

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Wednesday, 14th February, 2024

The House met at 10.42 a.m.

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

PRAYERS

Hon. Speaker: Could we have the bell rung for 10 minutes.

(Quorum Bell rung)

We have quorum; Serjeant-at-Arms can stop ringing the bell. Good morning Hon. Members and happy Valentines. Thank you very much and welcome to today's sitting. We are ready now to proceed.

COMMUNICATION FROM THE CHAIR

ANNUAL BLOOD DRIVE CAMPAIGN

Hon. Speaker: Thank you, Members. I have a communication to make this morning. It is about annual blood drive campaign. I have the following communication to make. I am in receipt of a request for partnership from the Rotary Club of Stoni Athi in conjunction with the Rotary Club of Machakos Greens in an upcoming Annual Blood Drive campaign. This partnership will underscore our commitment to serving the needs of our community beyond legislative duties.

Blood donation is a noble act that has a profound impact on individuals in critical need of transfusions due to medical emergencies, surgeries, or chronic illnesses and your participation in this initiative is invaluable.

Hon. Members the annual blood drive campaign, which the clubs hold every year in the month of February seeks to increase the capacity of blood stored in our banks and enable access to those in critical need.

In its fourth year running, the blood drive campaign is urging more organizations to inculcate the culture of blood donation among its members to support the nation in this quest for blood donation.

By donating blood, you have the opportunity to make a tangible difference in the lives of fellow residents, potentially saving someone's life. I urge each of you to consider participating and encourage your electorate to join us in this noble cause.

To ensure the success of this event, we have made necessary arrangements to provide a conducive environment for blood donation within the assembly precincts. Our partnership with Rotary will guarantee efficient coordination and professional assistance throughout the process.

As a long serving member of Rotary myself, I extend my heartfelt appreciation to the Rotary Club of Stoni Athi and the Rotary Club of Machakos Greens for their collaboration and commend their unwavering dedication to humanitarian causes. Together, we can make a significant impact and uphold the spirit of community service that defines our Assembly.

I am reliably informed that the Clubs are already running the campaign in other parts of Machakos and Kajiado Counties and all the blood that will be collected within Machakos County will go to the Machakos Blood Bank, located at the Machakos Level 5 Hospital for the benefit of our people.

Let us come together as a united Assembly to support this noble cause and demonstrate our commitment to the well-being of our constituents. Your participation will be greatly appreciated and will undoubtedly leave a lasting legacy of compassion and generosity.

I look forward to your enthusiastic participation in the Annual Blood Drive that will be held at the Assembly precincts next week from 19th to 21st February, 2024. Thank you so much, Hon. Members. *Karibuni sana.*

PAPERS LAID

Hon. Speaker: May I invite Hon. Nicholas Nzioka, MCA Machakos Central Ward, to come forward to lay down two Papers. Proceed, Hon. Majority Leader.

SECOND QUARTER REPORT AND FINANCIAL STATEMENTS FOR THE COUNTY GOVERNMENT OF MACHAKOS FOR 2023/24

Hon. Nicholas Nzioka (Machakos Central Ward, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Papers today 14th of February, 2024; the Second quarter report and financial statements for the County Government of Machakos for financial year 2023/24.

SECOND QUARTER FINANCIAL STATEMENTS FOR THE COUNTY RECEIVER OF REVENUE FOR 2023/24

Second Year quarter financial statements for the County Receiver of Revenue for the financial year 2023/24.

Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member. I direct that those Papers both be committed to the Finance and Revenue Committee. Thank you.

STATEMENT REPLY SOLID WASTE DISPOSAL WITHIN THE COUNTY

Hon. Speaker: I wish to invite Hon. Brian Kisila to come forward as the Chairperson, Decentralized Unit and County Administration Committee to come and respond to a Statement on solid waste disposal within the County which had been requested by Hon. Mulinge. Proceed, Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, thank you very much for inviting me and happy Valentine's Day, you deserve a treat as one of our loving Speaker. Madam Speaker I stand here to read a very comprehensive Statement which was sought by Hon. Mulinge but unfortunately because it is becoming a norm now that people are just seeking statements for the sake of it, he is not in the Assembly and he also happens to be my Vice Chair in the same committee, so I am also confused why he was seeking a Statement when he is also a member.

So Madam Speaker I seek your indulgence that I go first and reprimand him that he is not in the Assembly to listen to his chairman replying to a Statement and two I also want to read the statement to him in the committee with your permission. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. So do we say it has been deferred to another date when the Member will be present or?

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, I need your indulgence; he is a member of my committee and he is my Vice Chairman.

