

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 9th February, 2016**

The House met at 2.31 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Clerk.**COMMUNICATION FROM THE CHAIR****COMMENCEMENT OF FOURTH SESSION**

Hon. Speaker: Good afternoon once again. Hon. Members, this is the communication from the Chair dated 9th February, 2016. It gives me pleasure to welcome you all to the fourth session of the First County Assembly of Machakos. It has been a long recess for all of us and I believe that as we undertake our mandate in this session, we will do so with renewed vigour. The Governor is not available to open the session; he has sent apologies and adequate communication will be given on when he will eventually come and guide us in his state of the county address.

Hon. Members, Article 1(1) (2) and (3) of the Constitution of Kenya stipulates that all sovereign power belongs to the people of Kenya and shall only be exercised either directly or through their democratically elected representatives, we who are assembled here today. This provision reflects the division of roles in our governance structures and gives us the constitutional obligation to fairly represent our people.

Therefore, Hon. Members, our Assembly must play its rightful role in the implementation of the Constitution. Our Standing Orders support the Constitution in outlining the roles, functions and powers of the legislature in terms of the legislative process, oversight of the Government and representation of the people. We are thus under special obligation to continue to discharge our functions and I have no doubt that we will rise to the challenge.

CONSTITUTION OF SELECT COMMITTEES

Hon. Members, the Committee system is an important component of parliamentary business around the world. In modern times, the work done by Assemblies has been noted to be not only varied in nature, but also of substantial volume. Indeed, the time at disposal for the House is usually limited, and only allows for close scrutiny and consideration of just a few

matters. It has thus become the norm for Committees, as agents of the House, to take up a large scope of various matters not considered in plenary, review them and later inform or guide the direction to be taken by the House.

Pursuant to the Standing Orders, several select committees are expected to be reconstituted at the beginning of this session. Standing Order 151 (1) estates ‘there shall be a select Committee to be designated the House Business Committee, consisting of not less than nine and not more than eleven other members, who shall be nominated by the Assembly parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration the interests of the independent.’

Standing Order No. 184 (1) states that ‘there shall be a select Committee to be designated the Committee on Appointments to be appointed by the House, consisting of the Speaker as the Chairperson, the Leader of the Majority Party, the Leader of the Minority Party and not more than three other members, nominated by the House Business Committee, on the basis of proportional party membership in the Assembly taking into consideration the numerical strength of the parties and interests of independent members.’

Subsection 2 goes on to state that ‘the Committee on Appointments shall be appointed within seven days on assembly of a new House and shall serve for a period of three years and that appointed thereafter shall serve for the remainder of the term of the Assembly.’

Standing Order No. 185 (5) states that ‘the County Public Accounts and Investments Committee constituted immediately following the general election, shall serve for a period of three calendar years and that constituted thereafter, shall serve for the remainder of the Assembly term.

Standing Order No. 186 (4) states that ‘the County Budget and Appropriation Committee, constituted by the Assembly immediately following the general election, shall serve for a period of three calendar years and that constituted thereafter, shall serve for the remainder of the Assembly term.’

This being the beginning of a new session, the House Business Committee is expected to be re-constituted. Furthermore, having served for three years, the Committee on Appointments, County Public Accounts and Investments Committee and County Budget and Appropriation Committee are due for re-constitution. Therefore, Hon. Members, let the Standing Orders guide you in appointment of Members to serve in these committees.

AD HOC COMMITTEE ON CENSURE OF CPSB SECRETARY

Hon. Members, the *ad-hoc* committee deliberating on the censure of the County Public Service Board secretary had suspended its sittings in the last session, following a court application by the respondent, which case has since been dismissed by the court. I therefore direct that the *ad-hoc* committee to conclude its investigations and table its report in the House within the next 30 days.

WARD OFFICE REGULATIONS

Hon. Members, the Ward Office Regulations were passed in the last session, on 25th November, 2015 and a letter Ref. No. MKSCA/ADM/WOR/Vol.1/2 on Implementation of the Machakos County Assembly Service (ward office) Regulations, 2015, and signed by the Speaker was sent to all Members of the County Assembly.

The letter directed that all elected Members deposit with the Clerk, three quotations for the provision of office space for renting by the Assembly as ward offices, which was to be done by close of business, Thursday, 3rd December, 2015.

