



COUNTY GOVERNMENT OF MAKUENI

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday, 1st March, 2018

(The House met at 2.30p.m.)

[The Speaker (Hon. Douglas Mbilu) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSEMBLY TOUR

The Speaker (Hon. Douglas Mbilu): Hon. Members, I have the following Communication to make. The Chair received communication and a request from the pupils of Kivuthini primary school in Thange Ward. The Speaker approved the educational tour by the said pupils from Kivuthini primary school. I wish to communicate to the House that the said pupils are at the public gallery for purposes of learning how to conduct business of the House, functions of the devolved governments among others. Thank you. Next Order.

PETITIONS

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Lands and Urban Planning to present a response to a Petition regarding the grabbing of a livestock yard plot in Malili town as presented by the Member for Kiimakui/Kalanzoni Ward.

GRABBING OF A LIVESTOCK YARD PLOT IN MALILI TOWN

The Member for Makindu Ward (Alfred Kituku): Thank you so much Hon. Speaker. I am standing in for the Chairperson Committee on Lands and Urban Planning; I serve in that Committee. First, let me welcome the pupils of Kivuthini in Thange Ward and also congratulate the Hon. Governor for being awarded the most devoted and transformational leader in terms of development towards African development.

We got and you also allowed us as Committee to look into issues raised by the Kiimakiu/Kalanzoni Ward through the MCA regarding the grabbing of a livestock yard plot in Malili town in Kiimakiu/Kalanzoni Ward. As a Committee we sat down and we have already done part of our report. I want to request this Hon. House to give us another 7 days so that we piece together our report. We will be visiting the area tomorrow so that we can also get to see what is happening on the ground and by next week we will be having a comprehensive report as a Committee. Thank you so much Hon. Speaker.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Lands and Urban Planning, how many days were you given to report back to the House?

The Member for Makindu Ward (Alfred Kituku): If I am not wrong we were given 14 days to respond on the same. We have not yet completed our investigations. We have already summoned the ECM and the Chief Officer on Lands and Urban Planning. We have met with them and agreed on some few aspects although there are few things that we want to verify from the ground and that is why we have already made a point of visiting the area in Malili tomorrow so that we can have a comprehensive report on the same.

The Speaker (Hon. Douglas Mbilu): You are requesting for seven days?

The Member for Makindu Ward (Alfred Kituku): Yes sir.

The Speaker (Hon. Douglas Mbilu): It is so directed that you table a Report before this House within seven days.

The Member for Makindu Ward (Alfred Kituku): Thank you Hon. Speaker. We are committed to that.

The Speaker (Hon. Douglas Mbilu): Very well. Member for Thange Hon. Maitha, do you have something to say in view of the pupils who have visited the Assembly this afternoon? Otherwise they may think you did not recognize them not knowing that you can only speak when you are allowed by the Speaker.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Proceed.

The Member for Thange Ward (Hon. Nicholas Maitha): Thank you Mr. Speaker for giving me this opportunity. It would look bad if they go home and tell their parents that their MCA was there and did not speak.

(Laughter)

The Member for Thange Ward (Hon. Nicholas Maitha): Let me take this opportunity first to thank you so much for approving their invitation and take this opportunity to welcome the pupils and teachers from Kivuthini. It is also important to inform these Members and the Chair that this is one of the best schools in my Ward. It does very well in exams. It is a school where we have a facility of the County Government coming up. We have an ECDE center which is coming up. Finally, this is the only school and the only polling station that gave me the highest number of votes in the August election. They are very important people.

(Laughter)

The Member for Thange Ward (Hon. Nicholas Maitha): Pupils and teachers from Kivithini *karibuni sana*. This is Makueni County Assembly and we are proud to be with you today. Thank you Mr. Speaker.

(Applause)

The Speaker (Hon. Douglas Mbilu): Very well Member for Thange. Next order.

PAPERS

The Speaker (Hon. Douglas Mbilu): Deputy Leader of the Majority who is Member for Masongaleni. Allow me to introduce because you are neighbours.

DEBT RECOVERY STRATEGY PAPER

The Deputy Majority Leader (Hon. Richard Munywoki): Thank you Mr. Speaker. Before I lay the Papers, allow first to take this opportunity to welcome the teachers and pupils of Kivuthini primary school to this Hon. House and tell them not to sleep and to be alert and they will learn something before the end of the day. I beg to lay the following Paper on the Table of the Assembly today Thursday 1st March, 2018 at 2.30 p.m.; The Makueni County 2018/2019 and 2020/2021 Debt Recovery Strategy Paper.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Hon. Members the Makueni County Debt Recovery Strategy Paper stands committed to the Committee on Finance and Socio-

Economic Planning to report back to the House within fourteen days. Leader of Majority.

FISCAL STRATEGY PAPER 2018.

The Deputy Majority Leader (Hon. Richard Munywoki): Thank you Mr. Speaker. I beg to lay the following Paper on the Table of the Assembly today Thursday 1st March, 2018 at 2:30p.m.; The Makueni County Fiscal Strategy Paper 2018.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Hon. Members the Makueni County Fiscal Strategy Paper for the financial year 2018-2019 stands committed to all Sectoral Committees to consider and make recommendations to the Budget and Appropriation Committee within seven days. Further, the Budget and Appropriation Committee is expected to present a Report to this House seven days after the Report tabled before it by the Sectoral Committees. Hon. Isaac Munyao to lay the Business of the County Assembly for the coming week.

UPCOMING BUSINESS

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker sir, before I lay the business of the Assembly for the coming week first of all I want to recognize ---

The Speaker (Hon. Douglas Mbilu): Member for Kee Ward Isaac Munyao you may use the microphone on the floor on the other side for purposes of my guests at the Gallery.

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker sir. Before I lay the following Paper on the Table of the Assembly, first of all I want to recognize the presence of the pupils from Kivuthini primary school in Thange Ward. I want also to recognize one of my students whom I served during my tenure in Mount Kenya University while I was actually the minister of the academic affairs during that time in Mount Kenya University main campus. I want to recognize her very much she is in the public gallery, thank you. Her name is ---

The Speaker (Hon. Douglas Mbilu): Hon. Isaac Munyao ---

(Laughter)

The Speaker (Hon. Douglas Mbilu): Do not engage with Hon. Members, address the Chair.

(Laughter)

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker---

The Speaker (Hon. Douglas Mbilu): Recognition is by name not by where they are seated. If you are indicating to a guest who is in the gallery and the Chair has allowed you to proceed then you make full recognition of the name of that student.

The Member for Kee Ward (Hon. Isaac Munyao): Mr. Speaker sir, her name is Terry Mwende.

The Speaker (Hon. Douglas Mbilu): Very well leave it at that.

(Laughter)

The Member for Kee Ward (Hon. Isaac Munyao): Mr. Speaker sir, I beg to lay the following Paper on the Table of the Assembly today Thursday 1st March, 2018 at 2:30 p.m.; the Business of the County Assembly for the coming week. Thank you Mr. Speaker.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Next Order.

NOTICES OF MOTION

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth Mutindi proceed and use the microphone on the other side in the interest of the citizens of Thange Ward and considering that you have been a teacher but they must now acknowledge you are now an Hon. Member of the County Assembly. I remind you not to teach.

Laughter

INCREASED COMMITTEE MANDATE

Hon. Elizabeth Kiio: Thank you Mr. Speaker. I will not teach but before I give the Notice of Motion I would also like to welcome the pupils of Kivuthini primary school who are accompanied by their teachers; welcome. I hope by the time you leave the gallery you will have learnt something. I also want to welcome one Terry Mwende who is a former student of the Hon. Member for Kee Ward; feel most welcome. I beg to give the following Motion:-

THAT, pursuant to the provisions of the Makueni County Assembly Standing Order 220 this Assembly resolves to increase the mandate of the Delegated County Legislation Committee to include the following:-

- a. Deal with constitutional affairs, the administration of law and justice---

The Speaker (Hon. Douglas Mbilu): Order Hon. Elizabeth Mutindi. We are under Order number six which is Notices of Motion. You must first give Notice of Motion subsequently later you will move the Motion for debate.

Hon. Elizabeth Kiio: I am giving the Notice Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Proceed.

Hon. Elizabeth Kiio: Thank you.

THAT, pursuant to the provisions of the Makueni County Assembly Standing Order 220 this Assembly resolves to increase the mandate of the Delegated County Legislation Committee to include the following;

- a. Deal with constitutional affairs, the administration of law and justice, ethics, integrity and anti-corruption and human rights.
- b. Study and review all legislations referred to it.
- c. Make report and recommendations to the House as often as possible including recommendations of proposed legislation.

Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Again Hon. Elizabeth Mutindi there is another Notice of Motion.

AMENDMENT OF STANDING ORDER NUMBER 216

Hon. Elizabeth Kiio: Thank you Mr. Speaker. I beg to give the following Notice of Motion;

THAT, pursuant to the provisions of Standing Orders 263 of the Makueni County Assembly Standing Orders this Assembly urges the Procedure and Rules Committee to amend Standing Order number 216 to allow Sectoral Committees to comprise of not less than nine and not more than eleven Members.

Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very well. Next order.

STATEMENTS

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Water, Irrigation and Environment to give a response to a Statement regarding the Kithuki Water Project as requested by Member for Kithuki/ Kitise Ward.

