



REPUBLIC OF KENYA

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly –Third Session

Tuesday 16th June 2015

(The House met at 2.30 pm)

[Hon. Speaker (Stephen Ngelu) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

MEETING WITH TRANSITIONAL AUTHORITY COORDINATOR

Hon. Speaker (Stephen Ngelu): Hon. Members I want to make two Communications here verbally; one regards a meeting that Hon. Members are supposed to have at 5.00 p.m today in the lobby room with the Transitional Authority Coordinator here, where you will look at a Report on an audited inventory for assets and liabilities for the defunct County Councils of Mtito- Andei, Makueni and Wote. I am informed that you will have the copy of that Report and you can collect it from the Deputy Clerk's office immediately after the plenary. So make sure you avail yourself so that you can look at that very important report that can assist us in knowing what belongs to us and what does not belong to us.

PARLIAMENTARY COMMITTEE ON HUMAN RIGHTS FOR THE NATIONAL ASSEMBLY AND THE SENATE MEETING FOR THE CHAIRPERSONS OF COMMITTEES

Hon. Speaker (Stephen Ngelu): Hon. Members on Friday this week, there is a meeting that has been organized by the Parliamentary Committee on Human rights for the National Assembly and the Senate for the Chairpersons of

Committees of all County Assemblies in Kenya, the Chairpersons of Departmental Committees which will be held in Mombasa on Friday and Saturday. The Purpose of this meeting is to look at how the country will go over the issue of the 2/3 gender rule and this will be done on a cluster basis liaising with the CAF. The same Committee has already met with all the Speakers of the County Assemblies in Naivasha and we all went through the same documents on the issues of 2/3 Gender rule. There was also another meeting with the Governing Council of the County Assemblies of Kenya in Nairobi and now they are going for the cluster and they have started with Chairpersons of the Committees. The Coast Cluster where we belong will be this Friday for the Chairpersons then after that now they will organize for the whole Assemblies. Chairpersons you will have that information with you; I am told that travelling is on Thursday in the evening so that you have Friday and Saturday in Mombasa. Those are the two communications I wanted to make to the Members. Thank you. Next.

PETITIONS

Hon. Speaker (Stephen Ngelu): I call upon the Majority Leader to present a Public Petition.

Hon. Leader Majority (Francis Mutuku): Thank you Mr. Speaker. I want to present a Petition to the Makueni County Assembly concerning issues affecting instructors in Makueni County Technical Training Institute and I would like to start.

We, the undersigned Citizens of Kenya and Technical Instructors serving in Makueni County Technical Training Institutes draw the attention of Makueni County Assembly to following:

1. **THAT**, there currently exist four categories of technical instructors serving in various Technical Training Institutes in the County;
 - i. Contracted instructors formerly under National Government;
 - ii. Contracted instructors under the County Government;
 - iii. Permanent and pensionable instructors; and
 - iv. Instructors employed by Board of Governors (B.O.G).
2. **THAT**, the Department of Youth Training (DYT) was fully devolved to the County Government(s).
3. **THAT**, the three (3) years contract for the instructors who were formerly under National Government expired and was re-extended under the County Government in unclear circumstances, and that the instructors have not received their pay for the last six (6) months despite being on duty for the entire period.

