

**REPUBLIC OF KENYA****MACHAKOS COUNTY ASSEMBLY****Thursday, 22<sup>nd</sup> September, 2016****The House met at 2.35 p.m.***[The Temporary Deputy Speaker (Hon. R. Mutuku) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR  
STUDENTS FROM ST.ANDREW ACADEMY**

**Hon. Temporary Deputy Speaker:** Hon. Members, I would like to draw to your attention the presence of the students from St. Andrew Academy from Kitui County. You can appreciate them.

**PAPER LAID  
TRACTORS PROGRAM**

**Hon. Muli:** Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today, 22<sup>nd</sup> September 2016: the report of Agriculture and Co-operative Development Committee on Machakos County tractors program. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Paper laid.

**NOTICE OF MOTION  
TRACTORS PROGRAM**

**Hon. Muli:** Mr. Speaker, Sir, pursuant to Standing Order 190 (5), I wish to give a notice of the following motion: that this Hon. House discusses and approves the report of Agriculture and Co-operative Development Committee on Machakos County tractors program. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Notice issued.

**STATEMENTS  
BUSINESS OF THE HOUSE FROM 27<sup>TH</sup> TO 29<sup>TH</sup> SEPTEMBER, 2016**

**Hon. (Ms.) Ndinda:** Mr. Speaker, Sir, I stand under Standing Order 41 (2) (a) where during the statement hour, a Member of the House Business Committee designated by the committee for that purpose, shall every Thursday or on the last sitting day for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House in the following week.

Mr. Speaker, Sir, the House Business Committee met today, Thursday, 22<sup>nd</sup> September, 2016 and pursuant to the provisions of the Standing Order 151, balloted business for the week starting on the 27<sup>th</sup> to 29<sup>th</sup> September, 2016 is as follows:-

Tuesday Afternoon, 27<sup>th</sup> September, 2016

1. Report of Finance and Revenue Collection on income and expenditure of the County for the Financial Year 2014/2015, that will be a continued debate.

Wednesday Morning, 28<sup>th</sup> September, 2016

1. Report of Education and Social Welfare Committee on County Education Board.
2. Report of Devolution and Inter-Governmental Relations committee.
3. Committee report on benchmarking with Kirinyaga County Assembly.

Wednesday Afternoon, 28<sup>th</sup> September, 2016

1. The Machakos County Finance Bill 2016, Second Reading.
2. The Machakos County Finance Bill 2016, Third Reading.
3. Report of Finance and Revenue Collection Committee on Machakos County Finance Bill, 2015.

Thursday Afternoon, 29<sup>th</sup> September, 2016

1. Report of Environment, Energy Lands and Natural Resources Committee on the impact of the Kithimani stone crusher on the residents of Kithimani Ward.
2. Report of Budget and Appropriation committee on approval for transfer of funds for bursary from ward development funds, the education and social welfare department.
3. Motion on the adjournment of County Assembly.

Thank you, Mr. Speaker, Sir.

### **STATEMENTS SOUGHT** **SUSPENSION OF 24 REVENUE OFFICERS**

**Hon. Temporary Deputy Speaker:** Thank you. Yes, Hon. Cornelius Kitheka.

**Hon. Kitheka:** Mr. Speaker, Sir, pursuant to Standing Order 41 (2), I wish to seek a statement on the following: THAT 24 revenue officers who had been employed in 2013 in the County Government of Machakos were suspended on 29<sup>th</sup> January, 2016 through a phone call and since then they have not been issued with any document stating the reason for their

suspension and they have not been reinstated in their jobs. I wish to know from the Chairman, Labour, Public Service and ICT committee, what is the fate of these revenue officers. Thank you, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** On the statement sought by Hon. Cornelius Kitheka to the Chairperson, Labour, Public Service and ICT, the Chairman is here, Hon. Leonard Katela. Are you able to respond now or I give you time?

**Hon. Katela:** Mr. Speaker, I seek to be given a week so that I can respond by Thursday, next week. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Cornelius Kitheka, you will be comfortable with that?

**Hon. Kitheka:** Much obliged please.

**Hon. Temporary Deputy Speaker:** Permission granted. So by Thursday in the afternoon file a response in this House

Hon. Members, I have noted that Hon. Stephen Muthuka is not with us and remember last Thursday, I was the Chair and there were several statements that had been sought by Hon. Stephen Muthuka; some have been responded to and others have not been responded to. Hon. Members, I would like to remind the Chairpersons who have not responded to the statements that, it is a requirement for your department to respond to them when Members seek for them.