On 4th December, 2015, another letter, Ref. No. MKSCA/ADM/WOR/Vol.1/3 making reference to the earlier letter was sent from the office of the Clerk, reminding members to submit quotations and further making reference to the Public Finance Management Act.

The letter, in part, reads ‘in order to comply with the Public Finance Management Act through the Machakos County Assembly Service (Ward Offices) Regulations, 2015, rent for those wards whose quotations will not have been forwarded will not be payable come end of December, 2015.’

To date, the response from Members has been very poor as most have not responded, and for those who have, full details of the premises have not been indicated in the quotations. I, therefore, urge you, Hon. Members, to adhere to the laid down regulations, as rent payments will not be made in cash, but will be made directly to the landlords, through the IFMIS.

LIVE STREAMING OF ASSEMBLY PROCEEDINGS

Hon. Members, in the last session, the County Assembly started streaming live proceedings of its plenary sittings internally, with the live feed being accessible from the Speaker’s and the Clerk’s office on a trial basis. One of the core aims of having proceedings of the House streamed is to enhance the public understanding and confidence in democratic governance.

The endeavor is further aimed at providing educational value to a public unfamiliar with parliamentary procedures and processes by giving the listeners and viewers a direct and first-hand experience of the House at work, as opposed to what they would otherwise receive from news reports or commentaries prepared by the media.

Opening the County Assembly to the public will recast the manner in which the Assembly does its work. The public will be participants in debates by accessing, real time deliberations of the Assembly and its committees on important issues, as well as its duty to put the County Government in check.

Live broadcast capacity is a critical element in the County Assembly’s efforts to enable the citizens become better informed about their Parliament, and by providing accurate, accessible

information on its proceedings, the County Assembly can contribute to rebuilding citizens' trust in Kenya's democratic institutions over time.

Hon. Members, it is noteworthy that very soon, the proceedings will not only be viewed from the Clerk's and Speaker's office, but also from the lounge, from the Assembly's visitors bay and in the near future, from the Machakos bus park and other parts of our county. The broadcasting will not only allow for television and radio coverage of plenary debates, it will also be extended to allow people to follow committee meetings and Assembly events. Therefore, Hon. Members, kindly take note. Thank you very much.

(Applause)

Let us proceed, clerk

PETITIONS

Hon. Speaker: Hon. Members, the office of the Speaker is in receipt of a petition. Pursuant to Standing Order 199 (2) (b), the following petitions have been presented to the assembly through the office of the Clerk:-

MACHAKOS YOUTH AND DEVELOPMENT WORKING GROUP

A petition by Machakos Youth and Development Working Group on availing of funds under Machakos Social Welfare Board (MSWEB) and Access to Government Procurement Opportunities (AGPO's) and dismissal of youth employees by the county. This petition will appropriately be committed to the committee of Women and Sports.

SYOKIMAU RESIDENTS ASSOCIATION (SRA)

A petition by Syokimau residents Association (SRA) on poor service delivery in Syokimau. This petition will be committed to the committee of Transport, roads and Public works.

PAPER LAID

ASSEMBLY CALENDAR FOR THE FOURTH SESSION

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, pursuant to Standing Order No. 25 (1), I wish to lay on the table of the House today, 9th February, 2016, the report of the House Business Committee on the calendar of the county assembly of Machakos for 2016, fourth session.

(Hon. Mwonga laid the Paper on the Table)

Hon. Speaker: Thank you. Paper laid, proceed.

NOTICE OF MOTION
ASSEMBLY CALENDAR FOR THE FOURTH SESSION

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, I wish to give notice of the following motion, that; pursuant to Standing Order No. 25 (1) that this Hon. House discusses and approves the calendar, County Assembly of Machakos, 2016, for the fourth session.

MOTION
ASSEMBLY CALENDAR FOR THE FOURTH SESSION

Majority Leader (Hon. Mwonga): Mr. Speaker, before I move my motion, there isn't enough light in the House, it may force us to strain a lot. If allowed, can I move to an area of the chamber where there is enough lighting, Mr. Speaker?

Hon. Speaker: You can seek the help of a better gifted person in eyesight.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, I do call upon my deputy to move the motion.