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker sir. I am not the Chairperson but I am standing in for the Chairperson Hon. Kisungi wa Katete ---

The Speaker (Hon. Douglas Mbilu): Are you a Member of that Committee Member for Ukia Ward?

The Member for Ukia Ward (Hon. Japheth Katumo): Yes, I am bonafide Member to that Committee.

The Speaker (Hon. Douglas Mbilu): Then the Committee must have resolved that you will Chair and respond to the Statement. You are the Chairperson prepare yourself for the battle.

STATEMENT RESPONSE - KITHUKI WATER PROJECT

The Member for Ukia Ward (Hon. Japheth Katumo): Yes. Thank you Mr. Speaker. Before I proceed, let me take this opportunity to recognize and also welcome the pupils and teachers from Kivuthini primary school. You might not know that my second profession is education having taken a course in education in the university and also registered with Teachers Service Commission. I am sure the House does not know that and for that matter I know pupils from Kivuthini primary school will be able to learn something from this Hon. House.

Hon. Speaker, I rise to give the progress report on the Statement regarding Kithuki Water Project in Kithuki/ Kitise Ward. During the 20th Sitting of the County Assembly held on Wednesday 18th October, 2017 the Member of the County Assembly for Kitise/ Kithuki Ward Hon. Kevin Mutua presented a Statement regarding Kithuki Water Project. In the financial year 2013/14, Kshs.5.3 million was allocated by the Department of Water, Irrigation and Environment for the rehabilitation of Kithuki Water Project. From a letter obtained from the Office of the Chief Officer of the Department of Water, Irrigation and Environment, the rehabilitation contract was awarded to WOTECH Kenya Limited.

In the said letter to the contractor, the Chief Officer had raised pertinent issues appertaining the implementation of the project, some of which included: -

- a) That, the machine (pump) which the contractor had supplied was unacceptable as it did not meet the specifications as had been agreed in the Bill of Quantities. To this end, the contractor had been asked to withdraw the rejected pump from the project site within 21 days; and
- b) That, the contractor was operating outside the contract period.

Considering that the correspondence between the Chief Officer and the contractor was in early August, 2017, which is almost three months down the line, it is imperative that the Department confirms the status of affairs of this project. It is alleged that the contractor, upon receiving the letter from the Chief Officer, broke into the pump house where the rejected pump was being stored and attempted to repair the pump to fit into the specifications in the BQ.

The MCA sought for clarification from the Committee on Water, Irrigation and Environment regarding the following matters;

- i. Whether the contractor withdrew the pump earlier supplied as was instructed;
- ii. If so, whether the pump with the required specifications was brought in place of the withdrawn one;
- iii. Whether the contractor completed the rehabilitation works as was agreed in the contract considering the contractor was already working outside the contract period;
- iv. Whether the contractor had been paid any amounts of money, and if so, how much had been remitted;
- v. If no, was the contract revoked, and what action was taken against the contractor?
- vi. If the contract was revoked, has the same been awarded to another contractor?
- vii. Whether the Department was aware of the alleged break-in at the pump house, and the security measures the Department has put in place to ensure the pump house and the pump are secured; and
- viii. When will the project be completed?

In consideration of the Statement by the Committee, the Committee in its efforts to respond to the Statement deliberated on the matter and resolved to write to the Executive Committee Member (ECM) for Water, Irrigation and Environment on 17th October, 2017 to provide a response regarding the captioned matter. The ECM responded vide a letter dated 2nd November, 2017. The Committee presented a Progress response to the County Assembly on 15th November, 2017 based on the ECM's response and was termed as unsatisfactory. The Committee requested for additional information from the ECM in a letter dated 10th November, 2017. The ECM responded vide a letter dated 16th November, 2017 and indicated as follows;

Background information / Project Brief; Kithuki Water Project is located in Kithuki/Kitise Ward in Makueni Sub-County in Makueni County. The Project is an existing pumping project whereby water is pumped from Athi River at Matheani to Kithuki Market and its environs. Kithuki Water Project was initiated by the Community funded by World Vision in 1996. It has been operating with problems due to use of aged pumps and Lister engines. This has increased cost of water production and sometimes led to lack of water for up to two months. In 2013/2014 financial year, Makueni County did some repairs on the pipeline and kiosks but pump sets were not tendered. Tendering of the pump sets was done in 2017 where the lowest bidder quoted Kshs. 500,000.00 more than the cost estimate of Kshs.2,700,000.00, this initiated for additional funds for the project to be fully completed. The 9km pipeline serves Matheani market, Matheani primary and secondary schools, Kithuki market, Kithuki and Kalelo primary schools. A total population of about 5,000 people is served and the area has no other water sources.

Justification; Kithuki Water Project is the only source of water for Kithuki Community but has been on and off for sometimes and it might stop its functionality if the machines are not replaced the soonest. Also the County has done most of rehabilitation works but less impact has been realized without the pump sets replacement as this is the heart of the Project. This means that replacing the machines is equivalent to renewing the project and hence improving water supply.

The scope of works involved; purchase, delivering, installation and testing of Kithuki pump sets.

Economic impact; It is proposed that the community shall either participate in provision of manual labor or fund manual labor force especially for trenching and backfilling. Local artisans shall be engaged in these works but only those with plumbing and masonry skills. The payments done to the local skilled laborers shall financially empower the community. Purchase of spare parts and fuel from the local suppliers shall promote the income of local traders.

Social impact; Currently people in Kithuki Market walks for 9km to get water for all purposes. They resort to either purchase of donkey ferried water or boozier water which is very expensive. It is also anticipated that time for fetching water shall be reduced to one hour and thus time spared for other activities.

Sustainability; Kithuki Water Project is an ongoing water project with management team in place. Capacity building should be done to strengthen the management systems and ensure sustainability after the project is constructed.

First Phase; The first funding was done at a cost of Kshs. 5.3 million in the FY 2013/14 by the County Government of Makueni. The Contractor then was M/S ALTA INVESTMENTS LTD. and the main activity included;

- i. Rehabilitation of rising main.
- ii. Repair of water tank at Matheani booster station.
- iii. Rehabilitation of four water kiosks.
- iv. Repair of Kalelo Pipeline.

Second Phase; The second phase was awarded to WOTECH COMPANY LIMITED at a cost of Kshs. 3.2 million. The scope of work included;

- i. Replacing of old pumps and engines at River Athi intake.
- ii. Replacing the pumps and engines at Matheani booster station.

WOTECH Company Limited supplied and installed wrong machines. The machines failed to function even after the Department having advised the Contractor against installing the wrong equipment through the Office of the Chief Officer. The community was informed of the faultiness of the machines i.e. machines were not as per specifications given in the Bills of Quantities. Having known the machines installed could not function on top of being the wrong ones, the community was not happy with the move by the Contractor who went ahead and started repairing the machines thereof. This resulted to the Community being resistant and thus chased the Contractor's team from site.

Contract Termination; The Chief Officer in the Department visited the site accompanied by Technical Staff after being informed that the Contractor was still in site trying to repair the faulty and old machines. The repairs had been repeatedly done for three months. He physically confirmed that the machines were faulty. The Chief Officer advised the Contractor's team that even if the machines under repair could function, the Government could not accept items that were not as per the specifications provided. He further immediately served the Contractor with a termination letter. The contractor has since defied the termination claiming that it is the community that denied her a chance to make the machines work.

Remedial Measures; Due to water crisis, the County Government made arrangement to repair the machines awaiting the amicable settlement of the termination case. The repaired machines are in use up to date. On budget reallocation; since the amount of money allocated was only used on the repairs, the balance of Kshs. 2.45 million is still in the budget of the FY2017/2018. The Department has plans underway to procure a serious supplier to install the pump set works as previously proposed.

In summary, the Committee wishes to respond as follows;

- i. Whether the contractor withdrew the pump earlier supplied as was instructed; the answer is no.
- ii. If so, whether the pump with the required specifications was brought in place of the withdrawn one; the answer is also no.

- iii. Whether the contractor completed the rehabilitation works as was agreed in the contract considering the contractor was already working outside the contract period; the answer is also no.
- iv. Whether the contractor had been paid any amounts of money, and if so, how much had been remitted; this one could not be ascertained.
- v. If no, was the contract revoked, and what action was taken against the contractor? Yes, contract was revoked and terminated. It is not clear whether there was legal action taken against any of the Contractors.
- vi. If the contract was revoked, has the same been awarded to another contractor after termination of the WOTECH COMPANY LIMITED? The contract was not awarded to anybody but the County is underway in the process of getting a serious Contractor.
- vii. Whether the Department was aware of the alleged break-in at the pump house and the security measures the Department has put in place to ensure the pump house and the pump are secured; the Department was not aware of any break in, but pump houses fitted with lockable doors has since been fixed.
- viii. When will the project be completed? The County Government has put measures of allowing repairs so as residents can get water as it waits for an amicable solution. Completion date could not be ascertained.

Committee Findings.

- i. The expenditure of the first Contractor was not availed to the Committee for interrogation. The detailed payment for the second Contractor was neither clear nor well supported, the Committee was only informed of the balance of funds for the project as Kshs. 2.45 million.

The Committee wrote a letter dated 5th December, 2017 to the ECM requesting for the clarifications on the following;

- i. Whether the Contractors were paid, how much each contractor was paid and the scope of work done.
- ii. Whether another Contractor was sourced for completion of the project and the budget involved.
- iii. Project implementation status and expected date of completion of the project.