4. **THAT**, there was a meeting held by the Council of Governors (CoG), the Ministry of Education, Science and Technology (MoEST), the Ministry of Devolution and Planning, Transition Authority (TA), the Directorate of Public Service Management (DPSM), the County Public Service Boards Forum and the Public Service Commission (PSC), on 2nd December, 2014 (*whose resolutions were communicated by the Transitional Authority to all County Secretaries through a letter dated 15th December, 2015*), to address the issues and challenges facing transition of youth polytechnics' staff, where it was agreed that, among other things, the County Governments should;
 - i. Make arrangements to pay the permanent and pensionable youth polytechnic staff with effect from September 2014;
 - ii. Make budgetary provisions to absorb the Economic Stimulus Programme (ESP) staff in their County establishments on permanent and pensionable terms in the next Financial Year when the ESP programme was to expire; and
 - iii. Generally take the necessary measures to ensure a smooth transition of the youth polytechnics' staff to the County Governments to avoid disruption of service delivery.
5. **THAT**, in September 2014, the County Government recruited instructors on contractual terms that set a gross salary of Ksh. 15,000 per month and deployed them to the County Technical Training Institutes (CTTIs).
6. **THAT**, since the permanent and pensionable instructors and their management was devolved to the County Government; they have served in the same job group and reached the limit without promotion to the next job group.
7. **THAT**, there has been a communication gap between the instructors and the Technical Training Department in the County because there is no link between the Assistant Director in charge of technical training, in the Department of County Education and Civic Education, and the instructors.
8. **THAT**, instructors have to travel to the County Headquarters at Wote whenever in need of essential services.
9. **THAT**, that there are some instructors employed by B.O.G who have served in the institutions for quite a long time.
10. **THAT**, currently most of the CTTIs are in deplorable conditions.
11. **THAT**, the issues in respect of which this petition is made are not pending before any Court of Law, Constitution or Legal body.

Therefore, your humble petitioners PRAY that Makueni County Assembly intervenes and calls upon the County Government of Makueni to address the issues affecting the instructors serving in Makueni County Technical Training Institutes, including implementing the resolutions of the stakeholders meeting held on 2nd December, 2014 and which were communicated by the Transitional Authority

through a letter dated 15th December, 2015, that was copied to all County Secretaries.

The Petitioners have written their names, they have appended their Identity Cards, they have even indicated the youth polytechnics where they are serving and they have even signed. To the best of my knowledge they are cross cutting all the Wards so I beg to leave.

Hon. Speaker (Stephen Ngelu): Thank you Hon. Majority Leader. The Petition contains signatures that are more than 100 I think that is why the Majority Leader was not able to read all of them but I think it is going to be availed and I commit it to the Committee of Education and Civic Education because that is the one that is dealing with this. I would ask that Committee to look at that Petition and see the issues that are supposed to be addressed and of course guided by our Standing Order part 22 that concerns Public Petitions. So, I think the Committee will be guided by that and look at the prayers of the Petitioners and then of course come up with a Report on that looking at the timeline that is required there in our Standing Orders. Thank you, next Order.

PAPER(S) LAID

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Majority Leader again to Table a Paper.

THE FINANCIAL YEAR 2014-2015 MAKUENI COUNTY GOVERNMENT SUPPLEMENTARY BUDGET TWO

Hon. Majority Leader (Francis Mutuku): Mr. Speaker sir, I beg to lay the following Paper on the Table of the Assembly today Tuesday, 16th June, 2015 at 2:30p.m. The Financial Year 2014-2015 Makueni County Government Supplementary Budget 2. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you. That Paper stands committed to the Committee on Budget and Appropriation. Look at it now and also look at timelines because that is a Supplementary Budget and we have only less than 15 days to end the financial year so you have to move very first and see what to do to it if it is going to be implemented. Otherwise if you do not rush then it will be overtaken by time because if it goes through and the Supplementary Appropriation Bill also goes through it will only be valid on 30th June, 2015 midnight after that it will be null and void so you have to move fast so that now you utilize the funds for that Supplementary within 10 days. Budget and Appropriation Committee I think you will do that. I call upon the Hon. Nzilili to also lay a Paper.

EDUCATIONAL TOUR TO THE UNITED STATES OF AMERICA

Hon. Member for Nzambani/ Ivingoni Ward (Cosmas Nzilili): --- (*Technical hitch*). Thank you Mr. Speaker --- (*Technical hitch*)

Hon. Speaker (Stephen Ngelu): The microphones are not working? But I can see that they are on, what is the problem? The controller is not there?

Hon. Member for Nzambani/ Ivingoni Ward (Cosmas Nzilili): Thank you Mr. Speaker. I beg to lay the following Paper on the Table of the Assembly today Tuesday, 16th June, 2015 at 2:30p.m. The Report of the Makueni County Assembly Members on the Educational Tour to the United States of America (California State-San Diego City), from 29th October to 9th November, 2014.

