

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th March, 2017

The House met at 2.37 p.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYERS

Hon. Speaker: Good afternoon Hon. Members.

MOTIONS

MACHAKOS COUNTY FISCAL STRATEGY PAPER 2017/18

(Hon. Kasimu on 02.03.2017)

(Resumption of Debate on the Motion tabled on 28.02.2017)

Hon. Kasimu: Mr. Speaker, the Machakos County Fiscal Strategy Paper 2017/18 report was presented in this Hon. Assembly on 2nd March, 2017. During the debate by the Hon. Members, the following issues were raised;

1. The water and irrigation sector was not documented and allocated funds in the report.
2. The petition of the environment sector in health department and in the department of Environment, Sanitation and Solid Waste Management.

Mr. Speaker, the department of Water and Irrigation was omitted in the schedule of ceilings and in the current year budget 2016/17 it was classified under the decentralized units, County administration, Water, Irrigation department. The committee sought clarification from the executive committee member of finance who has corrected the anomaly. See the annexure.

The water and irrigation sector is now a fully established department with a total budget of Ksh. 805.7 million which includes Ksh. 302.8 million for the recurrent expenditure and Ksh. 502.9 million for development expenditure.

Mr. Speaker, the repetition of the environment sector in the two departments is a typing error to be corrected in the financial year 2017/18 budget estimates. The environment docket was previously under the department of health before the establishment of the department of environment, sanitation and solid waste management.

Mr. Speaker, it is therefore my pleasure and duty and privilege on behalf of Budget and Appropriation Committee to table this report of Machakos County Fiscal Strategy Paper 2017/2018 to this Hon. House for consideration and adoption. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Chairman. If I remember and I recollect very well Hon. Members, the County Fiscal Strategy Paper had already been laid and we were taken through it and issues were raised that we requested the chairman to file additional clarity and that is what I believe he has presented and therefore I will urge that contributions of the matter be continued.

I welcome further additional contributions on the matter of the Strategy Paper. I will take it that then members are satisfied with the clarity.

(Question put and agreed to)

PROGRESS REPORT OF COMMITTEES FOR JANUARY TO JUNE, 2016

(Hon. Katela on 02.03.2017)

(Resumption of Debate on the Motion tabled on 02.03.2017)

Hon. Katela: Mr. Speaker I stand in for the Chairman of Chairpersons Hon. Nathaniel Nganga. Mr. Speaker, Sir,

Aware THAT among others roles, the Liaison Committee is assigned to guide and coordinate the operations, policies and mandates of all committees and ensuring that committees submit reports as required by the Standing Orders pursuant to the Standing Order 191 (2) (a) and (d);

Acknowledging that the Liaison Committee is mandated with ensuring that select and sectoral committees submit their half yearly progress reports as required by the Standing Order 180 (1);

Mr. Speaker, Sir, aware THAT the Liaison Committee received discussed and compiled the progress report of select and sectoral committees;

Mr. Speaker, Sir, pursuant to the Standing Order 182, the Liaison Committee submits its compiled report of the progress reports of the select and sectoral committees for the period starting January, 2016 ending June, 2016;

Mr. Speaker, Sir, I wish to move a motion that this Hon. House discusses and approves the compiled committee progress reports for the mentioned period.

Thank you Mr. Speaker, Sir, and I call upon Hon. Munyaka to second the motion.

Hon. Nzeki: Thank you, Mr. Speaker. I stand on to second the motion that this Hon. House discusses and approves the report of Liaison Committee.

Hon. Speaker: Thank you. Proceed. The motion is laid.

Hon. Katela: Thank you Mr. Speaker, Sir, again. Mr. Speaker, I here now present the progress report for select and sectoral committees from January to June 2016.

Mr. Speaker, Sir, the principle purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform. That is finding out the facts of a case, examining witnesses, sifting evidence and drawing up reasoned conclusions. Because of their position, and method of procedure which is structured but generally informal compared with the House's committees when suited to the gathering of evidence from expert groups or individuals.