The Committee presented a response at the County Assembly on 16th November, 2017 and 7th December, 2017 for consideration but was termed as unsatisfactory. It resolved to request from the ECM additional information. During the 3rd Sitting of the County Assembly dated Wednesday 14th February, 2018 the Statement was reintroduced pursuant to Standing Order 54(2). The Committee resolved to do a letter dated 16th February, 2018 to the ECM requesting him to avail response to the

Committee by 26th February, 2018. However, the Committee notes that the letter was received after four days that is on 20th February, 2018 and therefore it expects the ECM to respond by Friday, 2nd March, 2018. The Committee hereby requests for five days as it waits for the ECM's response. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Ken Mutuku, Member for Kitise/Kithuki Ward.

The Member for Kitise/Kithuki Ward (Hon. Kevin Mutuku): Thank you Mr. Speaker. First, I wish to welcome the pupils from Kivuthini who have come to follow the debate and probably learn a few things. I also welcome the visitor who was a student of Hon. Munyao. I want to thank you, when you were the ECM for Water this is when all this was happening and you came in hand to assist the community by repairing the old machines that were there as we waited to unlock this stalemate. This project is for 2013/2014 financial year and I think I need to know from the Chairperson Water Committee; if this request for Statement was issued in October 2017. Today is four months later. If this ECM was serious from the time he saw this Statement he should have procured somebody to deliver these machines.

This Committee has been requesting for days; five, seven, fourteen days until the 2017 Session expired. We are in the second session and I requested the Statement. The best they can do now is to come and request for another five days for response to letters that are not adding value. It is good from this response that we realize that the people of Kithuki are suffering right now and this response acknowledges that those people walk nine kilometers to get water. This project is supposed to serve over five thousand people. That was then in 2013. The population has increased right now. I wish to beg that instead of awarding this Committee another five days you just give directions that this project is procured in the shortest time possible even if it means single sourcing at the budget that is available and the machines delivered within a maximum of 30 days. Even if I was told to deliver these machines tomorrow, I would do it.

If a response to a Statement is taking four months and what we can get now are correspondences between the ECM and the Committee then we have no business being in Makueni County. This is a big joke. What we are going to get here are just letters and correspondences that are not adding any value. I request that you just give direction on how this thing is going to be undertaken within the next thirty days. Within a very short period of time I will not have any place to pass. The community is really complaining. This is one of the projects which contributed to the failure of the former MCA. It contributed 50 percent *ya kuenda nyumbani*. I am sorry for mixing languages. Mr. Speaker I wish that ---

The Speaker (Hon. Douglas Mbilu): Member for Kitise, you cannot apologize on your own. Proceed to withdraw...

(Technical hitch)

(Hon. Nicodemus Muthoka stood on a Point of Information)

The Speaker (Hon. Douglas Mbilu): Yes, Point of Information.

The Member for Emali/Mulala ward (Hon. Nicodemus Muthoka): I do not think your microphone is on.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Member for Emali/Mulala is also a senior member in the Speaker's panel. I thought who were on --- *(Inaudible)*

(Laughter)

The Speaker (Hon. Douglas Mbilu): Member for Emali and the second Vice Chair in the Speaker's panel you have some duty to do. After this reorganize your House together with the Member who was contributing. Address that matter with the Sergeant- At-arms and probably provide some report to the Chair on what was the problem in terms of connectivity and why the microphones went off. Is it lack of batteries or is it electricity? Member for Kitise, proceed and give your contribution but first you will have to withdraw the contribution that you made in Swahili and proceed in English.

The Member for Kitise/Kithuki Ward (Hon. Kevin Mutuku): Thank you Mr. Speaker, I wish to withdraw. I was saying we are just going to get correspondences from this Minister just as it has been. If we had the serious House and this Minister was very serious when he saw this Statement in the first place and saw the concern and he knows that is a project that should have benefited those people and beneficiaries should have gotten service from this project five years back, I think he should have done what is necessary for procure a new contractor who is supposed to supply these machines. I do not find it very necessary to keep on adding days giving this Committee more days to keep on bringing papers here and responding to things that are not helping the common mwananchi. I beg your Office to just give directions so that these people get service almost immediately preferably within thirty days because it is very possible. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Kikumbulyu North Ward.

The Member for Kikumbulyu North Ward (Hon. Jackson Mbalu): Thank you Mr. Speaker I stand to contribute on this because from what I have noticed it has become the same song about water. I feel it is high time the Committee on Water, Irrigation and Environment should take a strong action against contractors who are not doing their work otherwise, it is just going to be business as usual. It is not possible

for the Government to give money and a contractor plays tricks with the lives of people. How does a contractor sneak in to replace parts instead of buying a new machine? I would have expected the Water, Irrigation and Environment Committee to come up with recommendation that such contractors be banned because that shows their integrity is in question. There is no way we can do business with people whose integrity is in question and I expect Water Committee to be tough because if they are not going to be tough it would be just same song year after year. Money is given, a rogue contractor comes in steals that money in different circumstances and then we come here just to ask for Statements from the ECM who does not even seem to say what you want.

I am requesting that Water, Irrigation and Environment Committee must have teeth to bite and give recommendations that can tame these rogue contractors. They have played a lot of games with our people and it is the same story when you go to Kikumbulyu North Ward where I come from. They have no water, the contractor was paid and he did shoddy jobs. Hon. Members we must do our oversight work seriously and in the case of water our work is being done by the Committee of Water, Irrigation and Environment. I am requesting the Committee of Water, Irrigation and Environment please to take your work seriously because our people are lacking water yet contractors are playing with us. Please, I request that this Committee of Water, Irrigation and Environment takes their work so seriously and give recommendations that can ban such rogue contractors from doing business with the County. Thank you Mr. Speaker sir.

The Speaker (Hon. Douglas Mbilu): Member for Thange Ward.

The Member for Thange Ward (Hon. Nicholas Maitha): Thank you Mr. Speaker. I sympathize with Hon. Member for Kitise/ Kithuki Ward; Hon. Mutuku. On Tuesday in the morning when I was coming to the Assembly I took my breakfast at Kathonzweni. It was a market day and I was seated on the same table with three ladies who had come to the market and they were coming from Kithuki and you know---

(Hon. Jonathan Muoki interjects on a Point of Information)

The Speaker (Hon. Douglas Mbilu): What is Hon. Jonathan Muoki?

Hon. Jonathan Muoki: Thank you Mr. Speaker. I want the Chair to direct for clarification from the Chairperson from Water, Irrigation and Environment because from the document which I am holding it is talking of Kithuki/ Kitise Ward and if we go to the letter; the communication from the ECM it is talking of Waa Ithemboni in Kilungu Ward. I am confused whether we are in Kilungu Ward or in Kitise/ Kithuki Ward. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Water, Irrigation and Environment Services.

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker. The subject matter on the table is the Kithuki/ Kitise Water Project. When you look at the letter that is attached behind we made a number of correspondences as far as the business before the Committee for Water, Irrigation and Environment as at that time and so now that there still some other issue from Kilungu Ward and from other Wards it does not mean that we are not rightful debating the business of the day. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Jonathan Muoki you are so informed that, the communication from the Clerk to the Executive Committee Member for Water, Irrigation and Environment was raising a number of requests among them, Kithuki Water Project. Proceed Member for Thange Ward.

The Member for Thange Ward (Hon. Nicholas Maitha): Thank you Mr. Speaker. As we were taking breakfast I brought up the subject of Kithuki/ Kitise and Hon. Member for Kitise/ Kithuki Ward and the ladies were very okay, they assured me they are supporting the Hon. Member for Kitise/ Kithuki Ward but the issue of water came up. This morning I went to Kibwezi where we had meeting on Kibwezi/ Kitui road and when I arrived at place known as Kavumbu I carried one guy who was going to Makindu from the same Kitise and the song was the issue of water. When you look at this report as has earlier been indicated by the Member for Kitise/ Kithuki Ward this project began in 2013-2014; the first year the County Government of Makueni began. From my observation this was not a new project; it was rehabilitation which was done in two phases totaling to Kshs.8.8million. To me, if this project was done in 2013-2014 fiscal year, it shows that it was a priority to the people of Kitise/ Kithuki Ward. Mr. Speaker you remember that in the ranking that was done previously, Kitise/ Kithuki Ward is the poorest Ward in Makueni. Denying these people the opportunity to have water when the County Government of Makueni had given more than eight million is actually not fair.

When we go to the recommendations of the Committee, I will request and it is my prayer that you direct that the Committee gets the opportunity to go to the ground investigate what was done by these two companies and probably do so interrogations to the community around there and come up with a comprehensive Report so they can come and table here very comprehensive Report. Finally, I must admit that we have a problem with the ECM and the Department in whole because every time as a Committee, because I still sit in the Committee of Water, Irrigation and Environment, we raise these issues they are taking too long to be responded to and the responses that we get are not satisfactory and that is why every time the

Chairperson stands here it is like the Hon. Members are saying what is he saying because it does not make a lot of sense because Members who have put forward these Statements are expecting reactions or actions; very quick actions to the problems that they have so that they go back to the people and give the people solutions to the problems that they have.