We have a statement that was sought concerning civic education programs including venue, attendance list and amount spent in each forum. It was sought on 24<sup>th</sup> February, 2016 and was assigned to committee on Education and Social Services. Do we have the Chairman in the House? Vice-Chairman, Committee on Education and Social Welfare? Majority Leader? Deputy Majority Leader? So, Deputy Majority Leader you will undertake to communicate to the relevant Chairman, that by Thursday next week, he should file the response with the House.

We have another statement which was sought concerning bursary disbursement status per ward by June 2015. Again it was sought on 24<sup>th</sup> February, 2016 and still was assigned to the same committee on Education and Social Welfare. The same should be communicated.

We have another one which was sought about the department of Education whether they have initiated construction of ECD classes in Ndalani Ward and if not, whether there are plans to do so. The Member wanted to know whether there are plans for construction of ECD class in Ndalani. Again the committee of Education and Social Welfare.

We have another statement on the status of Kisiiki market shed, when they will be completed and the commissioning date, again sought on the same day, 24<sup>th</sup> February, 2016 and assigned to the committee on Trade, Planning and Industrialization. Chairperson? Vice-Chairperson? I will again give another undertaking to the Deputy Leader of the Majority to try to communicate the same to the Chairperson.

We have another statement concerning reasons that led to stalling of Kisiiki Health Centre from the department of Health and Emergency Services. Chairperson, Health and Emergency Services? Vice Chairperson, maybe you can give the House and undertaking on when we should expect this response or even whether there is any undertaking in the committee.

**Hon. (Ms.) Ndinda:** Mr. Speaker, Sir, I want to request that we shall bring forward in the Assembly next week.

**Hon. Temporary Deputy Speaker:** Permission granted; without any further delay. Then Hon. Members there was also another statement which was sought on the outstanding debts of the County and payment plans. Again on the same date, 24<sup>th</sup> February, 2016 and assigned to the committee of Finance and Revenue Collection. I can see the Chairperson in the House; maybe you can respond on the same.

**Hon. Nzeki:** Mr. Speaker, Sir, concerning that statement, I am seeking more time. We have already written to the CEC, Finance and we are yet to receive a response. Can I be given a fortnight? That is two weeks---

**Hon. Temporary Deputy Speaker:** Hon. Chairperson, this was a statement which was sought on 10<sup>th</sup> February, 2016.

**Hon. Nzeki:** Yes.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Chairperson you can give us---

**Hon. Nzeki:** Mr. Speaker, Sir, I have always been talking of Hon. Katela and I would like---

**Hon. Temporary Deputy Speaker:** Order! Hon. Member---

**Hon. Nzeki:** I would like, Mr. Speaker, Sir, you defend me.

**Hon. Temporary Deputy Speaker:** Order! Hon. Member.

**Hon. Nzeki:** Yes.

**Hon. Temporary Deputy Speaker:** I am on the issue of when are we expecting a substantive response?

**Hon. Nzeki:** Two weeks to come, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Hon. Member, that one is declined by the Chairperson and I direct that you have a response by next week on Thursday.

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Yes, what is the point of order Hon. Willy Mukewa?

**Hon. Kasimu:** Mr. Speaker, I would like to know from the Chairperson of Finance why it has taken too long---

*(Applause)*

From February last year to this year.

**Hon. Temporary Deputy Speaker:** Concern or a point of order? Yes, Hon. Peter Nzoka.

**Hon. Nzoka:** I think the Chairperson is playing with this House. It has been mentioned here that next week we are on recess, so he is trying to hide. This is a report which we should have come very much early---

**Hon. Temporary Deputy Speaker:** Order! Order! Hon. Nzoka. I have already ruled on that matter; I have directed the Member to file a substantive response in the House next week on Thursday. Yes, what is the point of order, Hon. Cornelius Kitheka?

**Hon. Kitheka:** Mr. Speaker, mine is not a point of order but a request that I want to confirm; I requested a statement here and I was given three weeks...and now---

**Hon. Temporary Deputy Speaker:** Order! Hon. Member---

**Hon. Kitheka:** And now it is about six weeks.

**Hon. Temporary Deputy Speaker:** Order! Hon. Member, you are out of order.

**Hon. Kitheka:** Thank you.

**Hon. Temporary Deputy Speaker:** After I am through with the statements, I can give you time to rise on that issue once we are done with Hon. Stephen Muthuka. Hon. Members, let us be contented by the directive that I have given that by next week on Thursday without any further delay, we get a response on that statement which was sought back on 24<sup>th</sup> February, 2016.