Further, Mr. Speaker, Sir, committees oversight and scrutinize the executive and can contribute towards a better informed administration and government policy-making process. In respect of their form of proceedings, committees are extensions of the Houses themselves limited in their power of inquiry by the extend of the authority delegated to them and governed for the most part of their proceedings by procedures and practice, which reflect those which prevail in their House by which they were appointed.

Mr. Speaker, Sir, the Liaison committee is established under Standing Order 191(1), there should be a select committee to be known as the Liaison Committee which shall consist of the chairperson of the committees as the chairpersons of all committees in the assembly.

Mr. Speaker, Sir, pursuant to the Standing Order 180 (1); unless a more regular interval is prescribed under any written law or this Standing Orders, each select committee shall submit half yearly progress reports to the Liaison Committee.

Mr. Speaker, Sir, the Liaison Committee received and discussed the committee progress reports from January to June, 2016 on 27th September, 2016. The committee hereby submits compiled report of the same.

(The Speaker left the Chair)

(The Temporary Deputy Speaker took the Chair)

Mandate of the Liaison Committee

Mr. Speaker, Sir, pursuant to Standing Order 191 (2) the Liaison Committee is mandated to;

- i. Guide and co-ordinate the operations, policies and mandates of all Committees;
- ii. Deliberate on and apportion the annual operating budget among the Committees;
- iii. Consider the programmes of all Committees, including their need to travel and sit away from the precincts of Assembly;
- iv. Ensure that Committees submit reports as required by these Standing Orders;
- v. Determine, whenever necessary, the Committee or Committees to deliberate on any matter.
- vi. Give such advice relating to the work and mandate of select Committees as it may consider necessary.

The committee members are as listed therein.

SECTORAL COMMITTEES

Health and Emergency Services Committee

COMMITTEE BUSINESS

Mr. Speaker, Sir, during the period the Committee held fifteen meetings.

WORKSHOPS/BENCHMARKING

Mr. Speaker, Sir, the committee a benchmarking visit at Thika Level V hospital in Kiambu County. The Committee also visited all the Health facilities in Ndalani ward and Kangundo Level IV Hospital

REPORTS TABLED

Mr. Speaker, Sir, during the period in consideration the committee discussed and tabled a report on the status of Health facilities in Ndalani Ward.

Education and Social Welfare Committee

COMMITTEE MEETINGS

Mr. Speaker Sir, during the period the committee held (17) seventeen meetings.

BENCHMARKING

The committee benchmarked with Mombasa County on the ECD classes, ECD teachers and Village Polytechnics.

REPORTS

The committee did not table a report to this report during the time under consideration.

Finance and Revenue Collection Committee

MEETINGS

Mr. Speaker, Sir, during the period the Committee held eighteen (18) sittings.

SITE VISITS/ WORKSHOPS/ RETREATS/BENCHMARKING

Mr. Speaker, Sir, over the period the committee had one retreat at Sai Rock Hotel in Mombasa on 6th to 9th March, 2016 to discuss and compile report on Petitions by Contractors and Pastors forums. The Committee had two site visits on 19th to 22nd February to look at grievances by traders on Machakos County Finance Act, 2016 and on 5th to 9th May, to check on revenue collection in comparison with income and expenditure report submitted by the Department

REPORTS

Mr. Speaker, Sir, the committee tabled three reports which were approved by the House over the period under review as listed below;

- Report on Machakos County Contractors Forum tabled on 28th April, 2016.
- Report on Petition by Machakos Pastors Forum tabled on 5th May, 2016.
- Report on Benchmarking trip to Kilifi County tabled on 18th May, 2016.

Trade, Planning, Economic Planning and Industrialization Committee

MEETINGS

Mr. Chair, during the period the Committee held fourteen (14) sittings.

SITE VISITS/ WORKSHOPS/ BENCHMARKING/ RETREATS

Mr. Chair, over the period the committee had one (2) retreat at Sai Rock Hotel in Mombasa on 6th to 9th March, 2016 to discuss and Compile report on Machakos County Annual Development Plan for 2016/17 FY and on 19th to 22nd May, 2016 to discuss report from Trade Department for the period ending 31st March, 2016.

The Committee had one site visit on 2nd to 6th June, 2016 to all the Wards to check on the status of market sheds.