Hon. Speaker (Stephen Ngelu): Thank you, next Order.

NOTICE (S) OF MOTION

Hon. Speaker (Stephen Ngelu): The Leader of Majority Party

DESIGNATION OF ACCOUNTING OFFICERS TO COUNTY EXECUTIVE DEPARTMENTS

Hon. Majority Leader (Francis Mutuku): Thank you Mr. Speaker. I would like to give the Notice of the following Motion which is **THAT**, aware that efficient and transparent fiscal management is key to effective service delivery to the citizens of this County; Further aware that the County Executive Committee Member for Finance has the mandate to designate Accounting Officers in charge of various County Government entities in accordance with Article 226 of the Constitution of Kenya, 2010 and Section 148 (1), (2) and (3) of the Public Finance Management Act, 2012; Concerned that there has been delayed service delivery in various sectors of the County Government of Makueni as a result of centralization of accounting functions; Noting that designation of Accounting Officers for each department will lead to transparency and accountability at departmental level; this County Assembly resolves that the County Executive Committee Member for Finance and Socio-economic Planning designates Accounting Officers for each Department of the County Executive. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you, the Hon. Member Mulala/Emali.

PLANS AND REGULATIONS TO GOVERN FARMING WITHIN THE URBAN CENTERS IN MAKUENI COUNTY

Hon. Member for Emali/ Mulala Ward (Cosmas Mutunga): Mr. Speaker, I beg to give a Notice of Motion on the following **THAT**, aware that Agriculture is

one of the income generating activities in Makueni County; AWARE that livestock keeping and crop farming provide staple food for the people of Makueni County; FURTHER aware that some County residents are practicing agriculture within the urban centers; NOTING that the stray livestock in urban centers disrupts the smooth running of businesses, especially for the green grocers, by eating the commodities on sale and that there is also an impounding fee in the Makueni County Finance Act, 2013 on stray livestock in urban centers; CONCERNED that droppings of livestock kept in urban centers contribute to environmental pollution; DEEPLY CONCERNED that farms within the urban centers can cause insecurity as they can provide hide outs for criminals, THIS COUNTY ASSEMBLY urges the County Government to come up with plans and regulations to govern farming within the urban centers in Makueni County. Thank you Mr. Speaker.

Hon. Speaker (Stephen Ngelu): Thank you, next Order.

PROCEDURAL MOTION(S)

EXTENSION OF THE PERIOD FOR CONSIDERATION OF THE MAKUENI COUNTY PUBLIC PARTICIPATION IN GOVERNANCE BILL, 2014 AND ITS SECOND READING THEREOF

Hon. Speaker (Stephen Ngelu): I call upon the Chairperson Committee on Justice and Legal Affairs.

Hon. Majority Leader (Francis Mutuku): Mr. Speaker I think there is a Statement that I am supposed to respond to if I am not wrong.

Hon. Speaker (Stephen Ngelu): Which one the Hon. Member?

Hon. Majority Leader (Francis Mutuku): The accidents involving County Government vehicles. Is that so?

Hon. Speaker (Stephen Ngelu): I am informed that it is tomorrow.

Hon. Majority Leader (Francis Mutuku): Tomorrow? Then I was given today, sorry.

Hon. Speaker (Stephen Ngelu): It is tomorrow. You seem like you want to finish everything today --- (*Laughs*) it is not in the Order Paper so tomorrow it will be there; I think you will be around. I think the Budget; is making you move very fast; the Supplementary, normal Budget and so forth. Okay the Justice and Legal Affairs Committee Chairperson.

