

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 3rd August, 2021

The House met at 3.10 p.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

PAPER LAID

REPORT ON WARD PRIORITY PROJECTS UNDER
PUBLIC HEALTH DEPARTMENT FY 2020/2021

Hon. Speaker: Hon. Members, under this we have one business by Hon. Katumo.

Hon. Katumo: Thank you, Hon. Speaker.

Hon. Speaker, that aware that, the Committee on Ward Development Fund is a select Committee which draws its mandate from the Machakos County Ward Development Fund Act No. 2 of 2014 whose objects and 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;

Aware that---

Hon. Speaker: I just want to find out; is that the Paper? Hon. Katumo, let the Clerk at the Table approach you so that we get the right Paper.

Hon. Katumo: Hon. Speaker, I am well-guided. Hon. Speaker, I wish to lay the following Paper on the floor of the House today, Tuesday 3rd August, 2021; the report on the Implementation Status for the Ward Priority Projects under the Department of Public Health and Community Outreach for the FY 2020/2021. Thank you.

NOTICE OF MOTION

REPORT ON WARD PRIORITY PROJECTS UNDER
PUBLIC HEALTH DEPARTMENT FY 2020/2021

Hon. Speaker: Hon. Members, under this we have one business still by Hon. Katumo.

Hon. Katumo: Thank you, Hon. Speaker

Hon. Speaker, that aware that, the Committee on Ward Development Fund is a select Committee which draws its mandate from the Machakos County Ward Development Fund Act No. 2 of 2014 whose objects and 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;

Aware that, Section 4(1) of that Act establishes the Ward Development Fund which shall be administered by the officer administering the fund under the direction of the County Ward Development Fund (WDF) management committee;

Further aware that, Article 183(3) of the Constitution of Kenya 2010 stipulates that the County Executive Committee Members shall provide the county assembly with full and regular report on all matters relating to the County while Article 185(3) states that the County assembly while respecting the principle of separation of powers may exercise oversight over the County executive committee and any other county executive organs;

Hon. Speaker, I wish to give notice of motion that this House discusses and approves the report on the Implementation Status for the Ward Priority Projects under the Department of Public Health and Community Outreach for the FY 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Katumo.

STATEMENT REPLY

STATUS OF STAFFING IN THE MENTAL HEALTH DEPARTMENT

Hon. Speaker: Hon. Members, under this Order we have one business to be prosecuted by Hon. Masesi.

Hon. Masesi: Thank you, Madam Speaker. The Statement response is on status of staffing in the mental health department which was sought by Hon. Joseph Mutiso

Hon. Speaker: At that point, Hon. Masesi and Members, ordinarily under the Standing Orders, when a Statements sought by a Member, the response should be read when the Member is present. This matter came up last week and *Mheshimiwa* Mutiso was not present; he sent his apologies and it has come up again today. He has sent an apology that he is in Mombasa on some other matters. So, I have given my discretion that the Statement response be read because it is a matter and business of the Assembly and Hon. Mutiso has no objection to the response being read before this House in his absence so that we avoid further delay on it. So, you can proceed, Hon. Masesi.

Hon. Masesi: Thank you, Hon. Speaker, for allowing us to do the Statement in absence of the Hon. Member. Hon. Speaker, on 16th February, 2021 a Statement was sought by Hon. Peter Joseph Mutiso pursuant to Standing Order 41(2) on the following;

1. The statistics of patients of mental illness treated in Public Health facilities in the County for the last one year.
2. What the County Government is doing to ensure that there are enough personnel to handle cases of mental illness in the County.
- 3.

