

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**  
**OFFICIAL REPORT**

**Tuesday, 24<sup>th</sup> October, 2023**

The House met at 3.01 p.m.

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

**PRAYERS**

**STATEMENTS REPLY**  
**EXTENSION OF REPORTING TIME**

**Hon. Speaker:** May I invite Hon. Daniel Ndwiki to come forward and make a statement.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker, Standing Order 41(2)(b) states that a member may make a Statement relating to their responsibilities in the House or the activities of a Committee;

Hon. Speaker, on 11<sup>th</sup> October 2023, Hon. Dominic Maitha, the MCA Muthwani Ward sought two Statements from the Departments of Energy and Lands on the following matters;

- i) Why the Department has never implemented provision of floodlights in Muthwani Ward in the Financial years of 2021/2022, 2022/2023 and FY 2023/2024.
- ii) The plans which the Department has to ensure a 24 Hour economy in Muthwani Ward as per H.E. the Governor's Speech delivered in this Assembly on 27<sup>th</sup> September, 2022,
- iii) The workplan of the Public Utility Taskforce as regards visitation to Muthwani Ward to ascertain the status of encroached public utilities.

The Statements were committed to the Committee on Lands and Energy to inquire into the matters raised then report within 14 days which will elapse tomorrow on 25<sup>th</sup> October 2023.

Hon. Speaker, on 17<sup>th</sup> October, 2023 via letters

reference MKSCA/PCS/CMM/L&E/VOL.1/15 and MKSCA/PCS/CMM/L&E/VOL.1/16 the Committee wrote to the Chief Officers Departments of Energy and Lands respectively seeking responses to the stated Statements. On 23<sup>rd</sup> October, 2023 during a Committee sitting, the Committee was notified that the responses have not been received yet.

Hon. Speaker, I wish to move the Motion that the Committee on Lands and Energy be allocated a further 14 days to inquire for the information from the respective Departments and also carry out fact finding mission at the Ward in question. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Ndwiki for that request. Your request is granted that the committee gets fourteen days extension to enquire for information from those departments and also carry out the fact-finding mission so that request is granted. Thank you.

**MOTION**

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF  
STATE OF THE COUNTY CONTAINED IN THE ADDRESS  
OF THE SENATOR DELIVERED ON 18<sup>TH</sup> OCTOBER, 2023

**Hon. Speaker:** At this point I invite Hon. Nicholas Nzioka to come forward and move that motion that the thanks of the Assembly be recorded for the exposition of public policy contained in the address of the Senator. Proceed.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that Standing Order 21(1) provides that the Speaker may, in consultation with the Leader of Majority Party and the Leader of Minority Party, allow the Senator of the County or a visiting Governor or such other visiting dignitary to address the Assembly on such occasions as may be appropriate;

Aware that the Hon. Agnes Kavindu Muthama, Senator of the Machakos County honoured the Speaker's invitation and addressed this House on 18<sup>th</sup> October, 2023;

Aware that Standing Order 20 (*With the necessary modifications*) provides that whenever the Senator delivers an address, a Member may as soon as practicable thereafter, lay the address on the Table of the Assembly following the reading of such address; further aware that Standing Order 20(5) requires that debate on the Senator's Speech should not exceed four sitting days;

Hon. Speaker, I wish to move the motion that motion THAT, pursuant to the provisions of Standing Order 20(5), The Thanks of the Assembly be recorded for the exposition of public policy contained in the Address of the Senator delivered on 18<sup>th</sup> October, 2023.

Hon. Speaker, I call upon Hon. Francis Kitaka to second

**Hon. Speaker:** Thank you, Hon. Nicholas. Hon. Kitaka.

**Hon. Francis Kitaka** (Ndalani, WDM-K) seconded.

**Hon. Speaker:** Thank you, Hon. Kitaka, for seconding.

*(Question proposed)*

I now invite Members to debate this motion. The floor is yours, Members. Hon. Rosina.

**Hon. Rosina Kanini** (Nominated, WDM-K): Thank you, Hon. Speaker. Senators play the same role as MCAs and I would like to applaud the Senator of Machakos Hon. Senator Kavindu for taking it upon herself to come and address our Assembly. Madam Speaker, I urge her in future to continue in visiting us or convening this sitting so that she can understand the challenges that we undergo during our oversight role or the challenges we have when doing our daily three legislative roles. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Rosina. Hon. Anastasia.

