

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 11<sup>th</sup> February, 2016**

The House met at 2.35 p.m.

*[The Deputy Speaker (Mr. Nganga) in the Chair]***PRAYERS****Hon. Deputy Speaker:** Proceed.**NOTICE OF MOTION****APPOINTMENT OF CPSB CHAIRPERSON BY THE GOVERNOR**

**Hon. Katela:** Mr. Speaker, Sir, I wish to give a notice of the following motion: that this Hon. House discusses and approves that the Governor nominates and appoints a substantive County Public Service Board chairperson to be approved by this Assembly.

**STATEMENTS****BUSINESS OF THE HOUSE FOR 16<sup>TH</sup> TO 18<sup>TH</sup> FEBRUARY, 2016**

**Hon. Katela:** Mr. Speaker, Sir, I wish to give a statement on business of the House for the week starting 16<sup>th</sup>- 18<sup>th</sup> February 2016. Mr. Speaker, Sir, I stand under Standing Order 41 (2) (a) where during the statement hour, a member of the House Business Committee designated by the committee for that purpose shall every Thursday or on the last sitting day for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House in the following week.

Mr. Speaker, Sir, the House Business Committee met today, 11<sup>th</sup> February, 2016 and balloted business for the following week as follows:-

1. 16<sup>th</sup> February, 2016 (Afternoon)
  - There will be a motion on operationalization of a Security Committee as envisaged in section 41 of the National Police Act to address the insecurity concerns in our county by Hon. Alex Kamitu.
  - Report on operations of Nairobi Water Treatment System and state of Tala and Matungulu West dump site by Environment, Energy, Lands and Natural Resources committee.

2. 17<sup>th</sup> February 2016

*Morning*

- Motion to name major towns in the county after heroes and heroines by Hon. Winston Kanui.

Afternoon

- Reports of Justice and Legal Affairs committee on violation of human rights in steel manufacturing industries in Machakos County.
  - Motion to establish mobile monitoring units to check pollution in Mavoko sub-county by Hon. Cecilia Sereka
3. 18th February 2016
- Motion to have the County Government set aside land for a new cemetery.

Thank you, Mr. Speaker, Sir.

#### STATUS OF THE WARD DEVELOPMENT FUND

**Hon. Matheka:** Thank you Mr. Speaker, Sir, and the House at large. Mr. Speaker, Sir, I would like to give a statement concerning the status of the Ward Development Fund. Mr. Speaker, sir, pursuant to Standing Order 41, I wish to issue a statement on the status of the Ward Development Fund.

Mr. Speaker, Sir, on 9<sup>th</sup> February, 2016, the chairman of the Ward Development Fund committee made a courtesy call to the CEC Finance and the officer in charge of administration of the fund and they agreed on the following:-

- That Ksh. 4 million is available for bursary allocation and it will be dispatched in two phases whereby Ksh. 2 million will be issued first to start the programme this February and the remaining Ksh. 2 million will be issued in May this year.
- That the constituted ward committees should now constitute a bursary sub-committee to register the new students and forward their details in a soft copy to the administrator of the fund. The details will include the school name, admission number, amount allocated and the school account number.
- That the sub-committee should establish a criteria for the allocation of the bursary such as orphan, physically challenged, single parent, financial inability of the parent or the guardian and that the amount allocated per student to be at least two thousand and slightly higher amount for college students.
- That the soft copy information should comprise of details of allocation for every sub-location for the purpose of an even distribution of resources.
- That Ksh. 100 million will be availed monthly for development projects and that every elected Hon. Member should mobilize to identify projects in readiness for this funding.

We also agreed that 30 per cent of the project will be given to registered youth, women and persons with disability groups, hence the need for local leaders to encourage such groups to

register. Mr. Speaker, Sir, implementation of this programme is scheduled to start this month and there is a proposed format of the bursary returns in soft copy. Thank you Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. I hope Serjeant-at-Arms have circulated a copy of that statement to ensure members have a copy of that statement.

#### STATUS OF KANGUNDO SUB-COUNTY HOSPITAL

**Hon. Matheka:** Also Mr. Speaker, Sir, I have a statement. Pursuant to Standing Order number 41(2) (c), I wish to seek a statement from the chairperson, Health and Emergency Services committee on the status of Kangundo sub-county hospital; on the condition of the hospital incubators, medical machines and the equipment from the National government. Thank you Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. Deputy Majority Leader, give us an undertaking when we can have a response on that statement.

**Hon. Kasimu:** Thank you Mr. Speaker, Sir. Give us up to Thursday, next week.

**Hon. Deputy Speaker:** Thursday, next week; please make sure all arrangements are done and a response to that statement issued.

#### STATUS OF KATHUKINI HEALTH CENTRE AND STATUS OF ECD CLASSES

**Hon. Nzioki:** Thank you Mr. Speaker. Mr. Speaker, Sir, pursuant to Standing Order 41 (2) (c), I wish to seek the following statements:

1. From the chairperson, Health and Emergency Services committee on the status of Kathukini Health Centre project in Muthesya ward which was budgeted for in the year 2013/2014
2. From the chairperson, Education and Social Welfare committee on the status of the ECD classes at Kikule and Kathukini Primary School and the status of Lungulueni Polytechnic. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** The matter for the Chairperson, Health committee, I think that matter goes in line with the earlier request so the member should respond to those two issues on Thursday next week; the chairperson, Health committee. Chairman on Youth, Social Welfare and Education, is the vice chairperson present? Give us an undertaking when we can get a response about the issues of the ECD classes and the polytechnic.

**Hon. (Ms.) B. Nduku:** On Thursday Mr. Speaker.

**Hon. Deputy Speaker:** Thursday coming week. I will urge the office of the Clerk to follow up with the chairpersons and ensure that those responses are issued on time.

