

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 3<sup>rd</sup> December, 2015**

The House met at 2.36 p.m.

*[Temporary Deputy Speaker (Mr. Raphael Mutuku) in the Chair]***PRAYERS****Hon. Temporary Deputy Speaker:** Good afternoon members. Clerk proceed.**PETITION****MACHAKOS FORUM****Hon. Temporary Deputy Speaker:** Hon. Members pursuant to Standing Order 192 section 2 (b), a petition by Machakos Forum is hereby reported to the Assembly and I hereby proceed to commit the petition to the committee of Finance. Thank you, proceed.**NOTICE OF MOTION****LONG RECESS****Hon. Temporary Deputy Speaker:** Hon. Joshua Mwonga.**Majority Leader (Hon. Mwonga):** Thank you Mr. Speaker. I wish to give notice of the following motion: that this House adjourns its sittings from Friday, 4<sup>th</sup> December, 2015 to Tuesday, 9<sup>th</sup> February, 2016 as per the calendar of the Assembly. Thank you, Mr. Speaker.**Hon. Temporary Deputy Speaker:** Proceed, clerk.**BILL***Second Reading***MACHAKOS COUNTY ADMINISTRATIVE STRUCTURES BILL****Hon. M. Mutuku:** Mr. Speaker, Sir, pursuant to Standing Order number 121 (1), I wish to move the motion that the Machakos County Administrative Structure Bill number 4 of 2015 be now read a second time. Thank you Mr. Speaker, Sir. I wish to call Hon. Festus Ndeto to second the Bill.

**Hon. Ndeto:** Thank you Mr. Speaker, Sir. I wish to second the motion. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Mutuku, proceed.

**Hon. M. Mutuku:** Thank you. Mr. Speaker, Sir, with your permission I would like to take this Hon. House through the report of the Machakos Administrative Structures Bill, 2015. Mr. Speaker, Sir, this Bill is in three phases. Phase one is preamble, phase two is about committee views on the Bill then phase three Mr. Speaker, Sir, is public views on the Bill. Mr. Speaker, Sir, I would like to start taking the House through the report.

### **Preamble**

Mr. Speaker, Sir, the Machakos Administrative structures Bill, 2015 is aimed at devolving the Machakos County Government services to the urban areas and cities, the Sub-Counties equivalent to the constituencies, the Wards, village units and any further units as the county Government may determine.

Mr. Speaker, the Bill also provides for the establishment of the county administrative structures to co-ordinate service delivery by the County Government and to provide for powers, functions and responsibilities of administrative officers. Further, Mr. Speaker, the Bill would co-ordinate the provision of County Government services in all parts of the County and further provides mechanism for cooperation between the County Government.

Mr. Speaker, Sir, the Machakos County Government Administrative Structures Bill, 2015 was committed to the Committee on Decentralized Units and Urban Areas after the First Reading in the House as per Standing Order No. 121 (1) which states that “*A Bill having been read a first time shall stand committed to the relevant sectoral committee without question put.*”

Mr. Speaker, Sir, according to Standing Order No. 121(4), “*the chairperson of the sectoral committee to which a Bill is committed or a member designated for that purpose by the committee shall present the committee’s report to the House within twenty calendar days of such committal and upon such presentation, or if the committee’s report is not presented when it becomes due, the Bill shall be ordered to be read a second time on such day as the House business committee shall, in consultation with the member or the committee in-charge of the Bill, appoint.*”

Mr. Speaker, Sir, in line with the provisions of the Constitution, I hereby present to this honorable House the Committee’s report on the Machakos County Government Administrative Bill, 2015 which the Committee on Decentralized Units and Urban Areas discussed and made recommendation to the County Assembly for consideration. Mr. Speaker, Sir, the Decentralized Units and Urban Areas committee as currently constituted comprises of the following Hon. Members for your reference check your report the members they are outlined there. In view of that Mr. Speaker, I wish to continue.

Mr. Speaker, Sir, the Decentralized Units and Urban Areas committee has been extensively involved in various sittings to discuss the Machakos County Administrative Structures Bill, 2015 and in line with the Constitution Article 196 (1b), the committee invited the

participation of the public as per Standing Order No. 121 (3) which states that the committee to which a Bill is committed shall facilitate public hearing and shall take into account the views and recommendations of the public when the committee makes its report to the House.

### **Committee Views on the Bill**

Under interpretation Mr. Speaker, Sir, Members recommended the following:

- That the “Village Units” be changed to “Administrative Units” in the County to coordinate service delivery.
- The “County Executive Officer” be changed to read “County Executive Committee Member”
- The word “Location” be deleted and substituted with sub-ward in order to avoid circumstances where people can confuse it with the National coordination.

Mr. Speaker, Sir, the committee members also recommended that clause 17(c) be amended to include other stakeholders/persons from NGOs, FBOs, business community and marginalized groups in the County Government services committee to ensure citizen representation in decision making and for the purpose of community inputs and feedback. In addition, the committee recommended that the experiences needed for a person to qualify as a sub-county administrator in clause 7 (1c) is 5 years and above but not 10 years as it is in the Bill and in clause 7 (2b) for persons to qualify for appointment as a ward administrator should hold at least a diploma and for a village administrator a certificate from a recognized institution but not a secondary school certificate.

Further, Mr. Speaker, Sir, the committee members recommended that administrative officer should be appointed by the County Public Service Board through a competitive interview without consultation of the Governor. Finally Mr. Speaker, the committee members recommended that clause 16 (2) be amended to allow the County Executive Member determine the location of administrative units offices in consultation with the administrative unit stakeholders and the residents.

### **Public Views on the Bill**

Mr. Speaker, Sir, the members of the public proposed that the formation of boundaries of administrative units in clause 5 (1) be in harmony with the National administrative units especially where a Location cuts across two electoral Wards and proposed that the review of the boundaries be taking place after a period of 10 years.

Mr. Speaker, Sir, the members of the public also proposed that after the County Executive Committee reviews the number, names and boundaries of administrative units in clause 5 (2) , they be further taken to the County Assembly for the approval.

Mr. Speaker, Sir, the members of the public proposed that the urban areas and cities Act (2011) was under repeal and therefore it would affect the other structures thus there was a need to leave room for changes specifically in clause 6(1a) for Machakos City and other urban areas.

The members of public also proposed clause 6 (1d) which mandates the chiefs to administer the location be deleted since it was a national function and not a devolved function. In addition Mr. Speaker, members of the public requested the experience which was among the qualifications for a person to be appointment as an administrative officer to be reduced from 10 years to 5 years in clause 7 (1c) to avoid locking the youths or the majority of population out.

Mr. Speaker, Sir, the members of the public also proposed the qualification for a person to be appointed as a Ward or Village administrator to be raised from “certificate level” to a “Diploma level” in clause 7 (2a) with specification as in 7 (1c) Diploma for the Ward Administrators and Certificate for Village Administrators and should comply with Chapter six of the Constitution, that is integrity. Further Mr. Speaker Sir, the members of the public requested that clause 8 (1) be drafted to create room for competitive recruitment of the administrators by the County Public Service Board and be appointed by the Governor.