**Hon. Anastasia Mutevu** (Nominated, WDM-K): Thank you, Hon. Speaker. First, I would like to thank the Senator for seeing it wise to address us as an Assembly and my point is she insisted on her speech more on the pending bills of the County which are affecting our County so much so we applaud the Senator for the wonderful speech she had. We will continue reading it and coming up with more and more but I would like that the pending bills of this County to be avoided so that in future we avoid pending bills. Thank you, Madam, Speaker.

**Hon. Speaker:** Thank you, Hon. Anastasia. Hon. Dominic.

**Hon. Dominic Ndambuki** (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I first wish to thank the Senator of the County of Machakos Senator Agnes Kavindu for making her maiden visit to the Third Assembly and just make a request that at the Senate she pushes for the autonomy of County Assemblies in Kenya. Thank you, Madam Speaker, so that they can have financial autonomy at the Senate, Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Ndambuki. Hon. Majority Leader.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. I join colleague Hon. Members in thanking our Senator Agnes Kavindu Muthama. In her speech, I think she first of all acknowledged the uniqueness of our county in terms of the leadership that was in a very powerful way elected by the people of Machakos. As time went by she also joined them. We want to say I believe that with the leadership of the Senator with H.E the Governor and your leadership Madam Speaker, that at the end of the first cycle that we are going to see a real change because personally I believe that resources held and managed by women leaders will always reach more people. So I know that the Senator acknowledged that.

Secondly, she called for unity between the County Assembly, the County Executive and her office which I think it is very important because where there is unity you can be sure you can be able to address each other and not talk at each other. With that I know we can make this County a better place. I join my colleague Mheshimiwa Dominic of Kathiani Central in asking her to be even fierce in fighting for resources and space for Machakos County at the National level as our No. 1 delegate for the County at the Senate.

So we will continue perusing the report. We will continue seeing more of what she has in mind for the County but in the mean time I want to thank the Senator for seeing it fit to come and address us and of course, your office for facilitating the visit and the address. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Leader of Majority. More contributions? Hon. Maitha then Hon. Kaloi, Hon. Katiti in that order.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Madam Speaker. First and foremost I want to appreciate the presence of our Senator in our Assembly to come and address us. It is a privilege I can say I lost in the First Assembly because we never managed to have the then Senator come and address this Assembly. Noting that it was in the first years and the first terms of devolution, Madam Speaker, I want to appreciate our Senator for first finding it

appropriate within her busy schedule to come to this Assembly. Honouring this Assembly with a huge number of Senators, women Senators and one male Senator; it was a big blessing to this Assembly. I do not think whether it has happened before that we have had such big number of delegation. It is a confirmation of a commitment and a relationship with the fellow Senators at the Senate in Nairobi.

Secondly, a key observation that I might have noted is that in future we need to have an address platform for such kind of guests in future. For those who might have noted our Senator was struggling to hold the address note that she was reading to us. But I think if it was on a platform in a well-elevated platform I think she would even have had the freedom of going through it. At some point you could see that she was struggling. In future I would request this House provides for the same because it is a House that believes in doing good things in a better way.

Just a few observations Madam Speaker, the Hon. Senator said there is low absorption of development funds as indicated by the expenditure of Ksh. 1.36 billion in the financial year 2021/2022 from the annual development budget allocation of Ksh. 4.4 billion. The development expenditure is 13.2 per cent of the annual development budget. Madam Speaker, if you relate the amount of that allocated for development for that financial year alone versus what was delivered in terms of actual development, Madam Speaker, it is a big shame.

We are not even talking about 50 per cent; we are only talking about 13.2 per cent. So you can imagine Madam Speaker, allocating the Executive Ksh. 4.4 billion and they only absorb 13 per cent of that, then that confirms the reason as to why we have no Mulika Mwizi in Muthwani ward. That confirms the reasons as to why our trucks cannot be fueled. That confirms why we have so many stalled projects in almost every ward, Madam Speaker.

Going forward Madam Speaker, it is important that all sectoral committees and all committees of this House who act as oversight committees to the relevant sectoral departments in the County Executive to undertake their oversight role. This House wants to pass our budget Madam Speaker; we should not only sit down and ask for reports from the executive at the last minute. We should be getting quarterly reports so that we know out of the Ksh. 5 billion for example that we have allocated for development expenditure, how much has been absorbed, what are the projects that are physically present and actually, Madam Speaker, I want to thank your office.

Currently, these Hon. Members are having the opportunity to go to the wards and do site visits. By doing site visits Madam Speaker, we are able to ascertain that there is value for money for those projects that have been undertaken. So I want to urge your office to continue facilitating Hon. Members to do more site visits because that is what will form the basis of their oversight. So Madam Speaker, I want to say that as a County we need now to look into this issue.