Hon. Mbili Ndawa (Matuu, MCCC): Point of information.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Just hold on, he is not here. I was ready with a very comprehensive nine-page report and he is not here. Instead of us wasting time and it is very crucial, I was seeking your permission to read the report during committee sitting.

Hon. Speaker: Just a minute, Hon. Brian. Let me hear what Hon. Ndawa has to say.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. I just want to inform my brother here Hon. Brian Kisila. He may use so many words instead of using one word and complete the issue. It is a requirement that if one seeks a Statement, when the response is brought, he or she must be present to say he or she is satisfied. So since he is not in the House, we may not proceed. Thank you Madam Speaker.

Hon. Speaker: On that breath.....okay. Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): I agree with my senior but I am only seeking your approval, because he is a Member of my committee and he is my Vice Chairman and he is the one who sought the Statement so I just want you to give me permission to read the Statement to him during committee sitting so that he is safe.

Hon. Speaker: I will respond to that because I think I am reading your mind. When a Statement has been sought, it is for the benefit of everyone and all the Wards is it not so? Secondly, I do not know and I stand guided, is there anything wrong for the Deputy Chair, being a member as well, to seek for a Statement? Is there a problem with that? According to me, he is a Member and he has the right to seek for Statement. The question is he is seeking a Statement from his own Committee when he should be the one responding. Is that what you wanted to say Hon. Mwonga and Hon. Mbuva?

Hon. Joshua Mwonga (Masinga Central, MCCC): I do not think there is any harm or he was doing any wrong to seek a Statement. Madam Speaker, even if we sit in these Committees, remember that we have Wards that we represent. He sought a Statement as a Member representing his Ward and there is no point to look for somebody else to seek Statement on my behalf on an issue which is touching my Ward.

Madam Speaker, it is quite in order and the other thing it is what you have said; I want to tell my colleague that once something has been tabled on the floor of the House, it becomes the property of the House and unless by the directive of the Speaker, it cannot be taken back to the Committee stage. Thank you.

Hon. Mbili Ndawa (Matuu, MCCC): Additional information.

Hon. Speaker: Hon. Ndawa then Hon. Mbuva. You wanted to say something.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I just want to inform the House and the Member that even the Chairperson (.....inaudible) because what is the intention of the Statement; it is to get answers. The respective members of the Committees also represent either Ward or political party. So it is within the rights which are provided for by the Standing Orders that any Member can seek a Statement.

On what Mheshimiwa Mwonga has said, the moment you committed that Statement to that Committee, it ceased to be a property of the Committee and it became the property of the entire House. Maybe the problem that made the Hon. Member to seek that Statement maybe it is also affecting other Wards. Since we cannot bring Statements all of us seeking the same question or the same problem within that same Statement sought by Hon. Mulinge can solve the problem in the entire 40 Wards. It is only fair and I agree with your ruling that it cannot be allowed to go back for Mheshimiwa to read to Hon. Mulinge. In fact, that will be now belittling the House and maybe we will be taking the powers of the House to the Committees. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. I had not even made the ruling now I make it. That Statement has been deferred---

Hon. Brian Kisila (Makutano/Mwala, MCCC): Before you make a ruling I want us to be serious with this Assembly. If you seek a Statement and you follow the Order Papers and you are a seeker of the Statement, be available; that is the point I am driving. We as an Assembly, you can even see the quorum people should take what they do seriously that is the point I was driving. Madam Speaker, I will be more obliged I was very ready with a 10-page Statement with a response and I will be more than ready to read it. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much. It is hereby directed that the response by Hon. Brian Kisila to Hon. Mulinge is deferred to another date when Hon. Mulinge will be available and will be heard in the House and the benefit all Members and Wards.

(Statement Reply deferred)

Thank you. Let us proceed to the next Order.

MOTION
ANNUAL DEVELOPMENT PLAN
FOR THE FINANCIAL YEAR 2024-2025

Hon. Speaker: May I invite Hon. Jeremiah Kaloi, Chairperson, Trade, Economic Planning and Industrialization Committee to come forward and move the Motion that has just been read. Proceed.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Madam Speaker. I wish to extend my wish for good Valentine; I can see some Members dressed to the occasion and I wish them good in their Valentines.

Hon. Speaker: What of the ones who are not dressed?

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Madam Speaker. Approval of report on consideration of the Annual Development Plan for the financial year 2024/2025.

Hon. Speaker, that aware that

the provisions of Section 104 of the County Governments Act, 2012 provides that planning is a mandatory part of the County budget process thus disallowing any appropriation of public funds outside a planning framework approved by the County Assembly;

Aware that Section 126(1) of the Public Finance Management Act, 2012 provides that each County Government shall prepare a development plan in accordance with Article 220(2) of the Constitution whereas Section 126(3) of the same Act states that the County---

Hon. Speaker: Hon. Kaloi before you proceed could I understand.....sorry for that interruption proceed.

