education, that is the next bulletin from where I read first, the committee recommends the education and social welfare committee to visit also Kisumu to witness the construction of ECD Classes with three classes an office and store at a total of Ksh. 5 million. These photos were circulated in *Whatsapp* system and I think these are issues, Mr. Speaker, we can say we can borrow a leaf from that particular department in the County of Kisumu. Even when they are facing some challenges in implementation and payment and inspection of these classrooms, they told us that, Mr. Speaker, there is smooth running and I would like to point out one issue here which they told us, Mr. Speaker, clearly that devolution came to devolve power, resources, employment and goodwill at heart of those people to work together.

Mr. Speaker, they disclosed to us that in every ward, if there is any works which has been done in a specific ward, for instance taking a scenario in Kivaa Ward, Mr. Speaker, and we are building something like a gabion. Let it be given to a resident from that particular ward. That is the true spirit if devolution and that is exactly what they are doing. They told us that all the contractors are working from wherever they come from, they would just import some specialized skills from outside the County or from outside the particular ward to make sure that the people of that particular area benefit totally by monies devolved to that particular area.

So, these are the issues, Mr. Speaker, and in this Assembly we also said; it is true that we need to reconsider some of these good findings because they are benchmarking scenarios where we can borrow and maybe copy paste to our systems because we would want to see things done in appropriate manner. So, as I rest my case, Mr. Speaker, that is my plea to those two particular committees. Committee on roads and committee on education, whereby in one of them, I sit as a Member and I believe when we move that way, Mr. Speaker, we can uplift the standards of this County.

The last one is on the issue of observations and findings. The separation of accounts is because there are those functions which have to be operationalised by the legislative arm of Government of the County Government of Kisumu and Machakos. That is observation number

three, Mr. Speaker. You find that the 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 receives the allocations from the treasury brings a lot of wrangles.

Mr. Speaker, several occasions, the Hon. Members, I know it is not part of this discussion but they have been able to just move to the office of the CEC finance to demand for whatever is theirs. Mr. Speaker, two wrongs cannot make a right. So whenever you move to somebody's office you threaten, maybe to push, not even dialogue, to make sure that what is yours is given to yourself, then that means you are doing something wrong constitutionally. Dialogue is the most important aspect you need to see that it is applied in both ways but because of the needs and the budgets which have been given to the Executive to implement the projects, we say unanimously we come together and agree, as the Controller of Budget has given the instruction which we requested that let the accounts.....when the money is disburse from the National Treasury, let it come straight to the Assembly.

Whatever it is for the budget of the Assembly and the one for Executive goes to the Executive. I think this one is being applied if I am not wrong, Mr. Speaker. So I support this particular report and I say that this is the way to go and whatever we discuss in this Assembly should be put into practice, Mr. Speaker, so that we can move forward as a County. Thank you so much.

Hon. Deputy Speaker: Hon. Collins.

Hon. Mbithi: Thank you, Mr. Speaker. Mr. Speaker, I happen to have had a visit to Kisumu with the Committee on Implementation, before I was transferred to the Committee on Culture, and I want to specifically talk about two things still under the recommendations.

Mr. Speaker when you do a bench-marking, the sole purpose is to get or buy the ideas from those Counties whereby they seem to be doing better than we are doing or there is something we need to rectify so that we match the standards of that particular County. Mr. Speaker, I want to go to the third last bullet on page.....this pages are not numbered, maybe in my.....but it is, the committee recommends that solar panel be installed to replace the electricity on the lighting at People's Park, the street lightings, floodlights, wherever within Machakos County.

Mr. Speaker, I think this is a very good observation. I want to remind the House that when I was the Chairperson for Agriculture Environment and Natural Resources committee, these are the same, same advice we gave to the department of energy despite the fact that the advice seem to have landed on a deaf ear but I think with the recommendation from this Assembly, as far as the report is concerned, the same, same sentiment should be still directed to

the department of energy bearing in mind that many a times, you pass through some of this areas which have been installed with the floodlights along the roads, many a times they are off.

Why? Maybe it is because of the failure to pay the bills from the Kenya Power but if we really had the solar panels, and by the fact that Ukambani we are very blessed with enough sun, I think it will be of great importance and it is free of charge. So, I think the department of, maybe this information should be directed to the relevant committee and advice the department of energy so that we buy the ideas from the Kisumu Government and maybe implement it in our own County.