### POINT OF INFORMATION

**Hon. Maitha:** Mr. Speaker, I need to be guided properly on the statement response by the Hon. Member from Kangundo and the Chairman, Ward Development Fund; why the chairman has given us a report reacting to a statement that was sought on the status of the Ward Development Fund, Mr. Speaker. I would like to say this, Mr. Speaker, while you are seated there today, you are seated there as the Speaker of this Assembly, but tomorrow or immediately when you go outside, you will be out there as a member of Ikombe ward representing your people. The issue of Ward Development Fund is and remains to be what is going to salvage these members from the lost glory of their electorates.

The information I have from the chair is that bursaries will be dispersed in two tranches; bursaries will be wired through the County Treasury ward development account to the secondary schools or the beneficiaries' accounts that will have been provided. Mr. Speaker, history repeats itself; we once did this process, it messed us up and it has messed us up to date where some monies have never been received and a statement was sought here by the same chair that some monies went to personal accounts and that has never been responded.

Mr. Speaker, are we running a parallel government than the National government? Cheques, through CDF, are being issued; what is the difference between the Ward Development Fund, Mr. Speaker, Sir---

**Hon. Deputy Speaker:** Hon. Dominic Maitha, what is your point of information?

**Hon. Maitha:** My point of information is, I am reacting to that statement to be guided properly and the information I am giving is this Mr. Speaker, and I want you to listen to me carefully---

**Hon. Deputy Speaker:** Then in reacting to the statement, you are delving into the matters of the statement; you are not informing, Hon. Dominic.

**Hon. Maitha:** The information that I am passing is this, Mr. Speaker---

**Hon. Deputy Speaker:** The matters that you are raising need you to seek a substantive statement. The chairman on Ward Development Fund was not responding to a statement; rather he was updating the House on the progress of the Ward Development Fund and therefore with the leave of the House and the position of the speaker, I will allow the chairperson to just highlight further more on his response, but then for you to seek to delve into the matters of that statement, you are already out of order because the member---

**Hon. Maitha:** Mr. Speaker, I would have requested you to give me some time to act on this matter. It is a matter of prevalent importance.

**Hon. Deputy Speaker:** I will give you an opportunity later on, but then let the chair elaborate the statement; the basis of why he brought the statement before the House before you proceed and in your statement of information, it doesn't have to come as you are delving into the matters of the statement, while he was only informing the House on the situation through the Ward Development Fund. Maybe if you are seeking clarity then, we can give you that opportunity. Proceed, chairman.

**Hon. Matheka:** Thank you Mr. Speaker, Sir. I cannot say it better than you have said it. You have put it very well; this is a matter of information. No statement was sought by anybody but I am just informing Hon. Members the stages of implementation of the Ward Development Fund. I have informed them what they are supposed to do from now and whoever brings his or her bursary forms in soft copy earliest next week, maybe by the end of the month, he will have his money disbursed. The issue of money being disbursed using RTGS is very clear to everybody here; even Hon. Members cannot get as little as Ksh. 10,000 in cash. All the accounts were closed and money has to go through the Central Bank. Cheques are only used for petty cash, nothing else; here in the Assembly and in the County Treasury.

Mr. Speaker, Sir, we explored all those possibilities; money went to personal accounts especially for my ward but we had no option other than start somewhere and a journey of 1000 kilometers begins with one step. The Ward Development Fund cannot wait any further; we have to start from somewhere and we are starting from there, Mr. Speaker, Sir. Hon. Members I urge you please, we start from somewhere then as we go on, if the Controller of Budget will allow for cheques to be issued, we will be go back to that, but as for now, the Controller of Budget cannot allow for cheques to be issued; we have to go as per her instructions. Thank you Mr. Speaker, Sir.

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

#### POINT OF CLARIFICATION

**Hon. Maitha:** Mr. Speaker, I think the Hon. Chairperson is not honest with these members. Why am I saying this, Mr. Speaker? I want to be guided. We passed a Ward Development Fund Act in this House. The Act was taken to the Controller of Budget; she sent a correspondence or a response letter on how we are supposed to work on that Ward Development Act and it is clear we did an amendment before we proceeded on recess and the Ward Development Fund Act stipulates clearly how we are supposed to operationalize the ward development fund starting with electing the members - the representatives - which we have done, having an account for every ward, so what are we being shortchanged of? We cannot start from somewhere; we need to be somewhere, not starting, Mr. Speaker. Let us follow what the Act says, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** So what point of clarity are you seeking?

**Hon. Maitha:** The point of clarification that I am seeking is, are we following the Act or we are following second hand information from the minister to the Hon. Member? Because the Act stipulates clearly what we are supposed and how we are supposed to operate. Mr. Speaker, can we be given a document that shows that ward development funds cannot be disbursed using a cheque. And I have given a practical example; if the CDF is issuing cheques, why is it different that the ward development fund cannot issue cheques?

**Hon. Deputy Speaker:** I think the chairperson has taken that concern; any other point of clarification being sought? Yes Hon. Muli.

**Hon. Muli:** Thank you Mr. Speaker. I also concur with the Hon. Member from Muthwani. True enough, this is a duplicate of CDF and according to the Act which we had already passed in this House, I am wondering if the chairman of ward development fund is telling us the information from the horse's mouth, that is from the Controller of Budget or he is telling us second-hand information, because there is no transparency on the issue which has already been forwarded in this House. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** You need to know whether the matter is from the controller of the budget or the CEC, Finance.

**Hon. Muli:** Yes, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Member for Tala.

**Hon. Kamitu:** Thank you Mr. Speaker, Sir. It is always good to follow some examples. My point of concern is that we must follow procedures and last time if you remember very well Mr. Speaker, Sir, when we were given money and sent through IFMIS, we lost a lot of money through that practice. Now a mistake was seen; how do we correct mistakes if we are going to do another mistake?

We are saying this: we are not in a hurry; if we are going to be in a hurry to lose money that money disbursed is not going to reach where it is supposed, then we better wait, write a letter to the Controller of Budget showing a mistake that was carried out and was seen. We cannot go by mistake, we must go by the correct procedure and that is by cheques, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Order, member for Tala. You are seeking a clarification?

