

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday 3rd May, 2016**

The House met at 2.36 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR  
SUBMISSION OF BUDGETARY ESTIMATES**

**Hon. Speaker:** Hon. Members, pursuant to Section 129 (2) (a) of the Public Finance Management Act, 2014, the County Executive Committee member for Finance shall submit to the County Assembly the budget estimates, supporting documents and any other Bills required to implement the budget, except the Finance Bill, by the 30<sup>th</sup> April, in that year.

The Office of the Clerk received the Financial Year 2016/2017 budget estimates from the Machakos County Treasury on 29<sup>th</sup> April, 2016. The same is consequently committed to the Budget and Appropriations committee for further interrogation.

**PAPER LAID  
RECONSTITUTION OF SELECT COMMITTEES**

**Hon. Speaker:** Yes Hon. Joshua Mwonga.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker. I beg to lay the following paper on the floor of the House today, 3rd May, 2016; the report on constitution of some select committees. Thank you, Mr. Speaker

*(Hon. Kasoa laid paper on the Table)*

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

**NOTICE OF MOTION  
RECONSTITUTION OF SELECT COMMITTEES**

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**Hon. Speaker:** Proceed, Hon. Joshua Mwonga again.

**Minority Leader (Hon. Kasoa):** Mr. Speaker, Sir, pursuant to Standing Order 44 (1) I wish to give a notice of the following motion; that this Hon. House discusses and approves the report on reconstitution of some select committees. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Proceed.

### STATEMENTS

#### NO RESPONSE

**Hon. Speaker:** Then there are no responses on the statements that we have produced. So proceed.

### MOTION

#### RECONSTITUTION OF SELECT COMMITTEES

**Minority Leader (Hon. Kasoa):** Mr. Speaker, Sir, that aware that the committee on selection mandated to select members to serve in committees pursuant to Standing Order 152 section 2. Aware this committee retreated to Mombasa from 14 to 17th April, 2016 to fulfill its mandate. Aware that on 4th February, 2016 a communication was made in the assembly that required the house business committee, budget and appropriation and county public accounts and investment committee to be reconstituted.

Noting 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 pursuant to Standing Order 186 (4). Informed that pursuant to Standing Order 185 (5), 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.

Further, aware the house business committee is supposed to be reconstituted at the commencement of every session upon nomination of members by assembly parties and approved by the house pursuant to Standing Order 151 (1) (e) considering that committees form the engine for generation assembly business.

Mr. Speaker, Sir, I wish to move the motion that this House discusses and approves the report on reconstitution of some select committee. Thank you Mr. Speaker, Sir, I request Hon. Renson Muthiani to second.

**Hon. Muthiani:** Thank you Mr. Speaker, Sir. It is very true that the committee on selection met in Mombasa and did the work of reconstituting the said committees. Therefore, Mr. Speaker, Sir, I stand now to second the motion. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. The motion is properly laid proceed with the report.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker,

## INTRODUCTION

Mr. Speaker, Sir, on 4<sup>th</sup> February, 2016 a communication was made in the Assembly that required the committees of House Business, Budget and Appropriation and County Public Accounts and Investments committee to be reconstituted and this was occasioned by expiry of their term as provided for in the Standing Orders.

## MANDATE

Mr. Speaker, Sir, the Committee on Selection is established pursuant to the Standing Order 152 (1) and its mandate spelt out in standing order 152 (2) that “the committee on Selection shall nominate members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.”

## MEMBERSHIP

Mr. Speaker, the committee comprises of the following thirteen (13) members:-

1. Hon. Joshua K. Mwonga - Majority Leader/Chairman
2. Hon. Thomas M Kasoa - Minority Leader/Vice Chairperson
3. Hon. Renson Muthiani - Member
4. Hon. Timothy Kilonzo “
5. Hon. (Ms.) Brigid Kitili “
6. Hon. (Ms.) Christine Mwendu “
7. Hon. Charles Mutisya “
8. Hon. (Ms.) Veronicah Mbithe “
9. Hon. Alphonse Wambua “
10. Hon. Benson Kasyoka “
11. Hon. (Ms.) Ruth Ndumi “
12. Hon. (Ms.) Catherine Nguluku “

## COMMITTEE RETREAT

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Mr. Speaker, Sir, the committee retreated to Mombasa from 14<sup>th</sup> to 17<sup>th</sup> April, 2016 to carry out the task on nominating members to committees. In the meeting, the committee first considered the Budget and Appropriation Committee, PAIC and Ward Development Fund Committees.

### **BUDGET AND APPROPRIATION COMMITTEE**

Mr. Speaker, Sir, the committee on Budget and Appropriation is established pursuant to Standing Orders 186 (1) and (2) that ‘there shall be a select committee to be known as the County Budget and Appropriation committee that shall comprise the Chairperson and not more than eight other members.