If we go with this kind of footing I am not very sure whether most of us we come back in 2022 but since this was done then, I can assume that we are doing it differently and all the projects that will come in this time that we are here as the MCAs will then be very different. We are going to play that role of oversight in a very serious manner and I can assure this House that Thange Ward would be a different place. Those guys who were jokers who just come to eat money and embezzle funds will have no place in Thange Ward. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very Well Hon. Maitha and Member for Thange Ward you are Committee Member of Procedure and Rules right?

The Member for Thange Ward (Hon. Nicholas Maitha): Yes Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): And you understand the procedures and rules on how to conduct the business of a Committee and how to invoke provisions of powers and privilege in issuing summons and compiling minutes to produce information. Are you suggesting that the Speaker takes over that job?

The Member for Thange Ward (Hon. Nicholas Maitha): Mr. Speaker I was only overwhelmed by a feeling that our people are not being treated well. That is why I just went beyond but I stand to be guided. Thank you.

The Speaker (Hon. Douglas Mbilu): I hear you but you need to guide your Committee because you are Member in that particular Committee on Procedure and Rules and invoke provisions of powers and privileges and other provisions in the Standing Order and compel the Minister to give information. It is your responsibility to protect the people in Kitise Ward considering that you are key Member of Committee on Rules and Procedures.

The Member for Thange Ward (Hon. Nicholas Maitha): Most obliged.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Water.

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker. While I understand and appreciate the fact that the lifeline of the people of Kithuki Ward and especially the 5000 is that water project, I want to bring to the attention of the House that it is not all lost. When you look at the report that we have given there is the clause that reads remedial measures. After this getset was repaired, it is still in use and still pumping water. The point that I want to drive is because I know most of

the time the ECM has been blamed but we have never had problems as far as this particular occasion or Statement is concerned. Every time we have written to the ECM, he has responded and even this time round we are sure that by tomorrow he will be responding. Maybe the only concern is that if this getset because it is a repaired one, if it breaks down it means that there will be a problem. That is what I want to underscore; that is very important that these people of Kithuki get another getset and we can rest be assured incase this repaired one breaks down, there will be no problem. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Nzambani/ Ivingoni Ward and the Deputy Speaker.

The Deputy Speaker (Hon. Harrison Mutie): Thank you Mr. Speaker for giving me this chance. Before I make my contribution as far as this Report is concerned, allow me to recognize the pupils and teachers from Kivuthini primary school from Thange. Thange Ward borders my Ward. Geographically Ivingoni / Nzambani Ward and Thange Ward are neighbors and therefore these are my neighbors down there and we both come Kibwezi East. Karibuni sana. Most welcome. I withdraw Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Deputy Speaker what are you withdrawing?

The Deputy Speaker (Hon. Harrison Mutie): Mr. Speaker, I felt nice to see these pupils here and I went ahead and used the wrong language; Kiswahili instead of using English to welcome them to the House and therefore I wish ---

The Speaker (Hon. Douglas Mbilu): Are you sure that Kiswahili is a wrong language to be used in the House?

The Deputy Speaker (Hon. Harrison Mutie): It is not a wrong language but because I started with English and I introduced Kiswahili by that fact Kiswahili now becomes a wrong language in that context.

The Speaker (Hon. Douglas Mbilu): Very well Members. You stand guided that the rules of the House dictate that if you start contributing in English you conclude with English or if you start with Kiswahili then proceed and contribute in Kiswahili throughout your contribution. Proceed the Hon. Member.

The Deputy Speaker (Hon. Harrison Mutie): Thank you very much Mr. Speaker. When you look at this Report which was done by Water Committee and I would wish to congratulate the Committee for bringing some pertinent issues to bare for this House to consume, on page 6 the Report talks about County Government making arrangements to repair the machine that was faulty and as we speak today, the machine is working and the people are consuming that water. I want to believe

those people who depend on that project are not in a crisis. I also again very fast point that it was noted that the machine that was installed was old and subject to breakages and therefore that is the fear for Member for Kitise/ Kithuki Ward that in event the machine breaks down, again those people will be in another crisis. Very quick to notice is that this contractor WOTECH has defied the Department of Water three times. The first time is when he was told to withdraw that machine within 21 days. He went ahead and defied that order and installed the machine and even attempted to repair.

Number two, is when the contractor was given a directive by the CO to install a new machine and went ahead and installed the same. The third defied directive is when the termination letter was issued to WOTECH the same company to withdraw from that site. The contractor defied the order and continued to be in site against the termination letter. What I am looking forward as a Member of this Committee is that in our other Report that is our last resort as far as this project is concerned to the Department of Water, is to have a very comprehensive report to this House. Further to having a satisfactory Report, we will invoke the powers of that Committee and summon the ECM and further consequences will follow because water is not a subject to take lightly. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Kitise Ward.

The Member for Kitise/ Kithuki Ward (Hon. Kevin Mutuku): Thank you Mr. Speaker. I wish to inform this Committee and this House that in 2013 when people went for public participation and requested for this project, they had those machines and they were still repairing the machines. Therefore, those people were in their right minds when they still insisted that they needed a new machine. There were reasons off course. Therefore, this Committee coming to tell me here because those machines were repaired, those people are benefitting from the water as if those machines were not being repaired. If we wanted those machines to be repaired, we would not have requested for new machines. Those people would have requested the County Government to repair the old machinery and continue enjoying. Therefore, it is like this Committee wants to tell the people of Kithuki that they had no sense in their mind when they were asking for new machines. Four months down the line and an ECM and this Committee cannot tell us, cannot answer a simple question of when the project is going to be completed. Four months to answer when. Therefore, even purchasing the machinery can take us another ten years. I am afraid.

It is very unfortunate that even up to now this Committee cannot answer on whether those funds are still available or the funds were paid. I mean is it rocket science or where are they getting the information? Is the information for payment or the project not having been paid coming from Garrisa? This information is just in the

office. It is in a computer. The Committee has not established up to now whether that money is available or it was paid and they expect me to give them another five days. It is unacceptable and if we continue like this, I have no business serving in this Assembly because those people. It is just unacceptable. Those people are going to impeach me. When we talk about the contract being terminated, there are things that I want us to understand. When I order for a new Isuzu Dmax and you supply me with an old Nissan Datsun and then you want to tell me you will want to make the Nissan Datsun which is very old behave and serve me like a new Isuzu Dmax yet you are telling me this contractor cannot be terminated because the community denied him the opportunity to come and repair. What was he coming to repair? How can you repair the wrong machinery when in the first place you supplied the wrong machinery? This is unacceptable. It is not a genuine response. This Committee should be disbanded because I cannot understand how you can take four months to respond to a Statement. I serve in PAC. You saw us the other day we had files of this size. We dealt with them within three days. Four months to answer me whether the money is available or not, four months to tell the people of Kithuki when they are going to get those machines, it is unacceptable. Mr. Speaker I do not accept that.

The Speaker (Hon. Douglas Mbilu): Hon. Janet.

Hon. Janet Kitunga: Thank you Mr. Speaker for this opportunity. My big question is why should the Kithuki community accept a substandard machine yet the County Government of Makueni has met the cost of quality machines as per the BQ? If we had sufficient water in this County we would be the food basket of this country. I would say the contractors who are doing shoddy work in this County be blacklisted. Water is equivalent to other fundamental human needs just as food and it lies in Maslow ladder. We cannot compromise a fundamental need of the people of this County. My prayers to your office is to give directives to the Committee of Implementation to take charge and get inventory of all contractors who are not performing to be blacklisted and be brought in to this House. We are not going to shatter the beautiful dreams of our Governor using contractors who do not have integrity. Enough is enough and we cannot hide our heads in the sand and pretend that things are going on well while people of Makueni are suffering. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth Mutindi.

Hon. Elizabeth Kiio: Thank you Mr. Speaker. I also want to add something small. You notice that the Member for Kitise/ Kithuki is being threatened by these rogue contractors that his contract in 2022 may also not be renewed by the people of Kitise. It look like these officers within the Department are doing a favour to these contractors because these are people who should have been blacklisted even before

they did the second contract. Why should the BQ read this and somebody brings something totally different the ECM is arguing. There is something that says that *'the machines failed to function even after the department advised the contractor against installing the wrong equipment through the office of the Chief Officer'*. Where were they when they were installing the wrong equipment? Why was inspection not done before installation was done so that they start repairing faulty machines. We are wasting a lot of money on repairs and if it was just a new machine with the specifications that were demanded at first, we would not be talking about this kind of thing. I sympathize with the Member and I ask that you direct the Implementation Committee to do the necessary. Thank you Mr. Speaker.

(Hon. Kevin Mutuku stood on a Point of Information)

The Speaker (Hon. Douglas Mbilu): Member for Kitise/ Kithuki.

The Member for Kitise/ Kithuki (Hon. Kevin Mutuku): Thank you Mr. Speaker. I want to inform this House that we are also at a risk as the people of Kithuki because these wrong machines are on site. They are in our hands and being stored there illegally. They may be stolen and that community will get in to trouble. I also wish to inform this House that very soon we are going to supply either the County Government or the contractor with a bill because we are storing his machines there. Ours are very old and for your information we do not need a watchman. We have instated a watchman in that project to protect the wrong machinery that was brought and is not benefiting the people. We are preparing a bill and we will present it to the County Government to pay my people the money that they have been paying every day to take care of that machine.

The Speaker (Hon. Douglas Mbilu): Hon. Members, regarding that Statement I have the following directions to make: -

Firstly, in view of response number one on whether the contractor withdrew the pump earlier supplied as was instructed and the answer presented before this House is no. In my view that response is inadequate and inadmissible because an answer no says a lot of nothing and a lot of things. It is not rocket science to get a substantive answer to question roman one.