Secondly and lastly, the committee recommends tress to be planted along the roads instead of flowers. Mr. Speaker, every now and then, we are replacing the flowers. The scorching sun in Machakos County, these flowers cannot withstand and everybody who has gone through education system, I personally have the advantage of having very fine trainings on environment and natural resources, so I really know the advantages of trees over flowers.

Mr. Speaker, it is good, even without being taught, without going through certain professional trainings, to consider planting the trees other than the flowers because if you do some research, the trees have greater importance than the flowers ranging from beauty, protection of soil erosion and such. So I think still the committee on environment should seriously advice the relevant department so that they buy these ideas and we push our County forward as far as the Environment is concerned. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: I think I would want to conclude on this matter so that we move to the next issue. I want to hear Hon. Mutua Mutuku and briefly so that we can move to the next item.

Hon. M. Mutuku: Thank you, Mr. Speaker and the entire House. Mine is to applaud the Chairperson of implementation committee and also to applaud all the observations and findings as per this report because all of them are true and to the point. However, as the Hon. House of the Machakos County, we need to ask ourselves in terms of the observations and findings, we need to ask ourselves the degree in terms of, for example if it is consultation. How often do we consult? How often, the two arms of the Government, do they consult each other? Is the degree of consultation above the average or below?

The same thing applies the separation of powers. Do we have autonomy of each arms of the Government in Machakos County? More so, I would like also to applaud also the recommendation which are true and also to the point. However, the key thing is, the essence of the benchmarking is actually once the committee brings the report, we need to see what we can take and what we can leave. However, as per the committee of the Implementation, all the recommendations, all the observations and findings reflects of what we know as Hon. Members of this particular House. Therefore, my wish is to request the committees which have been recommended to go there, for example, I have heard the committees of transport and education

have been recommended by the committee of implementation to make a site visit or to make a visit to Kisumu and try to compare the roads we are constructing in Machakos and see whether there is value for money or there is no value for money.

So I think it is the high time Mr. Speaker, Sir, with your wisdom to recommend when that committee of transport is going to Kisumu and more so when the committee of education is also going to that place for the Members to go and say whether, as a County, we are moving on the right direction or not. Therefore, with those few remarks, once again, let me applaud the able Chairperson who happens to be my friend Hon. Alphonse Wambua for the good work. Asanteni sana.

Hon. Deputy Speaker: Yes, what is your point of order?

POINT OF ORDER

Hon. Muli: Thank you, Mr. Speaker. I would like to put to your attention that the House has no quorum.

Hon. Deputy Speaker: Clerk, confirm whether we have quorum. Final submissions, Hon. Munyaka.

Hon. Nzeki: Thank you, Mr. Speaker. I would like to put to attention---

Hon. Deputy Speaker: I am told there is no quorum so Serjeant at Arms ring the bell for the next, I don't know, how many minutes?

Hon. Nzeki: Yes, Hon. Speaker, I would like to put into your attention---

Hon. Deputy Speaker: No member is allowed to exit.

Hon. Speaker: 1.4 that is observations and findings. No. 7, 'the Executive should heed to the resolutions the House, failure to which the committee on implementation under Standing Order 188 (5).' Again on recommendations, because they have talked on that Standing Order on recommendations they are saying that 'the Assembly should invoke Standing Order 188. So, in that context, I would like to get more from you. On recommendations, whereby the committee recommends that the committee on transport and roads retreats to Kisumu and see how that road was constructed, I do not know whether the Committee on implementation was given the BoQ of that road because the standard amount for constructing a tarmac road, let us say in ministries, even contractors, is around Ksh. 19 to 20 million per kilometer. I do not know whether they were given that BoQ, which constructed that 3 kilometer tarmacked road.

There is also another item they have talked about the leadership of Kisumu County and Machakos County and they are telling us to go there. Why should we go to Kisumu and we are ahead of them? We cannot benchmark with Kisumu because we have already seen that the leadership of Machakos County is better---

(Laughter)

Hon. Member: Point of Order.

Hon. Deputy Speaker: What is the point of order Hon. Nzoka?

