

Kitui County Assembly

THE HANSARD

First County Assembly – First Session

Wednesday, 7th August 2013

The County Assembly met at 2:30pm

[The Speaker (Hon. George Ndotto) in the Chair]

PRAYERS

*(MOTION OF ADJOURNMENT: Honourable Jacob K. Maundu
Leader Of the Majority party)*

The Speaker: Honourable Maundu you have a Motion here of adjournment, is it?

Hon. Maundu: Yeah, for the recess Mr Speaker Sir.

The Speaker: *Simama pale kando kidogo ili tukuone sote*; at an angle where we can all see you from that side and this side.

Hon. Maundu: Thank you Mr Speaker.

Mr Speaker Sir, I seek leave to move a Motion in this honourable assembly:

THAT pursuant to the provisions of the Interim County Assembly Standing Order number 25 (i) further aware of the provisions of the same Standing Orders number 25 (iii), I seek leave to move a Motion that this honourable assembly do adjourn for recess with effect from today; 7th August 2013, to resume the sittings on the second Tuesday of 10th September 2013 at 2:30pm.

Mr Speaker Sir, I would like to request the members of this house to take leave for some few mentioned days so that they can be allowed to take time to meet their electorate and to participate in their development projects in their respective wards. Therefore Mr Speaker sir, I request this house to take a recess for those few days.

Sir I beg to move.

The Speaker: Who is seconding the Motion?

Honourable Mwandia.

Hon. Hussein: Thank you Mr Speaker Sir.

I have stood here Mr Speaker to second this Motion Mr Speaker.

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And if you allow me Mr Speaker, I can explain to this honourable house Mr Speaker how this one came about. Mr Speaker, I think the House Business Committee is mandated to make the legislative business calendar of this house Mr Speaker, and as per the House of Commons, of which we are a replica Mr Speaker, we are following its practices.

And also Mr Speaker County Assemblies are in partnership with the Senate Mr Speaker; since our partners are taking their recess Mr Speaker, I think it will be better also to go on recess during this time Mr Speaker. Mr Speaker the House Business committee which sat on Monday this week Mr Speaker, and if you can allow me to inform the Honourable Members the members of this committee Mr Speaker who unanimously agreed on this recess, I can read out their names Mr Speaker:

1. Hon. George Mutua Ndotto - The Speaker
2. Hon. Kilonzi Maundu - Leader of Majority
3. Hon. Hussein Mwandia - Leader of Minority
4. Hon. Mwendwa Munyoki - Majority Whip
5. Hon. Jonray Ngava - Minority Whip
6. Hon. Peter Mutemi - Member
7. Hon. Robinson Mativo - Member
8. Hon. Patricia Kimanzi - Member
9. Hon. Patrick Mutua - Member
10. Hon. Samuel M. Ikunga - Member
11. Hon. Daniel Ngoima - Member
12. Hon. Nzuki Wambua - Member
13. Hon. Stephen Wambua - Member
14. Hon. Jackson Mwanduka - Member
15. Hon. Jane Mutua - Member

We all unanimously agreed, and Mr Speaker, I think any committee is an extension of this honourable house Mr speaker. So Mr Speaker I think if we go on recess Mr Speaker, the new members who are the nominees into this house Mr Speaker will have ample time Mr Speaker to get an induction course so that they can catch up with the older members Mr Speaker. And also Mr Speaker, during the recess Mr Speaker, the Chairs I think you have got very important training sessions which will be taking place during that recess time Mr Speaker.

And I understand also the Committee on Culture and Social Services Mr Speaker are going for these KICOSO (Kenya Inter County Sports Organisation) games Mr Speaker, and this is the opportunity they should

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use and not miss the normal sessions. So during this recess, it is the ample time Mr Speaker, not forgetting that those who elected us into this house Mr Speaker need our services. This is the high time Mr Speaker we go and meet our electorate.

Mr Speaker, it is also very important because most of the other counties are taking their recess to do the same.

Mr Speaker, I beg to second.

The Speaker: Now, Honourable Members, I now wish to propose the question:

THAT pursuant to the provisions of the Interim County Assembly Standing Order number 25 (i) further aware of the provisions of the same Standing Orders number 25 (iii), I seek leave to move a Motion that this honourable assembly do adjourn for recess with effect from today; 7th August 2013, to resume the sittings on the second Tuesday of 10th September 2013 at 2:30pm.

Now, for the benefit of those who are new and maybe some of the old ones; this is basically a Motion of adjournment, and in a Motion of adjournment you are not limited to any specific thing. This is an opportunity for you to say something; anything so long as it is parliamentary and it's within our mandate. You can talk about anything on a Motion of adjournment; you can talk about water, you can talk about sports, you can talk about anything on this Motion, but make sure you identify yourself with the Motion by saying if you are for or against the Motion. So the floor is now open for you to debate the Motion, before you make a decision whether the house goes on recess or not.

The first shot goes to Honourable Mulongo.

Hon. Mulongo: Thank you Mr Speaker.

First I congratulate the committee which is supposed to be planning for the calendar of this house for having seen this time as the best time for us to go on recess. And I would like to contribute to their agenda on a few issues concerning the recess.

Mr Speaker sir, as we are all aware, since the time we were elected, the calendar of this house has been very busy. We have been meeting as from Monday to Friday, thus having very little time for us to take part or participate in development activities at our respective wards. So it could not have come at a better time than this that we Honourable Members get time at least for those few weeks to go and mingle with our electorate, to participate in different activities which they are undertaking at the ward level.

