

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 15th December, 2021

The House met at 3.00 p.m.

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

PRAYERS

COMMITTEE OF THE WHOLE HOUSE

THE MACHAKOS COUNTY CLIMATE CHANGE (AMENDMENT)
BILL, 2021 (MACHAKOS COUNTY BILLS NO. 6)

Hon. Deputy Speaker: Hon. Members as you are aware we did refer this Amendment Bill to today and we are going to defer this business back to the House Business Committee for re-balloting so that it can give adequate time to the legal person who is in charge of legal affairs in the Assembly to through the amendments which he wants to make and it should be re-ballotted again for the immediately first sitting which the House is going to have.

(Applause)

BILL

Third Reading

THE MACHAKOS COUNTY CLIMATE CHANGE (AMENDMENT)
BILL, 2021 (MACHAKOS COUNTY BILLS NO. 6)

Hon. Deputy Speaker: Again Hon. Members, we cannot do the Third Reading before we work on the amendments which are in Order No. 8 and therefore this business together with the business above are deferred back to the House Business Committee for re-blotting.

MOTION

ALTERATION OF THE ASSEMBLY CALENDAR

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by the Majority Leader of the Assembly Hon. Mark Kimanthi Muendo.

(Applause)

Hon. Muendo: Thank you, Hon. Speaker.

Hon. Speaker, that aware that pursuant to Standing Order 25(1), the Assembly approved an Assembly Calendar on 10th March, 2021 and amended it on 26th May, 2021 and further amended it on 30th November, 2021;

Aware that the Calendar provides for the sittings and recess for the House; Noting that the Fifth Session of this Second Assembly began on 9th February, 2021;

Aware that crucial business has been transacted during this session including consideration of the Machakos County Environment Management Bill 2020, the Machakos County Abattoirs Bill 2020, the Machakos County ECDE Policy among others;

Further aware that Standing Order 25(4) provides that the Assembly may by resolution; alter its Calendar or adjournment date;

Hon. Speaker, I wish to move the motion THAT notwithstanding the resolutions of the Assembly made on 10th March, 2021 on Approval of Assembly Calendar and 26th May, 2021 and 8th December 2021 on Alteration of Assembly Calendar and pursuant to Standing Order 25(4), the Assembly resolves to further alter its Calendar (Regular Sessions) for the Fifth Session, 2021 in respect to Part III, to alter the adjournment date for long recess from 15th December, 2021 to 22nd December, 2021 and that the Assembly Calendar (Regular Sessions) for the Fifth Session be altered accordingly.

Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Do you have a seconder?

Hon. Muendo: I call upon Hon. Kamitu to second.

Hon. Kamitu: Thank you, Hon. Speaker. I second.

Hon. Deputy Speaker: Thank you very much, Hon. Majority Leader and Hon. Minority Leader.

(Question proposed)

Hon. Members, you may commence on the adjournment motion. Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity. I want to thank the Hon. Majority Leader and the Hon. Minority Leader for the motion before us. Hon. Speaker, we have just ruled on a very important Bill which is ahead of us; the Bill on Climate Change which Hon. Speaker this Hon. House has committed to ensure that before we go for the long recess, we have the Bill in force so that the Executive can have access to the funds and have the money utilized in our wards.

From your ruling is that the legal department needs some time to go through the Bill, through what the committee has done and ensure that before we pass the Bill, we are passing what is right for consumption through the Executive. Hon. Speaker, I believe the time between

today and on 22nd, the department will have enough time to come up with an opinion and advice this House and it is my belief that before now the time which has been sought before that time is over, I believe that we will be in a position to pass the Bill so that before we go on long recess, at least we leave behind a law which the Executive will be implementing. So, Hon. Speaker, I support the motion fully. Thank you, Sir.

Hon. Deputy Speaker: Thank you. Hon. Kisila.

Hon. Kisila: Thank you, Hon. Speaker. I would like to thank the Majority Leader for that motion. It is a very timely motion because the Bill which we are talking about is only a turning point in our climate change preparations on the ground and is a very important Bill and I am just urging Members those of us who have not actually read the Bill to spend some time and go through it. It is a Bill which is going to allow every ward to receive almost Ksh. 25 million which will go a long way to enhance climate change and including even conserving our environment. So I urge Hon. Members to turn up in good numbers on Tuesday next week so that we can pass this Bill.