If we cannot absorb 50 per cent of our development budget then that means we are denying our people the right to projects, the right to services so that needs to be checked with a lot of seriousness because if it happens again, Madam Speaker, maybe for the next five years we do 13 per cent then we will have denied the people which is a lot of disservice and injustice.

Secondly, the issue of wage bill has been said, Madam Speaker. A high wage bill which accounted for 61.9 per cent. Madam Speaker, the PFM Act is very clear that it is supposed to be 40 to 60 per cent but here we can see that it is really the other way round. We need to check on this so that Madam Speaker, monies allocated to counties should be seeing bringing development. It should not be the other way round Madam Speaker, and it is only by doing so

that even those Members who have been elected both the Members of the County Assembly and the Governor will have a soft landing at the end of their term when we go back to the electorate and seek for service delivery.

I want to applaud the current Governor, Hon. Speaker, because as we are talking now, every ward right now is having two dams being de-silted or being done. Recently, we issued bursaries, last year at least every ward received some project. If we now up the trend of how we are doing things Madam Speaker, I can honestly confirm in this House that at the expiry of our term most of the Members and our Governor included will have a soft landing to the electorate because at least we will have tangible projects.

All we can do is to ensure that what we allocate in the budget for development is realized at least 70 per cent so that once we go to the electorate we tell them we promised 100 per cent and we delivered 70 per cent.

Not to belabor much Madam Speaker, the issue of own source revenue was a major thorn in the flesh in the last regime but today the committee on Finance can ascertain and even in several platforms the CECM Finance has said we have increased our revenue but we still need to do more, Madam Speaker. Machakos County today being the County bordering the city of this country has the potential of collecting more that Ksh. 4 or 5 billion. It is possible, Madam Speaker.

I gave an example in my Ward. Madam Speaker, if my ward can collect Ksh. 1 billion in a year, not counting Mlolongo, Athi River, Kyumbi and our neighboring Wards and Matungulu which right now is experiencing mass influx of development, Madam Speaker. Matungulu sub-county right now is even doing ballast mining so that means there is a lot of revenue that coming from that Ward. So, Madam Speaker, the issue of revenue; the Committee on Finance needs to re-looked. We have so many quarries and so many businesses that are coming up and we need to see value these businesses in terms of revenue generation in the County.

By do doing Madam Speaker we are going to up our revenue collection which will be support to our development projects and that means that we are going to spur development in our County. I want to implore and throw a challenge to the Finance and Revenue Collection Committee to relook into the avenue loss mechanisms that our County is going through and up that.

Finally, Madam Speaker, I just want to dwell on the issue of pending bills. Madam Speaker, as we speak today we know of contractors who delivered services to this County way back from 2013/2014 and those contractors and service providers have never been paid. Honestly, Madam Speaker, are we realizing the spirit of devolution in bringing services closer to the people, empowering our people and for almost 10 years we have not paid them, Madam Speaker.

It is high time that this House takes a lot of serious action on those pending bills that have not been paid, Madam Speaker. No one would be willing to work including us Hon. Members in this Assembly; every single month when the month comes to an end we demand for salaries. There is no difference between us and those who provided services to this County, Madam Speaker.

So it is high time that this Hon. House through the Budget Committee that they ensure that all pending bills are sorted as soon as practicable so that we can put these people back to business. It is unfortunate that we have contractors who owe this County to a tune of more than Ksh. 10 billion for the last more than five years or 10 years, Madam Speaker. If those contractors sourced for loans, today their loans are still on interest by the financial institutions but their

money is not increasing in the County. If the County owes one Ksh. 10 billion but the bank is increasing your rate at the end of the day Madam Speaker you get nothing.

So it is the high time we realize these pending bills are becoming a thorn in the flesh and we will better work on a mechanism that we can clear them all. In future, in fact, Madam Speaker, the Senate and the National Government need to come up with a legislation whereby any government of the day in power in the County Government is mandated that they should not if possible leave any pending bills at the expiry of their term. Why do you need to budget for what you do not have?

That is a law that, Madam Speaker, needs to be looked into because if you are budgeting for Ksh. 10 billion and you have received Ksh. 10 billion then work with Ksh. 10 billion. Now every other government that comes in place will be offloading bills to the next incoming government. So, a law needs to be put in place and we need to engage further with the Senate that the Senate will come up with a legislation whereby at the expiry of term for any government, all pending bills must be cleared such that the next government that comes into place does not inherit any debt because once you inherit debts then it will be difficult for them to work.