Hon. Speaker, pursuant no Standing Order 41(3), I wish to respond as follows:

1. The statistics of patients of mental illness treated in Public Health facilities in the County for the last one year. The statistics are as follows;

Workload as per health facility: January, 2020 to January, 2021

Madam Speaker, we have the health facility name, number of patients per month mid-week total seen per year and remarks

Health facility	Number of patients	Mean week	Total seen per year	Remarks
Machakos Level 5	1420	355	15,620	Inclusive of all service pack
Kangundo Level 4	300	75	3300	Refer to Level 5
Kathiani Level 4	120	30	1320	Refer to Level 5
Matte Level 4	80	20	880	Officer retiring
Kithyoko Level 3	12	3	132	Officer retiring
Athi River Level 4	28	7	308	Staffing required
Mutituni Level 4	144	36	1584	Outreach service

2. What the county government is doing to ensure that there are enough personnel to handle cases of mental illness in the County.

Hon. Speaker, the current staff establishment in the health facilities is as follows; madam Speaker, we have a big chart there with data on specialized cadre, number of health workers.

Machakos County mental health general staffing (quantitative data)

We have Machakos Level 5, Kangundo Level 4, Kathiani Level 4, Matuu Level 4, Athi River Level 4, Kithyoko Level 3 and Madam Speaker, if you allow me, I will just mention the total number of health workers who are there across the six facilities; we have 29 in total and Members will check because they have the data with themselves.

Hon. Speaker, mental health services face challenges due to staff shortages. This has been attributed to lack of attraction for people to take any courses in this mental health faculty. Very few general practitioners consider taking their specialization in this field thus maintaining the low numbers.

Recommendations on improving services through staffing strategies include:

1. Creation of attraction means that mental health training by giving specialty allowances.
2. Creation of training forums.
3. Inviting and sourcing for partners interested in mentoring staffs.
4. Initiation of community mental health services like community counseling, community psychiatry, community rehabilitation centers, training local peoples like CHVs to practice at the local level. This is truly practical through community strategy.
5. Involving youths as peer supporters to youths experiencing behavioral problems for target trainings and campaigns against substance abuse.
6. Allocation of mental health budget.
7. Organization of a task force comprising of mental health experts in support supervision to staffs within their point of service delivery within the health facilities.

8. Community sensitization through professional talks to the public in form of health talks, psycho-education and facility staffs on mental health.
9. Organizing staff psychological debriefs at the facilities.
10. Manager's training on staff care and support through application of psychological first aid (PFA)
11. Equipping health facilities with at least one or two skilled mental health personnel

Hon. Speaker, the Committee engaged the Chief Executive Committee Member, Department on Health and Emergency Services on need to increase the staff established in mental health services. He undertook to pursue the matter with the County Public Service Board by October, 2021 and once approved, recruitments would be done. The source of information is Machakos County Mental Health Coordinator, Department of Health and Emergency Services. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Masesi. Hon. Members, this is a Statement and maybe you can express your views on it briefly and from there I will guide the way forward addressing the matter further. Hon. Chief Whip, Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity. I want to thank the Chairperson Health Committee for the response; sometimes last year we requested for special clinics across the County. There was a motion which was brought by Hon. Irene and we agreed that due to the conditions which we have found ourselves in, there is need for special clinics to be opened in our hospitals to take care of our people.

Going by the res the response which has been tabled, it is clear that there is need to employ staff who can handle such matters as you are aware that the cases are increasing every day and from the statistics or else from the response, I want just to take an example of Kangundo Level 4 where the highest staff who can handle such matters is a mental health nurse and the number is too little. I can see we have and the cases you have seen we have per month 300. So, on average every week, they are supposed to see 75 patients and I believe it is overwhelming.

So, if we really need to assist our people, we better invest in the staffing so that whatever we are doing must have returns. We have had cases you have seen they are referred to Level 5; when you make follow up to Level 5 you find they are clamped somewhere, there is a ward where during daytime you will find that they are all stuffed in one place and I happen to have a case involving one of my electorates and I did not like the environment which I found there.