**Hon. Kamitu:** And that is the clarification, Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Have you clarified or you are still seeking the clarification?

**Hon. Kamitu:** My clarification is---

**Hon. Deputy Speaker:** You are seeking a clarification or you wanted to clarify?

**Hon. Kamitu:** Okay, Mr. Speaker, Sir. Let me seek a clarification from my Hon. Brother who is my neighbour, chairperson of Budget committee. It is a concern---

**Hon. Deputy Speaker:** The matter is being directed to the chairperson, ward development fund.

**Hon. Kamitu:** Yes, that is exactly what I am saying. I am directing my clarification from the chairperson Ward Development Fund committee because he is also aware that a mistake was carried out. During the interrogation with the CEC member for finance, did they pull out those mistakes that were carried out and if they did? Why can't they sit down, write a letter for that CEC member for finance, to the Controller of Budget, so that this thing can be rectified because we cannot repeat a mistake which was carried out. Thank you Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. Any other member seeking clarification before you informs them. Yes Hon. Mueni.

**Hon (Ms.) Mueni:** Thank you Mr. Speaker, Sir. Mine is to ask the chairman to tell those people to allow the cheques but not those things they are talking about because this thing is finishing our elected MCAs. They are going down every day and if you bring this, I think there will be no one who will come back in this House. Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Deputy Speaker:** You have a point of clarification? Yes proceed. And it is important that members distinguish between when you need to clarify and when you need to raise a...

**Hon. Nzoka:** Thank you Mr. Speaker, Sir. We need to know from the Controller of Budget, because once bitten, twice shy; how comes CDF is giving millions in cheques from the Central Government? This is devolved, it is a young government; it is using IFMIS. You know when we use soft copy, you give 200 names; in the offices, there are a lot of cartels, they pluck some here and there and finally after the money has been sent to the school, you hear some have not received and you cannot tally again.

What we need is a cheque attached to the beneficiaries and when I take it to the school, nobody can complain. I will know who will not be given. So can we get clarification, we better

wait, we have been waiting, we have been allocated money from the Executive, no money going to the schools, we do not know how much we have lost, so we don't want to repeat that mistake anymore. Can we know why we are not issuing cheques? Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Member for Kivaa.

**Hon. Kathinzi:** Thank you, Mr. Speaker. I would like to concur with all the members who have just wondered why the member who has been wondering in this House is now not wondering; why things are not happening the way they are supposed to do.

**Hon. Deputy Speaker:** You are concerned why he has stopped wondering?

*(Laughter)*

**Hon. Deputy Speaker:** Any other member seeking a point of clarification. Point of clarification, Hon. Mutuku? No, I am seeking points of clarification. Hon. Member for Mua.

**Hon. Nzeki:** Thank you. I just wanted a clarification whether the statement is from the chairman, Ward Development Fund, whether it is a statement from the Finance Minister or it is a statement from committee of Ward Development Fund, because it seems as though it is one man's guitar.

*(Laughter)*

**Hon. Deputy Speaker:** Any other member seeking clarification? Alright, then, points of information; yes chairman, Budget we can begin with you before we allow the chairman for...

#### POINT OF INFORMATION

**Hon. Muinde:** Thank you Mr. Speaker. It is true that the man who has been wondering loudly is not wondering; he is actually a man now holding responsibility and must hold the office. However, Mr. Speaker, we may go round and round; it is true first, that in the first year 2013/2014, the wards lost a lot of money that was meant to go to schools. I personally had two schools that did not receive their money and they still ask me where the money was. The systems then were not as developed. To-date, Mr. Speaker, we as counties are also governed by circulars and laws that are also coming from the National Government.

You remember in the year 2014, when His Excellency the President was here, he said that by March, 2015 the issue of giving cheques would be over. It is true as we speak, Mr. Speaker, that the County Government of Machakos is no longer operating bank accounts in commercial banks, save for the revenue fund where money collected here is temporarily stored before it is wired back to the Central Bank. Any form of payment is nowadays straight through the system or internet banking from the Central Bank to individuals' account whether it is for salary or for payment of contractors. It is a case that Members of this House know that, even here



in this Assembly, we no longer operate a bank account in any of the commercial banks. They have all been closed.

This is a directive, not even from the Controller of Budget, I want to put things right - this is from National Treasury. We will not be able to issue cheques. Of course issuance of cheques would have been the best for sure as evidence that you have given out the bursary and that you can attach the cheque to the list and forward yourself to the school. We may not have a choice because this is the direction and all counties are doing the same; we have had counties that already had fund accounts at Ward level; an example is Busia, but by end of March this year, no county will be operating a bank account in a commercial bank.

It is true that the CDF has been favored for obvious reasons and the Members of Parliament have stuck with it but I want to say as a weaker brother, the counties have been forced into complying with the circular from CS Rotich. The only way is to have these monies wired to school; perhaps this committee on Ward Development Fund can now look at the lessons learnt after we lost money in 2013/2014 and ensure that for sure money is wired and a documentary evidence given to the MCA to be attached to a hard copy and be presented to the school.

Our CEC Finance here in Machakos County cannot do anything; this is beyond her and there is no way she will be able to issue cheques. Even here in the Assembly, there is no cheque book. So, it is unfortunate, it may be bitter, but it is the truth that we will not be able to issue cheques. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Yes...it is a point of information? Proceed.

**Hon. Katela:** Mr. Speaker, Sir, I think now I am the one to start wondering in this House because there is no vacuum in life now that chairperson, Ward Development is no longer wondering. During our Liaison committee meeting, I think the chairperson said that they can engage whoever is dealing with these monies as a committee; they can write to them and see whether we can get cheques because it has to start from somewhere and it should not start from Makueni. Why can it not start from Machakos? If CDF are giving money in cheques and me I was highly beaten, I lost four schools; over Ksh. 400,000; you do not change a forest, you change monkeys from that forest and you put others who are...you know what I mean.