I want to applaud the Hon. Speaker and now throw spanner in the box to the relevant sectoral committees in this Assembly that we do our oversight role so that the observations that have been seen by the Senate can be achieved so that we can deliver services to Machakos County. Otherwise, I appreciate her presence in this County Assembly and hope in future when she comes maybe next year to do the address, the issues which she has outlined here will have been acted upon by this Hon. House. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Dominic Maitha; very important. Members, as we continue discussing this speech by Senator, I would urge you to note that the observations were put to us because we are the right House to address them. So, if Members you have not read this speech by the Senator, I urge you to read this speech very much deeply, internalize it and let us discuss this speech. This speech purely sits on our mandate and we have to internalize it, execute it, implement it through the committees but we have to discuss it here.

I had appointed some Members to contribute. Was it you Hon. Katiti? It was Hon. Kaloi take up then Hon. Katiti then we have Hon. Munywoki.

**Hon. Jeremiah Kaloi** (Athi River, WDM-K): Thank you, Hon. Speaker. I rise to say one thing about the speech of our Senator. We are well aware that one of the roles of the Senator is to ensure that allocations to the Counties are done the way it is supposed to be done. The other thing that we must say and we must congratulate our Senator is we have been seeing her playing the oversight role especially I remember just the other day she was drumming on the issues on cooperatives that has been a lot of problems in that area.

So we encourage her to continue with the same role we are going to go through the report from the Senator and I am sure if she is committed, we are closely going to work with Senator and ensure that what the Assembly is supposed to do is done. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Kaloi. Hon. Katiti please.

**Hon. Boniface Katiti** (Muthetheni, UDA): Thank you, Madam Speaker. First and foremost, I want to acknowledge and appreciate the speech that was given last week by my able Senator Mrs. Kavindu Muthama. One she talked about devolution and she emphasized so much

on it and reminded us the essence of devolution. Now she said that was a system of handing power back to the people and we as Members of County Assembly (MCAs), she reminded us our roles that is legislation, oversight and representation.

We as MCAs sometimes feel as if somehow we are not part of the system because as much as we want to realize the essence of devolution, we MCAs are left somewhere where we are not empowered in terms of money. I would wish if she emphasizes so much on autonomy of the Assembly and also the empowerment of the MCAs because they are part and parcel of the implementation of devolution.

The other thing she talked about is the coordination of the two arms of the County Government that is the Executive and the Assembly. It is good also this issue of coordination and harmony should be implemented. We should see a proper coordination between the County Executive and the County Assembly because some things are happening without our knowledge and it is good also we be made aware because we are all representing one people and the same people.

The other thing is she talked about in the past MCAs were so much involved in the implementation of the projects down to our Wards. I do not remember which constitution because when it came to the times of MCAs, we only have those three roles that we should be doing. It is in the bulletin so I do not know whether that was a mistake because in the past there was no such kind of a thing. So it is good also we re-look to what she said and maybe make a correction on it.

On the issue of the stalled projects, she itemized them in terms sub-counties and we can see a number of them those stalled projects. I wish we as an Assembly can also make a follow up to the specific wards where those stalled projects are and how we can revive them and rehabilitate them also.

In conclusion, she emphasized so much on our roles that we must oversight the Executive because she said a lot of corruption mostly happens when people are being awarded tenders and so many other things that she itemized there. So it is very hard and it is not normal for somebody who is hungry to oversight somebody whose wallet is fat. So it is good that we also be empowered my point is that let us be empowered as MCAs so that as we do our oversight job or our oversight role, we have something that can make us be able to oversight. So I do thank her, I also thank you Speaker for that time but you are allocated her to come and give a speech. So thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Katiti. Your empty stomach is empty so you cannot oversight properly. So she ought to look into that as well. Hon. Munywoki, then Hon. Johana.

**Hon. Julius Munywoki** (Matungulu East, UDA): Thank you, Madam Speaker. I also acknowledge the speech that was made by our able Senator Kavindu Muthama and I want to echo the words of my learned friend Muthwani Hon. Dominic that we must do our oversight role as the Assembly and if we do that properly, then we will have no many questions as to why that was done, that way or this was not done and there will be no blame game. Madam Speaker, if you happen to have a company and one time you will meet the production manager and the chief accountant seated somewhere and they have roasted meat and they have something on the table automatically, you know, your company is getting finished and you are closing.