Mr. Speaker, Sir, the Members of the public also proposed that number (2),(3),and (4) in clause 8 be deleted because they were against the policy of public service recruitment principles and guidelines in order to avoid the person recruited being an agent of the Sub-County administrator and a new clause be provided indicating that all potential administrators would apply to the County Public Service Board but the sub county administrators /ward administrators be part of the recruitment panel.

Finally, Mr. Speaker, Sir, the members of the public proposed that the fine set aside for the person who disobeys or fails to comply with any lawful order issued or given by the administrative officer to be reduced to Ksh. 10,000 and be fixed.

### **Acknowledgement**

Mr. Speaker, Sir, the Decentralized and Urban Areas 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 their time to participate in the activities of the committee and in preparation of this report. Mr. Speaker, Sir, it is therefore my pleasant duty and privilege on behalf of the Decentralized and Urban Areas committee, to table the Machakos County Government Administrative Structures Bill, 2015 report to this Hon. house for consideration. Thank you, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Mutuku. Hon Members, the report is properly tabled before the House. I now invite debate, contribution. Yes Hon. Geoffrey Munyao.

**Hon. Munyao:** Thank you, Mr. Speaker, Sir. I think this is one of the most important reports we have received in this Hon. House because Mr. Speaker, we have seen the importance of having ward administrators and sub county administrators in place. Mr. Speaker, as elected leaders in our wards, we rely upon our chiefs, assistant chiefs when we want to deliver messages and as of now Mr. Speaker, if this Hon. House is going to adopt this report, I think we will be

having the ward administrators and village managers who will be used in our wards and in our areas of representation. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Hon Peter Nzioki.

**Hon. Nzioki:** Thank you, Mr. Speaker for this opportunity. Mr. Speaker, I stand to support this report. I support this report, Mr. Speaker, by saying we need service delivery to the people. There has been a black out between the Government and the public. Mr. Speaker, it has been very difficult administering service to the people of this county because we lack these administrators. Mr. Speaker, it is the high time that now that we have approved this report that we have this village and ward administrators employed with immediate effect. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker.** Thank you. Hon Oliver Nzeki.

**Hon. Nzeki:** Thank you, Mr. Speaker. I just want to comment on page 4 first paragraph c. Page 4 (c) first paragraph. It is saying somebody to be the ward or village administrator to have an experience of five years and above but not ten years as it is in the Bill. For persons to qualify for appointment as ward or village administrators, those are two different categories. There is ward administrator and there is village administrator.

A village administrator, I understand, is somebody who is very low. He administrates a village but ward administrator is either two locations or a ward. So Mr. Speaker, Sir, I do not see how a village administrator will have an experience of five years and have a degree. Yes, there is no way a village administrator will have a degree.

*(Applause)*

Because it is saying that ward or a village administrator so those are two different categories, so Mr. Speaker, sir, I find it very hard for a village administrator to have a degree; what about an MCA. The MCAs are getting the seat with a certificate and form four leavers. So there must be something wrong; can we check on that? Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you and I would advise Hon. Nzeki Munyaka maybe you can move an amendment during the committee of the Whole House to that effect. Hon. Rachael Nduku.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker. My concern is page four the same paragraph where the chairman has said that the village administrator should hold at least a degree from a recognized institution but not a secondary school certificate. I wonder how somebody can get a degree without a certificate from secondary education. You can go and get a degree and you are not a form four leaver. I do not understand because he has said a village administrator

should hold at least a degree from a recognized institution but not a secondary school certificate. It may mean what we think but to the public it may mean otherwise because we have seen people with degrees and without form four certificates. Thank you, Mr. Speaker.

**Hon. Speaker:** I think chairman you are taking note of that; maybe I will give you time to respond on that. HonLeonard Katela.

**Hon. Katela:** Thank you Mr. Speaker, Sir, I am supporting the motion, the report, but I am also wondering aloud as the two speakers have said before. I think it is high time we consider our locals because I think we have about one thousand or two thousand villages in Machakos County and you do not go looking for a degree holder when there are those old wazees who have been village administrators and they have been there for 50 years and they have not been paid. Why can't we first consider those who have been there?

And they have been asking us why they cannot be paid something small. They do not even ask for money; they ask for something small. I do not know what that means in quotes. Why can't we first consider those old men, the age of mayor and Kalunde who are administering the villages at home instead of going for a young boy to come and administer old retired people like Kamitu? Protect me I have not finished, protect me.

**Hon. Temporary Deputy Speaker:** Yes point of order.

**Hon. Katela:** Protect me.

**Hon. Temporary Deputy Speaker:** Hon. Katela, resume your seat.

### POINT OF ORDER

**Majority Leader (Hon. Mwonga):** Mr. Speaker, I think the Hon. Member is imputing improper motive against Hon. Members. How is he equating Hon. Members who are sitting in this house with village administrators, Mr. Speaker?

**Hon. Temporary Deputy Speaker:** Hon Member you have to withdraw.

**Hon. Katela:** I withdraw Mr. Speaker, Sir, but I continue. I am saying since time immemorial, we had those old men like my grandfather who died being a village administrator and he was paid nothing. Again, I want to ask the chairman budget if he is here whether we have a budget for those people because in my hand, I am holding a motion stopping employment and this is the third time in the county and now you want to employ other people; is there a budget for such people and we say the wage bill is ballooning for the county.

Can we first be told before we pass this and before we wake up and sing and say yeah; can we be told whether there is a budget for that? Because the moment you say that, they will

start employing tomorrow and I am telling you they have already been employed if you are saying that today. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Yes point of order from Hon. Nduva.

### POINT OF ORDER

**Hon. Nduva:** Mr. Speaker, I think Hon. Katela is moving from the motion we are discussing. He is holding a paper saying that he is to table a motion to stop employment and the matter in front of us does not contain what he has in that paper. Mr. Speaker, what I want to tell this House...

**Hon. Temporary Deputy Speaker:** Hon. Nduva proceed, you are protected.

**Hon. Nduva:** What I want to inform this House it is what Hon Katela holds is what he thinks and this House will decide whether what he has will be effected. The matter before us is employment of ward administrators and village elders. I want to support the motion but Mr. Speaker, it is important when we are putting---

**Hon. Temporary Deputy Speaker:** Hon. Nduva, are you contributing or you are raising a point of order?

**Hon. Nduva:** Mr. Speaker, I was raising a point of order but I would like to make a comment on the motion with your permission.

**Hon. Temporary Deputy Speaker:** I will give you time later. Resume your seat.

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

*(Applause)*

**Hon. Temporary Deputy Speaker:** Point of order sustained. Hon. Members, this is a report that is introducing a Bill. Once we pass a Bill, we will give the relevant County Executive Committee member to come up with modalities on how to implement the Bill. We are not saying that we are going to employ ward administrators now. We are only creating structures; that is the purpose of this Bill. Hon. Joshua Mwonga.

**Majority Leader (Hon. Mwonga):** Thank you, Mr. Speaker. I want to thank you for according me this chance to contribute on this important Bill on administrative. Mr. Speaker, I will go straight to page three on committee views on the Bill, point three. The word 'location' be deleted and substituted with 'sub-ward' in order to avoid circumstances where people can

confuse it with the national coordination. Mr. Speaker, already in the Constitution we have a ward actually which I can say it is almost equivalent to a location; what the committee left here is the sub-locations although you will find that we have some wards which have two locations. I think here the word sub-ward should represent sub-location but not the location.