Hon. Members, we had another statement which was sought from the decentralized committee to present the report on general assets and liabilities as I have put through a motion done on 4<sup>th</sup> November, 2014. This statement was sought on 24<sup>th</sup> February, 2016. I will see the

Chairperson on Decentralized Units and Urban Areas is in the House. You can respond on that.

**Hon. M. Mutuku:** I would like to inform the House that when we contacted the County Secretary by then, in relation to the County assets, the information the committee was given by then was that it was the Transition Authority which had the mandate---

**Hon. Temporary Deputy Speaker:** Order! Hon. Mutuku. Are you responding to a statement?

**Hon. M. Mutuku:** Yes, I am actually replying---

**Hon. Temporary Deputy Speaker:** Then you are out of order. You are out of order.

**Hon. M. Mutuku:** Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members, you are aware of the procedure to respond to a statement. The Chairperson is inquiring why that statement has not been responded to date. I have not given you room to respond? Have you filed a response with the relevant Member?

**Hon. M. Mutuku:** Mr. Speaker, by then we had actually responded accordingly. The reason why there was a delay, we had responded in line with the question by then.

**Hon. Temporary Deputy Speaker:** Hon. Michael Mutuku, I direct that next week on Thursday, you file a substantive answer on the statement which was sought by the Member. Hon. Members, the other one was again directed to the committee of Finance and Revenue Collection, that was the department that chaired money for construction of People's Park, the amount from each department and expenditure in 2013/2014, 2014/2015, 2015/2016 financial years. This statement was sought on 7<sup>th</sup> June, 2016. Chairperson, Finance and Revenue Collection committee?

**Hon. Nzeki:** Mr. Speaker, Sir, we have written to the CEC member, Finance to write to the line CEC members who spent money on People's Park and the stadium and we are getting the report by Thursday. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Okay. That one is noted without further delay. We have another one; reasons why the implementation of the report of the Assembly regarding banning of the signposts with Governor's portrait for all County projects. That was sought on 7<sup>th</sup> June, 2016 and we assigned to the committee on Implementation. Chairperson, Implementation committee, Hon. Alphonse Wambua.

**Hon. A. Wambua:** Mr. Speaker, Sir, my clerk wrote a letter to the relevant department and we are still waiting for a response and so I want to assure this House that next week, I will bring the response concerning the same.

**Hon. Temporary Deputy Speaker:** Thank you. Then the last one is the status of issued cheques worth Kshs. 100,000 for the Machakos Social Welfare Empowerment Funds in Ndalani Ward with no money in the account that was sought again on 7<sup>th</sup> June, 2016. It was assigned to the committee of Education and Social Welfare. Hon. Members, I note that the Chairperson and the Vice chairperson are both not in the House. Deputy Leader of Majority, you still take that undertaking. Proceed. Before you proceed, I can give Hon. Cornelius Kitheka...what was the issue?

**Hon. Kitheka:** Mr. Speaker, I sought a statement in this House six weeks ago and I was given an undertaking of three weeks and now there is a lapse of six weeks. So, Mr. Speaker, can I know the status of my statement? Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Kitheka, unless maybe you want us to direct the clerks to track that statement...maybe you can refresh the House; what was your statement?

**Hon. Kitheka:** Mr. Speaker, just to give a clue of what might have been my statement for the clerks to go and check, it was on the issue of the statement for Maruba dam de-silting; the work which was undertaken and the payments which were made towards the same and the procurement procedure which was used. So, Mr. Speaker, I think the clerks can go and check on the statement which I sought from this House. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. I will give direction on the same come next Tuesday. Proceed.

## MOTIONS

### BENCHMARKING WITH KILIFI COUNTY

**Hon. Temporary Deputy Speaker:** Hon. Members, concerning motions, last week we had a report from committee on Justice and Legal Affairs Committee and benchmarking in Kilifi County and we could not exhaust debate due to lack of quorum. So, Hon. Members I will invite the Chairperson maybe to refresh the House then I will give time for the other Members to debate.

**Hon. Itumo:** Mr. Speaker, the Committee for Justice and Legal Affairs proceeded to Kilifi County for benchmarking and last week, we laid a report in this Hon. House for discussion and the report was discussed but not concluded, Mr. Speaker. We took the Members through the report and Mr. Speaker, I do not know whether there is need for me to go through the report

again because I believe the Members have gone through the report. So, I beg for the continuation of the discussion of that report, begging the members to adopt the report, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. chairman, the instruction of the Chair is that you do some introduction. Not reading the report; the report was properly tabled before the House so I can give you the first priority to contribute on the report.