Hon. Kaloi (Athi River, WDM-K):

..... whereas Section 126(3) of the same Act states that the County Executive Committee Member responsible for planning shall submit the development plan to the County Assembly for approval as well as send a copy to the Commission on Revenue Allocation and the National Treasury;

Cognizant that the Annual Development Plan for the FY 2024-25 was forwarded to the office of the Clerk of the County Assembly on 9th September, tabled in this Assembly on 3rd October, 2023 and further committed to the Sectoral Committees for review in line with their respective mandates and reporting to the Trade, Economic Planning and Industrialization Committee;

Acknowledging that the Assembly through the Trade, Economic Planning and Industrialization Committee undertook public hearing across the 8 sub Counties between Thursday, 9th and Friday, 10th November, 2023 in line with Article 196(1)(b) of the Constitution of Kenya 2010;

Hon. Speaker, I wish to move the motion that, this House approves the Report of Trade, Economic Planning and Industrialization Committee on consideration of the Annual Development Plan for the Financial Year 2024-2025.

I wish to call Hon. Daniel Ndwiki to second the Motion.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): I second the motion.

Hon. Speaker: Thank you, Hon. Ndwiki.

(Question proposed)

Before I proceed to ask the House to debate, I will call upon the mover to come forward and highlight some of the parts of the report. Yes Hon. Member.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, this is a very important document which we are about to discuss and it has not been shared. I am very IT savvy and I am looking for the report and I cannot get it. What are discussing or what are we going to deliberate on. We are going down, down, down as an Assembly and let everybody start taking their work seriously otherwise we will just be doing things for the sake of it. A report like this should have been shared 48 hours before for us to digest whatever we are discussing. So, Madam Speaker, I want you to make a serious ruling that we cannot discuss this report.

Hon. Speaker: Let us confirm before, whether the same has been shared. Clerk at the Table!

(Loud consultations)

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Hon. Speaker.

Hon. Speaker: Yes.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker, for giving me an opportunity to give that information. Matters of ADP are concerned with projects that are supposed to be done in the 40 wards. I would request even if they have shared it now, we reschedule this report until the afternoon so that each Member can go into the report and check whether the projects that were given by the residents when we were doing public participation are contained in. Once we pass this and there will be an omission, there is no other chance where we can insert such. So, I am making an humble request you give us time to go through to confirm then we deliberate in the afternoon. Thank you, Hon. Speaker.

Hon. Speaker: I am 100 per cent in concurrence. Hon. Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, actually this matter of delaying posting of the reports in our website is alarming. Remember yesterday, I rose under Standing Order 35 which talks about the Order Paper. When I raised that issue, it was posted immediately. Now that Hon. Kisila has raised it, it has been posted. Go to your normal SMS not WhatsApp. Now it is 11.13 a.m. and the person who has posted it did it three minutes ago; that is 11.10 a.m. Madam Speaker, I think we should be serious and somebody and I am not

trying to blame anyone but I must say somebody is sleeping on his or her job. This Assembly business should be taken seriously.

I also want to second what Mheshimiwa Minority Leader has said; I think we should be given time to go through this document so that we can contribute or debate in an informed state Madam Speaker. Thank you.

Hon. Speaker: Thank you, Hon. Member. Hon. Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Still on the same note on communication, there is need for improvement because messages for committees are not coming the right way. On Monday we had the Committee of Justice and only a few Members received their messages. There is need for whoever is responsible for communicating to improve. Thank you.

Hon. Speaker: Thank you, Hon. Members for those very important comments. I have said time and again that it is important that we have adequate notice, it is important communication is done in time so that we can all be prepared. There is a saying that goes, 'if we don't plan we prepare to fail.' So we need adequate notice and advance communication concerning these Papers and that is for you the concerned Clerks at the Table. We are not going to condone this anymore. I have made previous rulings before were I have said this communication be done in adequate time and it seems like there is somebody still sleeping on the job.

We are giving you the last warning that we are not going to condone this anymore and on the basis of that, I agree with the Members that we need to internalize this document adequately because it affects directly on the projects being done in our wards and we need to look at it adequately. Therefore, we have to defer this matter to the afternoon to give Members time to internalize and read this document adequately. It was also meant to continue in the afternoon but having not started it, let us have it start in the afternoon and get it concluded then.

(Applause)

(Motion deferred to afternoon sitting today)

Thank you, Members.

ADJOURNMENT

Hon. Speaker: The House is adjourned to Wednesday, 14th February, 2024 at 2.30 p.m. in the afternoon. Thank you, Members and see you then when you are prepared.

The House rose at 11.22 a.m.