Also Mr Speaker Sir, it's in my full knowledge that as Honourable Members, since we were elected, most of us had planned some homecoming parties; parties where they may meet with their electorate

and thank them for having promoted them from... those who were councillors or those who are new members having been given the mandate by the electorate.

So most of them had planned some parties, but due to the congestion of the calendar of this house, they had no time to do that. So I also take this time to request members to take this opportunity to plan for those homecoming parties Mr Speaker Sir. Also as we know, the house business emanates from the committees; we have various committees Mr Speaker Sir, and I know within the recess time, we will be having some meetings of the committees. This is the best time committees will be meeting and generating some business for this house as we meet in September.

And also Mr Speaker bearing in mind that our new MCAs, the nominated MCAs who have joined us just recently, they'll also get time to go and get inducted the way we did without having to disrupt the sessions of this house because we'll be on recess. And Mr Speaker on my part as the MCA for Mui ward, as we are all aware Mr Speaker Sir, a lot has been said about the issue of mining coal in Mui Basin, I'll also get time and ask the members who will have time to come and join me as we talk to the residents of the Mui Basin to show them the profits and the benefits they may get out of this project and give them the assurance that the County Assembly and the National Government and their leaders are for their rights.

Mr Speaker Sir, with those few remarks, I support the Motion.

Thank you Mr Speaker.

The Speaker: Very well Honourable Mulongo. Anybody else who now wants to say something about the Motion on adjournment?

Somebody there... yes. Oh! Honourable Ngwele!

Hon. Ngwele: Mr Speaker Sir, I beg to oppose.

(Applause)

Hon. Ngwele: And while I oppose the Motion, I'm well aware that recess is a very good thing. Even the Holy Book tells us that there is time for everything; there is time for work and there is a time for rest. Recess would be a very good time to go home and rest after putting in the little bit of work that we did here for the few months that we've been here. And recess is a very good idea, but as somebody said, a good idea must give way to a better idea. There are issues and difficulties that we must confront and deal with before we can decide to go on recess. Mr Speaker Sir as you are aware, we are elected from our wards or nominated from our political parties to work at two levels.

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We work at this legislative level within this assembly making laws and policies for our people, but we also have representative work as the other work that we do at the community level. While we have done very well at this level; learning how to make laws and policies and learning how to do committee work, there is the other level of work at the community level that, for lack of a better word, that is stuck. It is stuck because of the fact that although we passed a budget that provided for Honourable Members to establish ward offices with staff, so that we can receive our people and serve them within decent environments and professional environments, that budget has not been effected.

And we are aware that the budgets for the whole country, for all the counties in the entire country have actually not been approved or the monies have not been released, but we actually believe that there are things that the County Assembly Service Board can do before we go on recess to enable us to establish workspaces, spaces that we can work for our people and with our people at the community level.

And Mr Speaker Sir, if we go on recess at this time, we'll be away for a whole month seeing people in markers, on the streets, in the villages, under trees...

(Applause)

Hon. Ngwele: And we are still trying to convince the same people that we came to the County Assembly and not to the former councils. Really before we go on recess, something must be put in place for us to be able to be able to establish decent and professional workspaces for our people. Mr Speaker Sir, the seconder of the Motion also alluded to the fact that we have Honourable Nominated Members in this assembly.

And part of the reasons that he gave for us to go on recess is in magnanimity to those Honourable Members so that they can be inducted. If I was one of the Honourable Members, I'd really be reluctant to go on recess at a time when I have not even warmed my seat, when I haven't even earned one month's salary, when I haven't even earned a committee sitting allowance.

(Applause)

Hon. Ngwele: Really it would be a great disservice to our Honourable Members when they are just settling in their seats to learn the business of this house, we go on recess and send them back home before they have actually firmly planted their feet into this house. So Mr Speaker Sir, again there are other negotiations and programmes that are in place.

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This house Mr Speaker is aware that we have been meeting with the County Executive to find out ways of implementing budget components that are supposed to work for our people.

We have budget components in the budget that we approved that is supposed to facilitate work at the ward level or at the community level. And now we have a gentleman's agreement with the executive on how those projects are going to be implemented. But Mr Speaker, the Honourable Members have also observed that perhaps there is no absolute good faith on the side of the executive in terms of moving forward or in terms of implementing those budget components.

And we need to conclude the negotiations that we initiated with the executive so that we can bring policies and bills in this house to be approved by this house to make it law; to make laws that will enable us to operationalize those budget components. Mr Speaker Sir as we talk now, those negotiations are at a very critical stage.

And if we go on recess now and leave those negotiations at this critical stage, they might as well collapse and by the time we come back we'll find that the decisions that we made have been reversed, monies that we voted to go and help in our wards have been reallocated or have been disbursed for other purposes or perhaps are being utilised in ways that are not favourable for members of this house. Mr Speaker as I said, recess is a very good idea, but a good idea must give way to a better idea.

Mr Speaker Sir, with those few words, I beg to oppose.

(Applause)

The Speaker: Very well. I give this chance now to Kasinga.

Hon. Kasinga: Thank you Mr Speaker Sir.

I stand to support the Motion.

