

REPUBLIC OF KENYA

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th September, 2016

The House met at 2.35 p.m.

[The Deputy Speaker (Hon. Nganga) in the Chair]

PRAYERS

Hon. Deputy Speaker: Proceed, clerk.

PAPER LAID

BENCHMARKING TO KILIFI COUNTY ASSEMBLY

Hon. A. Wambua: Mr. Speaker, Sir, I beg to lay down the following paper on the floor of the House today Tuesday, 13th September, 2016; the report on benchmarking to Kilifi county assembly. Thank you, Mr. Speaker

Hon. Deputy Speaker: Hon. Christine.

PHASE 2 ROADS PROJECT IMPLEMENTATION

Hon. (Ms.) Mutune: Thank you Mr. Speaker, and the House at large. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today 13th September, 2016; the report on phase 2 and 3 roads project implementation. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed, clerk.

NOTICES OF MOTIONS

BENCHMARKING TO KILIFI COUNTY ASSEMBLY

Hon. Deputy Speaker: Hon. Alphonse.

Hon. A. Wambua: Mr. Speaker, Sir, I wish to give notice of the following motion; that this Hon House discusses and approves the report on benchmarking visit to Kilifi county assembly. Thank you, Mr. Speaker.

PHASE 2 ROADS PROJECT IMPLEMENTATION

Hon. Deputy Speaker: Hon. Christine.

Hon. (Ms.) Mutune: Thank you Mr. Speaker, Sir, I wish to give notice of the following motion; that this Hon. House discusses and approves the report of phase 2 and 3 of roads project implementation. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed, clerk.

MOTIONS
BENCHMARKING TO KILIFI COUNTY ASSEMBLY

Hon. Deputy Speaker: Hon. Alphonce.

Hon. A. Wambua: Thank you, Mr. Speaker, Sir. That aware the committee on implementation, among other functions, is mandated to deal with examining whether or not the decisions of the county assembly and undertakings have been implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary pursuant to Standing Order 188 (2) (a). Mr. Speaker, Sir, further aware that benchmarking is the process of comparing ones practice with the best practice with other institutions, cognizant of the fact that from the benchmarking visits, committees are able to gauge their performance and pinpoint their shortcomings. Mr. Speaker, Sir, acknowledging that the committee on implementation bench-marked with their counter parts in Kilifi County on 12th and 13th August, 2016, I wish to move a motion that this Hon. House discusses and approves the report on benchmarking visit with the Kilifi County.

I call Hon. Member from Kivaa ward to second my report. Thank you.

Hon. Kathinzi: Thank you Mr. Speaker, I would like to second this particular motion that we visited Kilifi County. I would wish to emphasize that(inaudible) so I second this motion.

Hon. Deputy Speaker: Proceed, chairman.

Hon. A. Wambua: Report on benchmarking study visit to Kilifi County assembly. Mr. Speaker Sir, benchmarking is the process of comparing one's practices with best practices from other institutions. From the benchmarking visits, committees are able to gauge their performance and pinpoint their shortcomings. Mr. Speaker, Sir, the need to benchmark was triggered by the committees' concern on the slow implementation of projects by the Executive arm of Machakos County Government.

Mr. Speaker, Sir, the Committee on implementation is established as per Standing Order 188 (2) and underlines the functions of the Committee to include 'scrutinize the resolutions of

the Assembly (including adopted Committee reports), petitions and the undertakings given by the County Executive Committee and examine-

- a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary.
- b) Whether or not legislation passed by the Assembly has been operationalized and where operationalized, the extent to which such operationization has taken place within the minimum time necessary.

Further, on the mandate of the Committee, it may propose to the Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

Mr. Speaker, the Committee on Implementation is comprised of the following members:-

- | | |
|---------------------------------|--------------------|
| 1. Hon. Alphonse Wambua | - Chairperson |
| 2. Hon. (Ms.) Catherine Nguluku | - Vice Chairperson |
| 3. Hon. Edrick Ngunzi | -Member |
| 4. Hon. Leonard Katela | “ |
| 5. Hon. Kyalo Kyuli | “ |
| 6. Hon. Francis Matheka | “ |
| 7. Hon. (Ms.) Peninah Kaluki | “ |
| 8. Hon. Dominic Maitha | “ |
| 9. Hon. Peter Nzoka | “ |
| 10. Hon. Alexander Kathinzi | “ |
| 11. Hon. (Ms.) Jacqueline Nziva | “ |
| 12. Hon. (Ms.) Margaret Ndalana | “ |
| 13. Hon. Raphael Mutuku | “ |

Mr. Speaker, Sir, Kilifi County is located on north and northeast of Mombasa. The Assembly has 54 Hon. members, 35 being elected, 18 nominated and the Speaker.

Mr. Speaker, Sir, the committee traveled to Kilifi County to benchmark on 12th and 13th August, 2016. The areas of benchmark were generally on the Committees' mandate and the challenges the Committee faced in executing its roles.

Mr. Speaker, Sir, the Committee was informed that Kilifi County Assembly had enacted 32 bills which are now Acts but only few have been implemented. This challenge is attributed to the fact that regulations had not been made by the CEC members of the concerned departments. This challenge is also being faced in Machakos where to date 35 Acts have been passed by this Hon. House and very little have been done in the implementation part.

Mr. Speaker, Members also noted that once a Sectoral Committee inspects County projects and a report tabled in the House for adoption, the CEC members and Chief Officer of the relevant department reports to the implementation Committee on the matter within 60 days pursuant to Standing Order 181. Mr. Speaker, Sir, the County Executive Committee Members of

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Kilifi submit full and regular reports on matters relating to the County as provided in the Constitution of Kenya Article 183 (3). This is done without reminders since it is their responsibility.