So, I would request the chair to make extra efforts now that we have gotten this response and ensure that we make follow up so that we handle these cases in a humane way. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. I want to thank the chair health for that elaborate report but wish to inform him that if he can inform the officers in-charge that when there is recruitment, they should include the number of nurses who can be taking care of these mental patients because they are too many and also to request them that they when they recruit they bring nurses nearer to the wards like in every Level IV hospital so that people from afar can be treated in those nearby hospitals or the services which are now given to those hospitals to also be rotated across the county because these mentally ill people sometimes are too violent and to take them to a far location either Kangundo or Machakos it is hard work Madam Speaker. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. My contribution towards this is that there is no one single person that is immune to mental health. All of us here present are prone to mental health and we have many youths who are suffering from mental health and the situation is not about to improve. So, Madam Speaker, I think as we discuss about how to handle the cases we should also dig deeper into the causes so that if we go into the grassroots, we identify the causes of mental health and especially in the youths so that they can be curbed at that level so that we don't keep on building more hospitals and employing more nurses but curbing the root cause of the mental health.

Madam Speaker, all of us here present either have a mental health case in their home, if not in their homes in their villages, so it is a matter that should not be taken easily and it is a matter that should be of concern to the entire county or even to the entire country. So, madam speaker, I do appreciate that something is happening but as it happens let us look for ways whereby, we can curb the problem from the grassroots. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Munyasya. Hon. Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. My request would go to the department if they could also distribute the officers fairly as we await for the recruitment, because if you check for example Matuu Level 4 which handles 80 patients per month and I don't know how they do it, they have only been given a social worker. So it is like there is no service they can get there because I don't think a social worker can work on mental matters and also you will find it is quite a big number handling 80 people in such a facility.

So, in the few that we have if they could be distributed fairly at least you will find that may facilities with the little and the officer is still retiring I believe as per the report. So, if they could also be distributed fairly it could be better. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Stephen Mwanthi. Hon. Members, by the look at things there is still a lot that need to be done on the response on this matter that is so critical. You notice the under staffing, you are being promised that at one point maybe there will be, through the County Public Service Board, I think there is still much more that this House can address on the case of persons suffering with mental illness.

Hon. Angela has alluded looking at the root cause; here it is not addressed. There is also the issue of what does the county, as part of its responsibility, do on the persons who are clearly suffering from mental illness and who are just walking around some of them even naked in these very cold weather. Does anyone care about those people?

So this is a matter that I will refer back, indeed not back but I am going to refer to the committee on health and emergency services; is that what is your committee called Hon. Masesi?

Hon. Masesi: Yes, Madam Speaker.

Hon. Speaker: Health and Emergency Services committee so that you can thoroughly address this matter in conjunction with the county executive department responsible and bring back a comprehensive report before this House in a period of 30 days. Remember there are those of our society members who are languishing under this problem and then again perhaps you think of more meaningful measures we need to take as a county government to address that issue. So, Hon. Masesi you have that work to do.

BILL

Second Reading

THE MACHAKOS COUNTY WAIVERS ADMINISTRATION BILL 2020

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*(Hon. Mwanthi on 02.08.2021 (AM))
(Resumption of Debate on the Motion tabled on 02.08.2021 (AM))*

Hon. Speaker: We had this matter in the morning Hon. Members. If you remember, I proposed the question and we took some time for you to go through the report as well as the published Bill and now we are ready to go into the debate. So, I am ready to take the Members who are willing to contribute on this motion. You are welcome Hon. Members. Any Member may be having also may have a point on the extended sitting; we can start with Hon. Maitha here.

Hon. Maitha: Than you, Madam Speaker. I want to congratulate the chairman and his entire team for bringing such an elaborate report to this House. Madam Speaker, waivers have been given right and left without bringing that matter to the Assembly to pass which is very unfortunate because Madam Speaker, in the First Assembly, a CEC Member gave a waiver to a cement factory which up to know that cement factory has not been paying dues to the county government which is very wrong. So, it is important that that any waiver which the executive think and deems fit to bring or to do must be brought to this House for the Hon. Members to deliberate on and then pass it.

