



REPUBLIC OF KENYA

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Tuesday, 24th March, 2015

(The House met at 2.30p.m)

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

PRAYERS

Hon. Speaker (Stephen Ngelu): Clerk.

PETITION

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Member for Kikumbulyu South to present a Progress Report on a Petition that was presented by the Hon. Mwenze.

Hon. Deputy Majority Leader (Benard Kiswii): Thank you Mr. Speaker sir. I am standing in on behalf of the Chairperson Lands and Urban Planning Committee as regards the Petition of encroached public utility land in Nguumo and Makindu Wards which is a Public Petition. The Committee deliberated on the issue during the sitting of 64th meeting held on the December 11th, 2014 and agreed to visit the encroached parcel of land mentioned by mid-January this year. Several Statements have been requested and issued to Executive Committee Member (ECM) Lands and Urban Planning without any response. The Chairperson informed the Committee that the Committee Clerk had informed the Deputy Clerk on the failure of the County Executive Committee Member to respond to the sought Statement and

invitations. The Deputy Clerk informed the Speaker vide an internal memo dated 20th November, 2014 seeking for guidance on the same before engaging the CEC Member in another letter in regard to the Public Petition. For reference I have the Internal Memo which is addressed by the Deputy Clerk to the relevant ECM in regard to this issue and also there are the Statements which were requested; we have 8 Statements. This one is for the sake of the Member who had requested- Hon. Mwenze- but because of lack of material I will share this one with him after this meeting. I will give it to him so that he can look at them. We have the request for Statement on the Statement of the Title Deeds, this is from Hon. Martin from Mavindini Ward, the Statement for Matangini and Mang'elele which had all been sought but the ECM had not responded. We have 8 of them and the correspondence which had been made by the Clerk and which has not been responded to.

Then I also wanted to bring to your attention that the Committee went ahead and wrote a letter inviting the CEC Member for Lands and Urban Planning to the Committee to shed light on the same and furnish the Committee with the relevant document regarding the Public Petition. This was on 18th February, 2015 but up to date he has never responded. I also have that communication; there is a letter- an invitation for consultative Committee meeting written on 18th February, 2015 but the ECM has not responded. This is just trying to show the difficulties the Committee is undergoing because we should have responded to this Public Petition but the ECM has not been cooperative, has not responded to this. We have all the records even of the Committee meetings we have been having and we have been following it up. The Chairperson responded in the 7th sitting which was on February 24th this matter was addressed where we were referring to the 64th Committee meeting. Also in the 64th sitting this one was also revisited and which was previously in the 63rd meeting but up to now because of lack of corporation the ECM Lands and Urban Planning we have never got a good response to this Public Petition so we just needed your indigence so that you can guide us as a Committee for Lands how we are going to react to this one. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. The Hon. Member Nguumo you had issue on that?

Hon. Minority Leader (John Mwenze): Thank you Mr. Speaker sir. I have got some issues with the Committee that they should also have set clear and we should also know their progress on the same. This is the first Petition in this County Assembly of Makueni and it was brought here by residence from Nguumo sometime in 2013. Up to now justice seems no to have been done and in the near future I do not know whether it will be done or not. The major issue had been that the same

Petition was committed to the Lands Committee by the time we went for December recess and we were expecting them to come up with some answer by the resumption of this Session that is by 10th February, 2015 or sometimes there. What I have heard is that they are following the regular steps when they are seeking for information. They have written to the ECM requesting for some details. Its boils down to the extent that it is like they are giving up. Once you request an ECM to come and they fail to come in fact the next thing to do is to do a summons; you summon them because that Committee has the powers bestowed on a High Court. You summon a Member to come. I have not heard of the summons that means they almost want to rest the case on the time of requesting. All the same, this is a matter touching on that Committee and they need to have a verification team that would go on the ground and visit the site and ascertain themselves whether the allegation by the petitioners is true or not true. I do understand about the problem with cash but there should be a work plan that indicates they have intention of visiting the same area anytime within the Session of this Assembly. So I also wanted to have that clarification; to know whether they have surrendered or they will go on and summon the Minister or if they have the work plan of visiting that place and ascertaining whether the allegations are true or not. Mr. Speaker I need your indigence on the same. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. Any other Member who wants to chip in on that.

Hon. Deputy Majority Leader (Bernard Kiswii): Mr. Speaker sir, I rise to put the record straight that we have not given up as the Hon. Member is referring. We wanted to keep posted on the steps we have taken because we have been having not only one Statement but I reported we had been having 8 Statements which had been sought and the ECM has not co-operated. So besides the Public Petition from Hon. Mwenze, there are other Statements which had not been responded to but as he has requested we will have a meeting with our able Chairperson and have a work plan whereby we can go and visit once funds are available, so that we can know the root cause of everything that is happening at Nguumo. After that as we wait for the Minister to do the other necessary work, on our side we can also visit and report to this House. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. As per we wait for the funds I just want to direct that the Committee can compile all the responses you have made to the ECM and write one last reminder on these issues and let it be passed through my office so that my office can forward it. I think that will have more weight because as much as you want to go there, you also need to go there when you have some input from the ECM on what measures they are taking and if they are aware of

the issues. You may go there and then you find that you actually do not know where you are. They are the ones who have allotment letters and so forth. You may go there and you go to the wrong place. Just get a total of all those responses you have done and then the Committee Clerk can make a final reminder on the issue so that now if they do not respond, then we will bring it back to the House for determination. I think that will assist us. Thank you. Next order.