Mr. Speaker, Sir, the Committee on Implementation in Kilifi County Assembly at one time proposed to the Assembly, sanctions against a member of the County Executive Committee who had failed to report to the relevant sectoral Committee on implementation status of County Projects without justifiable reasons.

Mr. Speaker, Sir, further on the implementation of the Ward Development Fund, members were informed that the fund was under the Committee on Implementation and each Ward had an allocation of Kshs. 25 million for development and Kshs. 10 million for bursaries. The County Assembly had not enacted a legislation to back the fund but Implementation of the Fund was made successful by political goodwill between the two arms of the County Government.

Mr. Speaker, Sir, the members learned that the County of Kilifi had some stalled County projects caused by delayed disbursement of funds by the National treasury. This is also being experienced in our County. Further, the Kilifi County projects signposts bear the name and portrait of the Governor just like in Machakos County Government. This matter was challenged by the County Assembly of Kilifi by a motion and nothing was done about it.

Mr. Speaker, Sir, members noted that the plenary sittings in Kilifi County Assembly are held on Monday, Tuesdays and Wednesdays. Committees meet on Thursdays and members make time to meet with their electorates on Fridays. The Budget and Appropriation Committee in Kilifi County Assembly is composed of Chairpersons of sectoral Committees and this enables the Chairpersons to analyze their respective departmental budget.

Mr. Speaker Sir, the County Assembly of Kilifi has set up decent infrastructure to accommodate all the staff, the County Assembly leadership and Committee Chairpersons.

Mr. Speaker, Sir, the Committee on implementation based on the above observations makes the following recommendations;

1. There is need to cultivate political goodwill between the County Assembly and the County Executive to warrant the implementation of the Ward Development Fund whose purpose is to ensure that a specific portion of the County annual budget is devoted to the Wards for purposes of Development, wealth creation and in particular the fight against poverty at the Ward level.
2. The CEC members from all departments should ensure that all stalled projects are done to completion in the current Financial Year since there are budgetary allocations to cater for them.
3. The CEC Member who does not abide by the provisions of Constitution of Kenya Article 183 should be sanctioned.

Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Committee on Implementation, to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you chairman for the nice presentation. The report is properly before the House and it is open for deliberations. Members with contributions on the report are welcome. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. Once again I will like to contribute towards this particular motion, Mr. Speaker. When we went to Kilifi, we realized it is like we are suffering from the same problem that whatever we pass as an assembly, the executive was not adhering to the resolutions. Mr. Speaker, I would like to take you to committee's recommendations or rather observations. The observation I would like, go to page 3, Mr. Speaker, and you realize that the last paragraph says that 'Mr. Speaker, further on the implementation of the Ward Development Fund, members were informed that the fund was under the committee of implementation and each ward had an allocation of Ksh. 25 million for development and Ksh. 10 million for bursaries.

Mr. Speaker, the reason as to why we are here especially those who are elected by their electorate especially from those specific wards, is that we are here to ensure that we legislate and offer proper guidelines to the executive to be able to execute their policies and secondly, to ensure that the development that we pass for the implementation to be done by the executive and that executive which has not being able to do, this kitty in their side is in the Ward Development rather the committee of implementation and each ward the allocation of Ksh. 25 million for development and Ksh. 10 million for bursary.

Now, looking on the other hand for the case of Machakos County, do we know our selves? Do we know what we have been able to do? And that which we have not being able to achieve. So, therefore, severally in this assembly I have been rising and saying the writing should be on the wall. Now I can say the writings are already on the wall because other assemblies have been able to come together and focus for the benefit of their people.

Assuming I have been given Ksh. 25 million for the development of Kivaa ward, what else could I be looking for? Because that is my satisfaction to ensure that small child, that needy orphan girl or boy, I am sure he can go to school do a good work, provide clean water whether we have culverts, whether we have bursary when we are controlling these things from this side, Mr. Speaker, because there is that small window we call ward development fund kitty, Mr. Speaker.

But in our case, when we unite as members and say let us focus this way for the benefit of our people then we are eating ourselves. That is something we observed very keenly and we said, if we really mean good for our people and if we really wish good for our future, it is good to agree here in the remaining one year, the monies we have put in bursaries, the monies we have put in Ward Development Fund kitty, this time round we will not accept our Governor to interfere with this kitty. We must push forward and ensure we have at least something to show our people.

Mr. Speaker, we in this assembly we have members of two kinds; there are those who are nominated and those who are elected. The needs of an elected member, Mr. Speaker, I think everybody knows even when we are getting the same pay, our pay goes to our people because the executive has not being able to implement what we pass in this assembly. It is a pity to see in three years budget, I cannot show the Ksh. 50 million in ward development.

Mr. Speaker, for the bursaries we know very well, during the end of last financial year, sometimes in June, we passed and agreed unanimously, the Governor requested to return this money to departmental heads which belonged to the Ward Development Fund. The Ksh. 800 million, there is nothing we can show. This CEC members, there is no single project they can show they have done and implemented with that particular money.

Ksh. 161 million we allocated to bursaries still we got Ksh. 1 million and because of that division in the House; I, myself and I. Simple. We have not been able to achieve the Ksh. 4 million target for our people to award bursaries. Really, what are we doing? So our colleagues are doing much better. Mr. Speaker, there is another issue for the portrait that we are flying in the same...theologians said 'birds of the same feather, flock together.' Just the same problem, we pass in this assembly sometimes in 2014 and we said let us agree that our Governor's portrait be removed from the projects.