The same people are the ones who will be handling our money. What shows you that they will be sincere enough to wire that money? Somebody wires money to the brother's account and it is uprooted the following day and then you are told, 'we are still following.' How? How can a thief follow himself? I think we need cheques, we can wait. I swim in the same stream of argument with Hon. Kamitu, thank you. We can wait; there is no hurry. If we are not given, we will tell our people, "*tumekatazwa* cheque", and because they know this money was lost, we will go on air and tell them we do not want a repeat of what we saw and that will be so.

The County will not be giving bursaries and then we channel this money to something else, let that be...if today in Mwala the MP now is giving out cheques for bursaries, how will I convince Muthetheni people we cannot write cheques? How? After they lost money the other

time? Chairman, do not rush; it is not your baby, it is our baby. Do not wire my money; I will tell people of Muthetheni I want cheques. Thank you.

*(Applause)*

**Hon. Deputy Speaker:** While the Member for...yes Member for Athi River, your point of clarification?

**Hon. M. Mutuku:** Mine is actually a contribution to the same. I am still actually in support of my brothers who are saying it is actually a challenge to receive money through IFMIS for bursaries. Personally, I am in the education sector and many Counties are issuing cheques; I am wondering the issue about IFMIS for the bursaries where it is coming from? What I can say as part of my contribution, we need to consult widely before we effect the transfer of the money or before we start exercising what the chairperson of the Ward Development Fund has said because I remember in my case I lost a lot of money, we wired money and you cannot travel all the way to Garissa to check whether the money...even those Head teachers can also say, they never received and you cannot go a school like Starehe or Alliance and start forcing the management to go and get all the statements, start looking for a single child, it is a challenge.

You realize a school like Masii has a thousand students; you are an MCA here then you are telling a student to go to tell the head teacher to go and seek a statement and check whether the name is appearing because there is an electronic money transfer; it is a challenge. I wish actually if we can advise the chair to consult further; we can also try as much as we can to see what Kitui County are doing because they are issuing cheques, Makueni still are also issuing cheques, so we must see the best way on how we can handle the situation. Otherwise, we are going to lose the money and our students are not going to benefit.

Over and above that, it will not help us in terms of reputation for the elected MCA's; it will not help us by transferring money. In view of that, I wish to support the suspension of that electronic money transfer. Thank you.

**Hon. Deputy Speaker:** Thank you. I feel I need to call the chair to respond on those issues then while you come, why would it be difficult to wire the money then to the Ward Development Fund account? Maybe in your research you might have had a response to that, Hon....

**Hon. Matheka:** Thank you, Mr. Speaker, Sir. The man who has been wondering in this House, is not wondering but he is still wondering very much because the arguments that are getting here are as if we do not know what is happening. IFMIS has been around I think for the last three months; it has been serious especially in this Assembly and Members know what has been happening. They complained here but at the end of the day as at today, they are complying with that. I have heard many sentiments from the members and I would like to respond to them but Members I request you to have IFMIS in your minds as I respond to your queries.

Mr. Speaker, Sir, first, they should understand that we are from a long recess; we opened the Assembly the other day on Tuesday and a letter cannot go to the Controller of Budget and come within a day. The letter is already written, it will go to the Controller of Budget and the committee will meet the Controller of Budget. That is one and from there, we shall get all the clarification you want.

Number two, Mr. Speaker, Sir, bursary is development, bursary is not recurrent; it is not petty cash and if all the other development issues are paid through the IFMIS, I do not know how bursary will escape that. Think of that Hon. Members. Mr. Speaker, Sir, somebody raised the issue of the Chairman, Ward Development Fund and he is also a Chairman and he brings reports here. I was wondering whether he brings his reports or the committee's report. Chairperson, Finance, think of that, and in fact chair, Finance, once this money is transferred, it squarely lies in your committee because that is the Finance Department which will do it and immediately the money is transferred I will push over the bag to you. You will know what to do with it because it is the Finance people who will be doing it. Mine is only implementation, nothing else.

Mr. Speaker, Sir, mine was just to give a way forward. Way forward is, Members I said we can start from somewhere as we see the Controller of Budget. We have written a letter as I say and we are going for sure to see the Controller of Budget as a committee, not as an individual. My request was, we start from somewhere; we go out, we get bursaries and we start from somewhere. If the Controller of Budget allows for cheques, we will issue cheques; if the Controller of Budget insists on IFMIS, we will go the IFMIS way. It is not my choice; it is not the House's choice but the Controller of Budget's choice.

Mr. Speaker, Sir, the last one is, I think Machakos County is not superior to Kenya. If Kenya is going IFMIS, why not Machakos County? Mr. Speaker, Sir, I do not want to talk about Makueni and Kitui until I see the Controller of Budget. The story of Makueni and Kitui is hearsay and this House cannot operate on hearsay---

*(Loud consultations)*

So, Mr. Speaker, Sir, mine was a statement and---

**Hon. Deputy Speaker:** Yes, what is your point of order Member for Muthwani?

### **POINT OF ORDER**

**Hon. Maitha:** Mr. Speaker, is the Hon. Member in order to say that Machakos is distinct from other counties? Mr. Speaker, right now I have come out to make a call and Nairobi County is issuing cheques; is he in order to say that it is not practicable? Let us go to the office of the controller and even if MPs were given CDF as a political tool, we can marshal all County Assemblies in Kenya and also be given the same. Is he in order to say that we cannot get if other counties are doing it, Mr. Speaker, Sir?

**Hon. Deputy Speaker:** Hon. Chairperson, respond to that point of order.

**Hon. Matheka:** Mr. Speaker, Sir, I said Machakos County Assembly is a Hon. House; we cannot operate on hearsay. That is hearsay from somebody who has an interest. I cannot respond on hearsay. Thank you, Mr. Speaker, Sir.