Hon. Lizer Zachariah: Thank you Mr. Speaker sir. I beg to move the following Motion. **THAT**, notwithstanding the provisions of the Standing Order 121, this Assembly resolves to extend the period for consideration of the Makueni County Public Participation in Governance Bill, 2014, (Makueni County Assembly Bill No. 7 of 2014) and its Second Reading thereof, by a period of twenty eight (28) days from today 16th June, 2015. This was necessitated by the reason that the Assembly has not had money for public participation and therefore the Committee was incapacitated to perform that particular duty and therefore feels that if the extension is provided probably we will be able to give a Report after 16th June, 2015 thank you.

Hon. Speaker (Stephen Ngelu): Yes, who is seconding?

Hon. Lizer Zachariah: Ngovi.

Hon. Majority Whip (Jackson Ngovi) seconded.

Hon. Speaker (Stephen Ngelu): Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Speaker (Stephen Ngelu): The Hon. Chairperson Committee on Gender Issues, Youth and Community Development.

Hon. Member for Kitise/Kithuki Ward (Julius Mwalali): --- *(Technical hitch)*

Hon. Speaker (Stephen Ngelu): These microphones are not working? What is happening at the control room? They have put them off.

EXTENSION OF THE PERIOD FOR CONSIDERATION OF THE MAKUENI COUNTY VETTING OF PUBLIC OFFICERS BILL, 2014 AND ITS SECOND READING THEREOF

Hon. Member for Kitise/Kithuki Ward (Julius Mwalali): Thank you Mr. Speaker. I do rise to move a Procedural Motion, **THAT** notwithstanding the provisions of the Standing Order No. 121, this Assembly resolves to extend the period for consideration of the Makueni County Vetting Of Public Officers Bill, 2014 (Makueni County Assembly Bills No. 8 of 2014) and its Second Reading thereof, by a period of twenty eight (28) days from today 16th June, 2015. I did explain to this Hon. House here on Thursday session afternoon last week regarding this exercise the Committee should have conducted but due lack of funds which could enable the

Committee to conduct public participation it was not possible. Therefore, I am requesting for extension of time so that we may come up with a Report which can be tabled in this Hon. House. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you.

Hon. Member for Kitise/Kithuki Ward (Julius Mwalali): I request Hon. John Kilonzo to second.

Hon. Member for Masongaleni Ward (John Kilonzo) seconded.

Hon. Speaker (Stephen Ngelu): Thank you.

(Question proposed)

Hon. Speaker (Stephen Ngelu): Yes the Hon. Kavita.

Hon. Member for Kikumini Ward (Josiah Kavita): Thank you Hon. Speaker. I am concerned such that we as an Assembly are unable to perform most of our duties that we should carry on provided by the Constitution. I want to send a strong message to the Senate and this information should reach the Committee for Finance in the Senate such that they should know the ceilings that were brought forth by the Senate has hindered the performance of the County Assemblies all over Kenya. I also want to note and give the same message to the Commission for Revenue Allocation (CRA) such that devolution can only be realized when we have funds to perform our duties. We do not want a situation whereby since we are the first Assemblies that we were unable to perform our duties. Having said that, I am obliged to say that so that we do not work contrary to the Law, I support this Procedural Motion such that we extend the days for the Second Reading. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Motion Mover though only one Member has contributed it is procedural that you reply to that. Thank you.

Hon. Member for Kitise/Kithuki Ward (Julius Mwalali): Thank you Mr. Speaker. I do appreciate the contribution done by the Hon. Member for Muvau/Kikumini and I do believe that he has done it on behalf of the entire House so I do appreciate that they agree to extend the time and I promise with the extension of time and availability of funds, my Committee will do what we can to bring a comprehensive Report to this Hon. House. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you.

(Question put and agreed to)

Hon. Speaker (Stephen Ngelu): Next Order.

EXTENSION OF THE PERIOD FOR CONSIDERATION OF THE MAKUENI COUNTY PUBLIC PARTICIPATION AND GOVERNANCE BILL, 2014 AND ITS SECOND READING THEREOF

Hon. Speaker (Stephen Ngelu): I call upon the Chairperson Committee of Finance and Social Economic Planning. Okay thank you, the Vice Chairperson.

