

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 3rd March, 2016**

The House met at 2.43 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon, Hon. Members. Let us proceed, clerk.**COMMUNICATION FROM THE CHAIR  
MINORITY LEADERSHIP**

**Hon. Speaker:** Hon. Members, there is one additional communication that was scheduled for this afternoon. You remember yesterday a ruling on the matter of minority leadership was deferred until the coming week and later on recalled for today. The communication is dated 3rd March, 2016 and I proceed.

Hon. Members, yesterday, I did communicate to this House that I received a letter dated the same day, 2<sup>nd</sup> March, 2016, from the Minority coalition of parties on change of minority leadership. I did inform you that the Office of the Speaker and that of the Clerk were in consultation with the Registrar of Political Parties to determine the current composition of the Minority coalition.

Pursuant to Standing Order No. 2(a) of the County Assembly of Machakos Standing Orders, as adopted by this Assembly on 9<sup>th</sup> July, 2014, "Assembly Party" means a political party or a coalition of political parties consisting of not less than five per cent of the membership of the Assembly. Furthermore, "Coalition" means an alliance of two or more political parties formed for the purpose of pursuing a common goal and is governed by a written agreement deposited with the Registrar of Political Parties Act, 2011. The "Minority Party" means the second largest party or coalition of parties in the Assembly as officially declared by the Registrar of Political Parties.

Section 10 (3) of the County Governments Act (No. 17 of 2012) states that, 'the leader of the minority party shall be the person who is the leader of the second largest party or coalition of parties in the County Assembly.'

To establish how ‘the leader of the second largest party or coalition of parties in the County Assembly’ is determined, one has to refer to the Standing Orders of the County Assembly of Machakos.

Standing Order No. 16 states that:-

- (1) The Minority Party or coalition of the political parties in the Assembly shall elect a member of the Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party.
- (2) In electing members under paragraph (1), the minority party or coalition of parties in the Assembly shall take into account any existing coalition agreement entered into pursuant to the Political Parties Act.
- (3) A member elected under paragraph (2) may be removed by a majority votes of all members of the minority party or coalition of parties in the Assembly.
- (4) The removal of a member from office under paragraph (3) shall not take effect until a member is elected in the manner provided for under paragraph (1).
- (5) The whip of the minority party or coalition of parties in the Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker, in writing, the decision together with the minutes of the meeting at which the decision was made.

Following consultations with the Registrar of Political Parties, the Office of the Speaker established that the existing minority leadership in the House consists of the post-election Coalition, Mwananchi Coalition (MWACO) comprising of Party of Independent Candidates (PICK)---

*(Applause)*

with four Members in the Assembly, Chama Cha Uzalendo (CCU) with seven members and New Democrats (ND) with one member in the Assembly, making a total of twelve members of the coalition.

Annexed to the letter on change of minority leadership are minutes of the minority coalition meeting and a list of seven Members of the Mwananchi Coalition supporting the removal of the Minority Leader.

*(Applause)*

So, from the foregoing, has the Minority leadership in this Assembly changed? My findings reveal that, yes, the minority leadership has changed.

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*(Applause)*

I, therefore, go ahead to communicate that the Minority Coalition of the County Assembly of Machakos has elected Hon. Francis Matheka as the new Minority Leader of the County Assembly.

*(Applause)*

Subsequently, Hon. Matheka appointed Hon. Stephen Muthuka as the Minority Whip

*(Applause)*

The same was communicated by the newly-elected Minority Leader in a letter dated 2<sup>nd</sup> March, 2016. Therefore, Hon. Members, take note of the changes.

*(Applause)*

*(Hon. Matheka escorted by members to the seat of Minority Leader)*

Order. Let us proceed, Hon. Members.

*(Silence)*

**PAPER LAID**  
**YOUTH POLYTECHNIC REPORT**

**Hon. Speaker:** The Hon. David Manyolo.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the house today 3<sup>rd</sup> March, 2016; the youth polytechnic report for education and social welfare. Thank you Mr. Speaker, Sir.

*(Hon. Manyolo laid the report on the Table)*

**Hon. Speaker:** Thank you. The paper is laid. Proceed.

**NOTICE OF MOTION**  
**YOUTH POLYTECHNIC REPORT**

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, pursuant to Standing Order No. 44 I wish to give notice of the following motion; that this house discusses and approves the education and social welfare committee report of the ECD classes report as laid on the floor of the house today 3rd March 2016. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you, proceed.

**STATEMENTS**  
HOUSE BUSINESS FOR 8<sup>TH</sup> TO 10<sup>TH</sup> MARCH, 2016

**Hon. Speaker:** Hon. Gideon Kavuu.

**Hon. Kavuu:** Thank you Mr. Speaker. It is on the statement of the business of the house for the week starting 8th up to 10th March, 2016. Mr. Speaker, Sir, I stand on Standing Order No. 41 (2) (a) where during the statement hour, a member of the House Business Committee designated by the committee for the 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 Thursday 3rd March, 2016 and balloted the business for the next week as follows.