Otherwise, when you give a waiver without the involvement of the House sometimes it can be because of your personal gain which is contrary to what the Constitution says Madam Speaker. Again, when we are saying the CEC Member should publicize this message to every part of the county, he or she can use the village administrators to publicize such and such as requested for the waiver because of A and B, because sometimes a friendly person can come and I want a waiver because of A and B,.

Therefore, if it is necessary it be publicized and people go for public participation and then they can bring their recommendations on whether it is well for that person to be given a waiver or not. Therefore, this is a very important Bill which has been brought to this Assembly to discuss and I support the sentiments of the budget committee of which I am a member. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Maitha. I will come to you Hon. Mutinda; let us have Hon. Chief Whip.

Hon. Mitaa: Thank you, Madam Speaker. I also want to echo my senior colleague Hon. Moffat Maitha in congratulating the finance committee through the chairmanship of Hon. Stephen Mwanthi for the Bill which is before us Madam Speaker. It will go to history that this Second Assembly has come up with a Bill which will be taking care of these matters related to tax waivers. Since 2013 when we had devolved units, we have seen a habit by Governors in-charge publishing adverts in newspapers advertising waivers in different counties while omitting or else not putting inputs from the County Assemblies,. Itself it is an illegality Madam Speaker, because any Assembly has the authority to allow the Governors to make any waivers.

Again, another misuse of this opportunity has been witnessed because sometimes you find it is not the CEC Member finance who is signing the adverts; it comes out as the Governor who are signing the waivers and it is good for our county now to have a new beginning through this Bill. We need input from Hon. Members who are the representatives of our electorates in giving authority when we have such occasions.

Another issue which has been left out is public participation because mostly you find these things are political; it is for political gains. Either you are aligned to someone and then you give him or her a waiver and you find that matters related to finance, the counties are at loss. Whatever happens under the table between the parties is not brought to light and I believe this Bill now since

we have it, Hon. Members will be in a position to accept or deny that opportunity hence cutting off the misuse of powers bestowed to individuals.

So, going forward, there are some observations which were taken through by the Hon. Chair. We know this county has given waivers to firms, organizations when we didn't have this law and I would request it not look like witch-hunt but what we can correct, let us correct because these firms are making money and if they are in a position to pay tax, which we duly need to run the county.....right now we have talked about employing nurses and doctors to handle health care matters and we need that money to pay the staff whom we so much want to employ in our hospitals.

So, Madam Speaker I am in agreement with the Bill, I thank the committee once more and I would take this opportunity to thank you, you visited my ward when we were having the public participation, you took your time, you listened to the electorates and much of what they raised has been captured in this Bill so I hope that going forward we will be able to correct any ill which might have happened before as we work on improving the status of our county. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Mitaa. Hon. Mutinda.

Hon. Mutinda: Thank you, Hon. Speaker. I start by thanking the Chair and the committee for this good job and I hope this law will go a long way to supporting this county to have its own good revenue base. However, as I support I would wish to say that this law should not be taken to supersede or do away with whatever Finance Bills this House will pass as time goes by. Madam Speaker, remember that when we talk of the waivers, it is on the interest and it should not be taken that where we have interest the principal monies to be paid should be waived and again when we were taking this process round at my place I remember my people at Wamunyu ward insisting and emphasized that public participation on any waiver should be done so that we don't end up to law being misused.

I know there are situations where we might end up having a situation where different leaderships will come in the government and you might have a situation where somebody is favouring a friend through the law and that is a place where public participation is very key and again this taxes are aimed at protecting traders. So sometimes can come and can be allowed to the disadvantage of the locals. So those are areas of concern where this law should be so clear that our people are protected by the law but not the law to protect those who are coming to do business with us here.

So Hon. Speaker I support and also say that on this are where the Assembly approves and the CEC Member might have some more powers to extend, I think there is some contravention because you cannot move from a certain hierarchy of power and go to another down hierarchy of power to have an extension because again what is the purpose of bringing to this House if somebody else beyond this House has any other power to extend.