NOTICE OF MOTION

BUDGETARY ALLOCATION TO IMPROVE THE ROAD NETWORK ALONG THE ATHI RIVER BELT.

Hon. Speaker (Stephen Ngelu): Yes, the Hon. Member for Kikumbulyu North to give a Notice of Motion. If he is not around, has he assigned another Member to do so? Yes Nzioki.

Hon. Andrew Nzioki. Thank you Mr. Speaker for this opportunity. On behalf of --- (*Inaudible*) I beg to give the following Notice of Motion THAT aware that fourth schedule of the Constitution of Kenya, 2010 assigns the County Government the functions and powers to oversee Agriculture and County transport, including County roads; AWARE that agriculture is one of the main economic activities in Makueni County; FURTHER aware that much of the agricultural activities in Makueni County take place along the Athi River belt; NOTING that good road network is key to the promotion of the agricultural activities that will also open up of the region to investors in the agribusiness sector; CONCERNED that there is need to improve on food security as well as revenue collection by Makueni County government, THIS COUNTY ASSEMBLY URGES the County Government of Makueni to set up a special budget in the 2015/2016 financial year's budget to improve the road network along the Athi river belt all through from Mbooni Sub-County to Kibwezi East Sub-County, focusing on improving on culverts, drifts, bridges, foot paths, heavy grading and murraming, to open up the region to investors in the agribusiness sector. Thank you.

Hon. Speaker (Stephen Ngelu): Thank you. The Chairperson Committee on Roads and Infrastructure.

Hon. Member for Kikumini Ward (Josiah Kavita): --- (*Inaudible*)

Hon. Speaker (Stephen Ngelu): Sorry, so it is just a Notice. I was taking it like as though it is a Statement so that Motion can be on the Order Paper tomorrow.

You will tell the Member to be prepared to move it tomorrow –the Hon. Mathuku if he will be around.

Hon. Andrew Nzioki: Mr. Speaker I will.

Hon. Speaker (Stephen Ngelu): Thank you. Next order.

STATEMENTS

STATEMENT REQUEST ON – COMPETENCE OF COUNTY GOVERNMENT WORKERS

Hon. Speaker (Stephen Ngelu): I call upon the Hon. Member for Emali. He had a Request. Is he not around? That one will now be moved to the next Session next year. Members you should take note that if your business is slotted in the Order Paper and you are not there and there is no Member assigned; you did not assign another Member then once it is read here and nobody comes forward then it now has to go for the whole Session. You can only have it in the next Session; in the next year. Those are the repercussions of the Standing Orders so you should be careful. Now that you have secretaries and personal assistances, you should be asking them to carry your diary properly so that they tell you exactly what is there for you at any given time so that you do not miss it. We are not having those PAs for fun or as walk friends—no! They are there to remind you your work so that you are more efficient. We are looking for efficiency so Members should know that now we will not be excusing you if you are absent and you are not there and we say your business be taken to the next day. It will now be going to the whole year. Take note of that. Next.

(Consultations between the Speaker and the Clerk at the table)

Hon. Speaker (Stephen Ngelu): Hon. Members you can see the way things are now. I am looking at the Order Paper and it is just brief; it has no other business and it is also interesting and I have said it once and again that we need to be a bit proactive and come up with business. The public is watching what we doing and it is funny that we come here for some minutes and then we walk out. Even the fuel that we have spent to come here is too much but then I will have a meeting with the Clerks this afternoon because the Clerks are also supposed to assist the Members in coming up with the business of the House. We have given the Clerks a list of Motions, Bills and so many other things from other Counties and from the National Assembly and the Senate so that they can look at them and customize them to our County so that at least we can have business throughout. It is not interesting that we go to the House Business Committee and then we have no business. It is not one of the best things while there is a lot that we have to do. I appreciate the fact that

we do not have the finances because most of the Statements would now be responded to but very soon we will have funds for that mobility but as much as we do this also the Members liaise with your Committee Clerks and come up with business for this House. Even if the Executive is not coming up with the business you can come up with business Members with the assistance of the Clerks and I think that is important.

ADJOURNMENT

Hon. Speaker (Stephen Ngelu): Hon. Members, now that there is no business then the House adjourns to tomorrow Wednesday at 9.30a.m.

(House rose at 2.49p.m)