Hon. Kasimu: Thank you, Mr. Speaker. That aware that the House business committee is mandated to prepare, and if necessary, from time to time, adjust the assembly calendar with approval of the house; aware that the assembly has just resumed from recess for the fourth session and that the House needs to be guided on the dates of this session; further aware that the regular session of the assembly should commence on the second Tuesday of February and terminate on the first Thursday of December, except the session commencing immediately after a general election; and aware that the assembly, the calendar, once approved by the House, shall be published in the gazette, assembly website and at least two newspapers of the national circulation, I wish to move this motion that this Hon. House discusses and approves the calendar of the county assembly of Machakos for 2016, for the Fourth Session. Thank you, Mr. Speaker. I call upon the Majority Leader to second.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I do stand to second that this house approves the calendar for this Hon. Assembly for the year 2016. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, I don't think it is appropriate for the mover to second his own motion. Hon. Deputy Majority Leader, can you identify another Hon. Member to second the

motion.

Hon. Kasimu: Thank you Mr. Speaker. I call upon Hon. Alphonse Wambua to second the motion.

Hon. A. Wambua: Thank you Mr. Speaker, I stand to second the calendar of the county assembly of Machakos 2016, Fourth Session.

Hon. Speaker: Thank you, the motion is now on the floor and we can now proceed and present the report.

Hon. Kasimu: Thank you, Mr. Speaker. Mr. Speaker, the assembly calendar 2016 is drawn pursuant to Standing Order No. 25 (1) that the House Business Committee shall, with the approval of the assembly determine the calendar of the Assembly. The assembly calendar 2016 gives the outline of the dates for Fourth Session of the first assembly of Machakos, showing clearly, plenary sittings and recess.

Mandate of the Committee

Mr. Speaker, Sir, the committee draws its mandate from Standing Order No. 151(5) (a) which says that ‘the House Business Committee shall prepare, and if necessary, from time to time, adjust the assembly calendar with the approval of the house.’

Committee Composition

Mr. Speaker, the committee has seventeen members as follows:-

Hon. Bernard Mung'ata	- Chairman/Speaker
Hon. Nathaniel Nganga	- Member
Hon. Joshua Mwonga	“
Hon. Thomas Kasoa	“
Hon. Wilson Kasimu	“
Hon. (Ms.) Anne Musyoki	“
Hon. Timothy Kilonzo	“
Hon. Alex Kamitu	“
Hon. Gideon Kavuu	“
Hon. John Sila	“
Hon. Philip Ndolo	“
Hon. Dominic Maitha	“
Hon. Stephen Muthuka	“
Hon. Joseph Muli	“

Hon. Joseph Itumo “
Hon. (Ms.) Nina Mbithe “
Hon. (Ms.) Mary Ndinda “

Calendar of the Assembly

Mr. Speaker, Sir, the committee was guided by Standing Order No. 24 (1, 3 and 4) in coming up with the calendar. Standing Order No. 24(1) says that ‘except for the session commencing immediately after a general election, the regular session of the assembly shall commence on the second Tuesday of February and terminate on first Thursday of December. In this regard, the Fourth Session of the first assembly of Machakos County commences on 9th February, 2016 and ends on 1st December, 2016.

Mr. Speaker, Sir, in the Fourth Session of the assembly, we will have 140 sittings and four recesses with a total of 142 days. The Fourth Session is divided in to four parts, in reference to Standing Order No. 24(3) which states that, ‘subject to paragraph (1), the assembly shall continue to be in session and may adjourn for such number of days as it may determine in its calendar.’

Mr. Speaker, Sir, the first part of the session has 36 sittings and runs from 9th February, to 7th April, 2016. The second part has 40 sessions and runs from 26th April to 30th June, 2016

The second part takes care of the budget cycle, from submission of the budget estimates for 2016/2017 financial year in the assembly on 30th April, 2016 up to the enactment of the Appropriation Act which should be on or before 30th June, 2016. The third session has 36 sittings and starts on 2nd August to 29th September, 2016. Again the duration in this part of the session takes care of Finance Act which should be enacted on or before 30th September, 2016. The fourth session has 28 sittings and runs from 16th October to 1st December, 2016.

Mr. Speaker, Sir, the sittings of the house shall be as per the Standing Order 27(1) on hours of meeting unless the Speaker for the convenience of the house otherwise directs. The House shall meet at 10 a.m. on Wednesdays and 2.30 p.m. on Tuesdays, Wednesdays and Thursdays afternoon. But more than one sitting may be directed during the same day as such the sitting of the house will be on Tuesday afternoon, Wednesday morning and Thursday afternoon.