One of the reasons why we are pushing this Bill and I want to bring it here, is because the previous Assembly, this Assembly passed had some major loopholes. One of the biggest loopholes that we had was we did not have a Fund Manager. For this fund to work properly we need a very well qualified Fund Manager who is going to run this fund with very serious qualifications and this Assembly also will be the one to vet that Fund Manager and yesterday in our discussion Hon. Mutinda came with a very good proposal of us securing the office with security of tenure so that that person cannot be pushed around in managing that fund.

We are starting with Ksh. 1.5 Billion in that fund and it is going to grow to Ksh. 2 to 4 Billion depending on how we use it. It is important that this House lays very good foundation which will enable World Bank to give us more funds in the future.

The other very important proposal in this amendment is the powers we have given the ward planning committee. The previous Act was giving powers to the steering committee; we have actually passed powers to the ward planning committee and we have given them very strong responsibilities to be able to enhance and oversee the funds which we are giving. So I am urging Hon. Members, from my discussion this afternoon, I kind of feel there is disconnect between what we are pushing as a committee and the understanding of Members. Spend some time before Tuesday---

Hon. Muendo: Point of Information.

Hon. Speaker: Point of information please. Hon. Muendo.

Hon. Muendo: Thank you, Mr. Speaker. I think the Hon. Member is not in order to start debating the Bill here; there is going to be time to debate the Bill. The other issue Hon. Speaker is when he is making us to rush the Bill and he is saying we did the first Bill with mistakes that is why we are taking time and I said in the committee level that all the Members in this Assembly must be involved because that Bill involves a lot of money and the Members want to make a very good law out of it.

(Applause)

So, Hon. Speaker, we want to have more time to go through the Bill and even do further amendments; not to rush the way we rushed and then it was taken back to World Bank. Thank you, Hon. Speaker.

Hon. Speaker: Thank you Hon. Majority Leader and I think that Hon. Kisila was just emphasizing on the same point. Hon. Kisila go ahead.

Hon. Kisila: Thank you, Hon. Speaker. It is important that we handle this with soberly because yesterday we were here going through the Bill and we actually realized the importance of that Bill. I am just emphasizing the point; I am not debating. I am emphasizing the need for Members, Hon. Majority Leader is a member for our committee, and other Members are not Members of our committee. I am not only pushing the Bill, I am only making sure that we pass a Bill which will stand the test of time and that is the reason why some of us in the Committee we are pushing it in a very good way so that tomorrow we do not go through the same mistake we did in the previous Bill.

So, Hon. Speaker, with your permission we will come back on Tuesday and debate the Bill and I am seeking Members to go through it; the report needs to go through it for those who have not so that when we come on Tuesday we have more input. The more we put, the better the Bill will become. Thank you very much, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker. I will start by congratulating our most able Majority Leader together with the Minority Leader for this motion before the House. The House Business Committee is the one mandated to come up with a Calendar and the motion before us has blessings from the HBC because we are also Members of that HBC.

Mr. Speaker, the motion is in good faith. If we disperse today for long recess and we leave this business hanging and that is denying our electorates resources to serve them. So the motion is timely and I beg the Hon. Members to agree and approve that we extend up to Tuesday, 22nd December, 2021 so that we can be able to go through the Bill properly, we get advice from the legal team. Being MCAs does not confirm that we are conversant with everything when it comes to issues of law, we need an expert who can go through it and advise us accordingly so that the document we are going to pass is going to be used by the current Assembly and Members who will come after this Assembly.

(Applause)

So, Mr. Speaker, I want to support the motion and request if we can be provided with copies those who do not have like me, I am begging you to order the Clerk at the Table to ensure that before we leave this House we get each a copy of the document so that we can scrutinize it and come back on Tuesday. In case by Tuesday we will not have gone through or gotten the advice properly, I will also request the Majority Leader to come up with another motion of extension so that we make sure whatever we pass, we pass it the right way.

(Applause)

Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, Hon. Ndawa. Hon. King'ori.

Hon. King'ori: Thank you, Mr. Speaker. I am also here to thank our Majority and Minority Leaders and more-so to you for your wisdom to see to it that we need a lot of time to go through it so that we make the right choices and that is a good example of good leadership. What I also want to ask you Chair is that if today we are going for a retreat we should also make sure this Bill be part of it so that Members can be taken through and understand the work which has been done by the committee of Environment and the amendments needed should come in at that time, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Mr. Speaker. I support the Motion from our able Majority Leader and Minority Leader and mine was a request to you that even though Hon. Ndawa has requested for hard copies, I think it could have been more easier for us if we can access it on soft copy so that we can go through it all of us because I understand some Members are held up somewhere and every one can access this document. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you very much. Hon. Betty Nzioki.