(Applause)

Hon. Kasinga: Mr Speaker Sir, the reasons that have been given by the mover of the Motion and the seconder of the Motion are reasons that majority of us appreciate, that will help us indeed to carry forward the business of this house. And Mr Speaker Sir, I want to urge my fellow Honourable Members to take recess time as part of active business duties of this assembly. Why? The reason being, in actual sense, we have been meeting in committees and I'm not sure how many committees have been able to generate a Motion to this house, reason being that our schedules are too tight in a way that we cannot be able to participate fully and we are not

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able to have enough time to build up on issues that we want to contribute or to bring to this house for further action by the executive or otherwise.

And this I find will be a very important time for us; we'll get enough time for the committees to be able to meet, sit down and deliberate on their mandates, the respective mandates where they have been assigned and perhaps bring Motions to this house that can be valuable to this county.

Mr Speaker Sir, as we began the session in the morning, you did direct that the committee chairs bring their schedules so that they can deliberate them with the Clerk for allocation of time. I'm sure up to now, most of the committees have not been able to do so because of time, and we want to get time to do so.

An issue that has been raised by Honourable Ngwele about being afraid that major decisions may be taken while we are away, Mr Speaker Sir I would want to draw the attention of the house on the Standing Order number 26 on Special Sittings of the County Assembly. That Standing Order states that with the request of the Majority Leader, or the Leader of Minority, the Speaker can convene, if he is convinced that the reasons for convening that meeting will be of benefit, he can convene the house so that issues like Honourable Ngwele is alluding to can be dealt with.

So Honourable Members without much ado, I don't think it will be good enough for you to fear the recess just because there are decisions are not available. You are well taken care of by the rules that we have. It is for our own benefit that we go on recess, and the recess we are talking about will actually be a working recess because already as you have been told, there is a vehicle that is awaiting us outside here. I'm sure many committees have met and they want to be on a working recess.

Mr Speaker with that, I want to believe that this house should go on recess. So once again I support the Motion.

Thank you Sir.

(Applause)

The Speaker: There is no lady who wants to contribute?
Honourable Ndumbu?

Hon. Ndumbu: Than you Mr Speaker Sir. I stand up here to support the Motion.

(Applause)

Hon. Ndumbu: Honourable Members, this is the only time, and especially for the elected members to go home and join their electorate, because there are questions which they are asking down there which you

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are supposed to answer. Most of the Honourable Members have come from very far, and actually when they go home they don't have time to meet their people.

At least, we need to tell our electorate what is happening because they also need to know what is going on, and this is the only way we can do it. I'm sure most of the elected members are scared to face the electorate because they think they'll ask for hand-outs and all that. But I can assure you these people understand very much that we have not been paid and...

(Honourable rises to dispute Honourable Mrs Ndumbu's remarks)

The Speaker: Say 'Point of Order!'

Hon. Mbivi: Mr Speaker...

The Speaker: Say 'Point of Order!'

Hon. Mbivi: Point of Order.

The Speaker: Yes, what is your Point of Order?

Hon. Mbivi: Thank you Mr Speaker.

I don't know... is it in order for the Honourable Member to claim that we are scared of our electorate? Definitely we are not scared of the people who elected us into this house.

Thank you.

(Applause)

The Speaker: Order! Order! Honourable Ndumbu withdraw that statement!

Hon. Ndumbu: I withdraw the remark.

The Speaker: Honourable Members are not afraid of their electorate.

Hon. Ndumbu: Okay, okay.

What I was saying, is that I heard an honourable Member saying that they don't have offices at the grassroots, but you know its high time; you can also meet our people in churches just to say thank you, thank you, thank you and we are doing something up there. I think it's a good thing. Someone was sympathising with us the nominated members. But I believe we don't need mercy. We are okay

(Applause)

Hon. Ndumbu: Yes we came in late, but we are okay and we say thank you for what we have been given. So we don't need mercy at all. At least we are alright. So Honourable Members, once again I support this

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Motion because we are not the only ones who are going for recess, I think it's being done all over the country and we are not exceptional to be left here going on with the business while other County Assemblies are on recess.

Thank you very much, I support the Motion.

(Applause)

The Speaker: Now things are getting hot; every hand is now up. May I now... who is this? Honourable Jamhuri is it? Jamhuri yes! Oh Jamhuri you spoke this morning, is it?

Hon. Mwango: But this is a different Motion Mr Speaker.

The Speaker: Okay, okay.

(Laughter)

Hon. Mwango: Thank you very much Mr Speaker Sir.
Mr Speaker I stand to support the Motion.

(Applause)

Hon. Mwango: Mr Speaker I know that leaders are elected to represent their people; they are elected to represent their people's needs Mr Speaker. And Mr Speaker as I support the Motion, there are some...

(Honourable Mwango is nudged from behind by another member)

Hon. Mwango: Please protect me Mr Speaker.

The Speaker: Order! What are you doing to Honourable Jamhuri?

(Loud consultations ensure across the house)

The Speaker: Order! Who is behind you? *Wewe mbona unachokozaBwanaJamhuri?*

Hon. Mwango: Eh, Mr Speaker it's like the Honourable Member did not expect me to support the Motion. That's why he is trying to disturb me when I'm talking Mr Speaker.

(Laughter)

Hon. Mwango: Mr Speaker I'm saying that I support the Motion with some amendment Mr Speaker because Mr Speaker as I said that

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leaders are elected to represent their people with their needs Mr Speaker. Mr Speaker there are several issues which have been raised in this house Mr Speaker.