Mr. Speaker, Sir, as mentioned earlier, in the fourth session there shall be two short recesses of 18 days, two long recesses of 32 and 74 days.

The first recess will be of 18 days, starting on 8th April to 25th April, 2016

The second recess will be of 32 days, running from 1st July to 1st August, 2016

The third recess will of 18 days, taking place from 30th September to 17th October, 2016.

The fourth recess will be of 74 days and runs from 2nd December to 3rd February, 2017.

Conclusion

Mr. Speaker, Sir, pursuant to Standing Order No. 25(2), the calendar of the assembly, once approved, shall be published in the gazette, the Assembly website and at least two newspapers of national circulation.

Mr. Speaker, Sir, I thank the members of the committee for their corporation during the making of the calendar and urge the Hon. Members to adhere to the calendar for the smooth operation of the assembly. Mr. Speaker, Sir, it is therefore my privilege to present the calendar of the assembly to this Hon. House for approval.

Mr. Speaker, Sir, the calendar of the assembly, 2016 is attached to this report for the ease of reference. Thank you Mr. Speaker, Sir. I call upon Hon. Alphonse Wambua to second.

Hon. A. Wambua: Thank you Mr. Speaker, Sir. I stand to second.

Hon. Speaker: Hon. Alphonse, you are expected to contribute. This motion is already on the floor. It was seconded. Kindly return and address us.

Hon. A. Wambua: Thank you members. I personally support this calendar and I request members to support this motion because it will give members time to deliberate on the issues concerning our electorates. Thank you.

Hon. Speaker: Thank you. The floor is open, Hon. Members, kindly contribute. This is the only business we have for the day as it is the practice in the Commonwealth.

Hon. Maitha: Thank you Mr. Speaker, Sir, and everyone present. It is my privilege to greet everyone for the new year of 2016. It is a new year that seems to be a new year of new beginnings, and a new year of blessings, bearing in mind for the last five years, we have never had rains during the first months of the year, so I believe it is a year full of blessings.

Mr. Speaker, as I contribute on the report, I wish to ask the Majority Leader, in future, to request members who belong to a particular committee to second a report that they are privy to. I think the Hon. Member for Iveti was been put in a very awkward situation because he was supporting a report that he doesn't know or is not privy to.

So I wish even other members, to be calling members of the same committee to contribute to a report that they very well understand and emanates from themselves because putting the members into a situation whereby they cannot even contribute about the report. It is like testing the member.

I think, Mr. Speaker, we don't even need to discuss this report. It is self explanatory. It has happened for the last three sessions and I believe the best way you can do, maybe for ease of time and moving forward, this report is self explanatory it's just like a briefing and a normal procedure that happens every other time, we just need to adopt this report and then we can proceed as the normal procedure dictates in most cases when house are opening, there is usually

a cocktail party for members. Maybe that is what we can concentrate more. Thank you Mr. Speaker I support the report.

(Applause)

Hon. Speaker: Yes Hon. Kamitu.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. I happen to be one member of the committee and I would like to applaud our Majority Leader and the whole committee for having sat down and decided to bring such a worthy session in regard to the fourth session and as Hon. Maitha has said, we have no much ado in regard to what has been brought in the Assembly, but kindly, Mr. Speaker, to request our Hon. Members that this is now the fourth session and we should be very serious about the proceedings of the assembly.

Now as everyone understands that we are have started 2016, we should be energetic now to put things right and, those things that we never did well in the third session, this is the time we are supposed to sharpen our swords and come up with debates that are very formidable (??) and profitable to the members of electorates. I urge members Mr. Speaker, to be very serious in regard to the fourth session so that the Machakos county electorates be proud of the members they elected and nominated in this house.

It is my humble request that we are supposed to be very serious to the business of the house. Thank you, Mr. Speaker. I stand to support the calendar of the fourth session. Thank you.

Hon. Speaker: Thank you. Let me allow six contributions and then we close debate. Let us begin.