Mr. Speaker, when this land started having legislative authority and executive authority, the colonial governments have done a lot in this country. There is no single project, Mr. Speaker, whereby we can see a certain colonial ruler has indicated his or her name on a certain project. Mheshimiwa Hon. Toroitich arap Moi has been there for 25 years and there is no single project, no single bill board has been erected anywhere in this country, and money was having his own picture.

So why do we have to show this petty issues. When we pass something in the assembly Mr. Speaker, it has to be respected because the way we behave in this county replicates back to our people. We have become a laughing stock and it is not good. Whatever we pass has to be implemented. We also have another problem when we call a minister of a CEC member to come and highlight some very good... even when our Hon. Members mean well for this, we are told they are busy.

One day one CEC member said, wrote a text message to me those days when I was the chairman health committee, she told me 'I have gone to Aga Khan Hospital Nairobi.' I went to the Speaker's office; she said she has gone for a meeting in Mombasa that same morning. That means, it is a clear indication it is a lies which is just roaming within. We have just been saying things which have never been implemented.

Mr. Speaker, my plea is even when we are supporting this particular document, let us mean well. One year is long enough to make a change; one year is long enough to say enough is enough. One year is long enough to say united we stand, divided we fall. If we are not going to change the ways of doing things, we shall all fail, we shall all be in bad books of records in 100 years to come, Mr. Speaker. Thank you. I rest my case.

Hon. Deputy Speaker: Hon. Kamitu.

Hon. Kamitu: Thank you very much, Mr. Speaker. I think I will be very brief. One thing is that our committee has brought a report that is in comparison for what they did in Kilifi and maybe in the observations they have made and their recommendations, they have written and we

have seen Mr. Speaker, Sir, is that what they observed in Kilifi is something similar to what is happening in Machakos. When it goes to the definition of the mandate of the implementation committee of Machakos County Assembly, Mr. Speaker, maybe, I would urge the committee through their chairman and in support of the Hon. Members of this county but now because we are talking about the time factor, the time that is remaining is that now the committee should be telling us how many summons they have given to a Chief Officer in the county because now this is where we can gauge the different departments.

So, Mr. Speaker, Sir, this is a very important committee that should be telling us that one day we summoned our CEC members in regard to specific projects and he turned up or she did not. So I am standing here, Mr. Speaker, Sir, with a very big concern that the implementation committee should be giving us the number of projects that have been carried out since 2013 because as we say as elected members, our mandate, our responsibilities and our duties are well clearly defined; to legislate, to oversight and to represent.

For the purpose of this committee, Mr. Speaker, Sir, I would urge the chairman of implementation committee with his personnel, they went to Kilifi but now they should be giving us breakdown of the project that they visited at what stage in regard to implementation because Mr. Speaker, we are not even defining implementation in terms of the general but in terms of development in our county.

The implementation committee should be giving us the number of projects that have been carried out, the number of projects that have not been done anything and their status. So I stand here to say, fine, it was a good report that they made but then in relationship and in case in question of Machakos County, Mr. Speaker, Sir, we want those reports, we want actions that have been carried out--

Hon. Deputy Speaker: The member is protected. Let him complete his contribution.

Hon. Kamitu: Yes, by our implementation committee, we sincerely applaud them for the good thing that they did, for the journey they made up to Kilifi. The question is, us in Machakos County implementation committee, as we say thank you, you should know we should be given a breakdown of how many summons they have given to the cabinet or the CEC members concerned and how far, as I said, have our projects been carried out. So that we maybe be talking of we have got these projects that have been carried out, these have not been carried out and so forth. Otherwise, thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Maybe, Hon. Chairman, you respond to those issues that have been raised by Hon. Kamitu on the summons and on whether you are working to present a breakdown and follow up on the implemented projects.

Hon. A. Wambua: Thank you, Mr. Speaker. I want to respond to the Hon. Member that my committee wrote some letters with various departments and we are still waiting for the response from them. I want to assure the member that by next week, I will bring those answers to this House. Thank you.

Hon. Deputy Speaker: Hon. Joseph Muli.

Hon. Muli: Thank you Mr. Speaker, Sir. I stand to support the report from the chairman. It is very brief, but it has already targeted the points which we believe if they are being done well, this will try to push Machakos far in development. Mr. Speaker, I would like to go direct to the Ward Development Fund where this issue has been delayed for so long and the committee has brought a report here and we have to come to realize that some of the counties have received Ward Development Fund.

Already on our side, this is an issue whereby it rolls, sometimes it vanishes and Mr. Speaker, we even don't know what is happening with the Ward Development Fund and that is why we went and formed a Ward Development committee, whereby we have the chairman and the also the one for implementation.

We would like to know from the chairman of implementation committee, how far has he tried to follow up on the issue of Ward Development Fund for this budget because last time when we were in public participation, we found there were certain amendments and we are very eager waiting to know the way to go about it.

Mr. Speaker, with issues of implementation, we would like to request the chairman to be very vibrant on issues of implementation because we believe within this budget of 2016/2017, we need to see a change. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Stephen Muthuka.

Hon. Muthuka: Thank you, Mr. Speaker and the rest of the House. I want to applaud the report. It is good to do benchmarking and from the introduction, the chairman tried to justify the reason why we need to do benchmarking and if I can quote his words; 'benchmarking is the process of comparing one's practices with the best practices from other institutions. From the benchmarking visits, committees are able to gauge their performance and pinpoint their shortcomings.' That is a very powerful statement.

But from the report, you have not expounded on your performance and you have not pin pointed on your shortcomings. Mr. Speaker, if you remember, before we went for the long holiday last year, all fight was towards the committee of implementation. Every member who rose here was blaming the committee of implementation. And since then, this is the first report we are getting, not from our county but a benchmarking from Kilifi.