For example one has been said by Ngwele that we have sung a song for quite some time in this house Mr Speaker about the offices. We don't have places to meet our people, although we have set a budget for that Mr Speaker and we know that is not already approved.

But Mr Speaker I can say that as Honourable Member Mrs Ndumbu has so rightly said that there are questions that we are being asked. And its true Mr Speaker, but right now Mr Speaker we are going home with empty hands; we don't have anything to tell our people. For example Mr Speaker, for the last financial year, there are some projects that had been initiated by the last councils and they have been done Mr Speaker. Being given letters of awards as the contractors, but Mr Speaker some of those projects have been done already, but there is no LSO given to those contractors assuring them that they are going to get their money Mr Speaker.

Those are some of the questions that we are being asked by the contractors that "when are we going to get our money" Mr Speaker. So we need a green light on those so that when we go down there, we want to know exactly what is happening in this county Mr Speaker. Because those people have already tied their money down there, they need their money, they are grounded in their businesses because of their money being held up by this county Mr Speaker. So Mr Speaker as we leave, we need to get the green light for those people because they are doing good for this county Mr Speaker.

Thank you Mr Speaker, I support but with an amendment.

(Laughter)

The Speaker: Honourable member from Kanyangi.

Hon. Wambua: Thank you Mr Speaker. I'm Honourable Nzuki Wambua, elected MCA for Kanyangi Ward. And Mr Speaker Sir I stand to oppose the Motion.

(Applause)

Hon. Wambua: I seek to oppose the Motion with several reasons:

The Speaker: Yes Honourable Mwandia.

Hon. Hussein: On a Point of Order. Mr Speaker Sir, is the Honourable Member in order to preach water while drinking wine Mr Speaker, because he is a member of the House Business Committee Mr Speaker?

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(Applause)

The Speaker: Okay, order!

Hon. Wambua: Mr Speaker Sir, being a member of the House Business Committee does not mean I cannot contribute in this house.

(Applause)

Hon. Wambua: And we did not talk to that level Mr Speaker...

The Speaker: Order! Order! Order! Order Honourable Wambua!

It is unfortunate, I have to say this! When you are a member of a committee, and you make a decision in that committee together jointly, and you come with that decision to the house and you start opposing the decision of the committee, which you made earlier, something definitely is very wrong somewhere. Order! Although you have the right to do that... You have the right to do that but in reality and in normal circumstances, when you take a decision as a committee, it's always important that you support the decision of the committee because you cannot wash your... eh, I don't want to use that word because it is unparliamentary.

But it is important when you make decisions as committees you support those decisions because when you get into that habit you'll bring a decision here and half of the committee will not support it. So Honourable Wambua, I think Honourable Mwandia was only trying to caution you that you are part of the committee and thus part of the decision, and you were trying to dispute the decision which you are part of, which consequently means that you did not take the work of the committee at that particular time very seriously.

Continue.

Hon. Wambua: Thank you Mr Speaker.

This I've been forced by circumstances because the adjournment was supposed to take place on Thursday, but today is Wednesday.

(Laughter)

Hon. Wambua: I was expecting a lot to be done before the day of going for recess. So Mr Speaker those are things that have forced me to oppose the Motion. Because I was expecting a lot to be done before Thursday! So Mr Speaker I have a right to oppose, so that when I'm going back to my ward, I have something to tell my electorate.

Mr Speaker, with all due respect, I can request to give the house time to go to *Kamukunji* to agree because we are going down to our

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electorate; I can't go to a church and start telling people that I'll do this and that while I have an office, for which we have passed a budget. The house has to tell me how I am going to do it in my ward. Also Mr Speaker Sir, you have heard that our team; chairman of the delegation that was meeting the five people from the executive, they have not finalised what we had said.

Mr Speaker, not unless we are going to be pushed to the wall, and it at all if at all you'd wish to enclose a cat in a small room...

The Speaker: Order! Order! You are bordering on unparliamentary language! Could you please withdraw?

Hon. Wambua: I withdraw that.

Mr Speaker, I am requesting to be given time just to go down to our *Kamukunjis* to agree on some issues concerning the benefits of our people.

Mr Speaker with those few points, I stand to oppose the Motion.

The Speaker: Very well. Now there is a lady there, I think she wants to contribute or to make her maiden speech. This lady, who is these?

Hon. Kisee: I'm Honourable Phoebe Kisee Mr Speaker Sir.

The Speaker: Oh! Kisee? Honourable Kisee...

Hon. Kisee: Thank you Mr Speaker Sir, I stand here to support the Motion of going for recess.

(Applause)

Hon. Kisee: On our side as nominated MCAs, I think it is not what we expected, because maybe although it may be like so, it was as if the defunct councils' things were easier, but now with the County Assembly it is very different. We never knew that the processes start from Monday up to Friday; one good week away from your people. So I'm urging and beseeching my dear friends and Honourable Members, if at all we also ourselves could have time, we could also reschedule our affairs at our families, with our friends, even from the places that we come from.

I'm urging the Honourable Members that Rome was not built in one day. All those expectations, I'm very much sure that we will meet them, more so about offices. You can even just as a Honourable Member here said, even going to *barazas*, going to the markets just as you have been doing. And let me tell you the elected MCAs, you have got a big fight even for now from your electorate because I myself will stand to even support my MCA because there before, in the time of councillorship, people were coming from their families going to meet a councillor almost every day, during weekends, but now you are away from your people. So I'm also urging the nominated MCAs that we support our elected MCAs and educate our electorate that it is not like that time today.