Hon. Nzoka: Thank you, Mr. Speaker, Sir. I stand to support the motion. It is in line with the procedures. We should have when we have sittings or recess and it is well stipulated and I appreciate. I am a Catholic and in Catholic, this is a year of mercy. So I wish every member to be merciful to the electorates and understand that we have been brought here by electorates. It is them, as we speak, in Article 1 of the Constitution, they speak through their representatives. So we are representing our people on the ground and it is our time now to concentrate and make sure the person who has brought you here, he has got what he wished.

I hope members, we thank God we have come together all of us, with no problems, so God loves us much. So we should appreciate and we appreciate through working for the common mwananchi. Thank you so much.

Hon. Kathinzi: Thank you Mr. Speaker. I believe this is a blessed session, because you can see we are opening the session today with a lot of rains, so it is a sign of blessing that this is going to be a good year. Mr. Speaker, mine is an observation that this report, as I support it, is giving us guidelines for us as Hon. Members, especially those who are elected, to be able to plan

for other functions which are outside the chambers. For instance, we have public participation. I think during the recess periods, we need to be able to visit our electorates and represent our electorates on other forums, Mr. Speaker.

I would urge the members, including myself, that we pick this report and be our daily Bible to guide us on the way forward. When you are told you are going to break for 34 days or 74 days, you are able to plan for a wedding of your sister or your brother, you fix it on a day were you will be on recess. So this is a guiding manual for this particular assembly. I support it and say, Mr. Speaker, you can just put the question so that we can proceed. It is a good report. Thank you.

Hon. Speaker: Thank you.

Hon. (Ms.) Ndumi: Thank you Mr. Speaker, Sir. I stand to congratulate our Majority Leader and his team for the good work that they have done for our Fourth Session and also I want to say, because it is a new year with changes here and there, I would like to ask you, we make a *Kamukunji*, we go and tell you more things which we want to ahead in this year.

Hon. Speaker: Thank you very much.

Hon. Itumo: Thank you Mr. Speaker. I stand to support this Fourth Session calendar. Mr. Speaker, I applaud this committee for coming up with a good calendar. Mr. Speaker, you know, it is like we have come to the final one. Mr. Speaker, we need to treat each other with a lot of respect because this session should be a sensitive one, where most of us should try to work hard as far as matters of this assembly are concerned for the interest of those who elected us, Mr. Speaker.

Mr. Speaker, remember two month recess is not two hours or two days. Mr. Speaker, most of us have experienced a lot of stress outside there, we ask you to consider a trip somewhere far where we can just smell another air. Thank you, Mr. Speaker.

Hon. Nganga: Thank you Mr. Speaker. Mine was to call the members to rally behind the schedule as provided and say that we have just extracted this from the Standing orders. There is nothing new. There is not much to deliberate about and the personal sentiments that members are putting on the floor, can be done in formal setting of the *Kamukunji*. So Mr. Speaker, reading the mood of the house, I believe that you may put the question for the adoption of the report because nothing different is happening. It is just an extraction of what has been there in the Standing Orders and it is something that we have already approved.

With this, I am certain that we shall be able to serve members well within our committees and also to let members have time to interact, gather and catch up with each other on what was happening across the county, what *El-Nino* did and the performance of food in our

farms. Mr. Speaker, I believe it is the most appropriate time that we proceed and adopt the report and then we can break for the day.

Hon. Speaker: Thank you. Let us hear Hon. Jacqueline.

Hon. (Ms.) Nziva: Thank you Mr. Speaker. Let me congratulate the members of the committee for the job they have done. In fact, without planning we are doomed to fail. So, because they have planned well, let us adopt the calendar of this year and, members, since we went to Mombasa two weeks ago, please let us deal on the matters which were discussed in Mombasa and I am very sure at the end of it all, we shall be successful. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Let us hear Hon. Kasoa, summing up and then we put the question.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. As I stand to support this motion, I call the Hon. Members to work as a team this year and let them take the business of the house seriously and I remind them we are on our final lap. Mr. Speaker, as I do my own mathematics, we have only 17 months to go so I kindly request the members to take the work of this house seriously. Thank you very much.

Hon. Speaker: Thank you very much. Hon. Members, now proceed to put the question for adoption of calendar of the year.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, that concludes the business of the day. Ordinarily the business of the first day is to discuss our calendar and we have concluded so have a nice evening. We meet tomorrow. Thank you very much.

The House rose 3.09 p.m.