If you look at the recommendations, Mr. Speaker, they are only three. This is very much laughable. If you go to number 3, the CEC member who does not abide by the provisions of the constitution of Kenya Article 183 should be sanctioned.

Mr. Speaker, I think this was copy and paste, because this thing is in the County Government Act and there is nothing new because since we came to this Hon. House, we have never censured any committee member or any Chief Officer. What we normally do, we go to our divisions, you know what happens, I don't want to talk about chicken, but by the end of the day, the same people who complain about the CECs normally come and change the tune.

So Mr. Speaker, since we only have six months to go, so that we can pave way for other people to represent the good people of Machakos, I don't think this will be possible to sanction any CEC member; that is not possible in this current assembly.

The CEC members from all departments should ensure that all stalled projects are done to completion in the current financial year since there are budgetary allocations to cater for them.

Mr. Speaker, we have been here making budgets, submissions and trying to push the projects so that we can have the projects completed.

Mr. Speaker, it is well known to you what happened during that period, in April, some of us were kicked from the House so that whichever budget that was fitting the executive could pass. And that indeed it passed. So Mr. Speaker, I cannot see anywhere in our budgets or in the allocations that we can be able to complete the many projects that we have already started.

Mr. Speaker, there is need to cultivate political goodwill between the county assembly and the county executive. Mr. Speaker, this is not a marriage whereby we need to talk to each, coerce in some issues, this is an independent body which has its own mandate as Hon. Kamitu has put it, to represent the people, oversight and legislate. Now we are doing the legislative part of it, but how then are we going to cultivate this political goodwill while we are already in division.

There are people who are supporting the evils from the executive, there are those who are talking about the evils of the executive. Once you talk about the evils in the executive, you are branded anti-development.

So, Mr. Speaker, who will be that brave to come out from that cocoon of the executive and talk about the ills and the push the executive to do the projects. So, Mr. Speaker, as much as I would like to adopt this report, personally, I feel it is short of the substance that we expected. It has no guidelines; it has no work plan, because from here after adoption we are starting now?

The report has no work plan so after this, today the report will be put in our cupboards, I don't even think the report will go to the executive because the same people do not honour requests that come from this House.

I believe God is for us all every man for himself. For now, let us move in this jungle and maybe, next year, those who will be lucky to come here, they will be in a position to push some of this recommendations so that the next government can implement them. Thank you.

Hon. Deputy Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker, Sir. I support the report but the bad thing is that our assembly cannot make it to do the right things. They eat what is called chicken, they do the bad things, so as the immediate contributor has said, we have to go home and the other people who can do the work---

Hon. Deputy Speaker: What is your point of order Hon. Katela?

Hon. Katela: Thank you Mr. Speaker. I think Hon. Mueni is using abusive words to the House. Can she substantiate what a chicken is in the House and what eating is? Thank you.

Hon. Deputy Speaker: I think it is proper you do that.

Hon. (Ms.) Mueni: Yes, Thank you. My friend, I think you already know what you are asking me but that is the truth. So, members, you have to be very careful of doing things. When the people went to Kilifi, they saw the right things. So it was the right thing brought for you to see. So you can do nothing to support the county, you have been eating people's things, the Executive has been doing what it wants, so it is taking you home and you can do nothing. You go and good people will come and do good work for the county. Thank you.

Hon. Deputy Speaker: Hon. Chairman of budget committee.

Hon. Kasimu: Thank you Mr. Speaker. I rise on a point of information that Hon. Member for Ndalani and Hon. Mueni; in any healthy democracy, there will always be members of the county assembly who support the government and who do not support the government. There will be opposition, so let us not be branded any other name that one seems to be a name to call Hon. Members who are supporting this government. It is our democratic and their democratic right to be in any part of this government but not call members names. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: The member is already done but let us hear the matter from Hon. Munyaka. Let us focus on the report so that we wind up.

Hon. Nzeki: Thank you, Hon. Speaker. I congratulate the chairman for implementation for a good job done and I think all the 47 counties are getting tough times when it comes to implementation. Because as we recommend such and such deeds be done, the same things are not done like in Kilifi county. Mr. Speaker, I want to challenge Hon. Muthuka, the next coming Governor who will be coming in the---

Hon. Deputy Speaker: Hon. Nzeki wa Munyaka, you are out of order. I already ruled on that matter that we debate about the report.

Hon. Nzeki: Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kyuli.

Hon. Kyuli: Thank you, Mr. Speaker. I want to comment a few issues in this report. When we were in Kilifi, members noted that once a sectoral committee inspects a county project and a report is tabled in the House for adoption, the CEC and Chief Officer of the relevant department report to the implementation committee on the matter within 60 days pursuant to the Standing Order 181.

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There seems to be some order in Kilifi that lacks in this particular House and the county for that matter. For example, we passed a supplementary budget in this House and we were expecting bursaries for our people, Mr. Speaker, some of us were given Ksh. 1 million and other Ksh. 2 million. There is a remnant of Ksh. 1 million or Ksh. 2 million remaining so that we may share and give our people bursaries. Even the Ksh. 1 million that is said to have been given to some of us, some of the CECs went to schools and gave out their own lists, not the lists we as members of the assembly had given out.

That in itself gives indication of what is happening in our county. For example, you have given a certain student a bursary or Kshs 10,000 and a certain CEC member goes to that school and cancels it and gives their own list---

Hon. Deputy Speaker: Let us hear the point of order.

Hon. Kasimu: Can the Hon. Member substantiate in his ward a member of the CEC visited the school and gave a list of students. Can he clarify, from his ward.

