

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 23rd April, 2024

The House met at 3.22 p.m.

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

PRAYERS

PAPER LAID

AUDITOR GENERAL REPORT ON MAVOKO WATER AND
SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2023

Hon. Speaker: At this point, may I invite Hon. Nicholas Nzioka Leader of Majority Leader to come forward and lay a Paper.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following paper on the table of the Assembly today, Tuesday 23rd April, 2024; the Report of the Auditor General on Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2023. Thank you, Madam Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Member. The said Paper is committed to Public Accounts and Investments Committee.

NOTICES OF MOTIONS

SENSITIZATION ON MANDATORY VACCINATION OF
CHILDREN AT PRE-NATAL AND POST-NATAL CLINICS

Hon. Speaker: May I invite Hon. Judas Ndawa Leader of Minority party to come forward and give a notice of motion. Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker.

Hon. Speaker, THAT aware that Article 43(1)(a) of the Constitution of Kenya, 2010 provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

Further aware that Article 53(1)(c) of the same Constitution states that every child has the right to basic nutrition, shelter and health care;

Aware that a baby's immune system is not fully developed at birth hence the reason why children face a greater risk of becoming infected and getting sick;

Aware that vaccination is a simple, safe and effective way of protecting children against harmful diseases, before the disease causing micro-organism come into contact with them;

Further aware that the Ministry of Health established the Kenya Expanded Programme on Immunization (KEPI) in 1980 with the main aim of providing immunization against six killer diseases of childhood, namely tuberculosis, polio, diphtheria, whooping cough, tetanus and measles to all children in the country before their first birthday;

Aware that the vaccination uptake for children under the age of one year here in Kenya is 83 per cent against the global average which is at 86 per cent (National Institute of Health, 2023);

Acknowledging that the uptake of these mandatory vaccines is lower in rural areas and the ripple effect is children with deformities and high mortality rates;

Aware that some of the young mothers in our rural areas are not privy to the mandatory vaccines due to lack of exposure;

Hon. Speaker, I wish to give notice of motion THAT this House urges the County Government of Machakos through the Department of Health puts up measures to ensure that:

- (i) Mothers are sensitized on the mandatory vaccines for children both at pre-natal and post-natal clinics;
- (ii) Community Health Promoters are well equipped with knowledge to sensitize mothers on the Kenya Expanded Programme on Immunization (KEPI) schedule;

Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Ndawa. May I at this point as well invite Hon. Evelyn Nzeki Minority Whip to come forward and give a notice of motion?

CONSTRUCTION OF ALL AMENITIES EARLY CHILDHOOD DEVELOPMENT AND EDUCATION (ECDE) CENTRES

Hon. Everlyn Kavila (Kangundo East, M CCP): Thank you, Madam Speaker.

Hon. Speaker, that aware that Article 43(1)(f) Constitution of Kenya, provides that every person has the right to education;

Aware that Article 53 of the Constitution provides that every child has a right to free and compulsory basic education, basic nutrition, shelter and health care; protection from abuse, neglect, harmful cultural practices, all forms of violence, in human treatment and punishment, and hazardous or exploitative labor; parental care and protection;

Further aware that part II of the fourth schedule of the Constitution provides that County Governments are mandated to oversee Pre-primary Education (PPE) and Child Care Facilities (CCF) including the hiring of the Pre-primary education teachers and assistants;

Acknowledging that, Article 189(2) of the Constitution provides for cooperation between the National Government and County Governments in performing the

functions and exercising powers in the provision of proximate and easily accessible services;

Aware that the National Pre-Primary Education Policy Standard Guidelines 2018 clearly outlines the standards that should be followed in putting up infrastructure for the ECDE classes;

Aware that there have been cases of vandalism for the stand alone ECDE classes giving an example of Kathama ECDE class in Muvuti-Kiima Kimwe Ward;

Further aware that the stand alone ECDE classes lack basic amenities like toilets, kitchenette, food store and office space for the ECDE personnel like in the case of Kisekini ECDE Center in Kangundo East Ward, Kathama ECDE Center in Muvuti-Kiima Kimwe, Sawa Sawa ECDE Center in Masinga Central, Mungala ECDE in Mumbuni North and Kyandu ECDE Center among others;

Further aware that where ECDE classes are hosted by primary schools the ECDE learners share amenities with the primary schools pupils which is against what is stipulated in the National Pre-Primary Education Policy Standard Guidelines 2018 and County Pre-primary Education Policy 2019.

Noting that the National Pre-Primary Education Policy Standard Guidelines 2018 and also the County Pre-primary Education Policy 2019 gives clear guidelines on the ECDE center standards that ought to be adhered to.

Hon. Speaker, I wish to give notice of motion THAT this House discusses and approves that the County Government of Machakos through the Department of Education sets aside adequate funds in the department's budget to cater for construction of all the amenities like toilets, kitchenette, food store and office space for the ECDE personnel, that are required to set up an ECDE Center strictly adhering to the set out guidelines and standards.

Hon. Speaker: Thank you, Hon. Member.

STATEMENT

BUSINESS FOR THE HOUSE FROM 23RD TO 30TH APRIL, 2024

Hon. Speaker: May I invite Hon. Nzioka Leader of Majority to come forward and make the statement.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met today 23rd April, 2024 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 23rd April, 2024

Afternoon at 2.30 p.m.