*(Loud consultations)*

**Hon. Deputy Speaker:** Deputy Majority Leader.

### POINT OF INFORMATION

**Hon. Kasimu:** Mr. Speaker, Sir, most of us here will understand the language of most of the Hon. Members. We have been through a lot of problems because of the bursaries and I am afraid we are not ready to go back to the same problems that we know and Mr. Speaker, Sir, I was requesting that you call a special meeting for all the Members to discuss the way forward and then in that meeting we will raise our fears and issues with the Ward Development Fund and then we now release the chair and his committee to go and see the Controller of Budget because now we will be talking on behalf of all the Members of the Machakos County Assembly.

That is the only way forward I think because Mr. Speaker, Sir, it is a very sensitive issue that we cannot just push it out and discuss it for now in a hurry of the day's agendas. I think we need to sit on only one agenda; the Ward Development Fund and the bursaries because we cannot continue playing games with our own lives and our own people.

Mr. Speaker, Sir, it must be known that there are people in these bursaries of the Ministry of Education; there are people we do not trust; they sneaked names in my own list of bursaries. I found people from other counties not even in Machakos; their names were in my list and money was released and wired into the accounts. They are people that we cannot trust. That is why we are afraid, Mr. Speaker and I really understand what the chair has done with his committee; they have done a commendable job, congratulations, but we cannot risk again. We need to sit and talk. It is our life; this is our life and it is the life of Machakos people and this is their money.

We have to sit on a special meeting with you, Mr. Speaker, and know the way forward and then we send this Hon. Member with his committee to the Controller of Budget. This is our Country and we rule; our people are the people who elected us and we are talking for them and we know that our people are not happy with the way we allocated bursaries; we are in trouble and we have to save ourselves this time. We cannot risk anymore. Thank you.

**Hon. Deputy Speaker:** I would want to issue...I will only allow Members that have not spoken; Hon. Muthuka...you are out of order Hon. Nzoka. You risk being chased out of the House. Yes, Hon. Muthuka.

### POINT OF INFORMATION

**Hon. Muthuka:** Thank you, Mr. Speaker. I had not planned even to contribute on this but I am touched with the same Government; they know that they are thieves. I think I am

touched because now there is some salivation in this House. Mr. Speaker, this is a House of order; we legislate and we demand. We do not follow instructions from other institutions which are not verified. Controller of Budget is not our boss; we are his boss and we can change that particular legislation to shoot our people in our particular county and that is why we are autonomous, and that is why we have 47 counties which are fully fledged Governments and Machakos County is one of the fully fledged Governments with a fully-fledged Assembly which can legislate on the matters of Machakos County.

Mr. Speaker, as we talk today, I am impressed if the same mistreatment, the same theft which happened in Ndalani, happened in Matungulu East. The malpractices, if it was across the board. Mr. Speaker, I recall very well, Hon. Maitha requested a statement here...sought a statement in this House when we realized that some imprest was paid by bursary fund. That statement has not been responded to yet and Mr. Speaker also I wonder, is it that we are blind or is it just a game so that we can push?

The chairperson has given a very nice statement that every month, there will be Ksh. 100 million for Ward Development. How many months are we left with this financial year? Then also it is a question to the Members, we are talking about "we are not in a hurry." We are in a hurry, time is of essence. We need this money like yesterday. Like now form ones are reporting; next week they are going to be chased, others cannot be admitted because of school fees. Mr. Speaker, this House has not given bursaries for the last one year. Are we supporting education or are we killing education in our county?

Mr. Speaker, without much wastage of time, I think even we do not have to write a letter to be responded to by the Controller of Budget; we need to walk there because we are rushing against time. Elections are maybe next year; are we going to give bursaries during our election time? Our time here is limited so we are in a rush and I think cheques are being given everywhere. Two weeks ago I was with one of the *Mheshimiwas*; he just called the office, "can you prepare this cheque? Let the district accountant sign. That mama is coming for that cheque right now." Are we lesser people than them? We have that authority also Mr. Speaker.

We are not going to work as if we work for a particular person and I think that is a ploy by the department to derail this Development Fund. So, through the Chair, the Speaker, Ward Development Fund committee there is not time to sleep. I think tomorrow you should reconvene again because by next week we need the cheques. Our lists are already ready and again, how am I going to get the account for a school in Garissa? How am I going to verify that is the right account? We issued the money for welfare; we gave accounts then the money got lost simply because the accounts were not verified. Who is going to verify these accounts?

Mr. Speaker, and the whole House, let us open our eyes and let us behave as if we have the powers that we have been bestowed by our people. I support that we issue cheques as early as yesterday. Thank you.

**Hon. Deputy Speaker:** I would want to give a way forward. Those Members that are requesting to speak have had their opportunity. As a matter of way forward, the chairperson, Ward Development Fund, will have a session with the office of the Speaker and some of the issues raised will be thrashed out and we will have a meeting for all Members sometimes early

next week so that the matters are clarified as sought. I will institute discussions with the Chairman, the office of the Speaker and every other person involved in the whole matter to see how fast we can move and get this matter sorted. So, with that, I think we can proceed to the next matter. Clerk.

### MOTION

#### APPOINTMENT OF CPSB CHAIRPERSON BY THE GOVERNOR

**Hon. Katela:** Thank you. Mr. Speaker, Sir. Pursuant to Standing Order No. 44 (1), Mr. Speaker, Sir, aware that in the organizational structure of Machakos County Government, there is an autonomous body named County Public Service Board (CPSB); aware that pursuant to County Government Act 58 (1) (a), the County Public Service Board shall comprise a Chairperson nominated and appointed by the County Governor with the approval of the County Assembly; Mr. Speaker, Sir, aware that the Chairperson, Mr. Alphonse Makau who was appointed and approved by this Assembly resigned from this position in May 2014 and no replacement has been done since then; aware that a statement was sought in this House on the status of the vacant position and the committee on Labour, Public Service and ICT through a letter dated 27<sup>th</sup> February, 2015, sought for a report on the same, Mr. Speaker, Sir, for smooth running of the Board, I wish to move the motion that this Hon. House discusses and approves that the Governor nominates and appoints a substantive County Public Service Board chairperson to be approved by this Assembly. Thank you, Mr. Speaker, Sir and I call upon Hon. Kavuu to second my motion.