Hon. Deputy Speaker: I think Hon. Kyuli you are required to substantiate by the rules of House.

Hon. Kyuli: If given time, I will table in this House, two parallel lists of beneficiaries from Wamunyu; one from a CEC member, one from the people of Wamunyu.

Mr. Speaker, I was speaking from this point that once a committee visits a project, the CEC member for that particular department within 60 days they table a report to the committee of implementation. If such a thing was happening in our county, we could be far. We could have said the phase 1 and 2 roads which we said must be done, and every other project that we budgeted for in this county, we could have seen some works going on.

Therefore, as an assembly and as a county, we must sit, think of where the rain started beating us because we are really.....(*inaudible*) as we speak. Mr. Speaker, the supplementary budget that we passed here, we pushed monies into bursaries, those monies have never been given out, as it were.

Every department we allocated and appropriated money for, we were just doing it on paper. This is a big challenge to this county, that as an assembly whatever we say or pass here, it is not adhered to and I don't see as a person now that we are going to redeem that.

Some of these issues, even as you can see in the floor right now, Hon. Members are just moving in and out and moving out is the biggest number, Mr. Speaker. Therefore, the good will seen in Kilifi from the Executive is never seen in this particular county. The reason is, somebody somewhere feels that what they do or what they want to do is the best for the county, not what the people of this county what to be done in their areas.

Again on the goodwill, that is a pipe dream, there is no goodwill and it will never be there.

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Lastly, Mr. Speaker. there is a recommendation that the CECs from all departments should ensure that all stalled projects are done to completion in the current financial year since there are budgetary allocations to cater for them. Mr. Speaker that is just a recommendation from this assembly, but to actualize it, is again a pipe dream.

Mr. Speaker, we have done so many recommendations from this House and they fall on deaf ears. It looks as though we just come, do our recommendations, sit and watch as few people plunder or eat, for that matter, all the monies for our county. Thank you, Mr. Speaker.

Hon. Deputy Speaker: I would like to hear three or four final sentiments before we close. Hon Kitheka.

Hon. Kitheka: Thank you, Mr. Speaker and the House at large. I wish first and foremost to applaud the committee for implementation for updating us on what happened when they went to Kilifi.

Mr. Speaker, I was part of the team which went to Kilifi and luckily enough, I held briefly for my chairman who was on the way coming. Luckily enough, he joined us as we had gotten a lot of information. Mr. Speaker, I wish to point out some issues which are very serious on the issues of Kilifi.

In Kilifi County, development is done openly and in a very sincere manner, to the MCAs and to the County Executive members. Mr. Speaker, the Ksh. 25 million is not something that has been negotiated from any legislation whatsoever; it is a negotiation of goodwill between the assembly and the executive.

Mr. Speaker, we pointed out issues of bursaries and found that bursary is given in totality by the MCA through the executive, to an extent that there was no single MCA whose bursary had not been given for the previous year. So Mr. Speaker what we are trying to do here is what we call in the jungle 'monkey business' or 'monkey do, monkey see.

Mr. Speaker, when the small monkey sees what the big monkeys are doing, exactly that is what they will do tomorrow. That is exactly what we call 'monkey see, monkey do' business.

Mr. Speaker, I think we are being shortchanged in this House to an extent that even we cannot question what we ought to do. Many issues have been done, we have not been consulted and they are still being done as we talk. As you go round you will find projects which are halfway are given example of a project in my ward, the dispensary. It is in the lintel stage, there is nothing going on. If you go to the office, they ask you where the hospital is. Seriously, Hon. Members, where are we heading to? Because I can see and prophesy doom in this assembly simply because we look as if we are being pushed by a force which is not know where it is coming from.

Mr. Speaker, we have very brilliant minds in this House which have come from far and hustled very much in life to become what they are. But it beats logic when we are being shortchanged with our own money. Mr. Speaker, as I held brief with people of Kilifi, I found that people of Kilifi are almost utilizing their budget in terms of allowances for the members of Ksh.

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124, 000. Here we are talking of an average of Ksh. 71, 000 and other members are getting as less as Ksh. 24,000 for their allowances.

Mr. Speaker, we should wake up for the call because we are doing a lot of issues which will not benefit us. For instance, if a Hon. Member as we discussed from those people in Kilifi, is not able to attend meetings, he is called by the chairman, they address the issue and everything is put in order. Every Friday they address the issue of attendance for every member, but here, you will find a chairman has gone and cancelled everything in the book, the chairman is not even aware whether the members are coming or not. It is haphazard to note that a chairman comes into this assembly, gets the book, writes the name, and cancels the other names, and he had not even attended the meeting.

Mr. Speaker, let us address issues as if all of us here want to earn and we want to benefit from this assembly, like Hon. Members, not like beggars who have been pushed to this House from the streets. Mr. Speaker, can you protect me because there is a sycophant who wants to put me down.

Hon. Deputy Speaker: Order! Hon. Kitheka.

Hon. Kitheka: Protection granted. Thank you.

Hon. Deputy Speaker: There is a point of order.

Hon Katela: Thank you Mr. Speaker. Can the Hon. Member be checked whether his mind is good because he is using very bad language for this House? How can you call yourself a monkey and you are part of it? How can you say you have been pushed or sycophanted (??) How can you call yourself a beggar and Hon. Member like you?

Mr. Speaker, I am sorry whether people of Machakos Central are represented by a normal person. This man must be sick. Thank you, Mr. Speaker.

Hon. Deputy Speaker: What is the point of order Hon. Kasimu.

Hon. Kasimu: Mr. Speaker, I would like to urge the members to be sober. This is a Hon. House and to use parliamentary language. Mr. Speaker, give us guidance on that especially Hon. Kitheka, Hon. Muthuka and Hon. Katela. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Order! I want to offer guidance after the point of information.