It is our high time even to campaign to our electorate that this is very different. An MCA maybe you can meet your people during weekends and probably only one day during weekends. And knowing the kind of place like where I come from; I come from the same place with the Honourable Patrick Mutua, the MCA for Migwani. And now we have this big fight; people are saying that “we were meeting councillors every time,” but it is up to us now, we have got to campaign to them and tell them that times have changed. So will you just support us we just go for recess and let us even support you at the time of meeting your people?

So Mr Speaker Sir, I'll also say that we as nominated MCAs it is very pitiful for us that we are also sleeping on floors. Let us be given time to go and reorganise ourselves and get some things from our homes because in our hands we have almost nothing. So please support us to get time to go for maybe mattresses, for beds. When you come to my room you'll find that I'm just sleeping on the floor, but I'm not hunting for any support; I've got so many materials at home. So let us just go for recess...

(Honourable Munuve rises on a Point of Order)

The Speaker: Order! Order Honourable Kisee, there is a Point of Order from Munuve.

Hon. Munuve: Yes, Honourable Members do not sleep. That is not a parliamentary term to use on a member of this house. Honourable Members only rest their eyes.

Thank you Mr Speaker.

(Laughter)

Hon. Kisee: I withdraw, but Mr Speaker Sir, English came by sea and it's a bit hard sometimes. That is also one of the reasons why we should go for recess. Thank you Honourable Munuve.

So I'd once again like to strongly support the Motion.

The Speaker: Honourable... yes, this gentleman. Honourable

Hon. Kitema: Mr Speaker Sir, I stand to support the Motion.

(Applause)

Hon. Kitema: I'm supporting the Motion because of the following reasons:

When we were elected to come to this honourable house, for sure many of us were very grey on matters of County Assemblies because it is not like the other defunct councils we had as local authorities there before.

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When we came here, because we were new, we were taken to induction courses, we were trained, coached on how to go about with our electorate and how we can plan for projects. And since that time, we had no ample time to go down to our electorate and mingle with them, explain to them on how to plan for the projects, how to monitor them, and also supervise.

Because of these, this is the only time we can now go with that we learnt in our induction course and we plan for the projects which now we will undertake. Again, for sure, going on recess is also a show of solidarity because it is a countrywide exercise. We will go and also meet with our counterparts from other counties and we will exchange; how do you intend to plan in your counties. Through this, I think it can give us ample time, and we can extract and come up with a plan on how if we get money on our way, this is how to do it.

And because of these, I support the Motion.

(Applause)

The Speaker: Very well. I think the hands are becoming fewer.
Honourable Kinuva.

Hon. Kinuva: Thank you Mr Speaker for giving me this opportunity.
I want to support this Motion.

(Applause)

Hon. Kinuva: I support this Motion Mr Speaker because as an Honourable Member from Miambani ward, I must say that I've had no opportunity to go and inspect the roads. And I want to go to the countryside. Miambani ward is one of the wards whereby money was awarded for roads projects and honestly, money has come. Before work starts Mr Speaker, I want to go out there, I want to mingle with my people and I want to see the situation of these roads Mr Speaker.

And I've also been invited by my friend Mr Kitema. Honourable Member Mr Kitema from Nguni ward has invited me to his ward because I also want to see Mwanzele Primary School. I hear it has been made a concentration camp by our neighbouring county. So Mr Speaker, the few members who are not supporting this Motion Mr speaker, I urge them that though it is their constitutional right to say their part...

(Honourable Mutemi seeks to raise a Point of Order)

The Speaker: Honourable Mutemi.

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Hon. Mutemi: Mr Speaker, is it in order for Honourable Kinuva to claim that we are few members who are not supporting, and we have not voted Mr Speaker?

(Applause)

Hon. Kinuva: I withdraw that statement Mr Speaker...

The Speaker: No, you don't! There is nothing unparliamentary. You have the right to say whether they are few of many. I think Honourable Mutemi is Out of Order!

(Laughter)

Hon. Kinuva: Thank you for protecting me from this Honourable Member Mr Speaker.

The Speaker: Honourable Member, you are debating and you are using your words to convince the house on your points. There is nothing unparliamentary in that.

Hon. Kinuva: Yes Mr Speaker. What I was saying is, this is such an important opportunity. That Honourable Members can go home, interact with their people and also tell their people what is in store for them.

And so with those few remarks Mr Speaker, I support the Motion.

The Speaker: Honourable Mwendwa.

Hon. Munyoki: Thank you Mr Speaker Sir for catching my eyes.

(Laughter)

Hon. Munyoki: Mr Speaker, I stand to support the Motion.

Mr Speaker sir, as you know, we started this assembly as from April this year. We have been here for four months down the line, and as somebody somewhere said; a change is as good as a rest. This house needs some time to rest so that we can resume business in the house with new ideas. Mr Speaker I support the Motion because this is going to give us time to in the committees to meet and deliberate on issues that are pending. And as many have been reporting, especially chairmen of various departments that they were not ready or they had not finished the assignments that they have been given, this is the high time for them to have an opportunity to go and try to finish up so that as we resume next month, they will come with their assignments fully accomplished.