Equating this with the national government structure, formally we had districts; now they are sub counties. Already we have wards, what are wards? They are locations, but sub-locations are not here. You cannot say we have sub-ward being the locations which we had so the sub-ward should be the sub-locations then when we go to the village, this Bill should define the boundaries; how big or what is the population of a village? Let us not just leave it like the way it is.

We should have some amendments or input to say the population in a ward and the boundaries are we going to retain the villages we have? For example now, I think we have a thousand villages in Machakos County; are we going to retain these villages or are we going to increase the number or decrease the number. Actually, the Bill should specify what we are going to do, and what is a village, what is a sub-ward like we know what a sub-county is. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Stephen Muthuka.

**Hon. Muthuka:** Thank you Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, I rise to applaud the committee of decentralized units and urban areas for this report. I think this is a preamble of the Bill that is coming for a Second Reading and I want to remind the members of the Assembly that this report just gives the views of the public together with the committee and that is the reason why it is being presented in this Hon. House for the debate of the Bill.

Mr. Speaker, if you look at the order paper, the Bill is coming for a Second Reading; that means all the views that members are giving, there is a room which they should have registered with the Clerk for the amendments, so the purpose of the report is like an introduction to what we are about to do. If there are amendments, they cannot be done at the moment since you know the procedure of the Assembly so, Mr. Speaker, I feel now as we go for recess I think I have a reason why I should rest because for any government, structures are paramount and, Mr. Speaker, we have less than two years to end this session.

Mr. Speaker, you know that we had Transition Authority whose term is expiring probably by March and the purpose of Transition Authority was to help us transit so that the system of County Government would be alone and will be running and I think, Mr. Speaker, to some extent we are late considering that this is the time we are discussing the structures and the structure is already in our County Governments Act which establishes the counties. So, Mr. Speaker, it is my humble request that we should push this Bill so that we can recover the time that we have lost and again, Mr. Speaker, somebody has questions about whether we have money to pay these people. These are administrative structures which as we budget, we always budget for employees who are in the structures.



At the same time, Mr. Speaker, you know that we have been complaining about ghost workers; this is the high time to clean our county, to remove all the ghost workers, because already we have locational coordinators; we do not know who established them. They receive their monthly pay, they receive their allowances but we never get the wage bill presented to this Hon. House for any approval. I tend to think that that part has delayed implementation of this Bill and it is the high time that I request the Hon. Governor to scrap such anomalies in the system so that by the time our term is over, we will have a strong foundation for this County. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you. We can hear Hon. Sammy Nduva.

**Hon. Nduva:** Mr. Speaker, I was putting a point across while supporting this Bill that the qualification of a village elder should not be put together with the qualification of a ward administrator because we feel that the ward administrator office is a higher office than the village administrator regarding to what the village administrators of today are. Mr. Speaker, I was thinking of an amendment to be done in this part whereby instead of the degree for somebody to qualify to be a village administrator, one to have 'O' level certificate and that way, we will take care of our brothers and sisters who are down in the villages and they have 'O' level qualifications. Thank you. Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you, it is noted. For now we can hear the chairman, Decentralized Units. May be you can respond on issues that have been raised by members.

**Hon. M. Mutuku:** Thank you, Mr. Speaker, Sir. Let me applaud the members for their views which they have presented to this Hon. House and I would like to give some comments especially on the qualifications. For those who were keen when I was going through the report, we have views from the committee and we have views from the public and if you check the views of the committee, we had said the initial experience was ten then we felt that engaging somebody with ten years' experience, that person will actually be tired and probably expired in a way so we reduced the experience to five years.

We went ahead and checked the issue of qualification to be appointed as a ward administrator that is equivalent to MCA if you are ward administrator. Then when you look at a ward or a village, as per the Bill I think they are trying to equate the ward as more synonymous to the village so they had a feeling for somebody to be an officer as a ward administrator, they should actually have a degree. Initially it was a secondary school certificate and the committee had a feeling such a person without a training cannot manage the affairs of the ward effectively and efficiently. That is why the committee recommended the minimum qualification to be hiked, to be raised a bit.

When we go back now when you check the public views on the same, they were saying for ward or village administrator to be raised from certificate level to diploma level in clause 7 (2a). Diploma for ward administrators and certificate for village administrators and should

comply with chapter six of the Constitution, so there should be no confusion. Those were different views from the committee and views from the public. For those who were saying we are saying to be a village administrator you need to have a degree, no. we are saying you need to have a certificate as per the public views. I am saying those were views; we are yet to revert back to the committee of the Whole House so that you bring those views.

Hon. Katela had requested and actually had a concern about why we are developing the structures and I would like to say on behalf of the committee, this Hon. House has a constitutional mandate to develop that Bill. As you are aware, the positions of the ward administrators and village administrators are anchored in the Constitution and we cannot run away from the Constitution. As a House we need to develop a Bill so that we are in a position to engage those employees for effective and efficient running of the County especially if the devolution has to succeed.

The issue of the Hon. Majority Leader about the committee equating location to a sub-ward and in order to avoid the issue of confusion between the national functions and county functions, I think we normally have sub-counties and from sub counties, we felt as a committee the next level should be sub-ward because if we are to go the national way of actually developing structures, the county may not be having enough resources to pay all those people and that is why you find in a location there are so many villages. I think Machakos may not be having the resources to pay all the village elders in the whole of Machakos because they are so many. That is why we had at least to standardize. With those few clarifications Mr. Speaker, Sir, I wish to rest my case there.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Members, I can see the mood of the House that we are all in consensus and if there are matters that maybe need some amendments, they can be done during the committee of the Whole House. Unless you have an opposing voice I proceed to---

**Hon. Member:** Hon. Speaker---

**Hon. Temporary Deputy Speaker:** I proceed to put the question that those in support that the report presented today by Hon. Mutuku, Chairman, Decentralized Units.

*(Question put and agreed to)*

Hon. Members, I propose that the House turns into a committee of the Whole House.

*(Question put and agreed to)*

**(THEN)**

## **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Temporary Deputy Speaker left the Chair]*

IN THE COMMITTEE

*[Madam Chairperson (Hon. Amina Mutio) took the Chair]*

MACHAKOS COUNTY ADMINISTRATIVE STRUCTURES BILL NO.4 OF 2015

**Madam Chairperson:** Good afternoon members. I invite you to the committee of the Whole House.

*(Clause 14 agreed to)*

**Clauses with Amendments**

*Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25*

**Madam Chairperson:** I propose the question that those clauses as they have been read to be part of the bill mover

**Hon. M. Mutuku:** I move that the amended clauseS as they have been read be part of the bill.

*(Question put and agreed to)*

**New Clauses**

*(Clauses 1, 2, 3 and 4)*

**Madam Chairperson:** I propose that the question that the clauses as they have been read to be part of the bill mover.

*(Question of the new clauses proposed)*

*(New clauses read the First Time)*

**Hon. M. Mutuku:** I propose that the new clauses as they have been read be read a second time.

*(Question, that the new clauses be read a Second Time, proposed)*

*(Question, that the new clauses be read a Second Time, put and agreed to)*

*(The new clauses were read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Madam Chairperson:** The mover.