- (a) Statement on status of Machakos County People's park by Hon. Brian Kisila, MCA, Makutano/Mwala Ward.
- (b) Motion on adjournment on definite matter of urgent County importance by Hon. Judas Ndawa, Minority Leader/MCA, Matuu Ward.

Wednesday, 24th April, 2024

Morning at 10.00 a.m.

- (a) Statement on Status of Iiani Dispensary in Kivaa Ward by Hon. Aliphonce Mutinda, MCA, Kivaa Ward.
- (b) Motion on Sensitization of mothers on importance of vaccination of Children by Hon. Judas Ndawa, Minority Leader/MCA, Matuu Ward.

Afternoon at 2.30 p.m.

Motion that the County Government considers constructing all the necessary amenities that are required to set up an ECD Centre by Hon. Everlyne Nzeki, Minority Whip/MCA, Kangundo East Ward.

Tuesday, 30th April, 2024

Morning at 10.00 a.m.

Report on Assumption of Office of the Second Governor of Machakos County by Hon. Phoebe Koki, Chairperson, Devolution and Intergovernmental Relations Committee; resumption of debate.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Majority Leader.

STATEMENT SOUGHT RESTORATION OF MACHAKOS PEOPLE'S PARK

Hon. Speaker: May I invite Hon. Brian Kisila, MCA Makutano/Mwala to come forward and give a Statement on status.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you, Madam Speaker. Madam Speaker, I am a lover of Machakos People's Park and I visited the Park about four weeks ago and I sought this Statement. Madam Speaker, I also visited the Park yesterday and I have realized the issues which I was going to seek H.E the Governor and the Executive have moved very fast and they are in the process of restoring the park to its previous glory so Madam Speaker, I am confident that with the speed they are moving at we will be able to get the park to its former glory so I wish to state that I am contented with the action that the executive has taken.

So I will want to withdraw the Statement because I am convinced with the speed they are moving that within (inaudible) to Chief Officer within one month the Park will be back to its former glory. Thank you, Madam Speaker.

Hon. Speaker: Thank you, very much Hon. Brian. The withdrawal request is hereby granted. Thank you.

(Statement dropped)

MOTION ADJOURNMENT ON DEFINITE MATTER OF COUNTY IMPORTANCE

Hon. Speaker: May I invite Hon. Judas Ndawa, MCA Matuu ward to come forward and move that motion.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. The motion Hon. Speaker, is backed by Standing Order 30 which allows the House to suspend any other business and tackle an urgent matter of county importance.

Hon. Speaker, THAT aware that Climate change is a major threat to Kenya's socio-economic wellbeing and that one of the indicators of climate change is excessive precipitation causing flooding of rivers;

Aware that climate change effect has led to roll back of development gains made over the years, and threatens the attainment of Vision 2030;

Aware that part 2 of the Fourth Schedule of Constitution, provides that matters on environment, storm water management systems in built-up areas; and water and sanitation services are functions of the County Government;

Informed that Machakos County from the month of February this year has experienced extra ordinarily high rainfall resulting to floods, loss of many lives through drowning, overflow of rivers, displacement of families from their homes and destruction of very essential infrastructure; Aware that many areas of the County especially in Athi River, Mlolongo and Matungulu wards have seriously suffered the effect of flooding in residential areas specifically areas;

Hon. Speaker, I wish to move the Motion that pursuant to standing Order 30, this House adjourns to discuss;

- (i) THAT urgent rescue measures of the affected families be undertaken.
- (ii) THAT the physical planning of the affected areas be re-checked to verify if the planning matches the original master plan especially in Athi river, Syokimau, Joska and Nguluni areas.
- (iii) THAT the Environmental Impact Assessment (EAI) report prepared when undertaking the construction of the surrounding building structures be checked to see if the constructed structures are in compliance with the Environmental Management and Coordination Act provisions.
- (iv) THAT the approvals and the approval processes done for the constructed structures adjacent the flood affected areas be verified again.
- (v) THAT the operationalization of the Emergency Fund Regulations be fast-tracked and emergency funds in the budget for FY 2023/2024 be applied as per the regulations to address the emergencies in the affected wards as a result of the ongoing floods.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. You may call a seconder.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. I call upon the Deputy Speaker to second my motion.

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

Hon. Stephen Mwanthi (Ekalakala, WDM-K) seconded.

Hon. Speaker: Thank you, Deputy Speaker.

(Question proposed)

I now wish to invite Members to debate this Motion. Unless the mover wants to highlight anything we can go straight to the debate. Let us proceed. Hon. Ndaka and then Hon. Brian Kisila.

Hon. Jackson Ndaka (Tala, WDM-K): Madam Speaker, I think it is a good Motion which was brought by Hon. Ndawa. Madam Speaker, I think the custodian of the masterplan is the Executive. The custodian of approvals of those construction sites is the Executive and also the rescue mission going on. As we start to debate the Motion, I think as a House we should be served with the current update or whatever mission is happening right now. To start discussing a Motion of such a bigger issue without an update, I think there is no progress we are making.