**Hon. Kavuu:** Thank you, Mr. Speaker. Mr. Speaker, Sir, as you know that in our Public Service Board we have no Chairman, I stand to support this motion so that this House should approve and discuss so that the Governor of the Machakos County appoints and nominates the Chairperson so that this House can approve. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. The motion is properly before the floor and therefore I will invite contributions towards the same. Maybe, Hon. Katela you can lead the pack by setting the tone on the reasons behind your motion.

**Hon. Katela:** Thank you Mr. Speaker, Sir. As the Chairperson Labour, I think there is a problem in the Board because some decisions cannot be made and I usually frequent the Board very much due to delayed salaries, some stray letters and as you know, we even have an *ad-hoc* committee probing the former Secretary of the Board. All this has arisen when the Chairperson resigned and if the Chairperson was there, at least we could have lesser friction within the Board. The Board is also working under fear because at least there is nobody who can make decisions and give directions. I think Mr. Speaker, if we get a Chairperson, whether from inside or outside, if the Governor gives us a Chairperson and we approve, the board will run smoothly and we will avoid some of these problems of delayed salaries and funny employments. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Kathinzi

**Hon. Kathinzi:** Thank you Mr. Speaker once again. Mr. Speaker, before I support this motion, I was once a Member of Labour committee whereby we were discussing whether the then Chairperson, County Public Service Board had submitted the resignation letter but according to the findings of the then Labour committee, this Chairperson never resigned; we were told it is just a hearsay. It was a hearsay that he is not working now with the then County Public Service Board, so we might bring this House or this particular County into a state whereby we have two Chairmen of the County Public Service Board. I think it is better for the chair to establish with his committee now, whether we have a properly addressed resignation letter from the then Chairperson, then from there we can pick on the matter and proceed. Thank you.

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

**Hon. Maitha:** Mr. Speaker, there is a quote that was said yesterday by Hon. Kitheka that he saw written in a certain vehicle that, "I am lost do not follow me." I think Hon. Kathinzi is lost; he is lost completely. It was properly communicated that the Chairperson, County Public Service Board resigned and even a letter was sent by His Excellency the Governor appointing the Vice Chairperson, Madam Dorothy Mwanzia, that she will be the acting Chairperson. Do we need any other information other than that? A letter was written and a response was given by the Governor through the County Secretary's office and maybe if he is not informed of the same, he can proceed to the office of the County Secretary and get that information.

More or less, Mr. Speaker, we do not want to get lost like him but the fact of the matter is, actually Mr. Speaker, this would not have come even as a motion; the Hon. chairperson for Labour committee would have even sought a statement why the Governor has not appointed a Chairperson of the County Public Service Board; simple as that. An advert ought to be put; the procedures are properly stipulated in the County Governments Act on the procedures that are supposed to be followed whenever a member of that Board resigns.

Let the procedure which is properly stipulated by the law in the County Governments Act be followed, an advert is put, competitive names are brought forward and then the work of this Assembly will be to approve. Right now, that board does not have a Chairman. Right now, that board does not have a Secretary, so there is shortage of key positions in that Board. So actually in real sense Mr. Speaker, the ad-hoc committee that is also probing the issue of the County Secretary should hurry up as fast as possible so that by the time the chairman's position is advertised if need be, and enough information is given, also the position of the secretary is also advertised if she is cleared or not so that we can know what to do because if that board is suffering from a shortage of two key positions, then we are putting this County Government in a very awkward position.

Right now, we have employees who were employed over three years ago. Those employees have never been issued with employment letters and every other single day in case of any shortcoming, they are stopped and they are not paid their dues because they are told they are

on casual basis. The County Governments Act is very clear under the County Public Service Board regulations that if someone operates for three months within a period of six months if that person is not given a confirmation by the County Public Service Board, he or she automatically stands confirmed, but that is not the case in our County Government.

Every other single day they are stopping employees, every other single day people are being suspended and they are not being paid for the days they are being suspended Mr. Speaker, sir. We need to stop this impunity. A petition was forwarded to this House regarding youths who were laid off their duties but the excuse that we always get is there is no chair for that board. Right now there is no secretary for that board.

For how long Mr. Speaker, are we going to subject the people of Machakos to this inhuman act. Let us have the chairman's position advertised immediately so that we can get a competent, and I want to repeat, a competent and able chairperson who can liberate the employees of Machakos County and The County Public Service sector in Machakos County from the situations that they are going through.

I support this motion in totality and wish to say that it would have been done the day before yesterday because it is already late and by the time we leave this House Mr. Speaker, one and a half years to come, probably we might leave the employees of Machakos County in a very bad situation that will haunt us for the rest of our lives. We need that chair as soon as possible. Thank you Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Hon. Deputy Majority Leader.

**Hon. Kasimu:** Mr. Speaker, Sir, I support the motion and it is just common sense that Mr. Speaker, that chair needs to be replaced with immediate effect and that Machakos County has two wings of Government; there is the Executive and there is the Assembly and the Assembly's feeling is that there is need for the board to have a chair and a secretary with immediate effect. So Mr. Speaker, Sir, I was expecting that you put the question because it is the feeling of every member that we have a chair in place and that the board starts moving forward because as I said, there is a problem also in that board and without a chairperson, I do not know if they can go anywhere. There is a reason why we do not have a chair and there is a reason why a lot of people want it to remain like that. There are people who want it to remain like that because they want to take advantage...

*(Applause)*

...of the board and I think I will not talk a lot about that. Mr. Speaker, Sir, we need a chair in that board and we need a secretary with immediate effect and that is the feeling of the Assembly. Mr. Speaker, Sir, I wish you could just put the question.