**Hon. M. Mutuku:** I wish to move that the committee do report its consideration of the Machakos County Administrative Structures Bill No.4 of 2015 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Madam Chairperson:** Thank you members we are through with the whole house.

*(The House resumed)*

*[Temporary Deputy Speaker (Hon. R. Mutuku) in the Chair]*

**CONSIDERATION OF REPORT AND THIRD READING**  
**MACHAKOS COUNTY ADMINISTRATIVE STRUCTURES BILL NO.4 OF 2015**

**Hon. (Ms.) Amina:** Mr. Speaker, I beg to move that the committee does report to the House its consideration of the Machakos County Administrative Structures Bill No. 4 of 2015 and its approval thereof with amendments. Thank you, Mr. Speaker.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Temporary Deputy Speaker:** Chairman, Decentralized Units.

**Hon. M. Mutuku:** Mr. Speaker, Sir, pursuant to Standing Order 131 (1), I wish to move that The Machakos County Government Administrative Structures Bill No. 4 of 2015 be read now a third time. Thank you, Mr. Speaker, Sir. I wish to call upon Hon. Geoffrey to second the Bill.

**Hon. Munyao:** Thank you Mr. Speaker, Sir. I stand to support the Machakos County Government Administrative Bill to be read for the third time. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Hon. Members is there a member who may want maybe to debate more on the Bill? In the absence I can call Hon. Mutuku maybe to respond.

**Hon. M. Mutuku:** Thank you. First and foremost, let me applaud the Hon. Members who in one way or another have contributed to the success of this Bill. Hon. Members I would like to thank you so much for the work well done. As you are aware, by passing this Bill, it has become a milestone not only for this Hon. House but for the whole of Machakos County Government. Hon Members when this Bill becomes operational we need to know it will actually make or promote democratic and accountable exercise of power within Machakos.

It will also promote county unity by recognizing diversity of different regions within the county. Therefore in view of that, once again let me say thank you for the support of the Clerk and for the support of the Speaker of the Assembly and the support of the committee of the decentralized units. Once again as I sit down I wish each and every one merry Christmas and prosperous New Year 2016.

**Hon. Temporary Deputy Speaker:** Thank you. Hon Members I now propose the question that the Machakos County Government Administrative Structures Bill No. 4 of 2015 be now read a third time.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

Thank you. The Bill is now considered first and it will now proceed with the other procedures of the assent. Proceed.

### MOTIONS

#### SUSPENSION OF EMPLOYMENT IN THE COUNTY

**Hon. Temporary Deputy Speaker:** Hon. Katela, proceed. Let us first of all hear Hon. Katela then we can get back to you.

**Hon. Katela:** Thank you Mr. Speaker, Sir. I stand under Standing Order 227 to move a motion, Mr. Speaker---

**Hon. Temporary Deputy Speaker:** Proceed, Hon. Katela you are protected.

**Hon. Katela:** I stand under Standing Order number 227 to move a motion that aware that the wage bill in this county has been growing in an abnormal rate from Kshs. 1.9 billion in 2013-2014 to Kshs 3.4 billion in 2014-2015 as per the report of the Controller of Budget; aware that various assembly committees have endeavored to address the issue of ballooning wage bill at different forums with the Executive;

Informed that the Budget and Appropriation committee recommended for freezing of employment in the county save for the health workers, youth polytechnic instructors and ECD teachers; aware that the Labour, Public Service and ICT committee held a meeting last week with the Chief Officer, department of Public Service, Labour and ICT where the matter of recruitment of revenue clerks advertised about two weeks ago was discussed and a resolution to suspend the recruitment of the revenue clerks reached, noting that the Executive did not suspend the exercise and recruitment has been undertaken in Mwala sub-county and elsewhere;

Aware that the County Public Service Board confessed it does not know the actual number of revenue clerks serving in the county and aware that the ongoing recruitment will engrave the problem of wage bill and lead to loss of county funds since the County Public Service Board did not know the actual workers in the county; further aware that the House approved a motion for the County Government to engage an impartial audit agency to carry out audit of all staff in the county on 28<sup>th</sup> October, 2015, I wish to move the motion that all employment in the county be suspended immediately save for health workers, youth polytechnic instructors and ECD teachers until a report on audit of all county staff is undertaken, tabled and approved by the County Assembly. I call upon Hon. Renson to support the motion.

**Hon. Muthiani:** Thank you, Mr. Speaker, Sir and the House at large. I stand to second the motion. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Hon. Members, the motion is before the House, I welcome debate. Hon. Sammy Nduva.

**Hon. Nduva:** Mr. Speaker, Sir, I stand to oppose the motion as laid by Hon. Katela. Mr. Speaker, I wonder when employees are employed across the county which includes even the villages is when it is recognized that employees' employment was terminated. Mr. Speaker, we know very well employment has been going on in this county of Machakos and it is when our brothers and sisters in the villages are employed that Hon. Katela is coming up with a motion that...protect me Mr. Speaker,

**Hon. Temporary Deputy Speaker:** Let us have the point of order. Resume your seat I will give you time. Hon. Katela what is the point of order?

### POINT OF ORDER

**Hon. Katela:** Hon Speaker, Sir, I want to put a point of order that this is not my motion; it is a motion of my committee and it is a resolution of my committee which in the first letter, the immediate speaker was a member of the committee and he is the one who passed that, who said we did not need more employees. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Katela, you are presenting on behalf of the committee and the Hon. Member is right to address you; he can change his mind during the debate. Proceed.

**Hon. Nduva:** Mr. Speaker, I am confused because of this amazing motion that has been brought to this House that is why Mr. Speaker I am confused. I am calling---

**Hon. Temporary Deputy Speaker:** Proceed.

**Hon. Nduva:** It is worrying because we know when the exercise of employing the revenue clerks was done, it was reported that in some sub-counties only three or five members were engaged while others engaged even 90. To my understanding Mr. Speaker, and I have a document to prove that,there are sub-counties which have employed over 90 employees while others have employed 3 but since employment has been going on Mr. Speaker, I do not see the reason why today we should sit here in this House and suspend when locals are being employed.

Mr. Speaker, I oppose the motion and the issue of the service board, it is not employing new employees for the revenue clerks; what is there Mr. Speaker, they want to regularize that each sub-county has an equal number of employees with the others because there are some who even have 3 or 5 employees of revenue collection while others have 50 so, Mr. Speaker, I stand to oppose this motion totally that the exercise should continue. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Stephen Muthuka.

**Hon. Muthuka:** Thank you Mr. Speaker, sir, and the rest of the House. I stand to oppose the motion in totality---

*(Applause)*

Mr. Speaker, I do not understand why we have double-speak. The chairman in question is the chairman of labour and Mr. Speaker, we have been yapping about ghost workers in the county and now when the Public Service Board wants to employ the genuine employees...

*(Applause)*

...a committee sits down and brings such a motion. Mr. Speaker, I have requested if the committee could have brought us a report on the employment in the county of all the departments inclusive of the names of the ghost workers. From there we will be discussing this motion from a point of information but as it stands now, I think this is a gimmick to look for chicken somewhere...

*(Applause)*

...and I wish to oppose this motion and call it a waste of time for this Hon. House and allow the public service board to regularize the employment in Machakos County so that by the end of the day, we get the genuine employees and the qualified employees of this county of Machakos. Mr. Speaker, in totality if it was my discretion I would have thrown this motion through the window so that we may save valuable time for this Hon. House. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Cecilia Sereka.