So that is an area where some more research needs to be done because I tend to believe once the Hon. Speaker approves this thing with the House, then there should be no other because the law cannot be allowing other things which look to be administrative beyond the law. Thank you, Madam Speaker; I support.

Hon. Speaker: Hon. Masesi.

Hon. Masesi: Thank you, Hon. Speaker. I would like to congratulate our chairperson Hon. Mwanthi and the committee in whole for making sure that we give a comprehensive report to this House. Very key to the observation and recommendations is that this house should not allow again, ratification of waivers or let the executive come for approvals before the waivers. Also let us make sure that the intended purpose of the waiver is achieved by way of creating proper awareness and with time so as to enable the public to acquire and make use of the waiver on the due stated time

and again sometimes we are facing it hard when we come to implementing of these waivers and also the Finance Bill.

Our revenue clerks are really exploiting our people. It is like when someone goes to a quarry and you don't find the revenue clerk, actually that is not something that should be bounded back (??) to the owner of the vehicle in the absence of the revenue clerk where he or she was carrying the murrum but when these persons or lorries are impounded, the interest of the revenue clerks is the fines not having our people paying what is due. So Hon. Speaker we need to make sure that our people don't suffer for we represent them in this house.

Last time we had to picket in Tala, just to say no to the revenue clerks because they are exploiting people. How can one impound a lorry and in the next two to three minutes you are supposed to pay Ksh. 60,000 whereby you are supposed to pay only a rate of Ksh. 1,500. So, Hon. Speaker, we need to make sure that our people are taken care of as we implement this waivers and also the Finance Bills. Thank you Hon. Speaker.

Hon. Speaker: Thank you, Hon. Masesi. Let the mover of the motion reply; Hon. Mwanthi.

Hon. Mwanthi: Thank you, Hon. Speaker and Members for contributing and supporting the Bill. Hon. Speaker, this Bill will help the county government from misuse of power and by roadside declarations by the executive which has been happening now with this Bill I believe that this issue will have been sorted and just highlighting on the issue which had been raised by Hon. Thomas, this Bill only touched on interest and penalties. They are the only areas that are supposed to be.....it is only addressing but not addressing anything that is on the Finance Bill only that the last part has said the Act may be used to attract strategic investors where certain fees may be waived and that means with all that everything has to go through the Assembly so there will be no such or any effect.

The Bill will not affect in any way the finance bill that will passed. So there is---

Hon. Speaker: Hon. Members, he just asked you a question; if you pause there. At times like we have just gone through the Covid-19 of hardships, particularly the small scale trader, I am thinking of the month they pull the *Mama mbogas* and you have put in the Finance Bill license to that. Won't it be proper for the Executive arm of the government to allow waiving especially on such license for such a sector of a community because such sector most of the time you will not find any interest that they would benefit with them.

Interest comes on the way of rates and so on; what about that small scale trader and we don't know what may happen in future.

Hon. Mwanthi: Madam Speaker, I want to believe that should come with its law or possibly a motion just as we did last year we had a motion on bar owners that we brought to the Assembly that now dealt with such eventualities. Yes, the Act has mentioned that because when you check on the conclusion, it has mentioned that the Bill if enacted will be a tool which the County Executive Committee Member for finance will be able to use to achieve equity in case of unforeseen events affecting businesses as has been the case with Covid-19.

Hon. Speaker: Then don't tie yourselves by saying that it will not undo anything in the Finance Act. It can.

Hon. Mwanthi: Well, then it is an area---

Hon. Speaker: You need to think about it. How the law can address that kind of scenario without having to come with a motion each time something comes up. Think about it especially at the committee stage.

Hon. Mwanthi: Okay. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mwanthi.

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

ADJOURNMENT

Hon. Speaker: So, Hon. Members, at this point, we come to the end of the Order Paper for the day. The sitting will be adjourned and the continuation of the House sitting will be on the 4th day of August, 2021 at 10.00 a.m. Good evening Hon. Members.

The House rose at 3.55 p.m.