Hon. Member for Mbooni Ward (Joseph Musya): Thank you Mr. Speaker sir. I beg to move the Procedural Motion **THAT**, notwithstanding the provisions of the Standing Order 121, this Assembly resolves to extend the period for consideration of the Makueni County Public Participation in Governance Bill, 2014 (Makueni County Assembly Bill No. 7 of 2014 and its Second Reading thereof by a period of twenty eight (28) days from today 16th June, 2015. This follows the same reasons which have been explained by Hon. colleague Members. I wish to ask Hon. Munanie to second. Thank you.

Hon. Member for Kiimakiu/ Kalanzoni Ward (Caroline Munanie): Mr. Speaker I second.

Hon. Speaker (Stephen Ngelu): The Hon. Vice Chairperson, which Procedural Motion are you reading there because I am getting a different view here?

Hon. Member for Mbooni Ward (Joseph Musya): I am sorry Mr. Speaker sir.

(Laughter)

Hon. Member for Mbooni Ward (Joseph Musya): It appears that I had a different script.

(Laughter)

PROCEDURAL MOTION

EXTENSION OF THE PERIOD FOR CONSIDERATION OF THE MAKUENI COUNTY EMERGENCY FUND BILL, 2014 AND IT'S SECOND READING THEREOF

Hon. Member for Mbooni Ward (Joseph Musya): I beg to move the Procedural Motion **THAT**, notwithstanding the provisions of the Standing Order 121, this Assembly resolves to extend the period for consideration of the Makueni County Emergency Fund Bill, 2014 (Makueni County Assembly Bill No. 9 of 2014) and its Second Reading thereof, by a period of twenty eight (28) days from today

16th June, 2015. I am sorry and I wish to Hon. Munanie to second the right Procedural Motion.

(Laughter)

Hon. Speaker (Stephen Ngelu): Thank you.

Hon. Member for Kiimakiu/ Kalanzoni Ward (Caroline Munanie): Mr. Speaker, Hon. Musya being my senior I have to second and I do second the right Motion.

Hon. Speaker (Stephen Ngelu): Thank you.

(Question proposed)

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

2015/2016 BUDGET PARTICIPATION PROCESS

Hon. Speaker (Stephen Ngelu): Hon. Members I just want to make another Communication regarding the Budget participation process that is supposed to be there for the Assembly. The County Assembly Service Board has resolved this morning that the Public Participation for the Budget will be undertaken by the Members at the Ward levels for a period of 3 days starting on Thursday 18th June, 2015 this week then Friday will be free because of the issue of Mombasa then you will resume on Monday for the public participation and skip Tuesday because it is the day that you are supposed to look at names that were submitted for vetting then you will again go out on Wednesday. Wednesday will be the last day so that now Thursday, Friday and maybe Saturday the Reports can be compiled and you can have time also to meet with the ECM for Finance to bring his or her comments before the Report is tabled for debate on the 29th June, 2015 knowing that the deadline is 30th June, 2015.

The Board has agreed that that the exercise will be carried out by the Members although the Members have no money. There are no funds but I am told that the Members have agreed that they will organize themselves. I do not know what organizing themselves means but you will organize yourselves so that it is carried out. There was also a proposal that the Supplementary Budget that has already been tabled will also be included in that schedule because the Supplementary Budget that we received today—after looking at it I found it is a Supplementary Budget for all the Budgets that have been here. It is a combined Budget from 2013

to date with all the projects from 2013 to date. That makes it mandatory that it has to go for Public Participation because it is a budget that is coming up with projects. I think it is critical that you also include it there. You will have a very hectic exercise looking at two budgets at the same time in Public Participation. We have also made arrangements so that one of the Dailies—the Standard or any other will carry out the advert on that by tomorrow so that members of the Public will be aware that there will be public participation on Thursday then Monday and Wednesday. That is the Communication I wanted to make.

ADJOURNMENT

Hon. Speaker (Stephen Ngelu): Hon. Members there being no other business to be transacted the House adjourns to tomorrow Wednesday, 17th June, 2015 at 9.30a.m.

(The House rose at 3.08p.m)