1. (a). Tuesday afternoon, 8th March, 2016, report of budget and appropriation committee on budget circular.  
(b). Motion to have the Machakos tree planting day,
2. Wednesday morning, 9th March, 2016.
  - (a). Motion to have a county government to purchase chillers to support dairy farmers
  - (b). Report of public accounts and investment committee (PAIC) on auditor-general report of 2014-2016 financial years.
3. (a). Wednesday afternoon, 9th March, 2016; report of health and emergency committee on status of Kangundo hospital.  
(b). Motion to establish honey processing plant in the next financial year to exploit potential in honey production areas
4. (a). Thursday afternoon, 10th March, 2016; Report of budget and appropriation committee on annual county government budget implementation review for 2014/2016 financial year by controller of budget.  
(b). Motion to establish local courts.

Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Statement is delivered. Proceed. There is an additional statement by the chairperson, Ward Development fund committee.

#### STATUS STATEMENT OF WARD DEVELOPMENT FUND

**Hon. Matheka:** Thank you Mr. Speaker, Sir, and the house at large, MCA Kangundo North and the new Minority leader.

*(Applause)*

Mr. Speaker, Sir, I stand to give our status statement on the operation of the ward development fund. Mr. Speaker, Sir, I wish to issue a statement concerning ward development fund after the committee had a benchmarking tour to Kakamega and Busia Counties on 25th and 26th February, 2016 and also had an engagement with the executive committee member finance. Hon. Elizabeth Nzyoka and the County ward fund management committee. Mr. Speaker, Sir, on the benchmarking tour the committee observed that, ward fund in two counties was operational due to goodwill from the executive arm of the government and mainly their Governors.

In Kakamega, there was no law. They are operating on word of mouth that such an amount should be set aside for the ward project and the CEC Finance just implements that. On the side of Busia, there was a law in place and the county started with the fund from 2013. Busia is the home of the Controller of Budget and she has helped them a lot in operationalizing the fund and currently the ward projects have been entrenched in the budget. The MCAs in Busia trust their government and know that the projects they have proposed will be done and theirs was oversight after proposing the project. Busia has no pending bills and the MCA plays a major role in identifying the project. Mr. Speaker, Sir, the County Ward Development Fund Committee was composed of the following Members;

1. Ms. Jacinta Masila Chief Officer, Finance/ Chairperson
2. Ms. Stella Miriti Director Budget/ Officer Administering the Fund (CEO)
3. Ms. Catherine Nzila Chief Officer, Decentralized.
4. Mr. James Kathili Chief Officer, County Law Office (legal advisor)
5. Eng. Mungai Chief Officer, Roads and Transport.
6. Ms. Stella Mukunya Chief Officer, Trade.
7. Chief Officer, Public Works.

Mr. Speaker, Sir, the committee engaged the County Ward Committee on the following issues:-

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- i. Allowances and induction of ward committees.
- ii. Trust. Most of the contractors had lost faith with the County Government and needed to be assured that they will be paid after doing the projects.
- iii. Goodwill of the Executive in making the Fund operational.
- iv. Cash flow of the funds.
- v. Names of the wards that have forwarded their committees to the Chief Officer, Decentralized Units.
- vi. Each ward to get Ksh. 20 million, then how comes the Executive was silent on the matter.

Mr. Speaker, Sir, the delay on paying of allowances had been occasioned by lumping of Ksh. 805 million under development vote but 5 per cent of the fund was to be moved to the recurrent vote during the upcoming supplementary budget. The CEC undertook to provide funds to pay the allowances pending approval by the County Assembly since the law allowed her to do so. The ward committees may be inducted as soon as possible.

Mr. Speaker, Sir, on trust, the CEC stated that, the Governor had issued a directive that the County should not accumulate any more debts. Currently, payments for projects were made immediately work was done and the Hon. Members should trust the county government to pay for projects after work has been done. The CEC, Finance informed members that she was making efforts to clear all old debts.

Further, Mr. Speaker, Sir, on Goodwill the CEC intimated to the committee members that Executive needed the funds as much as the MCAs needed it and that she was working hard to ensure the fund was operational and this was the position of the Governor. She also assured the committee that the County was financially stable.

Mr. Speaker Sir, on cash flow the CEC informed the committee that the county was receiving Ksh. 500 million monthly and after the recurrent expenditure, the County is left with Ksh. 200 million. The Committee agreed with the CEC that, she will be releasing Ksh. 100 million monthly from March since there was a previous agreement to release Ksh. 80 million in February, an amount which was yet to be released because the national government had not released February disbursements.