Hon. Speaker: Hon. Ndawa, you may respond then Hon. Brian.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Hon. Speaker and Hon. Ndaka the Member representing the great people of Tala. Hon. Speaker, it is within the public domain and anybody who resides in Machakos County is aware that the rain we are experiencing this season is different from what we have been receiving before. Hon. Speaker, we have witnessed through social media and Members of the Environment Committee, the Speaker of the County Assembly and I yesterday toured the area that we are talking about. We started at Kyumbi and saw what is happening, we witnessed that there is a river that emanates all the way from Mua Hills at Sonko's area downwards and it goes to the road where we call Sonko road where the National Government want to do an interchange.

Immediately it crosses Mombasa road on the other side there is an Hindu we took the number of the plots who has already constructed a perimeter wall blocking the water. The stream is now blocked so the water relocated to another area. It went to an estate and we took photos there and the residents cannot sleep in their houses. Right now the Hon. Member for Kinanie has left because the department that handles special cases led by one Director Kalondu are on the site now giving foodstuffs to the affected residents of that area that is why Mheshimiwa left.

(Hon. Kavyu entered the House)

You have come back? He had shared with me---

Hon. Speaker: I think he has sat in the wrong place.

Hon. Mbili Ndawa (Matuu, MCCP): He had shared with me that they are going to issue foodstuff. Then from there Madam Speaker the team went to Kinanie, we met somewhere with you and we all went to the furthest end of Kinanie where we found that where the main river Athi is where we have their homesteads between two rivers. There is the main river and an area in between. Hon. Speaker, we were informed by the residents from that area that the previous

night water was very much and they were rescued using a Red Cross boat and another boat from the County. We still have pictures to confirm that.

Hon. Speaker, from what we saw, if we do not act and speak as an Assembly, the Assembly is the highest decision-making organ of the County and our residents may end up being washed away by these floods. We tried to talk to some, Hon. Speaker you were there and some confirmed to us that they are not willing to relocate. Hon. Speaker, you are aware if you jump from a tree downward you can be said you are trying to commit suicide. If you throw yourself into a river or you stay somewhere where you can be washed away you can as well be termed as trying to commit suicide.

Hon. Speaker, the charge that can be referred against that particular person is what we call demeaning in law. If anyone assists that particular person either to commit suicide and whether it is committed or not, that particular person who has assisted can also be liable and the remedy for that charge is life imprisonment. Hon. Speaker, the matter before the House is very urgent.

Last night Hon. Speaker in our boarders that is Machakos and Kiambu County opposite Ngoliba, a resident was trapped in between two streams and by evening members of public were there but at 2.00 p.m. everybody went back to his or her home and left that person on top of the tree. We were told that arrangements had been made for him to be rescued using a chopper. Up to now we have not received any particular report whether that particular person has been rescued. That is why I found it wise or fair enough to request that we discuss and address the issue so that what can be done is done so as to save lives. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ndawa. This matter before us this afternoon is of County importance. What we are discussing here is a matter of life and death. What I mean is it is very urgent because families have been affected by the floods and I think the affected residents have been mentioned in that Motion so we cannot shy away from discussing this Motion because all these documents are domiciled within the Executive. It is our duty to make sure that we address matters that are affecting our people and therefore it is my ruling that we proceed with this debate because of its urgency and the importance. Let us proceed with the debate. Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, I agree with you. Madam Speaker, you remember two weeks ago I stood here opposing the reduction of monies from Emergency Fund. The reason which the Budget Committee gave is because we did not have Regulations. Hon. Ndawa is a Member of that Committee. You cannot afford to reduce money for Emergency Fund when you are not seeing what will happen tomorrow. I agree with you and I support this Motion and we should move very fast. The reason why we cannot have Emergency Fund is because we do not have Regulations.

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

Hon. Brian Kisila (Makutano/Mwala, MCCC): I do not want the information. We do not have the Regulations which have been approved by this Assembly. If you have a copy which has been approved by this Assembly, give it to me.

Hon. Speaker: What about Roman V? What is it saying on the operationalization of the Emergency Fund Regulations be fast tracked. I think it is not available.

Hon. Brian Kisila (Makutano/Mwala, MCCP): If you remember last week the reason the Budget Committee gave us for reducing over Ksh. 20 million from the Emergency Fund was because we do not have Regulations. That is what we were told.

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

Hon. Speaker: Point of information taken. Proceed.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Hon. Speaker. From that bullet you have referred us to we have the Regulations in place and what is lacking is the operationalization. The Executive has not formed that Committee that is where the delay is. The committee which is supposed to operationalize the funds that we have. Thank you, Hon. Speaker.

Hon. Speaker: Thank you for clarification. Proceed Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, I still insist the reason you were given. Members who were here the reason Budget Committee gave us for reducing money for emergency was we did not have the Regulations in place. If they are there then that is okay; if you use wrong reason to reduce money from emergency then that is okay.

Hon. Speaker: Point of information taken. Hon. Brian have a seat.

(Hon. Kisila took his seat)

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. What I would want to inform Hon. Brian we have Machakos County Emergency Fund in place but the problem that we have is it was passed with a disclaimer that before it operationalizes, we needed to have a disaster management plan. It should be formulated by the Executive and passed by the County Assembly and the same has not yet been done. We are expecting anytime the Executive to submit or bring the disaster management plan so that it may be approved by the County Assembly to allow the fund to operate. Thank you, Madam Speaker.