REPORTS TABLED

Mr. Chair, the committee tabled one report over the period under review as listed below:-

- Report on Annual Development Plan for 2016/17 financial year tabled on 5th April, 2016 and approved.

Agriculture and Cooperative Development Committee

MEETINGS

Mr. Speaker, Sir, during the period the committee held seventeen (17).

FIELD VISITS

Mr. Speaker, Sir, the committee visited various parts of the County specifically Mwala, Masinga, Machakos and Yatta Sub-Counties to collect data regarding the tractors program, poultry farming and milk chillers.

REPORTS TABLED

Mr. Speaker, Sir, the committee tabled the following report during the period under review;

- Machakos County Poultry Farmers petitioners report.

Youth, Women and Sports Committee

MEETINGS

Mr. Speaker, Sir, during the period the committee held fifteen (15) meetings.

BENCHMARKING/WORKSHOPS

Mr. Speaker, Sir, the committee benchmarked with Mombasa County Assembly on matters of social Welfare.

REPORTS TABLED

Mr. Speaker, Sir, the committee did not table any report during the period under consideration.

Transport, Public Works and Roads Committee**COMMITTEE SITTINGS**

Mr. Speaker, over this period the committee held a total of 10 sittings to deliberate various matters under its mandate.

FIELD VISITS/ PETITION

Mr. Speaker, Sir, in the month of March, 2016 the committee did inspection of phase 2 roads project in Yatta and Masinga Sub counties and in the month of April, 2016, the same committee carried out an inspection of phase 2 roads in Mwala and Machakos Sub-counties.

Mr. Speaker, Sir, in the month of May, 2016, the committee carried out an inspection of Syokimau roads following a petition of poor roads by Syokimau residents. The report of phase 2 roads is ready and awaiting tabling in the House.

Mr. Speaker, Sir, the Committee handled one (1) petition on poor road works in Syokimau. The report is ready and awaiting tabling in the House.

REPORTS TABLED

Mr. Speaker, Sir, during the time under consideration the Committee didn't present any report to this honorable house for adoption.

Labour, Public Service and ICT Committee**MEETINGS**

Mr. Speaker, Sir, during the period under review, the Committee held 10 sittings and discussed many issues in line with their mandates.

STATEMENTS

Mr. Speaker, Sir, during the period under review, the chairman on behalf of the committee responded on two statements;

- i. Why did an officer in the office of the Governor by the name Mr. Lazarus Kivuva assault a junior officer?
- ii. Vetting of new Chief Officers in our county departments who had not been vetted by the County Assembly.

REPORTS

Mr. Speaker, during the period under review, the committee was able to table two (2) reports to the Assembly which are;

- i. The Mavoko Inspectorate officers report.
- ii. Benchmarking report at Kisumu.

*Culture and Tourism Committee***MEETINGS**

Mr. Speaker, Sir, during the period the Committee held sixteen (16) sittings.

SITE VISITS/BENCHMARKING

Mr. Speaker, Sir, over the period under review, the committee did not conduct any site visits. Mr. Speaker, Sir, over the period under review, the committee benchmarked with Kilifi County Assembly.

REPORTS

Mr. Speaker, Sir, the committee did not table any reports over the period under review.

*Justice and Legal Affairs Committee***MEETINGS**

Mr. Speaker, Sir, during the period the Committee held nineteen (16) sittings.

RETREATS/SITE VISITS

Mr. Speaker, Sir, over the period under review, the committee had one (1) retreat at Sai Rock Hotel in Mombasa to discuss and compile the report on working conditions of employees in Machakos County.

Mr. Speaker, Sir, over the period under review, the committee visited six industries to investigate the working environment of our county employees.

REPORTS

Mr. Speaker, Sir, the committee tabled two reports over the period under review as listed below;

- Report on the poor working conditions of employees in Athi Steel Makers industry.
- Report on the poor working conditions of employees in Devki Industries, Kapa Oil, Athi River Quarries, Mombasa Cement, and Athi River Mining

*Decentralized Units and Urban Areas Committee***MEETINGS**

Mr. Speaker, Sir, during the period the Committee held eight (8) sittings.