Hon. Muthuka: Thank you, Mr. Speaker. I am starting to wonder. Now, the acting Majority Leader has the audacity to stand and pinpoint members of this assembly. Mr. Speaker, I think we should be taken for induction and language lessons. Hon. Kitheka gave a scenario how monkeys do their business and he tried to co-relate with what is happening in this assembly.

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Mr. Speaker, I did not use any derogatory language but now the Majority Leader thinks now because he is working for the government, will put me down. I think we should give him a chance to contribute to the debate which is happening but not to control other members with what they say. We want to see how you are going to support the report and the points you are going to give. Not just to correct as though we are in a language class. Thank you, Mr. Speaker.

Hon. Deputy Speaker: These are the directions that I will give. Members you know the Standing Orders demand that we carry ourselves with decorum and good etiquette. Whenever a member comes across some sentiments from another member that are not worth or fit to be in this House, it is your duty to propose to the Chair that the member withdraws and apologizes. When you don't do that, the Chair will not impose it on you so that it can be effected.

So failure in respect will not(*inaudible*) Members will note that and use the Standing Orders to put off those members who use non-parliamentary language. Further, Members you are not allowed to use language that is not of honor and decorum that is required of this House. You realize that the by the virtue of the service that is bestowed upon us in this House, we are in the honor of the people of Machakos, not just ourselves.

Hon. Kitheka: Thank you, Mr. Speaker---

Hon. Deputy Speaker: You have a minute to go.

Hon. Kitheka: I have a minute. Thank you very much Mr. Speaker. Mr. Speaker, what I was just trying to point out, is a very simple issues of the Assembly to be vigilant enough to make the executive implement all the projects which we have passed in this House. Mr. Speaker, when the executive fails to implement these projects and goes to the wards, to show the people that the MCAs are not working, it beats the logic who is not working. Is it the executive or the MCA? Because we know very well our work is to legislate, oversight and to represent and if we do all that, the work of implementation is left with the executive and here they fail us and we come to this Assembly to support them to fail us.

Mr. Speaker, I am a bitter man and I am not going to hold it very slow as some people are trying to assume. When I say somebody is sycophantic, I do not mean that, that person is a bad person; it is only that he is singing a song of another person in a very loud voice than the owner of the song. So, Mr. Speaker, sycophancy is not good. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Kalunde.

Hon. Kalunde: Mr. Speaker, bench marking means to go and see what your brother is doing and he is doing better than you, you come back and pull up your socks. But here most of the contributors have been so negative and they have completely paralyzed the House to the extent that we are doing nothing. Mr. Speaker, we are not doing anything and of course it should

be that we must be encouraged to make sure that it is we who should push the executive to make sure that they implement what we pass.

So, Mr. Speaker, I stand to support that report and tell my fellow Members that it is we who should push the executive to make sure all what we pass is implemented. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Closing contribution from Hon. Michael Mutua Mutuku in a minute.

Hon. M. Mutuku: Thank you, Mr. Speaker, Sir and the entire House. First and foremost let me applaud the Chairperson of the committee for the report and having said that, I would like to say the recommendations which were done are very important and I would like to say the first County Assembly of Machakos has done its part, actually I think it has been legislating, representing the people of Machakos County doing oversight and passing the budget accordingly.

In line with that, I would like to comment about the recommendation number one. Since the legislative of the arm of the Government, it has been doing its part and I think one of the recommendations was to cultivate goodwill. I think it is the executive which is actually failing in terms of the goodwill because the legislative arm of the Government has been doing its part as much as it can because all the functions bestowed to it by the constitution, it has been doing it, so mine is to actually to appeal to the Hon. Members to unite and speak with one voice so that we can try as much as we can to pressurize the other arm of the Government that is the Executive to see if they can implement the projects accordingly.

We always say a political journey is like a flight journey. The takeoff matters a lot and also the landing. It is now we are we had started the descent and the descent is very important even in the flight you always hear the crew being told to go back to their seats. So, it is the high time as Members we come together, try as much as we can to really pressurize the executive to see if they can implement the remaining phase of the development. Thank you, for listening. Yours faithfully.

(Laughter)

(Question put and agreed to)

Hon. Deputy Speaker: Proceed, clerk.

PHASE 2 ROADS PROJECT IMPLEMENTATION

Hon. (Ms.) Mutune: Thank you, Mr. Speaker, Sir. That aware that the committee on Transport and Public Works is mandated to deal with all matters related to County transport including county roads and public transport. Further aware that, the department of transport and public works, in the last financial year, initiated the implementation of phase 2 roads project

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which was programmed to end in June, 2015. Mr. Speaker, Sir, noting that, 70 roads with total length of 403.4 Kilometers and total contract sum of Kshs. 279,347,902 was budgeted for phase 2 roads project. Aware that contracted work on these roads was majorly upgrading, informed that by the end of last year, that is 2015 and in February and March, this year, the committee toured most of these roads in various sub-counties to investigate on their status.

Mr. Speaker, Sir, I wish to move the motion that, this Hon. House discusses and approves the report on phase 2 roads project implementation. Thank you, Mr. Speaker, Sir. I now call upon Hon. Mutua Mutuku to second. Thank you.