POINT OF ORDER

Hon. Nzoka: I want to bring to attention that the last contributor here, is misleading the House because what he said here is about the chamber. In terms of chamber, we are above Kisumu. Other developments like this one, the Kisumu is above us. It has done a road of 3 kilometers at a cost of Ksh. 14 million.

Hon. Deputy Speaker: So what is your point of order?

Hon. Nzoka: Point of order, he is that he is misleading the House by saying we cannot go to Kisumu because we are ahead of Kisumu. What---

Hon. Deputy Speaker: And therefore he should withdraw.

Hon. Nzoka: He should withdraw immediately.

Hon. Deputy Speaker: Alright, alright. Hon. Nzeki, I think you are adequately guided.

Hon. Nzeki: Thank you, Mr. Speaker. I was just saying that they have talked of the leadership. Let me withdraw but can we have the BoQ of that road which was constructed at Ksh. 14 million---

Hon. Deputy Speaker: Yes, Hon. Dominic, what is the point of information?

POINT OF INFORMATION

Hon. Maitha: Mr. Speaker, I want to inform the Hon. Member who has just sat down and a Member who is very powerful in the committee of Finance that, if as a Member and a chairman of the committee of finance, he does not realize about effectiveness and accountability,

then he should not under rate the able Chairperson of implementation, Mr. Speaker. With further information, Mr. Speaker, I want to put to his awareness that, you were physically on the ground and witnessed that road. So, Mr. Chairperson, Finance, can you make sure that you put your financial management aspects in order. You are misleading this House and I also want to put information that, why did devolution come? Go and read the constitution, the objectives of devolution as per Article 175 of the constitution.

It is about decentralization. We are not talking about how you used to do it in the National Government, it is how we want it done so that we can reduce that cost and ensure that there is effective service delivery. The road in Kisumu County was done at a cost of Ksh. 14 million, it is physical and for your information, we had not gone to seek BoQs, we were on a benchmarking tour. So now the relevant committee in charge of roads, where Hon. Ngui sits and he is not here, will go and seek for those documentations. Otherwise, they are private documents and because the.....(inaudible) in the Kisumu counterparts used to relinquish, they will(inaudible) but the good thing is the Hon. Speaker was there and he witnessed that all. So, that is the information you need to have. Thank you.

Hon. Deputy Speaker: What is the point of clarification Hon. Kitheka?

Hon. Kitheka: Hon. Speaker, the Finance committee Chairperson, should stop doing simple mathematics for this Assembly. He went to the document; he divided Ksh. 14 million by 3, he for Ksh. 4.6 million. That is simple mathematics and he did. The Kithimani road, Ksh. 650 million divide by 33, he got something to do with Ksh. 19.6 million and that is now where he is gauging us there, about where we should be getting our basis of calculation per kilometer in Machakos. Should a kilometer cost Ksh. 19.6 million in Machakos and Ksh. 4.6 million in Kisumu? Are we going to accept that? Mr. Speaker, I think the Chairperson needs to be guided.

(Laughter)

Hon. Deputy Speaker: Order Members, I would like to invite debate on the matter before we conclude. The member is adequately informed now. Hon. Rachel Nduku.

Hon. Rachel Nduku: Thank you, Mr. Speaker. I am supporting this document and I am also congratulating the Chairperson. I am of the opinion that the Committee of transport, roads and public works to visit Kisumu County Government to witness such a miracle because I can see here, my ward is quoted that it was murramed at Ksh. 15.7 million and Mr. Speaker, you have seen me coming late, I was meeting with the people of Syokimau they were complaining that the road is impassable, it cannot tolerate the *El-nino* which is on the way. Now, I am wondering, if we say that it is murramed and now it cannot be used because of potholes, comparing with the Ksh. 14 million which was used in Kisumu to tarmac 3 kilometer road, for

me I see this like a miracle, because if we say that the Syokimau/Katani road was murramed with that cost, I do not know, unless we go and see we believe what has happened to them. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Members. With those many submissions on that report, I would want to proceed and put the question on the adoption of the report of the Committee of Implementation on benchmarking tour in Kisumu County.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: The next order is subsequently deferred because of lack of quorum. We do not have quorum. I am informed we are lacking quorum and therefore the House adjourns until next week Tuesday. Enjoy your evening.

The House rose at 4.04 p.m.