RETREATS/BENCHMARKING VISITS

Mr. Speaker, Sir, over the period under review, the committee benchmarked with Nakuru County Assembly on issues pertaining the mandates of the Committee

REPORTS

Mr. Speaker, Sir, the committee didn't present any report to this honorable house.

Environment, Lands and Natural Resources**COMMITTEE SITTINGS**

In the period under discussion, the committee had 13 Sittings

COMMITTEE RETREATS AND FIELD ACTIVITIES

Within this period the committee retreated to;

- Tala dumpsite.
- The newly planned Matungulu dumpsite.
- Kitangani market to interview the residents of the market on land issue
- Naivasha and Mombasa for report writing.

COMMITTEE REPORTS:

The Committee within this period tabled three reports as follows;

- Ruai sewerage System and Tala dumpsite.
- The land dispute in Kitangani Market in Masinga Central Ward.
- Wamuya water project in Mwala sub county

SELECT COMMITTEES***Ward Development Fund Committee*****COMMITTEE SITTINGS**

Mr. Speaker, Sir, during the period the Committee held twelve (12) sittings.

WORKSHOPS/ BENCHMARKING

The Committee held a consultative forum with the Controller of Budget with a view to operationize the Ward Development Fund.

REPORTS TABLED

Mr. Speaker, Sir, the Committee submitted one report on the Benchmarking visit to Busia and Bungoma Counties.

Public Accounts and Investment Committee**COMMITTEE SITTINGS**

Mr. Speaker, over this period the committee held a total of 6 sittings and discussed many issues in line with their mandates.

REPORTS

During the period under review, the Committee tabled one audit report.

TRIPS

Mr. Speaker, Sir, during the period under review, the committee benchmarked with their counterparts at Kilifi County Assembly and a lot was gained from the interaction.

Powers and Privileges Committee**COMMITTEE SITTINGS**

During the period under consideration, the Committee held only five sittings

COMMITTEE RETREATS

The Committee had one retreat to Mombasa to discuss the integrity code amendments, Speakers Rules and procedure for handling suits.

COMMITTEE REPORTS

The Committee presented one report on Amendments to Leadership and Integrity code

Procedure and Rules Committee**COMMITTEE SITTINGS**

This Committee considers all matters related to Standing Orders. During this period the committee held only four sittings.

COMMITTEE RETREATS

The Committee held one retreat in Mombasa together with powers and privileges committee to discuss on Integrity code amendments, Speakers Rules and procedure for handling suits.

COMMITTEE REPORTS

No report was presented during this time.

Committee on Selection**COMMITTEE SITTINGS**

Mr. Speaker, Sir, during the period under consideration the committee held only four sittings.

COMMITTEE RETREATS

The committee retreated once in Mombasa to compile a report on reconstitution of Budget, PAIC and House Business Committees.

COMMITTEE REPORTS

In May, 2016, the committee tabled one report on reconstitution of Budget, PAIC and House Business committees.

Committee on Implementation**COMMITTEE SITTINGS**

Mr. Speaker, Sir, during the period under consideration the committee held 14 sittings.

COMMITTEE RETREATS/SITE VISITS

The committee benchmarked with Mombasa County. The Committee further inspected all County projects in Kivaa Ward.

COMMITTEE REPORTS

The Committee didn't table any report during this time under review.

*Committee on Broadcasting***COMMITTEE SITTINGS**

Mr. Speaker, Sir, during the period under consideration the committee held only three sittings.

COMMITTEE RETREATS

The committee retreated once in Mombasa to discuss the Broadcasting Policy which is yet to be tabled to this Hon. House for adoption.

COMMITTEE REPORTS

The Committee didn't table any report during this time under review

*Committee on Delegated Legislation***COMMITTEE SITTINGS**

Mr. Speaker, Sir, during the period under consideration the committee held only eight sittings.

COMMITTEE RETREATS

The committee neither retreated nor benchmarked.

COMMITTEE REPORTS

The Committee didn't table any report during this time under review

*Devolution and Intergovernmental Relations***COMMITTEE SITTINGS**

Mr. Speaker, during this period the committee held a total of six sittings to deliberate various matters under its mandate, Status of Devolution in Machakos County and Strategizing the committee's activities.