Hon. M. Mutuku: Thank you, Mr. Speaker, Sir, and the entire House. Mr. Speaker, I hereby second the report as a true copy of the exercise which took place when the committee undertook the site visit. Mr. Speaker, as you are aware, infrastructure is core to any economy and I would like the committee to go and actually see what really the Members had found in line with phase 2 and phase 3. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed, Chairperson

Hon. (Ms.) Mutune: Thank you, Mr. Speaker, the report on committee, transport and public works. Mr. Speaker, Sir, development of roads and transport infrastructure is a key priority area for realization of sustainable development. This can be done by understanding stakeholder's needs, running business with excellence and adapting to ever-changing industrial expectations. In this accordance, with the Constitution of Kenya, every County Assembly is expected to ensure efficiency, effectiveness, transparency and accountability in the utilization of public funds and other financial resources.

Mr. Speaker, Sir, during the Financial Year 2014/2015 the department of Transport, Roads, Public Works and Housing contracted upgrading of roads across Machakos County, a project referred to as Phase 2 and 3 roads project.

Mr. Speaker, Sir, pursuant to Standing Order 190 (5) (a) and (g), the Committee on Transport is mandated to investigate, report, recommend and even propose legislation under its mandate.

Mr. Speaker, Sir, in the second schedule of the Standing Orders, this committee is specifically mandated to deal with all matters related to County transport, including county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.

Mr. Speaker, Sir, during this time, I was not the Chairperson. The committee membership was as follows:-

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|-----------------------------|--------------------|
| 1. Hon. (Ms.) Penina Kaluki | - Vice Chairperson |
| 2. Hon. (Ms.) Rachel Nduku | - Member |
| 3. Hon. Michael Mutuku | “ |
| 4. Hon. Isaac Muinde | “ |
| 5. Hon. Dominic Maitha | “ |
| 6. Hon. Nathaniel Nganga | “ |

- | | |
|--------------------------------|---|
| 7. Hon. Joseph Kalunde | “ |
| 8. Hon. Oliver Nzeki | “ |
| 9. Hon. Thomas Mweu Kaso | “ |
| 10. Hon. Cornelius Kitheka | “ |
| 11. Hon. Justus Katumo | “ |
| 12. Hon. (Ms.) Veronica Mbithe | “ |

Mr. Speaker, description of work as per the BQs was to upgrade all the roads identified and this upgrading involved the following activities;

1. Road excavation and shaping.
2. Pouring of murrum, spreading and compacting.
3. Drainage works.
4. Building of culverts in designated areas.
5. Building of drifts across some specified areas.
6. Bush clearing.

Mr. Speaker, Sir, 70 roads with total length of 403.4 kilometres and total contract sum of Kshs. 279,347,902 was budgeted for phase 2 roads projects and the work was programmed to end by June 2015. However, most of the roads were completed by December, last year since after procurement process, the contractors reported to their sites at different times in addition to the fact that other roads were terminated and procured again.

Hon. Deputy Speaker: Let us hear the report and then you will raise your opinion

Hon. (Ms.) Mutune: Mr. Speaker, Sir, the following 21 roads were terminated following failure of contractors to report to the various sites within the stipulated three months notice.

Kwa Akamba-Maseno-Kwa Kisai road in Kangundo Central.

Mbusyani-Kawethei road in Kangundo West.

Kamwanyani-Kiu-Usia-Kioma road in Kangundo West.

Kikoma – Kivi- Malatani road in Kangundo East.

Kisiiki – Ilumanthi – Uvauni –Kisiiki ring road in Ndalani

Utumo Utheke – Kalulini road in Kithimani.

Kitheuni – Kiimani road in Ikombe ward.

Kathangathini –Kona mbaya road in Upper Kaewa

Masinga – Kamukunji – Mukusu road in Masinga Central

Nzoka road in Matungulu North.

Katheka – Kalala road in Matungulu East.

Kikuyuni road in Kyeleni.

Katoloni – Eastleigh- Iluvya road in Kiima Kimwe.

Kwa Mwau- Makakoi- Malindi road in Kalama.

Kafoca – Kusyomuomo- Senge road in Machakos Central.

Kateve – Kyanganga – Kalanga Bridge road in Mumbuni North.

Mailu – Youth Polytechnic –Mutule shop road in Mutituni.

Katulani- Kithiani- Athi road in Kibauni.

Mithingato- Kithulini – Kitula road in Masii.
Mlolongo main feeder roads in Mlolongo.
Utawala- China – Katani road in Muthwani.

Mr. Speaker, Sir, the Members carried out a thorough survey in all the sub-counties on some sampled roads under phase 2 to verify on their current status. This work commenced from November last year.

Mr. Speaker, the intention of the committee members was to visit all the roads identified for grading in phase 2 in order to have data for roads in all the Sub-counties. Unfortunately, within the time allocated, it was impossible but the general picture of work performance is reflected in those few.

Mr. Speaker, it is also important to put into consideration that, for the times when the committee was doing the road inspection, most of the roads had been affected by the heavy rains and so evaluation of the quality of work done by the contractors was somehow tricky.

Mr. Speaker, the table we have below comprising of some pages shows a list of the roads which the committees sampled to go and visit. They are 38 in number out of 70 roads. Mr. Speaker, if you allow me, I continue with the report and the Members can look at the table.

Hon. Deputy Speaker: Proceed.