**Hon. (Ms.) Sereka:** Thank you Mr. Speaker, Sir, and the House at large. I stand here to oppose the motion by Hon Katela. Mr. Speaker, Sir, as you can even see on the floor of the House, there are two members of labour committee and all the other members have gone out. This means they are not with their chairman. Mr. Speaker, if you look very well, this is the high time Machakos County should know who the genuine workers are, and to add on that, two years ago the service board employed workers for revenue collection.

Up to now Mr. Speaker, those workers down there have not been given their letters because a lot of ghost workers were put on the list. So Mr. Speaker, I do not understand the chairman and it could be wise for this Hon. House to look into the behavior of this committee, Mr. Speaker---



*(Applause)*

...because I do not understand how such a committee and a committee with respect, through the chairman, can just sit down and say the service board should stop the work. That is their work; you cannot tell somebody to stop his or her own work. The Hon. Member is here doing his work; why should they stop the Machakos Service Board, Mr. Speaker. Mr. Speaker, protect me from the Hon. Member---

**Hon. Temporary Deputy Speaker:** Protected.

**Hon. (Ms.) Sereka:** Mr. Speaker, Sir, now we can read some malice here. Why now when the service board is ready to know the genuine casuals, Mr. Speaker. I as the chair of Health, support the service board to know who the genuine workers are because I have a lot of problems in the health sector. Mr. Speaker, Sir, I stand to oppose the motion and Mr. Speaker, I think we are wasting a lot of time and you can see members have really walked out Mr. Speaker. This motion has no business in this House; please let it be thrown out of the window. Thank you. Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Member, Hon. Cecilia when a matter is before the House, it has a business; you cannot say it does not have a business. You can withdraw?

**Hon. (Ms.) Sereka:** I apologize, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Oliver Munyaka.

**Hon. Nzeki:** Thank you Mr. Speaker. I am not opposing nor approving the motion but Mr. Speaker, Sir, because I know you do not see, you are advised by your clerks, the House has no quorum.

**Hon. Temporary Deputy Speaker:** Are you contributing or you are rising on a point of information?

**Hon. Nzeki:** Point of information. The House has no quorum.

**Hon. Temporary Deputy Speaker:** Then I will give you that room please, I thought you were contributing. Yes what is the point of order?

### **POINT OF ORDER**

**Hon. Muthuka:** Thank you Mr. Speaker, Sir. Since you do not see, I want to bring to your attention that we are lacking quorum in this House.

**Hon. Temporary Deputy Speaker:** We can proceed as the clerk verifies that. Any supporting voice?

*(Low consultations)*

I can see all members, the voices that I have heard, are opposing the motion. Do we have supporting voices? Yes Hon. Dominic Maitha.

**Hon. Maitha:** Mr. Speaker, Sir, though I was outside, I am wary about the issue of employment. Mr. Speaker, Sir, sometime back I was in this House enquiring about the employment of people in Machakos County. The wage bill is unsustainable. Mr. Speaker, before we go ahead and employ some more people can we be given a clear database---

*(Applause)*

...clear database of how many employees we have. Mr. Speaker, Sir, employment or recurrent expenditure in Machakos County Government is taking over development that we promised our people. We continue employing yet when you go to the offices you have got more people working in those offices...protect me Mr. Speaker, more people working in those offices yet we say we want to employ. Mr. Speaker, what I would say is the only thing I can support in terms of employment is those revenue staff that we have always been saying they be legally absorbed.

*(Applause)*

...they be legally absorbed. Mr. Speaker, we can give room for that but until and unless this House is furnished with proper information by the committee on Finance where we need to increase the number of revenue collection officers, it is until that time Mr. Speaker, that we can be able to say, yes we can give room for more employment Mr. Speaker. Mr. Speaker, right now even when you roam about Machakos town, the number of revenue officers in Machakos town if properly utilized, Mr. Speaker I want to give a very practical example, if you go outside here along Kenchic area, we have got about three revenue collection officers, Mr. Speaker.

Do you want to mean that is a street that can be managed by three revenue officers? Absolutely, no. You find less than 100 cars parked there. Mr. Speaker, that is misuse of human resource. Let us first use the available human resource, this House be furnished with proper details by the committee on Finance where the revenue department through the minister of finance feels there is need to increase the number of staff. Otherwise Mr. Speaker, we will continue to balloon the wage bill and this Hon. Members tomorrow who are supporting continued employment, you will hear them complain about development which has not been accomplished in their ward.

So do we sacrifice development for employment Mr. Speaker, I am speaking from a point of reference and a point of view and it was in this House that we said until further details are given about exact number of employees in this county Mr. Speaker, we do not need to further employ. Let us first absorb those we have if there is need and if there is no need we can still redeploy, Mr. Speaker, Sir. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members I am advised we have quorum, we can proceed. Can we have the point of information from Sammy Nduva?

### POINT OF INFORMATION

**Hon. Nduva:** Mr. Speaker, the point of information is I want to tell the Hon. Member who was in the floor that it is better this time the service board has announced and gazzetted that they want to regularize the revenue clerks. Other times, employment is done without even information given to anybody---

**A Hon. Member:** Point of information.

**Hon. Temporary Deputy Speaker:** We cannot have a point of information on a point of information.

**Hon. Nduva:** Mr. Speaker, protect me.

**Hon. Temporary Deputy Speaker:** Yes point of order.

### POINT OF ORDER

**Hon. Katela:** I want to ask my previous speaker to read English well. We are talking of employment not regularization and where he got that information from the backstreets, he should come and tell us fully because he is not even a member of my committee. The committee is the one that sat here with the board and with the Executive and they agreed that they should not employ and they said unless we stop it with a motion, there is nothing they can just stop from the air. That is what we did.

You can ask Hon. Kamitu who is an active member of my committee. The same Executive and the same board are the ones who said we should stop employment with a motion because they do not also know where it came from, so they are just talking funny to please themselves and as Hon. Muthwani has said, they will just come and cry here again.

**Hon. Temporary Deputy Speaker:** Hon. Katela, let members contribute as per the motion you have presented to the House...

**Hon. Katela:** I am saying it is not regularizing, it is employment. I am talking of employment, not regularizing. Read English well.

**Hon. Temporary Deputy Speaker:** Resume your seat then we can have Sammy Nduva complete.

**Hon. Nduva:** Mr. Speaker, I think this is a one man business because even the members of the labour committee had left this House. Mr. Speaker, we are talking from facts. How many a times has employment been advertised? This is because even the collection---

**Hon. Temporary Deputy Speaker:** Hon. Sammy Nduva, remember you should be giving information to Hon. Dominic Maitha.

**Hon. Nduva:** Mr. Speaker, I stand corrected. Mr. Speaker, I want to inform Hon. Maitha this is the only time the service board has advertised that they are going to recruit members; other times Mr. Speaker, employment is carried out in this County but no advertisement has been done. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Can we have the point of order from Hon Gideon Kavuu.

#### POINT OF ORDER

**Hon. Kavuu:** Thank you, Mr. Speaker, according to what the members have said especially our chairman, we sat down with the Executive and then we recommended that we should not employ other employees.