Mr. Speaker, Standing Order 186 (4) provides 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.’

Mr. Speaker, Sir, it is out of this that the committee on Selection took up its mandate and nominated members to this committee. The following Honorable members were nominated to serve in the Budget and Appropriation committee;

1. Hon. Charles Mutisya
2. Hon. John Sila
3. Hon. Wilson Kasimu
4. Hon. Peter Nzioki
5. Hon. Renson Muthiani
6. Hon. Sammy Nduva
7. Hon. (Ms.) Jacqueline Nziva
8. Hon. (Ms.) Ruth Ndumi
9. Hon. (Ms.) Christine Mutune

### **COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE**

Mr. Speaker, Sir, the County Public Accounts and Investments Committee is established pursuant to Standing Order 185 (1) and (3) that ‘there shall be a select committee to be designated as County Public and Investments Committee, that shall consist of the Chairperson who shall be a member elected by the committee from amongst the members of the committee nominated from the Minority Party or coalition of Parties and not more than four other members.

Mr. Speaker, Sir, just like the case of Budget and Appropriation Committee, Standing Order 185 (5) provides 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.’

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Mr. Speaker, Sir, with the powers vested to the committee on Selection to do nomination of members to committees pursuant to Standing Order 152 (2), the following Hon. Members were nominated to serve in the County Public Accounts and Investments committee:

1. Hon. Michael Mutuku
2. Hon. (Ms.) Margaret Ndalana
3. Hon. Joseph Kalunde
4. Hon. Thomas Kasoa
5. Hon. Winston Kanui

#### **WARD DEVELOPMENT FUND COMMITTEE**

Mr. Speaker, Sir, in July, 2015 the committee on Assembly Procedure and Rules presented a report in this House regarding amendments to Standing Orders that saw the establishment of the Ward Development Fund Committee.

Mr. Speaker, the committee on selection during their meeting nominated Hon. Renson Muthiani following the discharge of Hon. Francis Matheka in order to maintain the membership number as per the Standing orders.

#### **NOMINATION OF MEMBERS TO HOUSE BUSINESS COMMITTEE**

Mr. Speaker, Sir, House Business Committee is established pursuant to Standing Order 151 (1) that 'there shall be a select committee to be designated as House Business Committee consisting of the Speaker, who shall be the Chairperson, Chairperson of Committees, Leader of Majority Party, Leader of Minority Party and not less than nine and not more than eleven other members, who shall be nominated by 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 and taking into consideration the interests of independents.

Mr. Speaker, Standing Order 154 (1) provides that 'in nominating members to serve in a select committee, the selection committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.

Mr. Speaker, the Assembly parties forwarded names of their nominees to the office of the Clerk on time and the committee has been in operation. The criteria of determining the number of nominees for each party is shown below;

	PARTY	NO. OF MEMEBERS	PROPORTION	MEMBERS
1.	Wiper	30	$(30/59)*11 = 5.6$	5
2.	CCU	7	$(7/59)*11 = 1.3$	1

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3.	DP	6	$(6/59)*11 = 1.1$	1
4.	PICK	4	$(4/59)*11 = 0.7$	1
6.	TIP	2	$(2/59)*11 = 0.4$	1
7.	ODM	2	$(2/59)*11 = 0.4$	1
8.	TNA	2	$(2/59)*11 = 0.4$	1
9.	NARC – KENYA	1	$(1/59)*11 = 0.2$	0
10.	AGANO	1	$(1/59)*11 = 0.2$	0
12.	RCP	1	$(1/59)*11 = 0.2$	0
13.	MAZINGIRA	1	$(1/59)*11 = 0.2$	0
14.	NPK	1	$(1/59)*11 = 0.2$	0
15.	NEW DEMOCRATS	1	$(1/59)*17 = 0.3$	0
	<b>TOTAL</b>	<b>59</b>		<b>11</b>

Mr. Speaker, the members forwarded from the various parties are as follows;

**WIPER**

1. Hon. Timothy Kilonzo
2. Hon. Gedion Kavuu
3. Hon. Wilson Kasimu
4. Hon. (Ms.) Nina Mbithe
5. Hon. (Ms.) Mary Ndinda

**CCU**

Hon. Alex Kamitu

**DEMOCRATIC PARTY (DP)**

Hon. Joseph Itumo

**PICK**

Hon. Stephen Muthuka

**TIP**

Hon. Joseph Muli

**ODM**

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Hon. Dominic Maitha

**TNA**

Hon. (Ms.) Anne Wairimu

## CONCLUSION

It is therefore my sincere wish to forward the names of all the Hon. Members nominated to serve in the above committees and the report in general to the Assembly for approval and wish them good luck as they offer their service in the remaining session of our parliamentary term. Thank you, Mr. Speaker Sir.