In roman four, whether the contractor had been paid any amounts of money and if so, how much had been remitted and the response was, could not ascertain. In view of the Chair that answer is inadmissible in this Assembly and not sufficient. We are aware that all Government entities are staffed with a procurement officer, accountant, auditor and accounting officer and the minister and therefore I am convinced that this is information that could be retrieved and therefore it is inadmissible.

In roman six, if the contract was revoked has the same been awarded to another contractor? In my view the answer is evasive and not responding to the subject matter. The response is, after the termination of the WOTECH Company limited the contract was not awarded to any body but the County is underway in the process of getting a serious contractor. The intention of this question is not a narration of the seriousness of it or not. The intention was when and how long. Again the answer is not appropriate and therefore inadmissible.

The last response on when will the project be completed. This is a very serious joke on the side of the Committee or the Executive Committee Member. The answer is, the County Government has put measures of allowing repairs so as residents can get water as it waits for an amicable solution. Completion date could not be ascertained.

Hon. Members, there is a budget in place. The Public Procurement and Disposal Act provides for timelines within which procurement can be executed whether by open tender or quotation or direct tendering. It is therefore inadmissible to the extent that the Committee and the Executive Committee Member for Finance cannot abide by Public Procurement and Disposal laws and regulations in stipulating the period within which a procurement officer or head of department can procure an item. Under the circumstances I direct that the Committee interrogates the:-

- i) County Executive Member for Water, Irrigation and Environment in view non-substantive statements before this Assembly notwithstanding the supplementary questions that have been raised and contained in this report.
- ii) The Chief Officer who is the accounting officer for Water and Irrigation
- iii) The County director for Water and Irrigation and provide a substantive response to this particular matter within seven days.

Thank you. Next is Chairperson Committee on Trade, Tourism and Cooperatives. Order Chairperson Committee for Trade. Hon. Members Standing Order number 53 (2), states as follows; *A Statement may be replied to only if the Member who made the request is present but if the Member is absent without the Speakers authority the Chairperson or the Vice Chairperson shall table the response before the County Assembly and no further proceedings shall be allowed.* I am not aware that, the Member is away and no permission or information was sought from my office by one Hon. Masesi has to is absence today. Pursuant to the provision of Standing Order, Hon. Member for Emali/ Mulala Ward and the Chairperson for Committee on Trade my hands are tied proceed and table the report and resume your seat because the requester of the Statement is missing without permission.

STATEMENT RESPONSE - EMALI GREEN GROCERY PROJECT

The Member for Emali/ Mulala Ward (Hon. Nichodemus Muthoka): Thank you Mr. Speaker. First I would like to welcome the pupils of Kivuthini primary school feel welcome and also our guest may be an extra voter from Kee Ward into this House. Mr. Speaker I stand to give a response ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Members and Sergeant At Arms. Resume your seat Chairperson. I once again refer you to Standing Order number 53. If the requester of the Statement whereby in this case it was Hon. Masesi, if a Member has requested for a Statement and that Member is absent without the authority, permission or information of the Speaker then the Chairperson has no other responsibility other than to rise, table the report and resume. The Chairperson you resume your seat, the requester is absent. It is not the Speakers ruling, it is the Standing Orders. Member for Emali/ Mulala Ward who is the Chairperson Committee on Trade proceed and table the report you cannot contribute towards it because there is no requester.

The Member for Emali/ Mulala Ward (Hon. Nichodemus Muthoka): Thank you Mr. Speaker I stand here to table the response for are Statement has per your words.

(Statement Response laid)

The Speaker (Hon. Douglas Mbilu): Very well. Hon. Members this is how you affect the business of the House if you chose to be away without communication from the Chair and then the repercussions are contained in the Standing Orders. Let us go to the next order. Hon. Isaac Munyao on behalf of the House Business Committee to give business of the County Assembly for the coming week pursuant to the provision of Standing Order number 47 (2) (a).

UPCOMING BUSINESS

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker sir. Pursuant to the provisions of Standing Orders 47 (2) (a) and 55 of the County Assembly Standing Orders, I rise to give a Statement on the Business of the County Assembly for the coming week. Following a meeting of the County Assembly Business Committee held Thursday 1st March, 2018, the following tentative business has been scheduled to be transacted by the County Assembly in the coming week:-

1. Tabling of the Report of the Committee on Health Services on the site visits to the Sub County Hospitals, Health Centers and Dispensaries. The Notice of Motion will be given and the Motion for the adoption of the Report moved as well.
2. Tabling of the Report of the Committee on Health Services on the consideration of the Makueni County Universal Health Care guidelines. The

Notice of Motion will be given and the Motion for the adoption of the Report moved as well.

3. Presentation of the Response of the Committee of Trade, Industry, Tourism and Cooperatives on the Petition regarding the setting of a market day in Malili Town in Kiima Kiu/Kalanzoni Ward.
4. Presentation of the Response of the Committee on Water, Irrigation and Environment on the Petition regarding the oil spillage into Thange River, in Thange Ward.
5. Presentation of the Response of the Committee on Agriculture, Livestock and Food Security on the Petition regarding the disbursement of funds from the Tetheka Fund, for development of farm ponds in Nguumo Ward.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): On a Point of Order.

The Speaker (Hon. Douglas Mbilu): Order Isaac Munyao. Take the seat that belongs to Leader of Majority. You are moving the Business of the House. What is it Hon. Kalunda?

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you Hon. Speaker. I stand on a Point of Order and before I even execute that, I want to recognize the presence of our Kibwezi people. Maybe they cannot see me here, I wish to switch the microphones. Thank you Hon. Speaker, I stand on a Point of Order but before I move on with the Point of Order, I want to recognize and welcome students from Kibwezi that is, Kivuthini primary school and their teachers into this County Assembly precincts. I wish to encourage the students that they can be Hon. Members, they can be doctors they can be anything they want like Doctor Kalunda and we will support them in whichever activity they involve themselves in.

I recognize this because they come from Mombasa road where everything is very scarce and that is the reason as to why we say, these are people who are going very far. Most of their teachers are my campaigners so I will not fail to recognize that. Thank you for coming and also thank you also for bringing the students here. I stand on a Point of Order based on what Hon. Munyao is presenting because we do not have printouts of whatever he is reading. I would have wished to inform the Speaker that, we do not have printouts and we cannot refer to whatever he is reading from. This was just a Point of Information and not a Point of Order Hon. Speaker. Thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda that is noted. Hon. Isaac Munyao in the House Business Committee you did not make arrangements with the respective Clerk but proceed at the moment.

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker. I was on number five;

5. Presentation of the response on the Committee on Agriculture, Livestock and Food Security on the Petition regarding disbursement of funds from the Tetheka Fund and development of farm ponds from Nguumo Ward.

6. Response to the Statement from the Committee on Water, Irrigation and Environment regarding delay in implementation of Muthunzuuni water project in Kilungu Ward as was requested by the Member for Kilungu Ward.

7. Response to the Statement from the Committee on Agriculture, Livestock and Food Security regarding the distribution of Maize to primary schools in the County as was requested by the Member Kee Ward.

There shall be a meeting of the Assembly Business Committee on Tuesday 6th March, 2018 at 9.00 a.m. and pursuant to the decisions of that meeting additional business may be scheduled to be transacted by the County Assembly during that week. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Next Order.

MOTION

INCREASED COMMITTEE MANDATE

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth Mutindi to move a Motion.

Hon. Elizabeth Mutindi: Thank you Mr. Speaker. Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of the Makueni County Assembly Standing Orders 220, this Assembly resolves to increase the mandate of the Delegated County Legislation Committee to include the following;

- a) Deal with Constitutional affairs, the administration of law and justice, ethics, integrity, anti-corruption and human rights.
- b) Study and review all legislations referred to it.
- c) Make reports and recommendations to the House as often as possible including recommendations of proposed legislation.

Mr. Speaker the mandate of the Committee on Delegated County Legislation, according to Standing Orders 214, the Committee deals with statutory instruments which includes regulations, policies and orders but not bills and legislation. If we

increase the mandate of this Committee, they shall be able to handle injustices pertaining to court residence. The office of the Attorney General will soon be in place and there is no such Committee in the House to oversee its activities. This Committee will oversee the processes by which legal systems of the County Government will be executed and further the Committee will deal with all the issues on infringements of human rights of the residents of Makueni. The Committee can also propose legal policies to foster institutional governance and effective legal systems in the County. Therefore, I want to urge the House to accept that this Committee on Delegated County Legislation be given or be increased its mandate so that it can cover those areas that it does not cover instead of having separate Legal and Justice Affairs Committee that will almost be overlapping its mandate with that Committee and therefore I urge the Member for Mavindini to come and second the Motion. Thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Kimongo.

The Majority Whip (Hon. Jonathan Kimongo): Thank you Mr. Speaker. It is my pleasure to second this Motion that seeks to establish or increase the mandate of this Committee on Delegated County Legislation. The Committee on Selection had toyed with the idea of increasing another committee on Justice and Legal Affairs but on deliberating further we found out that it was better we take the mandates which that the Committee was supposed to work on to this Committee so that we may avoid duplication of roles. We realized there is a gap when it comes to issues to do with execution of justice in our County. We are just about to work on a Bill or to revisit a Bill on our County Attorney and we find that this office is in tandem with this particular Committee. Therefore, I seek to request the Members to agree and to support these changes that this Committee may be stronger and that it may get the required establishment to perform its duties and functions properly. Thank you very much.