*(Applause)*

Again, Mr. Speaker, although we know that, Mr. Speaker, does not see what is happening in the House, when you look at the House we have no quorum and this is a very serious motion; it needs all the members and when you count these members Mr. Speaker, they are only 13 out of 59 members so Mr. Speaker, I seek permission to go and whip the members. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Dominic.

**Hon. Maitha:** Mr. Speaker, I once said in this House, one better way and one most effective way of exercising oversight authority is to read. Is it in order for Hon. Nduva to cheat this Hon. House that it is the first time for the County Public Service Board to advertise?

*(Applause)*

Mr. Speaker, even give less than even one hour, I can produce a document that shows that it was advertised by the County Public Service Board not more than six months ago employing county revenue clerks. Mr. Speaker, Sir, the same advert was put, they recruited but the process was not transparent Mr. Speaker, and since then we have been raising queries every other time, Mr. Speaker. He is out of order and he should apologize to this House for misleading this House that it is the first time that the County Public Service Board is advertising. I think he is out of order, Mr. Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Nduva maybe you can put the record clear. You are saying this is the first time.

**Hon. Nduva:** Mr. Speaker, I want to put it clear that I have said employment has been carried out in this county of Machakos but many times it has not been advertised. I did not mean that it is for the first time. Mr. Speaker how many a times have we seen even this County Assembly employees being employed? Mr. Speaker, I think I am not mad when I am saying it is and many times employees have been engaged in this county government of Machakos and advertisement has not been done. So Mr. Speaker, I am saying it is not that this is the first time the employment has been conducted in this county government of Machakos---

**Hon. Temporary Deputy Speaker:** Maybe chairman, Labour committee, you can note that then later I will give you time to respond to that. Hon. Jacqueline Nziva.

**Hon. (Ms.) Nziva:** Thank you Mr. Speaker and the present members. I am in support of the motion.

*(Applause)*

Mr. Speaker, you realize that the wage bill has ballooned and everyone knows that. In fact there are many casual workers who have gone many months without being paid. I do not know members whether we are confused or what.

*(Applause)*

What we are supposed to be saying now is for the workers to be given letters of appointment and be employed on a permanent basis Mr. Speaker, if we have to talk about this. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Renson Muthiani.

**Hon. Muthiani:** Thank you Mr. Speaker, Sir, and the House at large. Mr. Speaker, Sir, I am wondering why Hon. Nduva is opposing this motion and it was last month when Hon. Nduva brought a motion here---

**Hon. Temporary Deputy Speaker:** Hon. Renson Muthiani, every member has a right to oppose or to support. You withdraw that one.

**Hon. Muthiani:** Okay, thank you Mr. Speaker, Sir. I want to say that we had a case here and we had a motion which was discussing the CEO, County Public Service Board because of what had happened in the recruitment of the staff and now she is not in office because of the mistakes she made and the members who were in that *ad-hoc* committee in fact are the ones who are opposing the motion and in fact they know exactly what transpired in that department. So Mr. Speaker, Sir, if at all we want to save our people and the staff who are already in office, we should completely stop the employment in the county at the moment. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** Thank you. We can have Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you very much Mr. Speaker, Sir. I stand here strongly supporting the motion. Mr. Speaker, Sir, you are also aware that it is me who brought the motion in regard to taming the wage bill in Machakos County.

*(Applause)*

Mr. Speaker, Sir, you are very much aware that we have our brothers and sisters who up to date do not get their monthly payment because the wage bill is very high. Mr. Speaker, Sir, if you are not aware, I am informing you especially in my ward, we have employees who go for about five months without getting their salaries---

*(Applause)*

...so when we are talking about this exercise which is being carried out, we are also wondering, are we going to tame the wage bill? And in any case, how are we going to do development within Machakos County because if you are not able to pay the employees, are we able to have money for expenditure because we have to look into two things, Mr. Speaker, the development expenditure and the recurrent expenditure. So in this regard, Mr. Speaker, we should stand up to support the motion by saying any unnecessary employment should be

immediately stopped so as to save the county from falling. Otherwise I stand to support Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Hon. Alex Kamitu, you are talking about unnecessary employment but the motion is clearly that all employment be stopped. Maybe you can tell the House what you mean by unnecessary employment.

**Hon. Kamitu:** Thank you Mr. Speaker, Sir. Let me put it right that we should not do or make any further employment, just to save the county and for the purpose of removing some suspicion, maybe what Hon. Members have is that it is not bad; employment is not a bad exercise but if you look into things Mr. Speaker, Sir, practically, sincerely what would be the objective now of getting more employees while we are not even able to pay those we have already in the county.

For us to be on the safe side Mr. Speaker, Sir, I would suggest and I would recommend as I said, I stood here talking of taming of the wage bill so Mr. Speaker, Sir, I would recommend that before we continue with this exercise now, for us to save the county government it is good first of all to harmonize and to give letters---

*(Applause)*

...to harmonize and to audit the employees that we have so that we can do simple calculations: how much do we have, how much are we getting and how much are getting from the central government?

**Hon. Temporary Deputy Speaker:** Yes what is the point of order?

#### POINT OF ORDER

**Hon. Muthuka:** Thank you Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, ignorance is not a remedy in this discussion or any undertaking. Mr. Speaker, Sir, we have Standing Orders and I want to invoke Standing Order number 31 (1): "*a quorum of the Assembly or a committee of the whole assembly shall be one third of its members.*" Mr. Speaker, we have 59 Hon. Members of this Assembly; a third a simple arithmetic is 19. We are less of that quorum, Mr. Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you, we will verify then I will get back to you. You can complete, Hon. Kamitu.

**Hon. Kamitu:** Thank you Mr. Speaker---

*(Applause)*

...for having seen the importance of me to continue giving the facts. Mr. Speaker, Sir, I was saying if we can do simple calculations, we must be able to account and audit the much we are getting from the central government, the much that we are collecting so that in case we want to do any further employment, we must be in a position to know that all the employees, the harmonization of their pay, the development issues within the county government are at par otherwise we are comfortable but up to now Mr. Speaker, Sir, on a very sincere note, you are aware that we are having complaints from our employees, the electorate who are in Machakos county, so we do not need a lot of theories Mr. Speaker, Sir; we only need to say the recruitment which is being carried out---

**Hon. Temporary Deputy Speaker:** Let the member complete.

**Hon. Kamitu:**...for us to harmonize and for us to be seen to be sincere and to be mindful of our employees, we need to stop that recruitment. I stand to support.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Kamitu. We can have... yes what is the point of information?

### POINT OF INFORMATION

**Hon. Maitha:** Mr. Speaker, I wish to point out to the Hon. Members present that the Standing Orders are very clear. Whenever an issue has been raised about quorum in the House while within the Assembly, a member is not supposed to go out---

*(Applause)*

Mr. Speaker, I do not know whether I am out of order because when it has been put to your attention that the House does not have quorum, members are not supposed to move out of this House Mr. Speaker, Sir. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Leader of Minority.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker. I stand here, Mr. Speaker, to support this motion in totality.

*(Applause)*

Mr. Speaker, as you are aware, our recurrent expenditure is moving close to 60 percent. You are aware and members are aware that employees and even casuals have gone for more than six months without pay. When we are talking about employing more employees,



where are we getting money from? Mr. Speaker, you remember His Excellency, the Governor went ahead last year and talked about tarmacking seventeen roads.