Hon. Speaker: When were the Regulations passed?

Hon. Stephen Mwanthi (Ekalakala, WDM-K): The Regulations I believe were passed sometimes 2021. We have the fund and the Regulations are there. The fund requires the Executive to form the disaster management plan that is supposed to allow the OCoB to release funds to the County. Thank you, Madam Speaker.

Hon. Speaker: I think the Executive has taken a long time to really conclude this matter and they should fast track it. Proceed, Hon. Brian.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you, Madam Speaker. I think the Deputy Speaker has already clarified it. I remember in my mind there was a reason why we reduced the money and we cannot use that money. I think out of this Motion what we need to do is to give the Executive timelines when this disaster management plan should be brought here and tabled to this House and approved because without that we will not have any money. Even now what Mheshimiwa Ndawa is saying the last bullet of Emergency Fund, we cannot use it. I agree with him there is a need in fact making this fund even bigger.

I come from Mwala, I happen to be a neighbor from river Athi and a lot of my neighbors came to my home last night to seek shelter because water levels became very serious yesterday. I stand to support but also Madam Speaker this House needs to be very serious about the amount of money we are allocating to roads. Most of the roads are now impassable and they have become emergency so we need more money to rescue people as several homes have been destroyed and several roads and bridges are gone.

This Assembly needs to critically think about the amount of money they want to allocate to that fund which can also cater for roads which have been swept by the floods. I support, Madam Speaker.

Hon. Speaker: I agree entirely with you, Hon. Brian that we need a budget for that. Yesterday I accompanied the Committee on Environment to Kinanie and I saw a lot of destruction of property because of the floods and houses had been destroyed, animals carried away by the water and there was a lot of destruction. People were there without somewhere to go and when we spoke to them they were reluctant to relocate but I think at the end of the day they may have to relocate. That is the lasting solution for that problem. A budget is important for this matter and it is the way to go, Hon. Brian I support you 100 per cent. Let us proceed with the debate. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. I support the Motion and my plea is that regardless of the absence of any Regulations or proper guidelines on what needs to be done even at our homes when there is an emergency, you will find yourself spending money that you had allocated for other things. We need to look how fast we can assist our people to regain their momentum and continue with their day to day life. My area of concern is in regard to our planning department because for instance, if you look at Mavoko as a Sub-County as a whole, the reason every now and then our people have to stay overnight, endure the agony of being of being marooned by water is as a result of poor planning and lack of clear drainage system.

As a County, there is need to have a proper drainage design and when members of planning are approving any plan for building, they should move from the comfort of their office because most of them never take time to visit. Whenever you go there as long you have paid and produce a receipt as proof of payment, you will be granted an approval. They never take time and a classic example is what the committee on environment saw yesterday in Kyumbi. Those families are suffering because of negligence and somebody who just gave an approval for someone to do a perimeter wall on a water path. Whenever this happens it means the river will have to find a route to continue with its journey and that is what is causing our people to suffer.

Our appeal is to the concerned department to visit the area and make sure water path that has been blocked by human activity is secured so that water can continue flowing. For those who have been there for over 30 years and we have never heard a single case of flooding until the developer did a perimeter wall to block the area. Also, KeNHA needs to be called to attention because the construction that is ongoing and the design of the bridge, much of the water that comes from Mua Hills is being channelled to those homesteads. So, as long as that is not corrected the people of St. Stevens, Itimboni will continue suffering that fate whenever it rains whether it is El-Nino or normal rains because the waters have nowhere to go.

The other thing that needs to be looked at is that we have areas that have set aside as riparian land. We need to educate our people and ensure even if they are going to do farming, no one should be allowed to build a residence within 30 to 50 meters of the river because River Athi is not a small river. Anytime there is a lot of rain, anyone living within 30 to 50 meters within that radius, there is a high likelihood that those people are going to suffer.

We also need the other agencies like WARMA to check and provide guidelines and ensure those areas are clearly marked. Anybody found living within those boundaries, the authorities should take the necessary action because today we might have been fortunate enough to rescue them on Sunday but next time the river may flood in the middle of the night and by the time we come to their rescue they will be swept and it has happened before. Measures need to be taken, we do not need to be reactive every now and then, we need to plan early and ensure water paths are clear.

Lastly, we need to make a special appeal especially for the wards in Mavoko. Mheshimiwa for Athi River Township will confirm that every time there is rain, there is no drainage where people who are building can connect their sewer line too. So every now and then water is forced to find its way either to the river or wherever it normally goes. I think Mavoko and Machakos town we need to have proper water channels that can help drain water to ensure it does not have to flow through people homes. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Kavyu. Hon. Mbula

Hon. Constance Mbula (Nominated, MCCC): Thank you, Madam Speaker. I support this motion. It is quite serious for the people who are living in the low lands; I have heard some Hon. Members say water flows from Mua and I may say we are very lucky in Mua because water goes down but it goes down to our sisters and brothers and they end up suffering. Now, we are saying we have no budget for this; we do not know when these rains are going to go, maybe tomorrow or in another two months and I am just wondering, in those two months or so shall we have had a budget for that because in the old system, drainage is very bad. You find in the rural areas pit latrines have just come out and waste is all over and it is very dangerous.