(Question proposed)

The Speaker (Hon. Douglas Mbilu): The floor is open for debate. Member for Thange.

The Member for Thange Ward (Hon. Nicholas Maitha): Thank you Mr. Speaker for this opportunity. I stand to support this Motion for additional mandate to the Delegated County Legislation Committee and before I do that, if you allow me, I wish to inform this House that Hon. Janet Wambua from Thange was here but she has gone out, she is not feeling very well. Mr. Speaker, she has requested me on behalf of this House to officially again welcome the pupils from Kivuthini which is actually in her area. Therefore, the pupils from Kivuthini receive greetings from Hon. Janet. She is a nominated MCA from Thange. This House cannot work without Committees and I am happy that this Motion was brought and I remember there was a time we were talking about increasing the number ---

The Speaker (Hon. Douglas Mbilu): Member for Thange are you supporting this Motion or you are contributing towards the Motion?

The Member for Thange Ward (Hon. Nicholas Maitha): Mr. Speaker I am supporting this Motion.

The Speaker (Hon. Douglas Mbilu): Then you start properly. You were once a teacher and there is no a subject without a topic.

The Member for Thange Ward (Hon. Nicholas Maitha): Mr. Speaker thank you for the guidance. I stand here to support this Motion on the additional mandate to the Delegated County Legislation Committee. I have said that this House cannot work without committees and that is why I remember sometimes back we were discussing to see whether we can increase the membership in Committees and the time we were thinking about splitting some of the Committees to create more Committees. The idea that the mover of this motion brought of actually increasing the mandate or the roles of the Committee, to me that is something good. On the issue of this Committee Delegated County Legislation it is very important that we increase its mandate. This afternoon you can remember, we have actually taken much time debating on the issue of Kithuki/ Kitise water project. This Committee given the mandate and given teeth to bite, the Governor could actually have assisted us so much on the issues we were discussing here.

Therefore, it is my humble request that I seek all the Members in this House to support this Motion so that we increase the mandate of this Committee and majorly on administration of law and justice, ethics and integrity and on issues of anti-corruption and human rights to the people of Makueni. It is also very important to note that it is not only on this particular Committee on Delegated County Legislation. We also have to put more mandates on other Committees like Procedure and Rules and Powers and Privileges so that some of the issues that we are having here and timelines that we are giving out and they are taking too long to be responded to then we can a lot power on the same so that once we say something and pass it here, they can be taken seriously because people will know if they do not take them seriously there will be punishment that is not good. Thank you and I support.

The Speaker (Hon. Douglas Mbilu): Hon. Martina.

Hon. Martina Kimilu: Thank you Mr. Speaker sir. First, I stand to support the Motion and I would like to acknowledge the presence of the pupils from Kivuthini primary school. I would like to encourage them to read smartly so that they can have good careers in future. This is your only time to read and I would encourage you to read hard and smartly so that you can be better leaders in future. I take this opportunity to support the Motion. The Committee on Delegated County Legislation will now have business to conduct during their Committee meetings given that they

have been added more mandates. Being a member and the Vice Chairperson of the Committee I would also urge the Committee to familiarize itself with legal issues to be able to understand its new mandates which is about to be given to them by this House. I would also like to tell the Committee to familiarize itself with the Kenyan Constitution 2010 to be able to deal properly with legal matters. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Miriam Ngina.

Hon. Miriam Musyoka: Asante sana Bwana Spika kwa nafasi hii. Kwanza ninaunga mkono Hoja hii. Kabla sijaongea ningetaka kuwakaribisha wanafunzi na waalimu wa shule ya msingi Kivuthini. Nawakaribisha mahali hapa katika Bunge la Makueni. Mjisikie mko mahali panapostahili na ninawakaribisha sana wanafunzi na kuwaambia msikilize kwa makini ndio mkitoka hapa mtoke na jambo linaloweza kuwasaidia katika maisha yenu. Ninajua hapo kwa watu wanaweza kuwa Waheshimiwa, pia Maspika na Magavana. Kwa hivyo, mmepata kitu kizuri. Karibuni sana madam Stella na wale wengine na mjisikie mko nyumbani.

Bwana Spika nasimama kuunga mkono hii hoja ili hii Kamati ya Sheria iongezwe majukumu ili wakati wa mikutano ya kamati wawe na kazi nzuri ya kufanyia Bunge la Makueni. Pia naomba Mwenyekiti na naibu wake watie bidi sana katika hii Kamati. Hii ni kamati ambayo imeshikilia mambo muhimu sana katika Bunge hili. Nasimama kuunga mkono na kuwaambia msome katika vizuri ili wakati mnakutana na kupata ripoti kutoka kwa Bunge hili muwe mwatuletea Ripoti nzuri na kazi itaendelea vizuri. Asante Bwana Spika.

The Speaker (Hon. Douglas Mbilu): Member for Nzau/Kilili/Kalamba.

The Member for Nzau/Kilili/Kalamba (Hon. Julius Mutula): Mr. Speaker, I thank you for this opportunity. I stand to support the Motion but before I do so, allow me to team up with my fellow Hon. Members to recognize and welcome the pupils from Kivuthini primary school. It is worth noting that at one time I was a teacher. I taught for one and half years before I joined the University of Nairobi and I know what it means for pupils to go out and learn especially when they come to an honourable House like this one. I am sure at the end of the day they will learn a lot and may be out of this experience as the Hon. Member has said, most of them may end up coming to this Hon. House or the Senate or National Assembly from the experience they will have learnt today. Take your studies seriously. Studying hard will take you somewhere.

Having said that, allow me to support this Motion on one ground. The expansion of the mandate of this Committee is one way of dealing with a problem in different ways. Instead of creating an extra Committee, the Selection Committee found it necessary to expand the mandate. If you allow me to look at the first mandate. It is a

very weighty mandate and this calls upon the Committee to be conversant with the Constitution of Kenya 2010 and other attendant legislations which come from that. If they study those laws well they will be in a position to guide us as a House. Another thing they will be with are issues of integrity, anti-corruption and human rights. This is a very expanded mandate and this calls upon Members to be very knowledgeable and assist this House in carrying out this mandate. Thank you, Mr. Speaker.

(Hon. Jonathan Mwaniki stood on a Point of order)

The Speaker (Hon. Douglas Mbilu): What is the point of order Hon. Muoki?

Hon. Jonathan Mwaniki: Mr. Speaker, I am rising on Standing Order number 214 which introduces the Committee on Delegated County Legislation. If you allow me I will read;

1. *There shall be a Select Committee to be known as the Committee on Delegated County Legislation.*
2. *Whenever a Statutory Instrument is submitted to the County Assembly pursuant to the Constitution, any law or these Standing Orders, the Statutory Instrument shall, unless a contrary intention appears in the relevant legislation, be laid before the County Assembly by the Chair of the relevant Sectoral Committee, or any other Member and shall thereafter stand referred to the Committee on Delegated County Legislation.*
3. *The Committee shall consider in respect of any Statutory Instrument whether it-*
 - a) *Is in accord with the provisions of the Constitution, the Act pursuant to which it is made or the other relevant written law;*
 - b) *Infringes on fundamental rights and freedoms of the public;*
 - c) *Contains a matter which in the opinion of Committee should more properly be dealt with in an Act of the County Assembly;*
 - d) *Contains imposition of taxation;*
 - e) *Directly or indirectly bars the jurisdiction of the Courts;*
 - f) *Gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;*
 - g) *Involves expenditure from the County Revenue or other public revenues*
 - h) *Is defective in its drafting or for any reason the form purport of the statutory instrument calls for any elucidation.*
 - i) *Appear to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made.*
 - j) *Appears to have had unjustifiable delay in its publication or laying before the County Assembly.*
 - k) *Makes rights, liberties or obligations unduly dependent upon non-reviewable decision.*

- l) Makes right liberties or obligations unduly dependent insufficient defined administrative powers.*
- m) Inappropriately delegates legislative powers.*
- n) Imposes a fine imprisonment or other penalty without express authority having been provided for in the enabling legislation.*
- o) Appears for any reason to infringe on the rule of law.*
- p) Inadequately subjects the exercise of legislative power to County Assembly scrutiny*
- q) Accords to any other reason that a Committee considers fit to examine.*

I am wondering whether the Motion before the House---

The Speaker (Hon. Douglas Mbilu): What is the Point of Order now?

Hon. Jonathan Mwaniki: The Point of Order is that the additional power which are being sought by the Committee on Delegated and County Legislation are provided for in this Standing Orders. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Muoki has raised a Point of Order to seek and clarify whether we are contributing to a Committee that is provided for. Hon. Members I wish to communicate that there was a request to establish a Legal and Justice Committee to deal with respective matters of justice including anti-corruption and ethical issues. The House Business in its wisdom saw it not an appropriate to establish a Committee that may not attract business for the Committees and therefore, it is on that basis that the following responsibilities were to be added on the County Delegated and Legislation for legal and justice affairs. It is on that background that these responsibilities were added. The debate is so carried. Member for Kitise/ Kithuki Ward.