*(Applause)*

These projects have not yet started because we do not have funds to do it. Mr. Speaker, when we are talking about employing more staff, where are we going to get the money, Mr. Speaker? I stand here to support this motion in full. Thank you very much.

**Hon. Temporary Deputy Speaker:** Hon. Members, maybe I can invite the chair to respond to---

**Hon. Katela:** Thank you, Mr. Speaker, and as you can read the mood of the House---

**Hon. Temporary Deputy Speaker:** The Chairman is protected, proceed.

**Hon. Katela:**...because we have some more business waiting for us, there is no need of wasting time with people who just want to waste time of the House. Mr. Speaker, can you please put the question and thanks a lot for supporting this motion.

**Hon. Temporary Deputy Speaker:** Hon. Leonard Katela, members are not wasting time. You withdraw.

**Hon. Katela:** I withdraw. Those who are wasting time have moved out. Thank you Mr. Speaker, we can now continue and to save time for these serious members, can we please put a question and I am very happy that you have supported the motion which is a business of this House. Thank you. Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Members we are have debated exhaustively and I now proceed to put the question that those in support of the motion as presented.

*(Question put and agreed to)*

**Hon. Temporary Deputy Speaker:** Proceed.

### THIRD EDITION OF KICOSCA/CASA GAMES

**Hon. Muthiani:** Thank you, Mr. Speaker, Sir, and the House at large. Here is the report on the third edition of KIKOSCA/CASA games.

### Preamble

Mr. Speaker, KICOSCA stands for Kenya Inter-County Sports and Cultural Association whereas CASA stands for County Assemblies Sports Association. KICOSCA, originally referred to as KIMSCA (Kenya Inter-Municipal Sports and Cultural Association), was formed in 1978 and the name changed after development of the County Governments in accordance with the new Constitution. Currently, the KICOSCA organization is majorly for the County Government Staff whereas CASA is for the Members of the County Assemblies. The game which brings together all the county governments' staff and MCAs includes dances, indoor and outdoor games.

Mr. Speaker, Sir, these games helps and reduces inter-ethnic conflicts, promote equality of opportunities and good leadership. The games also facilitate and promote a Kenyan society whose values are harmonious and non-discriminatory for peaceful co-existence. The theme for this year's games was "Enhancing National Cohesion through Sports."

Mr. Speaker, Sir, the KICOSCA/CASA games were held on 16<sup>th</sup> to 23<sup>th</sup> August, 2015 in Eldoret, Uasin Gishu County. The games saw a turn up of 27 counties out of the 47.

### **Mandate of the Sub-Committee**

Mr. Speaker, these games squarely lie within the mandate of the committees of Youth, Women and Sports and Culture and Tourism. Further, Mr. Speaker, Sir, pursuant to the Standing Orders, Second Schedule, the committee of Culture and Tourism shall deal with "all matters related to Cultural Activities, public entertainment and public amenities, including betting, lotteries, casinos and other forms of gambling, racing, liquor licensing, cinemas, Video shows and County parks, beaches and recreation facilities and local tourism, culture; control of drugs and pornography; and annual animal control and welfare, including licensing of dogs and facilities for accommodation, care and burial of animals."

The Committee of Youth Women and Sports is mandated to deal with "Youth welfare, women affairs, empowerment of women, matters of equality, affirmative action and gender related issues and sports activities and facilities."

Mr. Speaker, Sir, the two Committees met on 14<sup>th</sup> July, 2015 and formed a sub-committee to spearhead all matters related to the KICOSCA/CASA games.

### **Membership of the Sub-Committee**

Members of the Sub Committee include: -

- |    |                             |                   |
|----|-----------------------------|-------------------|
| 1. | Hon. Renson Muthiani        | -Chairperson      |
| 2. | Hon. (Ms.) Jacqueline Nziva | -Vice Chairperson |
| 3. | Hon. Joseph Itumo           | -Member           |
| 4. | Hon. Alphonse Wambua        | "                 |
| 5. | Hon. (Ms.) Nina Mbithe      | "                 |
| 6. | Hon. (Ms.) Benedette Mueni  | "                 |
| 7. | Hon. John Sila              | "                 |

The Office of the Clerk and the Department of Tourism and Culture assigned 8 officers to form a secretariat to assist the Sub Committee. The Secretariat includes.

1. Ms. Norah Muteti -Clerk Assistant
2. Mr. Luke Maingi -Clerk Assistant
3. Ms. Christine Matee - Games Coordinator
4. Ms. Lois Kithuka - Records Officer
5. Mr. Paul Keli - Librarian
6. Mr. Monica Musyoka -Accountant
7. Mr. Gabriel Muasya - Sports Officer (Department of Tourism and Culture
8. Ms. Elizabeth -Cultural Officer (Department of Tourism and Culture)

### **Preparation for the Games**

Mr. Speaker, Sir, the Sub-Committee held several meeting with the CEC and Chief Officer for the Department of Tourism and Culture, the Clerk of the County Assembly and team captains of the participating teams in a view to adequately prepare for the events. Having submitted a proposed budget of the KICOSCA/CASA games to the Department of Tourism and Culture, the Sub-Committee made efforts to fast track its implementation. The budget included allowances, transport, uniforms and games equipment i.e. balls, nets, darts board and darts, tug of war rope and boots.

Mr. Speaker, Sir, the Sub-Committee noted that there was no solid vote in the Department of Tourism and Culture to cater for the KICOSCA/CASA games. The Chief Officer had to do internal reallocations in the recurrent Budget to cater for the games. The total cost for these games was Kshs. 16,389,738. Annexed is a breakdown of the expenditure. Mr. Speaker, Sir, the County Government of Machakos had registered 15 disciplines for the staff (KICOSCA) and 6 disciplines for the MCAs (CASA).

The Sub-Committee tasked the team captains with ensuring that all teams practiced for the games sufficiently and vetting for team members was done to avoid a situation where joy riders would find their way to the competition.

### **Performance of the Teams**

Mr. Speaker, Sir, the Machakos County Government teams performed as follows: -

#### **KICOSCA Games (Staff)**

<b>Discipline</b>	<b>Position</b>
1. Folk song	2 <sup>nd</sup>
2. Traditional dance	7 <sup>th</sup>
3. Borrowed dance	17 <sup>th</sup>
4. Football (men)	3 <sup>rd</sup>
5. Pool table (men)	5 <sup>th</sup>
6. Basketball (men and women)	2 <sup>nd</sup> and 4 <sup>th</sup> respectively
7. Volleyball (Men)	not ranked
8. Table Tennis (Men)	not ranked

9. Set Piece 4<sup>th</sup>

CASA Games (MCAs)

<b>Discipline</b>	<b>Position</b>
1. Football (Men)	Lost at quarter finals
2. Darts (Men and Women)	2 <sup>nd</sup>
3. Pool Table (Men)	4 <sup>th</sup>
4. Netball (Women)	23 <sup>rd</sup>
5. Volleyball (Women)	20 <sup>th</sup>
6. Table Tennis (Men)	lost at semi-finals
7. Tug-of-war (men and women)	was disqualified

Mr. Speaker, Sir, Machakos County was ranked 4<sup>th</sup> position overall out of the 27 Counties which participated after Uasin Gishu which was number 1, Nairobi number 2, and Narok number 3.