Hon. Speaker, I have relatives in Nguluni and people have not been able to drive out for the last two weeks; it is flooded. Roads have been cut off completely and people are wondering what will happen in the future. We are telling people to relocate but I am asking myself where they are relocating to. Have we given them space elsewhere unless the government has looked into it and given some space. I do not think we are helping them when we are telling them to relocate.

Some have many children, live in a single house and everything is done there and the water has distracted them. Going to school for children has become a big problem and Madam Speaker, I support this and ask the government to do what it can as soon as possible considering

we have even lost lives. People may not know but some have drowned others have died because of stress and so on. I support the motion. Thank you.

Hon. Speaker: Thank you, Hon. Mbula. It is said that there is this Emergency Fund and why it cannot be used is because we have to have Regulations and why the Regulations cannot be used is because they have not been operationalized. So it is a chain of issues that are hampering us to use these funds that I believe is available. It is something that can be sorted out and this fund is used to rescue or help those who are affected by floods and it is a matter of fast tracking these Regulations to be operational.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, it is the same point I am raising. The money is not available. We started with Ksh. 90 million and it was reduced by Ksh. 70 million and now we only have Ksh. 10 million. In fact, Members, check the last supplementary budget, the only money available in that fund is Ksh. 10 million; if we started with Ksh. 90 million, reduced to Ksh.70 million then further to Ksh. 10 million. Please refer to the last recommendation of the last supplementary on point number (d) if you remember. So, let us not say the Fund is there unless as an Assembly, we come back constitute a new fund for emergency. You can refer to the last supplementary budget so that we know when we talk we talk with facts.

Hon. Speaker: Thank you, Hon. Brian. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker. I rise to support the motion but with a few riders. One of it would be the money that we have for emergency fund is too little for so much but remember Members, remember there is a rule that we should set aside two per cent in our budget for emergency. If you look at the budget that we did for this year it was about Ksh. 14 billion and two per cent of that would take you to almost Ksh. 280 million and that is the kind of money that we should be discussing as Emergency Fund here, Madam Speaker. If we had Ksh. 280 million set aside for emergency, then we would be talking about even funds that would be there to remedy the roads that are being washed away, bridges that have been washed away, homes that have sunk, the toilets that Hon. Mbula is talking about and so forth and so on.

So, Madam Speaker, I will be talking about the failure to plan. I am from a committee of lands right now and one of the things that came out clearly because all the departments are meeting is that for the last 30 years, Machakos County Government has not done planning. So what we are experiencing here are effects of lack of planning Members. It is very urgent that as a House, we plan ahead of time. A County that does not plan will often find itself in this kind of a mess. We might be talking about Ksh. 10 or Ksh. 20 million here to remedy the situation if that is allowable but in the long term because these rains will keep on recurring, of course when we are discussing this Members you will realize this is global issue.

It is not just here in Machakos but the world, what is taking place in Dubai is unusual. Floods are all over the airport is flooded, Israel, Pakistan and actually this is a situation facing the whole world but as a County need to to put our best foot forward and that would be planning. In the next 18 months, Madam Speaker, if this House avails a proper budget, we are going to have a nice development plan for Machakos County. That ranges in all the borders that we have and that is the information that we have with the Members from the lands committee.

Madam Speaker, we need to set aside adequate funds for every other year within our budget to forestall these issues of emergencies. Emergency can come in so many forms; it can come as these floods, extreme heat, earthquakes, road carnage and sometimes we have accidents and we need to inject funds. So, when the budget talks about two per cent and the Chair of the Budget Committee is here if I am wrong I would need to be corrected when I am on my feet. These monies should be apportioned and put aside in that emergency fund so *hio pesa inakaa hapo. Ni pesa ya kugoja si ya kutumia.*

So that when we have these emergencies here, we do not keep on having these kind of emergency situations Mheshimiwa Ndawa we are discussing. So that the Executive will just go straight and will give us a requisition, we approve, they go and spend the money. That is what a prudent County Government does. As it is now, I have said we have a problem of planning and we need to apportion a lot of money. The CECM for lands was pleading with us so that in the next budget we apportion the money; we have a developer who is on the ground, Geodev Kenya Limited and the personnel is already on the ground but what they are going to lack is funds.

I am sure when the time for funding comes, we shall be asking lands *wanapewa pesa wapeleke wapi.* Madam Speaker, we need funds for planning in this County. You are talking about Mlolongo and Tala where Mheshimiwa Ndaka comes from, but look at Mua too. Madam Mbula is talking about Mua Hills, that is a very small village and we are talking about Mua that covers Katelembo. As you move from Machakos town towards Kathome that is Mua now but look at the buildings that are coming up; haphazard buildings, private developers are ahead of the government. What is happening is that private developers are developing ahead of the government without any planning.

So, Madam Speaker for the sake of posterity, we will need to allocate money for the sake of planning so that we plan in all the 40 wards and the government gets ahead of the developers. As we develop a school, it must have all the amenities. For example, I just had Madam Nzeki here saying we need to have ECDE that will have a kitchenette and that is also lack of planning. How would you do a stand-alone structure like I have one in my ward were we did an ECDE class in a village somewhere, stand alone, where there is no toilet then I am forced by the villagers to go and do a toilet for them. We need to do proper planning.