The Member for Kitise/ Kithuki Ward (Hon. Kevin Mutuku): Thank you Mr. Speaker. I wish to support the Motion on the floor of the House and first inform the Hon. Muoki this Committee is not seeking powers. This is the wisdom of the House Business Committee through the Selection Committee to bring this Motion before the House. There is no point of forming a Committee that will be sitting every week and once it has a sitting it may not have business because we want to be busy with things that are helping the people of Makueni and are adding value to the work that we do as the County Assembly of Makueni. Therefore, instead of forming this separate Committee, it is very much in order to look at which other Committee is somehow related to what we want taken care of and because this House has powers to change these Standing Orders any other time the House wants, it would be very much in order if we add the mandate that was supposed to be given to this Legal Affairs Committee to the Delegated County Legislation Committee.

Further, I also wish to suggest that the name of that particular Committee be adjusted to include the legal affairs part of it. The mere English meaning of delegated basically is something that is coming from another source so that this Committee can just be called the Legal Affairs and Delegated County Legislation Committee such kind of a thing so that we have both of them being served in one Committee. I serve in the Delegated County Legislation Committee and I would not say, that the Committee is overwhelmed not to be given more mandate. I wish to welcome that move and urge the House to support this Motion so that we have everything captured and this House has a lot to do once we sit back in those Committees. We do not want to use these Committees for just sitting for people to get paid their allowance. We want to see results and we want to see people busy doing things that are of essence and of value. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you Hon. Speaker for the opportunity to contribute to this Motion. I stand to support this Motion based on the following points. One, because the Committee on Delegated County Legislation thought it wise to ask for those mandates to be explicitly outlined in their mandates and that is the reason as to why ---

Hon. Elizabeth Kiio: Point of Information.

The Speaker (Hon. Douglas Mbilu): What is it the Mover of the Motion?

Hon. Elizabeth Kiio: Thank you Mr. Speaker. I am rising on a Point of Information. I want to inform the Hon. Member that it is not the Committee on Delegated County Legislation that sought to have their roles or mandate increased but it was, as the Speaker has said, that there was a quest to have a Committee that is called the Justice and Legal Affairs Committee but it was almost overlapping in its mandate with this particular Committee. Therefore the House Business Committee decided to have the roles of the Delegated County Legislation increased; they did not ask to have their powers or their mandate increased. Thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda you are so informed that this is material of the Committee on Selection but not of the County Delegated Legislation Committee.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you Hon. Speaker though I did not need the information because when you look at ---

(Hon. Nichodemus Muthoka interjects on a point of information)

The Speaker (Hon. Douglas Mbilu): Member for Emali/ Mulala Ward.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Hon. Speaker I do not need any information. Protect me against Hon. Member for Emali/ Mulala Ward.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda proceed.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you Hon. Speaker for protection---

Member for Emali/ Mulala Ward (Hon. Nicodemus Muthoka): I am informing the house

The Speaker (Hon. Douglas Mbilu): What is it Hon. Member for Emali/ Mulala Ward?

Member for Emali/ Mulala Ward (Hon. Nichodemus Muthoka): Thank you Mr. Speaker. The point I am driving home is that, I want to inform this House whatever is being said is not for the benefit of one person but for the benefit of the House and our visitors. The information that has been relayed by our Hon. Member Mutindi is for the benefit of the House and message was that, the Committee on Delegated County Legislation did not request to be given more tasks but it was just that the Committee that does the business of the House sought to give to a relevant Committee the task of the legal Department. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Part of the reason is to why I did not need the information is the disruptions of even of the height of this microphone. I want inform my counterpart from Emali/ Mulala Ward that, it is very wrong that the Committee on Delegated County Legislation did not need this kind of mandate to be put in the list that is the reason as to why you have held in all this because whatever you are discussing here is part of what is in the Standing Order 214 and that is the reason as to why ---

The Member for Emali/ Mulala Ward (Hon. Nicodemus Muthoka): Point of Information Mr. Speaker.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): I do not need the information Hon. Speaker because he has been disrupting me many times - --

The Speaker (Hon. Douglas Mbilu): Member for Emali. They are not interruptions but you must agree to the rules of the debate. The Points of Information and the Point of Order are provided for in the Standing Orders. Member for Emali.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Hon. Speaker I am requesting you protect me ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda, what is it Hon. Member for Emali/ Mulala Ward?

The Member for Emali/ Mulala Ward (Hon. Nicodemus Muthoka): Mr. Speaker we have visitors and I hope they are taking notes. I just want to inform the Hon. Member that the Delegated Committee did not request to be given extra task. Therefore when you are supporting the Motion please put it clear that the delegated Committee did not request but this is just the department that the Committee on House Business thought wise should merge and allocate the duties of the legal department.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda.

The Member for Kikumbulyu South (Hon. Jades Kalunda): It is quite not in Order for Hon. Emali one to be disrupting my rights because of something which should not ---

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda you are out of Order. Member for Emali was allowed by the Speaker to make this contribution unless indirectly you are imputing some motives against the Chair. Blame the Speaker for allowing the Member for Emali to contribute.

The Member for Kikumbulyu South (Hon. Jades Kalunda): No, the Emali one is not giving anything ---

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda proceed and contribute to the debate opposing or supporting the Motion before us.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Hon. Speaker thank you for your guidance. One, even before I contribute on the support, I have got very simple ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda. Rules of debate are very clear. When you are on the floor and you have the microphone you must, resume your seat Hon. Bernadette, you must state your position whether you are supporting the Motion or you are opposing the Motion and then you proceed and make your contribution.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Mr. Speaker you did not get it. I did it the first instance I stood and I said I am in support of this Motion.

The Member for Kitise / Kithuki Ward (Hon. Kevin Mutuku): Point of Order Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): What is it Member for Kitise?

The Member for Kitise / Kithuki Ward (Hon. Kevin Mutuku): Mr. Speaker is it in Order for the Member to take a lot of time and waste a lot of time for this House and doing correspondences with the Chair? When the Chair makes the ruling, it is my understanding that it is final and it should be accepted whether it is a good ruling, correct or incorrect. Is the Member in Order to exchange correspondences with the Chair? I believe he should just sit down if he just wants to take a lot of our time.

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda on Point of Order raised by ---

Hon. Jonathan Muoki: Point of Order Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon Muoki both of us cannot talk. That is why there is one Chair on this side and Members on the other side. Hon. Kalunda on Point of Order raised by Member for Kitise.

The Member for Kikumbulyu South (Hon. Jades Kalunda): I thought I dropped everything and I was moving on very well.

The Speaker (Hon. Douglas Mbilu): You have the floor Hon. Kalunda and remember that we have business before House and you must be considerate of the business before the House. Proceed.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker. I want to ---

Hon. Bernadette Mutisya: Point of Order Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Bernadette is on a Point of Order. Proceed and execute your Point of Order.

Hon. Bernadette Mutisya: Thank you Mr. Speaker. Pursuant to the Standing Order no. 33 (3) I request to inform this House that due to the business going on if we could extend the sitting. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very well Hon. Bernadette is informing the House that the time remaining is too little to contribute to the business therefore the mover or any Member responsible may proceed and move a procedural Motion and you are so informed Hon. Members by Hon. Bernadette in a way telling you that if you do not move such Motion then you manage your contribution. Hon. Kalunda.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker. One, I was talking about the points which made me support this Motion. One being there is no Committee whether Sectoral or otherwise which is having this

mandates being pegged on it. That is the reason as to why I will support my Statement Hon. ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda. Hon. Bernadette you informed this House that there is need to move a Procedural Motion to extend the sitting but it is unfortunate that the Motion ought to have been moved 30 minutes before the finishing time and therefore we have to work with the time we have. Proceed the Hon. Kalunda and manage your time. Or else you may not conclude in opposing the Motion.

The Member for Kikumbulyu South (Hon. Jades Kalunda): I am not opposing. I am supporting this Motion. One, I talked about the reason being there is no other Sectoral Committee or otherwise which has this mandate pegged on it. That is the reason as to why I will have to support my good neighbor Hon. Mutindi. Two, in the spirit of the 2010 Constitution, we will have to clearly and explicitly put these mandates on the Committee on Delegated Authority, that is Delegated Legislation and then we want the Committee to be powerful. We want the Committee to remain relevant. I have heard in many instances where the Chairman who comes from my neighboring Ward; Hon. Mutuku talk about the way they are sometimes toothless. I want them to grow some teeth and be able to work on anything which is within that mandate. When you look at other County Assemblies, they have got the same mandates which have been put in the County Delegated Legislation Committee and that is the reason as to why when these guys went on benchmarking tour of Nairobi City County Assembly, they were able to learn more and able to bring this mandates into formality and that is the reason as to why we have to support this Motion. Otherwise when it comes to us asking for anything to be done by this Committee, we will not have any – I will have to cut short my speech ---

The Speaker (Hon. Douglas Mbilu): Proceed Hon. Kalunda. Member for Nguu Ward.

The Member for Nguu / Masumba Ward (Hon. Harris Nguu): Thank you Mr. Speaker sir. I stand to oppose this Motion with one reason. I do not understand the argument behind House Business Committee picking this responsibility for this Committee. The reason behind this is it is clear that legal departments are squarely under Devolution and Public Service Department. Therefore, in consideration this should have been put into consideration. Therefore, I strongly oppose this Motion and I beg that I should be supported by especially all the Members in the Devolution Service Committee. Thank you.

(Question put and agreed to)

The Speaker (Hon. Douglas Mbilu): Next order.