Mr Speaker, I too support the Motion because this is the time when the children are going to close the schools, they are going to come home to their parents, and it's the high time for these members because I know

most of them are parents. This is the time to meet with their children, some to take them for holidays because this is the best time you can take your children to Maasai Mara, some to Mombasa for the show. So Mr Speaker, without wasting a lot of time, I want to support this Motion and say to this honourable house that this is the high time to support this Motion. Let us go for the recess we have a rest so that we come back with new ideas.

I beg to support Mr Speaker, thank you.

The Speaker: Honourable Mwove.

Hon. Mwove: Thank you Mr Speaker for giving me this opportunity.

I want to say that this is a very important Motion because it is dwelling on going for a recess. And it's such an important Motion, but for reasons that I want to mention only a few because many have been mentioned, I'm opposing this Motion.

(Applause)

Hon. Mwove: For one Mr Speaker, I'm not against going for a recess, but I think a Motion of this nature Mr Speaker Sir, there is always that preparedness that it should have come... I don't want to blame anybody in particular, but I feel that it should have come at certain times that we have been sitting. In fact we sit for *Kamukunji* for such a Motion before we discuss such a Motion...

The Speaker: Order! Order! Order! Order Honourable Mwove!

Hon. Mwove: Yes Sir.

The Speaker: It is the prerogative, and I want you to mark my words, it is the prerogative of the Leader of Government, or the Leader of Government Business or the Leader of Majority through the House Business Committee to bring the Motion on adjournment to this house. It doesn't have to go to *Kamukunji*. It is his prerogative.

Hon. Mwove: Thank you Mr Speaker for correcting me. I accept that.

Personally I believe it's important for us to go for a recess, but we have several pending issues which are also of paramount importance to this house and to the people who elected us. We need offices as some have mentioned, we have also some other ad hoc committees and I believe also this is the time the Serem Commission was to come and meet with the members who had been selected to come and meet with the Serem Commission in relation to our salaries. This may happen when we are in recess and I think this is very important for this house, although as someone has said we may be called back. But someone from an area like Endau/Malalani may be coming from a ward which has no network, so

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when people are being called and he is a member of that committee, I don't know how such communication will be done.

The other thing Mr Speaker, I think it is good to know when we are in recess, how things are going to be done. I'm not saying that we are wrong, because this is the time and I think it is a tradition and I also think it's a rule that we should go for recess, but I think we should be able to know that this is what you are going to do, these are the trainings that you are going to undertake and this is the schedule for committees during the recess. For me, although this is the prerogative of the Leader of Majority to bring the Motion, I believe as a person that I this is the right thing, but I was not prepared, and so many things are pending.

So because of this situation and many other things that have been mentioned, Mr Speaker I oppose this Motion.

Thank you.

(Applause)

The Speaker: There is need for the House Business Committee from what I can hear to have a calendar, a yearly calendar so that we don't have to keep on talking of when are we going to go on recess, when are we not. If we had a calendar, we simply go on recess when the time comes. And I want to promise you as the chairman of the House Business Committee, we will prepare our annual calendar which will be in line with the Senate calendar, we will not go outside that one, and then we will give you so that you know when we are going on recess, when we are not going on recess.

And I think you have exhausted the reasons for and against, we are only repeating ourselves. I think whatever you have said for or against this Motion, surely has already been said. Anything additional is just going round the same point, going round the same point, going round the same point. And it is important we decide on this matter so that we go to the next business.

I am satisfied by the views that have been given. Those who are for have given their reasons, those who were against have given their reasons, and it is up to you to decide whether you want to go on recess or not, it is not the Speaker.

(Members start clearing their throats in readiness for the question)

The Speaker: Order! Order! I now put the question:

THAT pursuant to the provisions of the Interim County Assembly Standing Order number 25 (i) further aware of the provisions of the same Standing Orders number 25 (iii), I seek leave to move a Motion that this

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honourable assembly do adjourn for recess with effect from today; 7th August 2013, to resume the sittings on the second Tuesday of 10th September 2013 at 2:30pm.

As many as are of that opinion say AYE!

Members: AYE!

The Speaker: And as many as are of the contrary opinion say NO!

Members: NO!

The Speaker: The AYE's have it!

(Applause)

Members: No! No way! We want a division!

(Several members stand up and call for a division)

The Speaker: Order! Order! Division? How many members are standing? Count how many members are standing for division.

(The Clerk takes headcount of the standing members)

County Assembly Clerk [Mr Mutambuki]: Division allowed.

The Speaker: Right, we will go for a division.

(Applause)

(The bell is rung to give members time to organise for the division)

The Speaker: Honourable Members. Order Honourable Members! Order! Sergeant-at-Arms, can you close the door. Nobody leaves or enters the house as from now. You cannot go out even for short call and you cannot come in until we finish the division. Nobody now is allowed to go in or come in. sorry.

Now, I want two tellers; one for NO and one for YES.

Kasinga is the teller for YES. Come here at the front.

Kilonzo is the Teller for NO.

Bring their chairs to the front.

The procedure is very simple; the Clerk will call you one-by-one, if you are YES, Kasinga will tick right, if you are NO, Kilonzo will tick right, and then we will do the mathematics and one of the Clerks, both Tellers will come here in front, they will bow and one of the Clerks will tell us the result of the division and therefore I'll announce the result of the division.

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But first of all, they will come in front, *watoe heshima, na mmoja wao atuambie* how many YES and how many Noes.

So the Clerk will call your name, you come forward here, you say YES, you are supporting, NO if you are not supporting, and then you are ticked appropriately. No more debating, no more asking questions, no more answers.