**Hon. Speaker:** Thank you. Hon. Members, the report has been presented. I think we have done these reports now severally. We now know the procedure that is laid down under Standing Order 155 (2); ‘whenever a motion for approval of a list under paragraph one is moved in the House, no objection against proposed membership of a member in a select committee shall be omitted and objection even shall be formulated except against the proposed membership as a whole.’ So, with that guidance, Hon. Members, you may proceed and make your contributions. Yes Hon. Kitheka.

**Hon. Kitheka:** Thank you, Mr. Speaker, and the House at large. First and foremost, I wish to comment on the entire document as a whole as per the set regulations in our Standing Orders. Mr. Speaker, I wish to reject the document as a whole on the following grounds. Mr. Speaker, as you know, this House is comprised of parties which have come into groups or coalitions and they have formed fronts which have been termed as coalitions. Mr. Speaker, it would be very much out of order for us to address an issue as Wiper, as ODM or any other small party which purports to be standing by its own.

The only parties which should be addressed as their own parties are those parties who are not in the coalition. For example, I do not see the essence of having Wiper, we have the ODM, we have Cord coalition which is registered and which is in the political parties office and it is known as an identity in this House. So to separate the two is to mean that this House is separating the group and fragmenting it for some advantages. Mr. Speaker, I know very well this was meant to achieve some goals but notwithstanding the moral standards of this House, Mr. Speaker, I wish to point out that this document should be rejected in totality.

Secondly, Mr. Speaker, it sounds very inhuman for this House to approve such a document. You seated as the Speaker, seeing very well it is pushed as a punitive measure for some members who are in this House. Mr. Speaker, members who are not in line with the government at hand have been shoved and pushed on the wall, not given any position, removed

from their position and their positions given to other people. Mr. Speaker, it would sound very bad for you to make sure this document is approved, Mr. Speaker.

You should be the first person to tell us ‘members, go and clean your House and come into this House knowing that we are all human beings and we are all heading to heaven unless others have taken a short cut. Mr. Speaker, I think it would be so bad for members to pretend that they are solving a problem, in fact, adding an insult to an injury. Mr. Speaker, I wish to point to this committee of budget. Mr. Speaker, we have Hon. Charles Mutisya, Hon. John Sila, Hon. Wilson Kasimu, Hon. Peter Nzioki, Hon. Renson Muthiani, Hon. Sammy Nduva, Hon. Jacqueline Nziva, Hon. Ruth Ndumi, and Hon. Christine Mutune. Mr. Speaker, all these members are in line with the government in hand. All these members have been put to shelve people like Hon. Rachel who has been named as not adhering to the rules of the current Government.

Mr. Speaker, I think even us who had been pushed out of this House have also a stake in this House. So, Mr. Speaker, we expect you to give us good guidance for this document because this document we are not going to allow it and we are going to through it in the dustbin until the time when we will sit amicably in this House and address the plight of the people of Machakos and come, with vigor, to address the problems we are having in this House.

This House has been managed by a few and we cannot be allow for it to be micro-managed by people who are purporting to help us while they are seeking for their own welfare and their political mileage. Mr. Speaker, I think I have sent my message and Mr. Speaker, my last word; when a blind man tells you ‘I can see,’ know that there is more than what can be seen by naked eyes. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, I will urge you again to re-read Standing Order 155 (2) ‘whenever a motion for approval of a list under paragraph one is moved in the House, no objection against a proposed membership of a member in a select committee shall be permitted and objections, if, any, shall be formulated against the proposed membership as a whole.’ I only allowed Hon. Kitheka to proceed when matters on individual members but now that he has concluded other contributions must now follow that Standing Order. Let us take, yes Hon. Kathinzi.

**Hon. Kathinzi:** Thank you, Mr. Speaker. While sometimes, I just wonder why things happen the way they happen because they are not supposed to be the way they are. As I can see this report, I think the former contributor has just stated very well that the meaning of us being called Hon. Members is to do things honourably. Whenever there is a need for us to undertake issues, like you could see yourself and you know the side of the divide amongst us where these members are seated, that concludes why I am a wondering member today because I am not and cannot and will not support such a report.

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Even when we have Standing Orders which are very clear, indicating what you have just read for this House, Mr. Speaker, it is maliciously indicating that the House is not yet settled as we are expecting and the membership of this report is more than wanting. I think Hon. Kitheka has just indicated some worries about maybe, on page five, very straight point, we are in Cord Coalition and Cord Coalition is with majority members whereby we have to take the Cord Coalition members, the number of us then we get the numbers.

Even when the names were given, there was no consultation and consultation has been emphasized in devolution for the smooth running of the institutions which are being put before us. Mr. Speaker, it will be like meeting a million Muslims going to their mosque and change your faith because you are a Christian and you can see these numbers are overwhelming. My position is that, Mr. Speaker, it is not fair, let me use that simple word, it is not fair for this House to adopt this report. I decline to support it. Thank you.