Challenges Faced

Mr. Speaker, Sir, the sub-committee noted that participants for the various teams from our County faced the following challenges:-

- Delayed payments of per diem allowances where some participants had to go without their basic needs before payments were effected. Four participants have never been paid up to date. Others were underpaid.
- Delay in delivery of uniform hence participants didn't attend parades as the uniform was delivered late. Some teams have never received their uniform up to date. The tug of war team was disqualified from the competition because they did not have the uniform and the boots. The uniform was not branded hence contravening the rules of the games.
- First Aid services and refreshment (water and glucose) were not available for most of the participants. Further, there was communication breakdown where participants did not know when and where they were to perform from.
- The sub-committee also noted with a lot of disappointment that some Hon. Members forcefully got more than two uniforms. These therefore led to other Hon. Members and members of staff lacking uniform. However the matter is being handled by the committee on Powers and Privileges.
- Up to date, almost all the suppliers who supplied the games equipment and uniform have not been paid their dues. Efforts to address the matter with the Department of Tourism and Culture have proved futile since the Chief Officer blamed the delay to the unpredictable cash flows from the National Government.

Recommendations

Mr. Speaker, Sir, the sub-committee recommends the following:-

- Each of the two arms of the Machakos County Government to have their own KICOSCA/CASA budget for its Staff and MCAs as was the case of the County Assembly to avoid conflict on facilitation of the participants. The budget should be set aside annually for the said games.
- Teams to register early and start practicing in different disciplines in preparation for the future KICOSCA games. This will ensure that teams perform much better in the events.
- The Department of Tourism and Culture moves with speed to see to it that the suppliers who have not been paid receive their payment within the next one week.
- The Department of Tourism and Culture should ensure that payment is effected for participants who have no yet been paid their allowances.

### **Acknowledgment**

Mr. Speaker, Sir, the KICOSCA/CASA sub-committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the sub-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. The sub-committee is indebted to the committees of Tourism and Culture and Youth, Women and Sports for nominating them to spearhead these games. Mr. Speaker, Sir, it is therefore my privilege, on behalf of the KICOSCA sub-committee, to table this report and recommend it to this Hon. House for adoption. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Seconder of your report?

**Hon. Muthiani:** Thank you Mr. Speaker, Sir, I now call Hon. Nziva to second the report.

**Hon. (Ms.) Nziva:** Thank you, Mr. Speaker. I am a member of the committee and I want to second the report and when you go to page three you realize that, Mr. Speaker, are you there? The sub-committee noted that there was no solid vote in the department of Tourism and Culture to cater for the KICOSCA/CASA games. Even in our recommendations Mr. Speaker, on bullet one that both arms of the Machakos County Government have their own KICOSCA/CASA budget for their staff and MCAs as was the case of the County Assembly to avoid conflict on facilitation of the participants. Mr. Speaker, I think the Hon Members next time should set aside a budget for the same so that this will not be experienced next time.

You realize even there are sports which are taking part in Rwanda and members have not gone; even the players from the Executive, reason being that we had no budget for the same. So members next time please set aside a budget so that we can cater for the same. Sporting makes members meet with member or staff of other counties and this is very good. It also enhances national cohesion and integration; financially people become healthy and they also become fit when they do sporting.

We are supposed to support sporting in our county. Finally, Mr. Speaker, sporting improves the economy of the hosting county. If we are the ones hosting the sporting event like Machakos, it will improve business in our county. So in future let us support this in totality and our members will benefit a lot. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Hon. Members the report is now before the House. It has been well presented by the chairman of the sub-committee. Hon. Members I feel that we should give members time we go through the report and the House Business Committee ballots it the earliest time possible in the next session.

*(Question put and agreed to)*

#### ADJOURNMENT OF SITTINGS

**Hon. Katela:** Thank you Mr. Speaker, Sir. I stand on behalf of Hon. Joshua Mwonga to bring this motion. Mr. Speaker, Sir, aware that the third session began on 10<sup>th</sup> February, 2015 and aware that the session has been very busy and that crucial business have been executed including the enactment of 10 Bills into law; cognizant of the fact that members need a rest from the vigorous work of oversight, representation and legislation and aware that during the session members had little time to consult with their electorate and to serve them; aware that electorates need to meet with their representatives;

Further aware that the Christmas festivities are approaching and members need a break to celebrate them; noting that the House approved an Assembly calendar which guides the House when to have a break and when to resume sittings and aware that the Assembly calendar indicates that the House should go for long recess from 4<sup>th</sup> December, 2015, I wish to move the motion that this Hon. House adjourns its sittings from 4<sup>th</sup> December, 2015 to Tuesday, 9<sup>th</sup> February, 2016 as per the calendar of the Assembly.

Thank you, Mr. Speaker, Sir, on behalf of Hon. Mwonga. I call upon Hon. Gideon Kavuu to second my motion.

**Hon. Kavuu:** Thank you, Mr. Speaker. I stand to second the motion that the members of this House go for recess. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Members. The motion is properly before the House and Hon. Members this is just a procedural motion that is anchored on the calendar that was adopted by this Hon. House. Hon. Joseph Muli.

**Hon. Muli:** Thank you, Mr. Speaker. I stand to support this motion for adjournment of the Assembly Mr. Speaker, as it---

**Hon. Temporary Deputy Speaker:** Yes Hon. Gideon Kavuu, what is the point of order.

### POINT OF ORDER

**Hon. Kavuu:** Thank you Mr. Speaker. Mr. Speaker---

**Hon. Temporary Deputy Speaker:** Hon. Joseph Muli, resume your seat.

**Hon. Kavuu:** He is not properly dressed please. Mr. Speaker, I think the Hon. Member should go out and dress properly and then he comes back and contributes.

**Hon. Temporary Deputy Speaker:** Hon. Joseph Muli, I am convinced; withdraw from the chamber. Yes Hon. Leonard Katela.

*(Hon. Muli withdrew from the House)*

**Hon. Katela:** Mr. Speaker, Sir, I stand again to support the motion of adjourning the House and I think the motion is self explanatory now that we have a calendar and I think this was put even in the bible; you do not debate on calendars. If the calendar says we adjourn today, we adjourn because there is nothing much we can do. So I want to thank members for the support you have given this House and the government for the whole of this year and hope that you will go and serve your electorates as the motion requests and I wish you merry Christmas. Mr. Speaker, with your permission I invite the minority Chief Whip for Christmas in my place for working well in this season. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Can I have Hon. Geoffrey...is it Geoffrey? Hon. David.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir. As Hon. Katela has said, I understand he has read my mind Mr. Speaker, Sir. We have no business to discuss in this motion because it is within the calendar of Machakos County Assembly and it is also good for us to go for recess and we also relax and we invite members for Christmas and happy New Year. Thank you Mr. Speaker, Sir. It is up to you to put the question.

### ADJOURNMENT

**Hon. Temporary Deputy Speaker:** Thank you Hon. Members. Before us was just a procedural motion which is anchored on the calendar that you adopted and without much ado, the House adjourns till next session.

The House rose at 4.30 p.m.