As we take an ECDE class somewhere, it should be accompanied by an administrative area and all these kinds of things. There are technical guys who should be able to do that. Therefore, Madam Speaker, we do not need to do these small touch-ups here for the sake of it. I will be pleading with the Assembly that when the right time comes as a Member of lands committee and so that we forestall this problem once and for all, we allocate enough budget.

Mheshimiwa Kisila, you will be talking about roads and roads, but roads which are not properly planned *haitasaidia* because most of you guys who got the 22 roads advantaged over us I am sure we are crying together. I am happy that mine in Mua, the road were not done but grass is not washed away so *kwangu niko sawasawa. Lakini wale zao zilikatwa imekuwa 'masyuko.'*

Hon. Speaker: You have consistently used two languages. You are out of order for one reason

Hon. Francis Ngunga (Mua, MCCP): Let me tell you, Madam Speaker, there is one person called God who is an equalizer.

Hon. Speaker: Mheshimiwa Ngunga, order! I am saying I have made a ruling that you are out of order for just one reason. You kept mixing two languages and I will not allow that.

Hon. Francis Ngunga (Mua, MCCC): I am sorry for that.

Hon. Speaker: Secondly, you have finished your five minutes. Standing Orders talk about five minutes.

Hon. Francis Ngunga (Mua, MCCC): Let me just wind up kindly please. I am pleading the House when the right time comes so that we apportion money for the purpose of planning. That is why I was winding up and saying sometimes God becomes an equalizer so these rains are not that bad for some of us; they have been able to equalize us. All of us are crying similarly. Thank you Madam Speaker.

Hon. Speaker: Thank you Mheshimiwa. Hon. Johana then Hon. Majority Leader.

Hon. Johana Munyao (Mutituni/Ngelani, MCCC) Thank you, Madam Speaker. I stand to support this motion. As we speak in the last two to three days, I have received requests from my residents who are now victims of the disaster which is happening. There are homes which have already fallen and my people have no place to live in. Madam Speaker when we are faced with such a situation and then we realize when we thought we have a fund in place which can may be cushion such, then we realize we are still planning because we have said planning is okay but we seem to be taking a lot of time to plan.

It is very unfortunate that even after allocating funds in the last budget, we have been able to consume that fund because we lack disaster management plan which we are still planning even up to today. I want to address bullet No. 5 that we should be asking ourselves if the current budget contains the Ksh. 10 million in the meantime. How far are we in that planning and how many days do we expect to give the Executive to spend the Ksh. 10 million which is already allocated in the budget as Emergency Fund.

Madam Speaker, we should really be seriously moving out to execution and therefore I want to say that however much I would wish to agree with my colleagues that there is a lot we have not done in addressing the emergencies, we are just out of the Covid-19 disaster which dealt with the County and Kenya in general and we seem not even to have picked any lessons from there and I really want to say that it is one eventuality which forced even the former Assembly to allocate and come up with a rule of two per cent because it was a lesson.

Then we set aside that fund, we passed the Ksh. 90 million in the last budget and then we settled to planning. Madam Speaker, it is very unfortunate as we end this sitting, I want to go home with answers to my people as to when we are going to address whatever challenge is facing them. Those who lack homes, drifts which have been swept away we need to work, execute the plans, execute the budgets we are getting. We are getting complaints from all over even in the media as a County with very low absorption rates in almost several of the departments so I want to say it is high time we got serious.

We are two months to another financial year and even as we plan the next budget it is important to ask ourselves whether we are going to allocate funds when we have no plan in place, when we have no proper policies to execute the money, do we allocate money first, then we sit to think of how to use the money? Or do we have the plan then budget the plan so that we can

execute the plan. Madam Speaker I want to support this and say it is the high time we wake up, whichever department has slept it is high time to wake up and as an Assembly it is also the high time to engage the Executive departments to come and give here quarterly reports.

These funds should have been executed in the first quarter. What was happening in terms of the plan, what was happening in the second quarter in terms of that plan, we are almost ending the financial year only to realize we were forced to reduce the budget and then enter into such a situation with Ksh. 10 million on the table and again still we are unable to spend the Ksh. 10 million. So, Madam Speaker I support this and we must settle and address this issue with the seriousness it deserves. Thank you.

Hon. Speaker: Thank you very much, Hon. Johana. Hon. Leader of Majority.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I will not belabor to repeat what has been said by honourable colleagues in this House but allow me to say this. The County Government of Machakos has not existed in vacuum for the last 10 years. It was there since 2013, 2017 and I also want to thank Mheshimiwa Ngunga for alluding to the fact that there is a contractor on the ground who is doing geo-planning of our urban areas which means the current administration has learned from the previous administration that failing to plan is actually planning to fail and they have moved with speed to ensure that we do not find ourselves in similar situations.

So as the committee of lands we want to assure you and those who were at the meeting we attended today, we are going to work together to ensure that the contractor is going to be paid so that we have proper plan. So going forward I support Mheshimiwa Ngunga that we continue planning together.