Hon. (Ms.) B. Nzioki: Thank you, Mr. Speaker. I take this opportunity and thank our Majority Leader together with the Minority Leader for the good job they are trying to do. We were supposed to go for recess today but due to the duties and responsibilities that are bestowed upon us as Hon. Members of this County Assembly; they have seen it is good for us to extend because of the Bill before us. It is my request that we be provided with the hard copies or the soft copies of the Bill and we go through it so that we can understand what we are passing so that we may not make a mistake again that was done again.

(Applause)

So it is my humble request Mr. Speaker we get the copies and go through it and we see if there are more amendments that we can make for the betterment of the Bill of the people of Machakos County. Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. May the mover of the motion respond please; Hon. Kimanthi.

Hon. Muendo: Thank you, Mr. Speaker. Let me say this Bill is important to our County and everybody knows that the climate is changing. Let me also say that there will be a lot of funding by the donors from abroad because they are saying they are the people who started

polluting the environment through industries so they are supporting Africa not to go where they have gone. So we understand there will be a lot of coming to that fund.

When we went to Mombasa for training the consultants were appointed by the World Bank, the donor and these amendments which we are looking at were brought up because there were some issues. Let me tell the House that Ksh. 200 million was also withdrawn after the Governor assented the Bill and this money went through the Treasury. The World Bank does not want this money to go through the Treasury. They want the money to have an administrator and this money will be coming from the World Bank direct to the Administrator because they know when you put it in the Treasury it can be messed up.

The other issue, you remember Hon. Members, we passed another Bill here of KUSP in a rush; being told the same story that there is no time, money is going to be taken back, money is going to be done like this and we passed it without going through it. Today we are crying because that money is not distributed equitably. It talks about municipalities but when it comes, because we passed the Bill without having an Administrator and without going through the Bill well the money is being administered from the department of finance and that is why we are losing. We are fighting that in my ward some work is going on and in another ward work is not going on.

Therefore, that is why I am advising Hon. Members, that this Bill there is no issue Hon. Kisila for rushing the way we did KUSP and the way we also did it. We are not saying no but let us have a Bill which is polished. For example, today we are talking about 40 wards; if we leave it hanging without saying it must be distributed equally to all 40 wards it will be going to some wards.

(Hon. Kisila spoke of record)

So there is no information now; sorry. What I am saying we are not

(Loud consultations)

Let us have the Bill clean and then we will pass it. The other issue Hon. Speaker---

Hon. Deputy Speaker: I have already said.....just a minute. The Majority Leader is responding you cannot inform at that point.

Hon. Muendo: Thank you for protecting me from Hon. Kisila; I do not know what he has been given.

(Laughter)

Hon. Deputy Speaker: Hon. Majority Leader, withdraw that.

Hon. Muendo: Withdrawn. So, Members, this Bill is very important. Let us meet on Tuesday, we look at it, if there is an amendment it is allowed to be done. It is our Bill so there is no rush. So, Hon. Members, thank you very much, for supporting the motion and I will not mind

if there is some more amendments and other issues that we have talked in the *Kamukunji*, if they do not come to line, we are going to extend the Assembly. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader.

(Question put and agreed to)

Hon. Members, from what Hon. Members have requested I instruct the Table Clerks to ensure that we have enough copies for those who want hard copies; let them be put in the pigeonholes and also get the soft copy posted on our website so that Hon. Members can be able to access them from wherever they are and this must be done today to afford Hon. Members enough time.

We are retreating on SEKEB and SEKEB is another law like this one which we are making for SEKEB. Hon. King'ori has said that we should also be combined; what I believe he meant is that you can carry your copy with you and go through it during that retreat also and if you have any questions you can engage any of the Members of the environment committee who have been going through it and they will be able to give you further explanation on it while we are still retreating on the SEKEB.

So, I think that is what he meant that we have the resources within the environment committee so carry your copy so if there is any question you want to clarify you can ask the Chairman Hon. Kisini or get in touch with King'ori or any other Member, Hon. Brian Kisila, Majority Leader, myself I am also a member of that committee and we will be able to do further clarification on the same.

We need to turn up in large numbers on Tuesday next week so that we can be able to ensure that this very important Bill that is going to affect our people sees the light of the day on that day we pass it ensure our people do not miss out on this very important funds which are going to help us manage climate change.

ADJOURNMENT

Hon. Deputy Speaker: With that Hon. Members, the House is adjourned to resume again on Tuesday, the 21st day of December, 2021 at 10.00 a.m. Enjoy your evening.

The House rose at 3.28 p.m.