Clerk.

County Assembly Clerk: Thank you Mr Speaker.

There is no secret ballot in division.

The Speaker: In the division there are no secret ballots!

County Assembly Clerk: This is roll call voting.

(Members consult loudly in disapproval of the voting method)

The Speaker: Order! We are doing what we are supposed to do! There is nothing we can correct, add or subtract; that's the way it is done.

County Assembly Clerk: You will go on record.

The Speaker: Yes you will go on record as having supported or opposed, and it will go to the record of the Hansard, having supported or opposed. This is official record!

County Assembly Clerk: So whatever response you are giving, you must give it through a microphone, because it has to be recorded.

We proceed, it's a roll call voting.

Mr Speaker Sir, the first thing we are supposed to do is to establish the number of the people present lest we get more votes than the people who voted.

So the first thing I will do is to establish that every MCA is in before we go to voting.

Just *inua mkono tu* so that everybody knows who is there and who is not there.

(Roll call to establish the members who are present and absent)

- | | | | |
|----|--|---|---------|
| 1. | Hon. Alex Mutambu Nganga | - | Absent |
| 2. | Hon. Anastacia Mwathi Mutunga | - | Present |
| 3. | Hon. Angela Kanza | - | Present |
| 4. | Hon. Angelina Mbula Muthui | - | Present |
| 5. | Hon. Anthony Kyalo Muthui | - | Present |
| 6. | Hon. Beatrice V. Musyoka | - | Present |
| 7. | Hon. Bernard Mwangangi Munyasya | - | Present |

8.	Hon. Boniface Maundu Katumbi	-	Present
9.	Hon. Catherine Kasimu	-	Present
10.	Hon. Colleta Kimanzi	-	Present
11.	Hon. Daniel Ngoima Kimanzi	-	Present
12.	Hon. Deiys Maithya Mukala	-	Present
13.	Hon. Dominic Kilonzo Kauthi	-	Present
14.	Hon. Eunice Mwanthi Katheke	-	Present
15.	Hon. Felix Kinuva	-	Present
16.	Hon. Francis Kilonzi Mwalili	-	Present
17.	Hon. George Kililiku	-	Present
18.	Hon. Grogan Titus Mbivi	-	Present
19.	Hon. Hussein Mwandia	-	Present
20.	Hon. Irene C. Muvea	-	Present
21.	Hon. Jackson Mwanduka	-	Absent
22.	Hon. Jacob Kilonzi Maundu	-	Present
23.	Hon. James Mutunga Munuve	-	Present
24.	Hon. Jamhuri Mwango	-	Present
25.	Hon. Jane Mueni Muli	-	Present
26.	Hon. Jane Mutua	-	Present
27.	Hon. Jemimmah Mbiti	-	Present
28.	Hon. Jennifer N. Munuve	-	Present
29.	Hon. John K. Nyamai	-	Present
30.	Hon. Jonray Ngava	-	Present
31.	Hon. Joseph Nzungi Ngwele	-	Present
32.	Hon. Joyce Mwendu Mutemi	-	Present
33.	Hon. Juliet Ndotu Katande	-	Not Sworn in
34.	Hon. Kalovo Musau	-	Absent
35.	Hon. Kithikii Kavindi Allan	-	Present
36.	Hon. Mary Mbandi	-	Present
37.	Hon. Mary Ndumbu	-	Present
38.	Hon. Mwendwa Munyoki	-	Present
39.	Hon. Mwove Kinyala	-	Present

40.	Hon. Nelson Kilonzo Kitema	-	Present
41.	Hon. Nzuki Wambua	-	Present
42.	Hon. Nzyoni Mang'uye	-	Present
43.	Hon. Patricia Kisio Kimanzi	-	Present
44.	Hon. Patrick Munyithya Mutua	-	Present
45.	Hon. Peter Maithya Mutemi	-	Present
46.	Hon. Peter Mwikya Kilonzo	-	Present
47.	Hon. Phoebe Kisee	-	Present
48.	Hon. Rhoda Wambua	-	Present
49.	Hon. Robinson Mativo	-	Absent
50.	Hon. Ruth Kinyumu	-	Present
51.	Hon. Samuel Muriungi Ikunga	-	Present
52.	Hon. Stanislaus Musee Mulongo	-	Present
53.	Hon. Stephen Kiluu Wambua	-	Present
54.	Hon. Stephen Mwendwa Kithuka	-	Present
55.	Hon. Titus Munywoki Kasinga	-	Present
56.	Hon. Titus Ndemwa Mbiti	-	Present
57.	Hon. Yestantinah Messi Chawana	-	Present

Mr Speaker, the total number of the Honourable MCAs that we are supposed to be having is 57, minus five.

Hon. Mwalili: I did not hear my name Mr Speaker.

The Speaker: Kilei, is Kilei in that list?

Did you call the name of Kilei?

County Assembly Clerk: Yes I called Kilei.

We are 57 minus five; that gives us a total vote of 52.

Mr Speaker Sir, this is the procedure of voting; there are three ways of voting. Once your name is called, you stand from where you are and say you vote YES or you stand and say you vote NO or you stand and say you ABSTAIN. As simple as that. Three votes;

YES,

NO, or

ABSTAIN.

Kasinga will record the YES, Honourable Kilonzo will record the NO and then Madam Deputy Clerk will record the ABSTENTIONS.