On the issue of Emergency Fund, the two per cent will translate to Ksh. 280 million and what has been reduced to Ksh 10 million is there but we should be asking ourselves even with the little we have, have we been able to spend? The answer is no. So I support Mheshimiwa Ndawa because what he is seeking in his motion is that we fast track the operationalization of the Emergency Fund. So it is not a question of how much money we have allocated, it is not a question of whether we are going to increase or whether that money can help in any way, it is a question of whatever the amount are we currently able to spend. The answer is No. That is why I would support that this House resolves that this actually be done very quickly that operationalization be done very quickly.

Thing other issue is of investment and development, environmental impact assessment. The Environmental Act says that development that harms its people should not be allowed but we also know that as a County we require investment to create jobs, to improve our economy so that is why I am calling that the issue that is raised in bullet No. 3 be relooked at every level of the County that every project that has significant impact on people or environment be taken seriously and that I do not know at what point the Assembly committee on environment is involved in scrutinizing and Environmental Impact Assessment (EIA). I do not know whether we ever get involved as an Assembly or at what point do we have to know EIA has gone through or has not gone through because as Assembly we are always going to be caught up in decisions that were made in another place and then we are then we are supposed to come and rectify.

So I wish and I hope that in the whole process of EIA or environmental audit that the committee of this Assembly that touches on matters environment is involved. That is another

issue that we should operationalize. On the issue of sustainable urban planning, we seem to be chasing attendant infrastructure after the development of investment has been done. I want to cite the case of 360 apartments. It is a wonderful project but it does not have drainage, proper sewer system yet people have bought their investment. So the developer should be able to synchronize the attendant infrastructure that is water supply, sewer line, electricity with the government whole infrastructure so that we are not caught up in a place where as Mheshimiwa Ngunga is saying the government is chasing the developer.

In that case we must support what the H.E. Governor is doing, the planning of our towns, we must respect land use zoning so much so that you will find a person trying to build a factory in a residential area and he is putting too much pressure as and MCA you must make sure you get this approval yet it is a factory in a residential area. We must be able to educate our people so that we respect land use zoning and with that I want to give an analogy of the monkey if you allow Madam Speaker. When the monkey heard that the farmer who was planting the maize had died it celebrated like never before. However, come the next season the farmer was gone and the maize was gone. Mheshimiwa Ngunga, the person who did the 22 roads is still there and I am very sure she is going to redo them. Thank you, Madam Speaker.

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

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I would want to support the motion that has been brought by Hon. Ndawa on the issue of Emergency Fund and also on the emergency activities that has already taken place in our County and not only in our county but all the country although as a county we can only help families and people who have been affected just from local area and say that you see Madam Speaker we may massage ourselves and speak and if we do not have a solution then it becomes meaningless.

In this regard what I am trying to say is, the best cure to the problem that we have is to use bullet No. 1e for Mheshimiwa Ndawa that will make the Emergency Fund operationalized and this can only be done if we give ourselves timelines. We give the Executive timelines to bring the disaster management plan as soon as possible so that the House may approve the same and make sure even the remaining fund may be used. We may talk and talk and even the Ksh. 10 million we have and fail to spend that money if the plan is not there because the OCoB will never approve that funding if we do not have that disaster management plan.

I was trying to get some information over the same plan and I realized that on 2nd April, 2023 is when the technical team sat and drafted that plan and they forwarded the same to the CECM Finance I believe for him to forward the same plan to the County Assembly. Madam Speaker, my plea would be let that same document be brought to the Assembly soonest possible and then as an Assembly we also be fast to fast-track that document and pass it so that we may have at the Emergency Fund working for our people. Otherwise even if we budget for the Ksh. 200 or Ksh. 300 or even Ksh. 1 billion without that plan we will not be able to spend that money so I believe that is the cure.

Although Hon. Ngunga has just left you know he is my elder and somehow my political teacher but there are some things that you he has talked about some roads that were made and one thing I did in my ward with that money was to do drainage in my market and so in Ekalakala we did not have such problems because we have already drained water that used to wash away our shops, vegetables for our businesswomen and men in that market. So we have been planning well and we do not have that problem as he thinks although he looks agitated but this Emergency

Fund was formulated in this Assembly in the year 2016. In 2021 we got the Regulations in this same Assembly where he was our leader and he never did what now he is reiterating others ought to have.

I believe there is proper planning and we are going to plan for the County so that we may not have what we have seen especially in areas of Mavoko where our peoples property has been washed away and this will only be achieved if we also do proper planning of our urban areas. We have had the Kenya Urban Support Programme (KUSP) funding which I believe if that money is utilized well in Mavoko, Machakos, Tala and Kangundo municipalities and we have been getting Ksh. 1 billion before and if that money is well-utilized, I believe the issue of drainage in those urban areas can be sorted and prevent our shops and people being marooned by the storm water. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Deputy Speaker. That is very important what he has just said we need to take that direction. Members, do I have more contributions? At this point I invite the mover of the motion to come and respond.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker, for this opportunity. First of all I will start by thanking my colleagues for the contributions which they have given on this noble motion. The recommendations and sentiments that they have given are very valid and I am very sure if we can put them into consideration or we can make them work, I am very sure we have reduced the problem that is before us. Again Hon. Speaker, I want to take this opportunity also to advise our residents who are in the risk areas and especially those who are on the low lands to be conscious because life belongs to the individual owner and Hon. there is a saying in English which says no one is responsible for other person's happiness. It is you to ensure that you are happy and if you are not careful you will always find yourself not happy.