**Hon. Itumo:** That is good, Mr. Speaker. Mr. Speaker, as you know the committee of Justice and Legal Affairs actually saw the need to benchmark with Kilifi County so as to gauge its performance and pinpoint its shortcomings. Moreover, the committee was interested to see how their counterparts from Kilifi County Assembly approach their legislative, representation and oversight roles, Mr. Speaker. When we went to Kilifi to compare ourselves with that county, we found that Kilifi County Assembly actually had been a bit ahead of us, Mr. Speaker, in terms of passing Bills.

Mr. Speaker, we also found that in some areas, they had more shortcomings in comparison with our county. Mr. Speaker, it is our high time we pull up our socks so that we may be ahead of the other counties Mr. Speaker, because we believe by passing more Bills through this House and adopting them, we shall be ahead of them because we shall give the county more leeway to continue performing at its best, Mr. Speaker. Mr. Speaker, I urge my counterparts, Hon. Members, to adopt this report so that it may be of more use to the entire county, Mr. Speaker. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. I invite debate from the other Members. Yes, Hon. Cornelius Kitheka.

**Hon. Kitheka:** Mr. Speaker, the report tabled in this House by the chairman for Justice and Legal Affairs hits us below the belt in the sense that, Mr. Speaker, what we are witnessing within the County Government of Machakos is not comparable in the sense that, yes I see that from the report there is an issue of employees engagement and mistreatment and under payment of which in Machakos I think the committee should have come up with an issue addressing the plight of the workers in Machakos which is in a bad state.

Mr. Speaker, it is only a couple of minutes ago when I was seeking a statement on illegal dismissal and suspension of workers in Machakos without procedure and without due respect and regard to the law. So, Mr. Speaker, it is my humble respect to the chairman of this powerful committee to crack the whip on the issue of employment relations within the county because it is highly much abused and I wish what they have benchmarked from that other county they can now put it in practice, implement it and put it forward for us to see it being acted upon within the county of Machakos.

Mr. Speaker, benchmarking in any county, means to bring and inject new blood into the system of management within the mother county which is going to do the benchmarking. So Mr. Speaker, it is our humble request to the committee, which we know is able with the legislations which are in hand and also with the policy guidelines which must emanate from that committee



to put in place stringent measures so that, at least, every other day we should not be holding the chairman for Labour on any issue which pertains the execution of the laws of this land.

So, Mr. Speaker, I wish to thank the committee for coming up with a good report but Mr. Speaker, I wish that now they can execute what they have come with from Kilifi. Thank you very much, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Oliver Munyaka (Nzeki).

**Hon. Nzeki:** Mr. Speaker, Sir, I recommend the committee for a job well done. On page four, I understand they went to Lamu and they are drawing the comparison with this county with that of Kilifi. On page 4 Mr. Speaker, Sir, the committee further found out that their counterparts had been able to look into the following issue within the county and tabled reports into the House. (a) Illegal extension of boundaries within the county.

Mr. Speaker, Sir, I would like also this committee to implement on such issues that if you happen to go to the side of Kajiado County, there are some areas you will find that boundaries have issues. So, Mr. Speaker, Sir, the chairman should look into that matter and bring that issue into this Hon. House and let us discuss about it because the Maasai are encroaching our county.

On item (e) rights of workers in terms of underpayment and poor working conditions, Mr. Speaker, Sir, I understand they learnt and they saw because they went to the workers and they were told how they are underpaid. There are other employees who are employed in this county especially those who are looking after the flowers; they are underpaid and I ask the committee to check on that and even the working conditions. The working conditions of those revenue clerks who are collecting revenue at quarries are worse and I would like the committee to look at that issue.

On item (g) Mr. Speaker, Sir, I would like also the committee, to check on integrity issues in our county because there are Chief Officers who now are linked to some integrity issues and the committee can do something to look into such. Thank you Mr. Speaker, Sir. I commend the committee and I support the report.

**Hon. Temporary Deputy Speaker:** Hon. Members, as we proceed with our debate, let us be guided by the Standing Orders. When you look at the report, the committee talks of; ‘Mr. Speaker, Sir, the committee further found out that their counterparts have been able to look into the following issues within the county and tabled the reports in the House.’

Hon. Members, there is other mandate that might be in the other county that cannot be achieved in our committees. As per the Standing Orders Hon. Members, I would like to invite you to the mandate of Justice and Legal Affairs committee, which is administration of law and justice including legislation, ethics, integrity and anti-corruption, human rights and inter-governmental relationships.

Some of the functions that are annexed by committees in other areas maybe lying in other committees as per the Standing Orders. Committees only work within the Standing Orders and the Standing Orders may differ from one county to the other. We can have the next contributor, Hon. Joseph Muli.