(Hon. Jades Kalunda stood in his place)

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker. I stand on a Point of Order. Based on the way you put the Question you cannot tell who has won and who has not. I would have wished we go to a Division.

(Hon. Kevin Mutuku stood on a Point of Order)

The Speaker (Hon. Douglas Mbilu): You cannot raise on a Point of Order on another Point of Order Member for Kitise. However, Hon. Kalunda the Standing Orders are very clear. Should you feel that the judgement on whether proposing or opposing and you want to support to proceed to a Division at least a number of Members should have been on their feet which did not happen and I cannot interpret the Standing Orders in my favour. I am afraid. Acquaint yourself with the provision of the Standing Orders. Next Order.

MOTION

AMENDMENT OF STANDING ORDER NUMBER 216

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth Mutindi.

Hon. Elizabeth Kiio: Thank you Mr. Speaker. Before I move the Motion, I would like to inform the Member for Kikumbulyu South that this House does not have guys but Hon. Members of the Makueni County Assembly. do not refer to them as guys next time. I beg to move the following Motion: -

THAT, pursuant to provision of Standing Order 263 of the Makueni County Assembly Sanding Orders this Assembly urges the Procedure and Rules Committee to amend Standing Order 216 to allow Sectoral Committees comprise of not less than nine and not more than eleven Members.

Mr. Speaker, it has been realized that some Members do not meet the four weekly Committee sittings and therefore by increasing the membership of the Sectoral Committees we are going to have fair distribution of the Committee membership. In amending the Standing Orders in this manner, we will give avenue for Members who have expertise in different fields to also be accommodated within those Committees.

We will also ask the Members to probably register their interests and inform the Committee on Selection so that when we retreat to do the distribution again they can be considered so that some Members do not have so many Committees while others have less than four. Thank you Mr. Speaker. I call upon the Member for Ukia to second the Motion.

The Member for Ukia Ward (Hon. Japheth Katumo): Seconded.

(Question proposed)

The Speaker (Hon. Douglas Mbilu): The Floor is open. Member for Kee ward.

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker. I stand to support the amendment of the Standing Order 216 to allow the Sectoral Committees to comprise of not less than nine and not more than eleven Members. Bearing in mind that we have some Hon. Members who have not met the maximum Committees I stand to support the amendment so that these Hon. Members who have not met the required number of Committees can be accommodated to adhere to equity and equality. I urge the Hon. Members to support this amendment so that the Hon. Members who have not met the required number of Committees can be secure enough. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Diana.

Hon. Diana Muendo: Thank you Mr. Speaker sir. I stand to support the Motion so that those who do not have enough Committees can clock the 16 sittings. I am among those who have only three Committees and I will benefit from this. Thank you.

The Speaker (Hon. Douglas Mbilu): Member for Makindu Ward.

The Member for Makindu Ward (Hon. Alfred Kituku): Thank you Hon. Speaker for this opportunity to speak and contribute. I stand to support the Motion and say it is in order to amend this so that we include other Members that are not part of most Committees. We benchmarked with Nairobi a few weeks ago in the Delegated County Legislation Committee and we saw that in Nairobi County up to 14 Members serve in a single Committee. The Nairobi Assembly has up to 17 Committees in the Assembly. It is in order as the Selection Committee sits down to add Members in the Committees that emphasis is done on the Delegated County Legislation Committee. I know the former Motion has already shown the amount of work the Committee has. By next week, now that it is a new Committee, you should rule that this Committee goes out for a training so as to understand the law and the mandates that have been added to their mandates as a Committee. Do that favor so that the County Delegated Legislation Committee can have teeth to bite. Thank you Hon. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Masongaleni Ward.

The Deputy Majority Leader (Hon. Richard Kasyoki): Thank you Mr. Speaker for giving me this opportunity. I stand to support this Motion. I am the one those who are affected and I tell you this Motion should have come yesterday I don't know what Hon. Mutindi was waiting for. I fully support.

The Speaker (Hon. Douglas Mbilu): Member for Nzau/ Kilili/ Kalamba Ward.

The Member for Nzau/ Kilili/ Kalamba Ward (Hon. Julius Matheka): Thank you Mr. Speaker sir. I stand to support the Motion on one precept and this principle is the principle of equity and fairness. Quite a number of Hon. Members have been having less than four Committees and in this case they have not been able to attain the sixteen Sittings required so it has been quite unfair to them. I think this is the right direction to go so that each and every Member can feel fully utilized. It will also allow Member to at least showcase their talents and assist Members to get exposed to different businesses in this House because it will allows Members to belong as to many Committees as possible because with the creation of additional Committees we will have as many Chairmen as possible and will also have as many Vice Chairmen as possible. You will find that, at the end of it in this Hon. House almost everybody will be in a position of leadership so people will not bear any fears about others in position of leadership while others are not; it will bring a lot of fairness and equity. I stand to support.

The Speaker (Hon. Douglas Mbilu): Member for Emali/ Mulala Ward.

The Member for Emali/ Mulala Ward (Hon. Nichodemus Muthoka): Thank you Mr. Speaker. I stand here to support the Motion and more or less echo the Hon. Member for Nzau/Kilili/ Kalamba Ward. It is in good faith that these numbers be increased from the current nine to eleven to operate between nine and eleven in a manner that those who have not been able to meet the required number of Sittings per week to per month, then they can be able to have that chance. We have Hon. Members who are sitting in three Committees and we have Members who sits in six Committees. It will be very fair if the number went up to eleven so that when we are distributing these numbers evenly those Members can benefit and all of us be at par and be able to enjoy the same privileges. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Kalawa Ward.

The Member for Kalawa Ward (Hon. Kyalo Muthoka): Thank you Mr. Speaker for the opportunity. I stand to support the Motion and before I do, I would like to tell the Kivuthini primary school pupils and the teachers- though they have gone- but there is a teacher left behind, to send them my own greeting to my brother Ngiti Mosu down there and tell him that I am still participating in the Assembly. This

Motion has come at the right time. We were about to get divided because most of us we have been thinking that there some people who are in class A and others class B. If there is any Member of this Assembly who is happy it is me because I am sure I will now either be a Chairman or a Vice Chairperson or something else in one of the Committees. I say thank you and let it come before the end of the day.

The Speaker (Hon. Douglas Mbilu): Hon. Bernardette.

Hon. Bernardette Mutisya: Thank you Mr. Speaker. I stand to support the Motion. Notwithstanding, the number of Committees that one attends its vital to have the Members of various Committees increased. This will enable to serve the people of Makueni in a better way because where there are many minds there are greater thoughts. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Mavindini Ward.

The Majority Whip (Hon. Jonathan Kimongo): Thank you Mr. Speaker. I stand to support this Motion because as Members have kept on alluding, we have some Members who are really suffering and when a Member is in a few Committees it means fewer coins in the pocket and that is not good for us. I support that we increase this membership but it is good that we note because I am noticing some of us are getting confused. We are not increasing the Committees, we are increasing the membership of the already existing Committees. In essence there is not going to be vacancies for Chairmen or Vice Chairmen. If it is like Water Committee, we are going to increase only two Members and if there is a Chairperson unless the Committee seeks to vote him out, there will be no vacancy. Those Members who are eyeing and angling for positions please maybe next time.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Hon. Mariam Ngena.

Hon. Mariam Musyoka: Thank you Mr. Speaker sir. I stand here to support the Motion because I know there are some Hon. Members here who are sitting in three Committees but when we increase the number of Members in various Committees at the end of the day they will all benefit equally. Mr. Speaker sir I stand here to support thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Mulemba; the Chairperson Committee on Transport and Infrastructure.

The Member for Mbooni Ward (Hon. Alexander Masila): Thank you Mr. Speaker I stand to support. You note that, most of the times Committees lack quorum and by increasing the number of participants will have enough quorum. Thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth Mutinda Kawembe.

The Member for Muvau/ Kikumini Ward (Hon. Elizabeth Mutinda): Thank you Mr. Speaker sir for this chance, I stand to support this Motion. This is because there are some Hon. Members here who have three Committees and you find that in every week they only sit for three Sittings. Therefore I stand to support that the number of Committee Members be increased to eleven because the Bible says, love your neighbor as you love yourself. By increasing the number of Members in every Committee every Member is going to get 16 sittings every month. Therefore we are going to be comfortable and ---

(Hon. Nicodemus Muthoka stood on a Point of Information)

The Speaker (Hon. Douglas Mbilu): Hon. Member for Emali.

The Member for Emali/Mulala Ward (Hon. Nicodemus Muthoka): Mr. Speaker, the Hon. Member is making sense but does it mean that when we are operating at nine Members there is no love? I would request the Hon. Member to use another word for the benefit of those operating in three Committees.

The Speaker (Hon. Douglas Mbilu): Hon. Elizabeth.

The Member for Muvau/Kikumini Ward (Elizabeth Mutinda): Thank you Mr. Speaker sir. I stand guided but I did not say it in a bad way but I was saying everybody will get 16 sittings in a month. Hon. Nicodemus, I know you have four Committees but there is somebody here like Hon. Mutunga who has only three Committees. I was just quoting the Bible so that we can remember. Thank you so much.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Douglas Mbilu): Hon. Members, the time now being 16.54 hours the House stands adjourned until Tuesday 6th March, 2018 at 2. 30 p.m.

(House rose at 16. 54p.m.)