Hon. Speaker, Article 295 of the Constitution is the article that deals with people who risk their lives or those who attempt to take away their life (??) and I want to declare here those who are not going to be conscious to us we are going to assume that they are in contravention of that Article and request the departments which have been given the mandate to address such matters, to do their work because we cannot sit as an Assembly and see our people stay in what we call imminent danger.

Hon. Speaker, we have two options of saving somebody from a danger and option no. one is to remove the person from the danger and the other option is to remove the danger from the person and for the matter before us Hon. Speaker the only applicable option is option No. 1 to remove our residents from that danger.

Again Hon. Speaker, Article 42 of the Constitution is the one which the one which is concerned with the issues of environment and every citizen is entitled or has a right to stay in conducive environment and for this matter, the residents we are talking about are not living in a conducive environment because if somebody is sleeping in a house which is just next to a river, during the night rain can come, water can come and person wakes up and find him or herself in another constituency already moved from his original homestead.

Hon. Speaker, again I also want to request and warn those who are trying to divert our water streams. You are trying to relocate the river from its usual place to another place. It may not be practicable. Hon. Speaker, the site we visited yesterday where I am saying an Indian man has constructed a perimeter wall, the person who is employed there is an African, a Kenyan and

Hon. Speaker that particular worker was rescued by area residents after water got in to that wall. He had to climb on a tree so that he can be safe and that is the moment he was rescued by residents and the residents of that particular area also took initiative and they went on the lower side of the perimeter wall and they made very big holes so that the water could move. So Hon. Speaker, the matter is an imminent danger and we need to be serious.

Hon. Speaker: Did you tell those people who reluctant to move that they were committing what offence?

Hon. Mbili Ndawa (Matuu, MCCC) Yes. I am saying those who are trying to commit suicide can be charged with what we call misdemeanour. I know you are a lawyer by profession you understand what I mean misdemeanour and the remedy for that if you are taken to court, you can be given a term of life imprisonment. Hon. Speaker after saying that I want also to take this opportunity to thank H.E the Governor for Machakos County Government because when she learned that her people are in danger, she took the initiative as the CEO of this County and deed what practically possible for her to do.

She mobilized Red Cross officers and County rescue officers and took two boats to Kinanie and as a result of that operation, I want to report that 36 residents of Kinanie were rescued and are camping at Kinanie dispensary. We need to thank the Governor for that. We have kids, the team that we were with yesterday, we visited that site, that is the center that has been set by the County government of Machakos and Hon. Speaker the Governor went ahead and purchased mattresses for each and every resident who is in that camp.

Again as we were there Hon. Speaker we met with the County truck carrying foodstuffs that is going to be used by those residents for the period they are going to stay in that area. They have been given blankets, soap and they are all happy because they are in very safe zone so we want to take this opportunity as an Assembly also to thank the Governor because of that quick action and wish other County officers because we are also part of the government in case of any issue which can lead to loss of life we need to take action.

Again, Hon. Speaker I would request those who are along the rivers there is what we call riparian land. It is good not to settle on that riparian land otherwise if you are not careful you, end up spending a lot of resources constructing a house and either it will be washed away or one time the government will evict you from that particular area because we need to ensure that every citizen of Machakos is in safe hands.

Hon. Speaker that is all that I want to say and once again let me say thank you to the members because of supporting this motion and say the motion was not specifically for Mavoko Sub-County; it was even for other areas like where we come from Yatta in case there is any issue I am also supposed to raise. Mheshimiwa Ndalani, in case there is an issue, he is also supposed to say. About three days ago Hon. Speaker Hon. Paul aka Bulldozer called me and told me that there is a body which is lying or which has been kept just beside river Athi and he requested me to assist him so that we can have that body retrieved because the locals of that particular area, the area is called, that area, the residents could not sleep because they have that body there and they were not happy so they were requesting that the police come and collect the body.

Police came before and they tried to request those who operate the boats to assist to bring the body but the owner of the boat requested for Ksh. 1,500 to do that job. The police were not willing to give and they only offered Ksh. 300 and the owner of the boat declined. The following day Mheshimiwa called me and both of us went there, the residents were there then we shared

the cost. Mheshimiwa gave Ksh. 1,000, I gave Ksh. 500 and the body was transported to dry land and that is when the police came to pick him. Nobody knows where the resident comes from because around that area we do not have any report of any missing person. May be that person was swept away from upstream.

Hon. Speaker, finally, I call upon the Machakos residents; our schools are closed, our students are at home, the teachers of Machakos County and teachers of this country gave us the students in very good shape so I am calling upon the parents to take care of their kids so that as the schools open, they go back in the same good shape as they were. Thank you very much, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Ndawa. This kind of motions I am not required to put the question so this is the end of the motion and it is also the end of the sitting.

ADJOURNMENT

Hon. Speaker: the House adjourns to Wednesday, 24th April, 2024 at 10.00 a.m. in the morning. See you then Members.

The House rose at 4.45 p.m.