**Hon. Deputy Speaker:** Hon. Muinde.



**Hon. Muinde:** Thank you Mr. Speaker. I stand to support the motion and as I support the motion Mr. Speaker, noting that we do not have a substantive chair in that board, the secretary was suspended, it means therefore that major decisions by the remaining members cannot be valid. A month ago, this County employed over 300 other workers in the Water Department. Who did it? Where did the authority come from? Who signed their letters? Mr. Speaker, there is a big problem. You remember Mr. Speaker that in the second year of this House, I led the committee on Budget while reading the year's budget, to suspend further employment; it has never ceased. Who is employing if the Service Board is not properly constituted?

The wage bill of this county has gone up. We are paying over Ksh. 350 million per month against a total collection, both local and from National Treasury of Ksh. 660 million per month. Who is messing us up? I think Mr. Speaker, the problem is even bigger than that one, this House should direct that we have a substantive chairperson in place and that the Governor also appoints a CEO and that issues of staff audit must be done. In fact as we approve the forthcoming supplementary budget, we need to look at that budget of the Service Board with keener eyes. Something is amiss somewhere; we need to do something. So with this few remarks Mr. Speaker, I support the motion.

**Hon. Deputy Speaker:** Hon. Muthuka.

**Hon. Muthuka:** Thank you, Mr. Speaker, and the rest of the House. Mr. Speaker, as I stand here to support the appointment of a substantive chair for public service, I do not know whether I am dreaming or something. There must be a problem somewhere; maybe on the appointing authority of the chair. From the County Governments Act if I may quote, '*Composition of the County Public Service Board.*' Mr. Speaker, '*the County Public Service Board shall comprise a chairperson nominated and appointed by the County Governor with approval of the County Assembly.*'

**Hon. Deputy Speaker:** Hon Muthuka, section what?

**Hon. Muthuka:** This is County Governments Act, Volume One, that is section 58.

**Hon. Deputy Speaker:** 58?

**Hon. Muthuka:** 58 (1) (a).

**Hon. Deputy Speaker:** Okay. Proceed.

**Hon. Muthuka:** So, Mr. Speaker, when I looked at the order of the day, I thought we were coming to approve the chairman. Reasons why I thought so is because that appointment should have been done like one and a half years ago. My question is; do we have a substantive Governor who knows what he is doing because this should not come from the Assembly? He is the person to appoint, we are the people to approve. So, why are we reminding him of his job? I

need to be guided, when is the Governor in the office because we may demand but you find that the office does not have a substantive Governor. So Mr. Speaker, I support---

### POINT OF ORDER

**Hon. Deputy Speaker:** Yes, Hon. Katela. You have a point of order?

**Hon. Katela:** Mr. Speaker, Sir, as the mover of this motion, I think the Hon. Member is lost. Now he is bringing in the name of the Governor and we are talking of the chair of the board and he is reading very well; his Standing Orders are corresponding with what I have read. Now where does the Governor come from? The purpose of this House is to remind the Governor and other people and even the President, to remind him of what he is supposed to do. Maybe, if you do not know and if you are lost, let us not follow you. Thank you.

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

### POINT OF ORDER

**Hon. Kasimu** Mr. Speaker, Sir, I want to remind the Hon. Member for Ndalani that he knew when the chairperson resigned and he was supposed to come in this House and bring a motion; that is his work, oversight, so he has failed as a member of Ndalani and he should not come in this House and start blaming the Governor. Thank you. Mr. Speaker.

**Hon. Deputy Speaker:** Hon Stephen Muthuka, can you proceed in line with the matters that you are raising because it is well known to you that he is the substantive Governor for this county.

**Hon. Muthuka:** Thank you, Mr. Speaker. I think Hon. Katela has said that is the work of the Assembly; to remind other officers and I think I am reminded. We have a substantive Governor in this county. Mr. Speaker if you go to the records, I am the person who sought a statement about the status of the chairman, public service. Mr. Speaker, I think some people are in slumber; I sought the statement in 2014, towards the end of 2014 and Mr. Speaker, I also sought another statement on biometric registration of our employees and the chairman who was on the floor, Mr. Speaker, lied to this Hon. House that the process was stopped by the Governor. If the process was stopped, I will start wondering, I used not to wonder but now I will start wondering, why are we going round and round and round?

Mr. Speaker, I support that we must have a substantive public service chairman. Actually you should give a timeline of seven days to have the name so that we can approve. We have so many employees who do not have letters to show that they work. Mr. Speaker there are so many employees who do not have pay slips simply because they are not substantially employed so Mr. Speaker I support and maybe I would like to request the members who interrupted my

presentation maybe to keep on reminding me every day that we have a substantive Governor in this county. Thank you.

### POINT OF ORDER

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

**Hon. Kasimu:** Can the member elaborate what he means by substantive Governor? I want him to elaborate. Please Mr. Speaker, sir what does that mean to the Member of Ndalani?

**Hon. Deputy Speaker:** I think we had, okay, your point of order taken but then I had issued directions with regard to that. Let us not get embroiled into the petty issues; we need to focus on the gist of the matter. We need to focus on having the particular office holder in their place. Let us first hear a member who has not spoken. Member for Wamunyu.

**Hon. Kyuli:** Thank you, Mr. Speaker. I want to support that we really need to have every office with the relevant officers because by doing so Mr. Speaker, is when business will be conducted officially because an office without officers then its business is not official. That Mr. Speaker draws us to issues of employees that are right now working and Mr. Speaker, others are not being paid, others are being paid, some of them do not have letters of appointment. It is because there is no person seated to issue such letters.

Mr. Speaker, why I am supporting the motion is that now the chairperson, Labour Mr. Speaker, it is good that he has brought this issue just like he was responding to a statement sought some years ago and I am happy he is trying to answer or to bring a statement through the back door, which is still okay because we are getting to where we wanted to be.