I am saying so because as an Assembly, we should do our oversight. For example, Madam Speaker, for every word there were two dams which were done and to my surprise, or to my ward, there was no representation of my office. I was not told, I found people doing the business and that that was an oversight because actually, it was the work being done by the County Executive, which we are supposed to, to see---

**Hon. Speaker:** Kindly, have a seat we get the point of order.

**Hon. Felix Ngui** (Katangi, WDM-K): Thank you, Madam Speaker. Madam Speaker, I wish to inform the Member on a point of order that he has gone out of the discussion on what we are discussing. We are discussing the Senator's speech. He is now talking about how projects are being implemented, he is not been informed; he should come to this Assembly and seek a Statement because today we only concentrating on the speech of the Senator. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. Hon. Munywoki, restrict yourself to the speech only.

**Hon. Julius Munywoki** (Matungulu East, UDA): Thank you, Madam Speaker. That was just by the way. Let me come back to the point. Madam Speaker, I was saying if you meet an accountant, with your production manager in your company being together, then you know things are not moving well. Madam Speaker, in this Assembly, let us agree to disagree or we agree to disagree? Like, let us here---

**Hon. Speaker:** Are you listening to me? Have you heard what I said? Just restrict yourself to the speech by the Senator kindly.

**Hon. Julius Munywoki** (Matungulu East, UDA): Thank you, Madam Speaker. I acknowledge and appreciate the message that was delivered by our Senator Agnes Kavindu Muthama. Thank you.

**Hon. Speaker:** Thank you very much, Hon. Member. Hon. Johanna, Mutituni ward.

**Hon. Johana Munyao** (Mutituni/Ngelani, MCCP): Thank you, Madam Speaker. I stand to applaud the speech by our Hon. Senator Agnes Kavindu and the issues she raised during the presentation of this speech. Madam Speaker, I want us to contribute on two issues. As she indicated, in the spirit of separation of powers, we are bestowed with the mandate of legislation as an Assembly and she went further to indicate that on the other end, the Executive is mandated to implement whatever legislation is passed in this Hon. House.

Madam Speaker, I would wish to echo her words and challenge the Executive because we really do a lot of work in this Assembly, pass very nice Bills pass or rather Motions, even Statements which really can work for the people of Machakos County. Madam Speaker, in the morning, we debated on issues to do with waste management and we agreed that we passed we have passed in this Assembly several legislations including the Machakos Environmental Management Bill 2020.

Madam Speaker, the greatest challenge however much we would wish to pass very nice legislation in this Assembly is the implementation of such legislation. So, Madam Speaker, I



want to echo her word that we want to also be able, in our oversight role, to hold the Executive accountable because their mandate is to implement whatever is passed here and it would be unfortunate if we continue passing legislation meant to assist our people and the receiving or the user arm ends up not implementing whatever has been passed.

Madam Speaker, we visited the Senate yesterday and you can bear me witness that the Senate is very serious on giving fast charge on pending bills and Madam Speaker, on the same note, I would also urge that, even as we collect programs and projects, new projects to implement in the years to come, whether through CIDP or ADPs, we also give a first charge on the stalled projects. Madam Speaker, I have seen the lists presented by our Hon. Senator just to mention a case; we have a total of 161 boreholes, which have stalled.

I have just been doing my mathematics, and I would request even as we endeavor to do other new projects, we also try to give priority to the already stalled projects, which should be assisting or rather helping our people. I would like to cite a case in Mutituni; I am happy I received two dams, and I want to thank the Executive under the leadership of Her Excellency, Governor Wavinya Ndeti, but also challenge that I have several boreholes which require just a little funds. A dysfunctional motor for example, which may be going at a cost of less than Ksh. 100,000 so, Madam Speaker, I would request that such issues are addressed because the funds involved may be little but the impact is very huge.

Thank you, Madam Speaker, for according me the opportunity to also give my contribution on this very powerful speech. Thank you.

**Hon. Speaker:** Thank you very much Hon. Johana; very informative there. Members this speech is supposed to be discussed and debated and internalized by this House for four sittings. I am amused that you are running out of materials. Before we adjourn and maybe continue tomorrow, mine is just to urge you to go and read this speech again. I am sure it was sent to your tablets.

So I expect every Member of this House to go and read that speech again, make points. It is just affirming our duties here; it is actually an observation and it has given recommendation so that we can have discussions tomorrow in the morning and in the afternoon concerning this speech. Meanwhile, we adjourn and come back tomorrow to come and continue.

## ADJOURNMENT

**Hon. Speaker:** So therefore the House adjourns to tomorrow, 25th October, 2023 at 10.00 a.m. in the morning.

The House rose at 3.47 p.m.