**Hon. Speaker:** Yes Hon. Muthuka.

**Hon. Muthuka:** Thank you Mr. Speaker, Sir, and the rest of the House. Mr. Speaker, in line with the Standing Orders that you have already stated in this House and in the membership of these committees, actually there is nothing has happened in the re-constitution of these committees. Simply, this was made just as Hon. Kitheka has put it, as a punitive measure to a few members. Mr. Speaker, if you look at the constitution of PIC and PAC, the same members have gone to the same committee and you know we are winding up our duty as a county assembly come next year and up to today, there is nothing substantive has ever come from that team.

So Mr. Speaker, approving such a report is not fair to us. We will be injuring our conscience and we will be doing something which is not right when we know it is not right. So, Mr. Speaker, without much ado, I would request you put the question, we do away with this report and then we can go to other business which can help this wonderful county. So, Mr. Speaker, I would like to object this document in totality and I wish I was you I could have put the question right away. Thank you.

**Hon. Speaker:** Yes Hon. Rachel.

**Hon. (Ms.) R. Nduku:** Thank you, Mr. Speaker. I want to stand in this House to oppose this report. I am not opposing this report because I am throughout from the two committees, the select committee and the budget committee but my comment is in the budget committee. I think whoever compiled this report would have thought of, even if I was representing Mavoko constituency, I wish they would have put somebody from Mavoko constituency because in Machakos County, the heaviest taxpayers are in Mavoko constituency and I do not see how we

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have the three members from Yatta constituency, that is Hon. Sammy Nduva, Hon. Jacqueline Nziva and Hon. Christine Mutune in the committee.

They all come from Yatta constituency and I do not know how the people of Mavoko, their monies will be budgeted by other people while we are the people who pay a lot of tax in this county. So I am standing here to oppose this report and also ask you Speaker to be non-partisan. Thank you, Mr. Speaker.

**Hon. Speaker:** Let us hear the mover.

**Minority Leader (Hon. Kasoa):** Mr. Speaker, I have listened keenly to the Hon. Members and the previous contributors. Mr. Speaker, I took consideration of their issues and Mr. Speaker, wish to withdraw the report and take it back to the committee of selection to sit down and come up with another report in the coming few days.

**Hon. Kitheka:** Point of order, Mr. Speaker.

**Hon. Speaker:** The mover of the report has withdrawn it and I grant the withdrawal. So, there is nothing before the House.

#### POINT OF INFORMATION

**Hon. Speaker:** Let us take Hon. Muinde at the back.

**Hon. Muinde:** Thank you, Mr. Speaker. The Hon. Member for Mbiuni, the minority leader had already tabled the report. It had become the property of the House and the ball is in your hands.

*(Applause)*

This is a calculated move. I think he is counting the numbers and he is part of a scheme that is actually meant to humiliate people. Mr. Speaker, I want to remind the House, including yourself, that we all swore in this House to protect the constitution and to serve the people of Machakos without favor or partiality. Mr. Speaker, what is happening here, is a scheme to punish those who are not sympathetic to the government of the day. The reconstitution of the budget committee is only Isaac Muinde---

**Hon. Speaker:** Order, Hon. Muinde. The matter before us now is not the report. The report, according to me, has now been withdrawn. What is your point of order? That it ought not to have been withdrawn?

**Hon. Muinde:** Mr. Speaker, the point is it ought not to be withdrawn. We need to go full length and make a decision, as a House. Mr. Speaker, there is a lot of unfairness but I choose my words, otherwise every time I stand, I will run the risk of being thrown out of the House.

**Hon. Speaker:** Yes, let me hear you.

**Hon. Kitheka:** Mr. Speaker, time and again we have addressed issues in this House. If the Hon. Member, the minority leader is sensing defeat over a document which he has brought into this House it is out of order for him to withdraw the document at this stage when it has already become the property of the House. It should go through the process to the full throttle of this House. Mr. Speaker, I do not see the sense of us coming to this House, debating a bit then one, Mr. Kitheka withdraws the document. Does it make sense? This is not a playing field.

After all, this is an August House where honour is the order of the day. Mr. Speaker, I wish we go through the full voting of this document so that we can prove to him that he has brought a document into this House which is not fit and which is demeaning the honor of this House. So, Mr. Speaker, I think there is no two way about this document. It is the issue of asking us to say yes or no to this House because we cannot bear the situation the way it is. Thank you.

**Hon. Speaker:** Hon. Members the motion has been withdrawn. There is nothing before this House and I so order. Next.

## ADJOURNMENT

**Hon. Speaker:** In absence of further additional business, then the House adjourns.

The House rose at 4.47 p.m.