The CEC hinted that it was not possible to disburse the Ksh. 20 million per ward because about Ksh. 40 million that is, Ksh. 1 million per ward would go to recurrent leaving Ksh. 19 million of which Ksh. 4 million were made for bursaries leaving about Ksh. 15 million for

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projects. Further, with the current county cash flow the CEC noted she may not be able to release all funds but urged the members in case of a balance to appropriate it in the next financial year. Further, the fund was to be moved from the Department of Finance which was service-oriented to the Department of Trade in the upcoming supplementary budget.

In addition, Mr. Speaker, Sir, the Committee was informed that the Chief Officer, Decentralized Units had already received names from Wards Committees from 39 wards. The committee urged the Chief Officer to ensure the returns for the remaining ward. The committee also agreed to engage with the area MCAs to know why returns have not reached the County committee.

Mr. Speaker, Sir, the following resolutions were agreed upon and the committee wishes to inform the Hon. Members for appropriate actions:-

- a) That the ward committees in conjunction with the area MCA should move in fast to constitute bursary sub-committees, establish criteria for awarding the bursaries, award the bursaries and forward the criteria and minutes of both the bursary sub-committees and the ward committees approving the bursaries. The schedule of the bursaries should be in soft copy and hard copies and should be forwarded to Ms. Stella Miriti, the Officer administering the Fund.
- b) That the Chairperson and the Secretary, who is either sub-County administrator or the deputy of the ward committees, to be inducted by 11th March, 2016. The allowances of the ward committees to be paid as that date.
- c) The ward committees, in conjunction with the area MCA, to identify projects as soon as possible and forward them to the County Ward Committee for approval. The project proposals should be forwarded together with minutes of the project sub-committee and the ward committee approving them. The project should include estimated costs and evidence that public participation to identify the project was carried out. The committees can forward the projects as they approve them so that they can commence immediately.
- d) The line departments where a project was identified should assist in coming up with estimated costs of the project. The county ward committees should feel free to involve the technical persons situated at the sub-counties and in case of some technical officers on the ground were not cooperative, the area MCA should be informed immediately to take up the matter with the County committee.
- e) The CEC requested the MCAs to make follow up with the officers at the ward sub-county level to ensure that they were working. She also requested that should there be challenges

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in implementing the funds, the MCAs should call her immediately to inform her of the difficulties. The Officer Administering the Fund, Ms. Stella was advised to ensure that she picks MCAs calls and in case she is not able to answer them immediately to return the calls as soon as she can.

- f) That the lists of pre-qualified contractors should be distributed to all ward committees. The youth, women and persons with disabilities to be allocated at least 30 per cent of the contracts. The issue of paying community-based groups that is youth and women who preferred daily or weekly payments arose since with the current guidelines on the finance from the Controller of Budget, payments should be made after completion of a project which may take longer time. The groups were urged to embrace a business model way of working and secure capital with financial institutions. The CEC promised that there will be no delays in paying completed projects and gave a timeline of three weeks in case a project was completed in the first week of the month because disbursements were done at the end of the month.
- g) On the issue of procurement, the ward committees would be able to procure for projects whose cost does not exceed Ksh. 3 million and forward the awarded contractor to the County committee for approval. The County committee assured Hon. Members that procurements and project approvals would be done within the stipulated time in the law.

Mr. Speaker, Sir, the bursary returns to the Officer Administering the Fund should be accompanied by the following documents:-

- a) The criteria used in awarding the bursaries.
- b) Minutes of the sub-committee meeting convened to award the bursaries.
- c) Minutes of the Ward Committee approving bursary awards from the sub-committee.
- d) Schedule of names of beneficiaries both hard and soft copy. The hard copy will be stamped and returned by the ward committee to guard against alterations.

Further, Mr. Speaker, Sir, the returns of project proposals to the Officer Administering the Fund should be accompanied by the following documents:-

1. Minutes of the sub-committee meeting convened to compile the projects proposed.
2. Minutes of the Ward Committee approving the projects from the sub-committee.
3. Proof of public participation.
4. Schedule of the proposed projects in order of priorities.

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In conclusion, Mr. Speaker, Sir, those Hon. Members whose bursary list and projects were ready should forward them for payments when the February disbursement will be released by the National Treasury. The committee thanks the Office of the Speaker and that of the Clerk and all the Hon. Members for the support accorded. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you very much.

*(Applause)*

Yes, let us hear the Deputy Speaker.

**Hon. Nganga:** Mr. Speaker, I note that very important detail that was being highlighted by the Minority Leader has not been circulated to Members, Mr. Speaker and it is important for their own consumption. I would want to request that urge that Members get copies of that detail. Thank you.

**Hon. Speaker:** Thank you very much. Indeed why I allowed those formal reports to be presented, if you remember yesterday we indicated we shall not have business except for the delivery of the decision that I have done. So, that paper will be circulated and then we interrogate it next week as the House Business Committee decides.

*(Applause)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, I would not think there is any other additional business today. So the motions will be done next week. Allow me to wish you a happy weekend and congratulations to the new leadership.

*(Applause)*

The House rose at 3.11 p.m.