**Hon. Muli:** Mr. Speaker, it is as if you have read my mind. One of the main contributions is that I wanted to get clarification from the chairman. Does it mean that, according to our Standing Orders on the mandate of a committee, they have an extension of looking about the environment, the education or about the illegal extension of borders?

Otherwise, Mr. Speaker, I would like to go direct to my point whereby the chairman has tabled a very good report in this House. I would like to applaud him and also his committee. In fact, it has been seen as healthy to visit Kilifi County because I believe the chairman has got more details for his mandate in his committee and also, Mr. Speaker, I would also like to request the chairman to also pull up his socks and make sure they have also visited some industries within our county.

I understand that along Athi River and Mavoko sub-county Mr. Speaker, we have many industries and we would like also to know the status of the workers who work in these industries because Mr. Speaker, there are still complaints of workers who work in these industries. We need more from the chairman on the status of the workers. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Members. If you allow me, I can invite members who are against the report. I can see Hon. Muli that you are for the report. Hon. Mary Ndinda.

**Hon. (Ms.) Ndinda:** Mr. Speaker, Sir, I can say that I am a witness of the visitation to Kilifi. Mr. Speaker, I can say that we went and visited the place---

**Hon. Temporary Deputy Speaker:** Order member! Are you against the report or---

**Hon. (Ms.) Ndinda:** I am for it, not against. I want to support.

**Hon. Temporary Deputy Speaker:** Permission granted; you can proceed.

**Hon. (Ms.) Ndinda:** Mr. Speaker, Sir, we discovered there are several issues which we have in common especially this issue of rights of workers in terms of underpayment and poor working conditions. I remember Mr. Speaker, Sir, there is a time we visited the steel structure in Mavoko and we discovered they were working under poor working conditions and I can really say that through the committee and the chairman, that when we discovered that the workers are suffering in Kilifi, one of the recommendations we said is that we are pulling up our socks and we are going to make sure that we find our workers are working under better conditions.

The other thing we discovered concerning the environment being affected especially our river Athi, we said that we will come and make sure that everything will be enacted in the right way. The other thing which we said as committee members is that we discovered some of the officers and CECs were not active in making sure that they are implementing everything but because of our visitation to Kilifi, I can say that this brought a great change in every member and we said we are now coming to work very hard and also make sure that we pass Bills because we

discovered we are lagging behind but I am sure out of it, we are going to do better before we go home.

The other thing, Mr. Speaker, I think we have not been exposed to workshops and seminars and visiting other counties and it is our recommendations, still as a way forward, that we get more exposure of visiting other counties and also visiting the Senate or the national government so that we can get some comparisons.

Out of the benchmarking, I can say we learnt a lot. It was an eye opener to the committee; it was an eye opener to our chairman, Legal and Justice Affairs committee and just what I think is great work. Thank you, Mr. Speaker, and it is my humble request that this House passes this motion so that at least we can have a way forward. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members, I can see we are all in support of the report so I can proceed to put the question.

*(Question put and agreed to)*

Proceed.

Yes, what is the point of order?

**Hon. Kitheka:** Mr. Speaker, I wish to bring to your attention that this House is lacking quorum.

**Hon. Temporary Deputy Speaker:** I will allow the chairman for Agriculture and Co-Operative Development to proceed as the clerk verifies if we have quorum.

#### TRACTORS PROGRAM

**Hon. Muli:** Thank you Speaker, for awarding me this opportunity to table my motion. Mr. Speaker, Sir, THAT aware that the mission of the department of Agriculture in Machakos County is to promote innovative and commercial oriented modern agriculture through development and enactment of policies and legal frame work; further aware THAT this will lead to sustainable social, economic development management of the land; Mr. Speaker, Sir, cognizant of the fact THAT in 2013, Machakos County procured tractors; informed THAT the initial project was to realize free mechanized farming to the residents of Machakos across all the wards; remembering THAT in February 2016, a statement on the physical number of tractors in Machakos was sought in this Assembly; considering THAT the committee carried out several field visits to the wards to determine the status of the tractors and effectiveness of the project, Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the report on Machakos County tractors program. Thank you, Mr. Speaker, Sir. I call upon Hon. Kavuu to second the motion.

**Hon. Kavuu:** Mr. Speaker, I stand to second the motion. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members, it has been brought to my attention that indeed we do not have quorum. I therefore order the bell to be rung for 8 minutes. Serjeant-at-Arms.

*(Quorum Bell rung)*

The bell can stop. Hon. Members we have not attained quorum, therefore we cannot transact any further business.

### **ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** The House stands adjourned till the next sitting.

The House rose at 3.19 p.m.