Mr. Speaker, I am aware even in every other person's ward there are employees that are complaining day in day out. Mr. Speaker, there is a division within the staff that we have because some are properly in their office articulating the mandate that they are given while others are articulating the mandate they are given but there is no authority to articulate them. For example Mr. Speaker, we have revenue collectors; people of great importance that are working in our wards collecting money on behalf of this county government. Mr. Speaker, a person like that is a dangerous person because they do not have letters of appointment. One reason is that maybe there is no appointing signature or authority, Mr. Speaker.

Therefore, this is a matter of importance that that board Mr. Speaker, must be in place. The other day Mr. Speaker, there was some employment done and we were told in this House today that the number is about 300 Mr. Speaker, yet when you question, I personally went to request information about that and I was told this was a departmental engagement. A departmental engagement, Mr. Speaker, that did not have an authority from the employing entity.

Therefore, there are so many wrongs that are being done simply because there is no office which is supposed to be streamlining employment in this county. It is a matter of urgency that we have this person in place and therefore Mr. Speaker, it is one thing this Assembly to pass a motion and it is another Mr. Speaker, to implement. So just like it has been the exercise in this

Assembly, we are saying that we need that person in place and we need him like yesterday, Mr. Speaker, but the implementation part of it is a big question. Thank you. Mr. Speaker.

**Hon. Deputy Speaker:** You need to be brief enough Hon. Dominic.

**Hon. Maitha:** Mr. Speaker, I wish to inform this House that I sympathize with that board as at the moment, reason being, the board is handicapped. Some two, three months ago the Governor suspended a commissioner in that board, Commissioner Kasoa. As it stands to date, the Governor has not retrieved from our minds that he has either lifted that suspension or not. So as we talk, that board is still less three members; the chairman who resigned, the secretary who was suspended because I believe after the suspension of the secretary and the suspension of the commissioner Kasoa, there is no official communication that the Governor has forwarded to this House to lift those suspensions. So until and unless we are informed that the suspensions have been lifted, then the board is actually running against the law and illegally. This House needs to be informed about that and that is where the urgency needs to come in. Thank you. Mr. Speaker.

**Hon. Deputy Speaker:** Hon Muinde.

**Hon. Muinde:** Mr. Speaker, perhaps you need to inform this House or clarify whether first as it is now, whether the board is properly constituted without a chairman and without a CEO. In a few days to come, the minister of Finance will be presenting a supplementary budget here and I will be expected to table it here for approval. Does this House go ahead and appropriate money to the board which is not properly constituted? It is true that one commissioner was suspended; do we have information whether the same commissioner has been reinstated? And if a commissioner is missing, a chairman is not there and a CEO is not in place, so who is operating.

I have a case, Mr. Speaker, of a supplier who supplied goods to that board in 2013 by the name *Asonic Limited*. This young man supplied computers and other hardware at a cost of Ksh. 5 million. These are the machines that are being used by that board. The man has not been paid, he was taken round and when the CEO exited, now he goes to that office and he has no one to talk to; this young man has lost everything. Now if we cannot even satisfy our own external customers, our own suppliers, what about the quality of service that we as a county are getting from that board? Secondly, I had asked, who is employing if we do not have a service board and people are being employed?

*(Applause)*

Who is promoting? People are being promoted from low scales like scale K to R; from Ksh. 50,000 a month to over a Ksh. 150,000 a month. Who is doing this? Mr. Speaker, this motion has come from the chairperson, Labour and perhaps as we support his motion, he also needs to come back to this House and tell us what is happening in his department?

*(Applause)*

Because something is missing here and I would wish that you direct that these answers by this House must be given long before we appropriate any cent to that board and I would wish that monies owed to suppliers to this board are also paid because we cannot kill our own brothers and sisters who chose to do business with this county; who took bank loans and to date they have lost all their property to the banks because they are not able to service the loans. Thank you, Mr. Speaker, and I wish you would give direction on this.

**Hon. Deputy Speaker:** I would want to say it is the matter of utmost concern? Yes.

**Hon. Kathinzi:** Thank you Mr. Speaker once again. Mr. Speaker, I will start by supporting this motion and tell the members in this Assembly that there is one Chinese saying which says that “for those who do not believe that change is taking place, that change is already taking place.” This is the time for this Assembly to ensure that things happen the right way. The information we are getting from various chairmen of various committees are wanting, Mr. Speaker. It means somebody was given responsibility but has no authority or was given authority without responsibility.

Therefore, as we support this particular motion that the Governor gives us a name of the chair of the County Public Service Board, I think this should have happened like a year before so that we can be able to ask those questions like who is employing, who is promoting people, who is increasing salaries of various people from different departments, Mr. Speaker. I support in totality and say that this one should happen as soon as possible. Thank you. Mr. Chair.

**Hon. Deputy Speaker:** Thank you, Hon. Members. I have taken note of your concerns and I will direct as follows: that the committee of Labour and Public Service does investigate the state of affairs of the County Public Service Board, the employment that has been taking place across the county in various departments and the authority to undertake such employment and the promotions that have been issued in those various departments and whether all this has been done in line with the laws of this land. We need a comprehensive report as a House that will give way for those found culpable to be further investigated. We do not need the fine details; this committee will be tasked to give us a general indication whether there is need for deeper investigation on the affairs of that board, and that is within a timeframe of two weeks.

I am also indicating that the matter that has been raised by the member for Ekalakala on the legality of the board having substantive office holders not being in place, the chairperson, the CEO or the secretary of the board and one commissioner, devoid of those, I believe the board is composed of three more members, if I am right. The office of the Speaker will issue a conclusive response to that issue on Wednesday next week. Those issues stand as guided. Before we move from there this was a motion and I want to believe that members are in support of the matters as they deliberated. I now proceed to put the question that the House adopts the motion as debated and approved and as per the directions issued.

*(Question put and agreed to)*

**ADJOURNMENT**

**Hon. Deputy Speaker:** That marks the end of our business today.

The House rose at 3.56 p.m.