Hon. (Ms.) Mutune: Thank you. Mr. Speaker, Sir, for the purpose of effective oversight, that measures to the demands of the public, we, as a committee, hereby recommend the following:

- All the roads identified as terminated should be tendered again and done as per the BQs. This is on the strength that those roads had a budget and it is very unfair for the County Government to offer road services to some wards and terminate roads in other wards. Partiality in offering services to the residents of Machakos who pay tax must never apply.
- The county government can try deploying members of the public to do the roads construction and grading using *Kazi Kwa Vijana* programme. This, by far, will motivate the citizens, reduce wage bill on infrastructure, create jobs and reduce poverty, diversify opportunities, foster a feeling of ownership of public projects, circulate funds within the county which generally boosts economy and reduces cases of compromise as far as tender issuance is concerned. Through experience roads which were constructed manually have a longer lifespan than the ones done by graders. This approach is evident in the county since we have many dams that were contracted to Members of the public from 2007 to 2013 and whose work performance is rated excellent. By the way Suez Canal was constructed using human labor, simple tools and equipment supported by limited machinery.
- That when doing budget allocations, roads should be allocated money basing on length, terrain of the place and the soil type. For instance, it was noted that some roads have that advantage of being located in areas with laterite soil. This soil type does not become waterlogged even in times of heavy rains. Again this is the soil type used to murrum

roads and hence the cost of grading a road in such a place is low as compared to the black cotton soil prevalent in some parts of Kangundo, Matungulu, Yatta and Mavoko sub-counties.

- The County Government should consider local contractors when awarding tenders. These people are much conversant with where materials like murram could be found easily and cheaply. This county is known to have large tracts of land with murram soil such as in Katangi, Ikombe, Masinga and Mwala, yet many roads were not murramed properly. By so doing, this will ensure quality work, circulate funds within the county and boost the financial status of the citizens.
- The poor workmanship was as a result of either collusion, negligence, irresponsibility and poor supervision of the contractor's work. This is contrary to Sections 30 and 32 of the County Government Act and the Supervising Engineer should be held accountable.

Mr. Speaker, it is clear that the department of Transport, Roads, Public Works and Housing budgeted and implemented phase 2 road projects. The work output indicates a lapse in the implementation, monitoring and evaluation process, a scene that should not be repeated while implementing future phases of road works hence the belt of oversight in the sector needs tightening. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: The report is properly before the House, so we will hear contributions from Members, Hon. Kitheka.

Hon. Kitheka: Mr. Speaker, as a Member of this committee I am 100 per cent supporting the document read by our able Chairperson. I do not see it wise for this House to deliberate on this document with a shortfall of the Members in the Assembly. So, Mr. Speaker, it is only that I notify you that there is no quorum in the House and this document is very sensitive and it needs a full House to be deliberated on. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, Hon. Kathinzi.

Hon. Kathinzi: Thank you, Mr. Speaker. I would like to(*inaudible*) what Hon. Kitheka is stating the point of the House not having quorum. I was following this report keenly and even before the Speaker makes a ruling, it has been said by Hon. Kitheka. I have not seen anywhere in this document whether any project has been done in Kivaa ward got any roads that have been done. That is the truth. I am very happy my answers might.....(*inaudible*) your hands.

Mr. Speaker, you remember last time I raised on a point of(*inaudible*) and Majority Leader said he is aware that my roads have been.....(*inaudible*). This is the truth. I would now like to support this document with amendment that investigations and a committee should be formed to investigate as to why Kivaa Ward has not been indicated and roads have not been worked on since(*inaudible*) of this government.

Hon. (Ms.) Mutune: Point of information.

Hon. Deputy Speaker: Yes, Hon. Chairperson, will you respond on the request by Member for Kivaa Ward(*inaudible*)

Hon. (Ms.) Mutune: Thank you, Chair. I will respond to the immediate contributor. We sampled some roads, out of the 70 roads which were made by the County Government, we never visited all of them. We sampled 38 roads meaning that some of the roads were not visited, maybe yours is in that list. So, we have not brought in the roads which were made by the County Government. Mr. Speaker, I am also not happy when the Members are not in when we are discussing a vital document like this because they know there areas. I wish also to say that you can defer the report to be discussed tomorrow. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: So you are proposing?

Hon. (Ms.) Mutune: We discuss the motion tomorrow. We continue with the debate.

Hon. Deputy Speaker: Who seconds?

Hon. (Ms.) Mutune: I call upon Hon. Nzeki to second.

Hon. Deputy Speaker: Hon. Nzeki.

Hon. Nzeki: I am a Member of this committee, a good report and most of the Members here who were elected, you find they are not in the House. That means they are in support of the document. So, because they are not in and they knew that the report was to be presented, so I support that the report just be passed by the Members who are inside the plenary. Otherwise, the report was supposed to have been read in the House last week Thursday, on Tuesday it would be on the floor of the House. But Members did not turn up, they are not here to defend their roads which are supposed to be done in their wards. Where are they, Mr. Speaker, Sir? So, Mr. Speaker, Sir---

Hon. Deputy Speaker: So, you do not support. You do not second the proposal?

Hon. Nzeki: I support that the report goes ahead and be passed. Thank you, Mr. Speaker

Hon. Deputy Speaker: There is a point of information, Hon. Willy

Hon. Kasimu: Thank you, Mr. Speaker. I stand here on a point of information that Hon. Kitheka raised and said that this House has no quorum. Mr. Speaker, give us guideline on that. I do not think I need any seconder of anything. The House has got no quorum. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Then the House does not have quorum. I am fully informed and I therefore direct the matter before this House, in line with Standing Order 1, that for matters not provided for, I rule that it is proper that this matter be deliberated when all Members to be

present for this business. So, the report is referred as requested by the Chairperson and it is taken back to the House Business Committee for the re-allocation on when discussion resumes.

I also wish to inform Members that there is an invitation from the Office of the President through the Cabinet Secretary of devolution, that there is the launch of Sustainable Development Goals at Safari Park Hotel tomorrow at 9 a.m. All Members have been invited. Those that are interested to attend the forum, they can confirm with the Office of the Clerk for facilitation. Thank you.

ADJOURNMENT

Hon. Deputy Speaker: The House adjourns.

The House rose at 4.02 p.m.