COMMITTEE RETREATS

Mr. Speaker, this committee retreated to Mombasa to deliberate on the committee's mandate.

REPORTS TABLED

Mr. Speaker, the committee did not table any report during the period under review.

*Budget and Appropriation Committee***COMMITTEE MEETINGS**

Mr. Speaker, Sir, in during the period the committee held 18 sittings.

REPORTS TABLED

The committee tabled the following reports during the period under review.

- The County Fiscal Strategy Paper.
- County Budget Review Paper.
- The second supplementary budget Bill.
- The County Budget Estimates.

SUMMARY OF SITTINGS, REPORTS TABLED BY COMMITTEES BETWEEN JANUARY AND JUNE 2016.

Mr. Speaker, Sir, the summary is annexed therein so member can go through it.

S/NO	COMMITTEE	NUMBER OF SITTINGS	NUMBER OF REPORTS
1.	Tourism and Culture	16	0
2.	Labour, ICT and Public Service	10	2
1.	Transport Public Works and Housing	10	0
2.	Education and Social Welfare	17	0
3.	Finance and Revenue Collection	18	3
4.	Trade, Planning and Industrialization	14	1
5.	Decentralized Units and Urban Areas	8	0
6.	Agriculture and Cooperative Development	17	1
7.	Youth, Women and Sports	15	0
8.	Environment, Lands and Natural Resources	13	3
9.	Health and Emergency Services	15	1
10.	Justice and Legal Affairs	16	2
11.	Rules and Procedure	4	0
12.	Selection	4	1
13.	Delegated Legislation	8	0
14.	PAC&PIC	6	1
15.	Implementation	14	0
16.	Budget and Appropriation	18	4
17.	Powers and Privileges	5	1

18.	Ward Development Fund	12	1
19.	Broadcasting	3	0
20.	Devolution and Intergovernmental relations	6	0

ANALYSIS

- The most active Sectoral committee during that period was Finance and Revenue Collection. It presented the most reports to this Honorable House. The Committee was also among those which held the most meetings.
- The least active Sectoral Committee during the period under consideration was Decentralized Units and Urban areas Committee. It neither presented any report nor discussed any bill during this period.
- The Most active Select Committee over that period was Budget and Appropriation Committee. It presented the most reports for adoption by this Hon. House.
- The least active Select Committee over the period under review was the Committee on Broadcasting. The Committee is among the Select Committees which held the least meetings and never tabled any report to this Hon. House.

Mr. Speaker, Sir, the Liaison Committee has noted that there are Committees leading in the number of meetings during the period under review yet no report or bill from such Committees was presented in this Hon. House for discussion. The Liaison Committee urges all the members to be responsible for creating agenda in Committee meetings.

Challenges Faced by the Committees

Mr. Speaker, Sir, almost all the committees faced the following challenges during the period;

1. Lack of quorum during committee meetings resulting to adjournment.
2. Present members signing on behalf of an absentee member.
3. Failure by the executive committee member and the chief officers to;
 - Honour the committee's invitation.
 - Submit the status reports and any prerequisite documents on time.

Recommendations

Mr. Speaker, Sir, the Committee recommends the following;

1. Members to observe time during Committee meeting to avoid circumstances where meetings are adjourned due to lack of quorum.
2. Committee Chairs to crack the whip on members who fail to attend Committee meeting for four consecutive sittings pursuant to Standing Order 167.
3. The Liaison Committee has noted that there are some Committees which have undertaken site visits and discussed various reports the executive but have not yet tabled reports to this Hon. House for adoption. Mr. Speaker the Liaison Committee

recommends that such reports be tabled in the floor of this Hon. House before the end of this session.

Acknowledgment

Mr. Speaker, Sir, the Liaison Committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the Support accorded during the Committee sittings. Mr. Speaker, Sir, it is therefore my privilege, on behalf of the Liaison Committee, to table this report and recommend it to this Hon. House for adoption.

Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Hon. Members, the report tabbed by Hon. Katela on behalf of the Chair of Chairperson of committee is in line with Standing Order 191 (d) of the mandate of the liaison committee it is properly laid and I hereby invite debate. Yes Hon. Oliver Munyaka.

Hon. Nzeki: Thank you Hon. Speaker, I commend the liaison committee led by the Chair of chairpersons and it is in black and white that the best performing committees and the least performing committees. So, Mr. Speaker, because it is written and it is shown that there are two select committees which did the most work and there is also the select committee, that is budget committee and sectoral committee, that is finance committee, those two committees were rated as the best committees by the committee of liaison.

So, Mr. Speaker, Sir, it is clearly shown that the two committees did a very well-done job and I would like to ask from the Speaker to see to it that the two committees be given at least three to four days night-out from Speakers kitty. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Temporary Deputy Speaker: Any other contribution. In the absence of any other contribution I will assume you are all in consensus with the report.

(Question put and agreed to)

Hon. Katela: Thank you again, Mr. Speaker. I stand in for Majority Leader, Hon. Joshua Kiilu Mwonga to present a motion.

Mr. Speaker, Sir, aware that the Second Annual Legislative Summit 2017 is scheduled to take place from 20th to 24th March, 2017 at Pride Inn Paradise Beach Resort in Mombasa;

Further aware that the theme of this year's summit is 'Effective Legislation for Sustainable Grassroots Development,' an event that was jointly organized by the Senate and the County Assemblies Forum (CAF) in line with our shared constitutional mandate and obligation to conduct mutual relations on the basis of consultation and co-operation as required by Article 6 (2) of the Constitution of Kenya, 2010.

Mr. Speaker, Sir, cognizant that this year's summit is informed primarily by the fact that the inaugural legislative bodies established by the Constitution of Kenya,

2010 as part of the devolved system of government, are at the penultimate stages of their five year term;

Informed that that the senate is in collaboration with the County Assemblies Forum need to meet in order to take stock of gains made and plan ahead of the next legislatures;

Mr. Speaker, Sir, considering that the objective of this year's summit are to take stock of the complementary law making, oversight and budgeting functions of the senate and the county assemblies reflect on the period since the inception of the devolved systems, interrogate the effectiveness of oversight tools in enhancing prudent use of national resources and interrogate the measures that need to be taken during the transition period to receive the next legislators;

Mr. Speaker, Sir, I wish to move the motion that this Hon. House adjourns its business from 16th to 24th March, 2017 to allow Hon. Members to attend and participate in the Legislative Summit.

Thank you, Mr. Speaker, Sir, and I call upon Hon. Nziva to support the motion.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker, Sir, and members present. I stand to support the motion that this Hon. House adjourns its business from 16th to 24th March, 2017 to allow Hon. Members to attend and participate in the Legislative Summit. Thank you, Mr. Speaker, Sir.

Hon. Temporary Deputy Speaker: Thank you. Hon. Members as you are aware from 16th to 24th March, 2017, there will be a Legislative Summit in Mombasa which is a procedural motion unless there is a voice of objection? Yes Hon Oliver Munyaka.

Hon. Nzeki: Thank you, Hon. Speaker, I am requesting guidance whether tomorrow we will be here or what because it is written from 16th and the workshop will not start from 16th. Thank you.

Hon. Temporary Deputy Speaker: Yes, Hon. Joshua Mwonga.

Majority Leader (Hon. Mwonga): I want to make a clarification on that, Mr. Speaker. Tomorrow the chairpersons can call committees. So, tomorrow is a whole day for committee sittings.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. I understand that it is well clarified and you know, yesterday we had a motion that changed our business from Thursday at 2.30 p.m. to Tuesday at 10 a.m. Any other member with a contribution. Yes, Hon. Nzoka.

Hon. Nzoka: Thank you. I support the motion because we have to join our colleagues who are meeting in Mombasa. I think every county will be in Mombasa and also the Senators will be in Mombasa. So, we cannot be excluded from going, Thank you.

Hon. Temporary Deputy Speaker: With that I can proceed to put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: In the absence of any other business, the House is adjourned.

The House rose at 3.16 p.m.