Okay, Mics *ziwe karibu sasa, tunaanza.*

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(Division roll-call voting starts)

YES

1. Hon. Angela Kanza
2. Hon. Angelina Mbula Muthui
3. Hon. Beatrice V. Musyoka
4. Hon. Catherine Kasimu
5. Hon. Colleta Kimanzi
6. Hon. Daniel Ngoima Kimanzi
7. Hon. Dominic Kilonzo Kauthi
8. Hon. Eunice Mwanthi Katheke
9. Hon. Felix Kinuva
10. Hon. George Kililiku
11. Hon. Hussein Mwandia
12. Hon. Irene Muvea
13. Hon. Jacob Kilonzi Maundu
14. Hon. Jamhuri Mwangi
15. Hon. Jane Mueni Muli
16. Hon. Jemimmah Mbiti
17. Hon. Jennifer N. Munuve
18. Hon. John K. Nyamai
19. Hon. Jonray Ngava
20. Hon. Mary Mbandi
21. Hon. Mary Ndumbu
22. Hon. Mwendwa Munyoki
23. Hon. Nelson Kilonzo Kitema
24. Hon. Nzyoni Mang'uye
25. Hon. Patricia Kisio Kimanzi
26. Hon. Patrick Munyithya Mutua
27. Hon. Phoebe Kisee
28. Hon. Rhoda Wambua
29. Hon. Ruth Kinyumu
30. Hon. Samuel Muriungi Ikunga
31. Hon. Stanislaus Musee Mulongo
32. Hon. Stephen Kiluu Wambua
33. Hon. Stephen Mwendwa Kithuka
34. Hon. Titus Munywoki Kasinga
35. Hon. Titus Ndemwa Mbiti
36. Hon. Yestantinah M. Chawana

NO

1. Hon. Anastacia Mwathi Mutunga
2. Hon. Anthony Kyalo Muthui
3. Hon. Bernard M. Munyasya
4. Hon. Boniface Maundu Katumbi
5. Hon. Deiys Maithya Mukala
6. Hon. Francis Kilonzi Mwalili
7. Hon. Titus Mbivi
8. Hon. James Mutunga Munuve
9. Hon. Joseph Nzungi Ngwele
10. Hon. Joyce Mwendu Mutemi
11. Hon. Kithikii Kavindi Allan
12. Hon. Muove Kinyala
13. Hon. Nzuki Wambua
14. Hon. Peter Maithya Mutemi
15. Hon. Peter Mwikya Kilonzo

ABSTENTION

1. Hon. Jane Mutua

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County Assembly Clerk: I believe those who are present and are entitled to vote have voted.

The Speaker: Anybody who has not voted?

County Assembly Clerk: Mr Speaker anybody who is present and is entitled to vote have done so. Because there are those who are present but are not entitled to vote like me. Those entitled to vote have voted.

Any question about that?

(Silence)

County Assembly Clerk: Thank you.

Honourable Members, please resume your seats. Honourable Mwangi please resume your seat.

The Speaker: Order! Order! The two tellers you come in front of the Mace.

Go ahead.

(The two tellers bow before the Mace)

The Speaker: Thank you.

Hon. Kasinga: Mr Speaker Sir, we wish to report the outcome of the division:

YES	-	36
NO	-	15
ABSTENTION	-	1

The Speaker: Order! Order! I now wish to officially announce the result of the division:

Those who did not want to vote (Abstentions)	-	1
Those who voted NO (Opposing)	-	15
Those who voted YES (Supporting)	-	36

Therefore the AYES have it, and the house will go on recess as from today to the 10th of September at 2:30pm.

(Applause)

The Speaker: I want to take this opportunity Honourable Members to thank you for the time you have been here, it's about four months. You have been here very punctual, you have been here working hard, you have been here trying to learn what is ahead of you for the next five years. And I

am sure by the time we come back, we'll be better MCAs than we were when we came here in April. And I want to thank you also for the cooperation you have given me as your Speaker. I know it was not all smooth sailing, it was not always rosy, but it always happens; there will always be disagreements. But I want to thank all of you because you have supported me as your Speaker for the time we have been here. So far, so good. And I assure you that if I have made any ruling that were not in touch with your wishes, I'm sorry my rulings are not guided by my wishes or the wishes of individuals, but only the Standing Orders, nothing else. I may make a mistake as a human being, but I am strictly guided by the Standing Orders in making my rulings, and I promise to continue doing so.

As you go on recess, as one member has said; it is going to be a working recess. You'll have to budget your time properly to know when you'll be here for committee work and when you'll be at your ward for development activities. None of you is going to be away from here for the period of one month; you'll be here for committee meetings, some of you will be going out for trainings, for seminars, some of you will be going to visit the sites if there are sites with problems like Honourable Mulongo wants to report on the destruction of trees for charcoal and destruction of riverbeds for sand, and he can't do that without seeing. The Sports Committee I'm sure they'll be going for sports sometimes this month in Nairobi, I know for sure the Budget Committee will be going mostlikely to Mombasa next week for training, for a seminar. And many more will be going. I'm working very hard to organise an induction for the ladies and two gentlemen who joined us the other day, I'm sure I'll be able to train them during the recess.

There are many activities, that is why I say it is going to be a working recess. It may not be as free as you thought. In fact you may find it actually taking away all your time more than when we are in session. But I wish you all the best. I know what it means, I was once a member of parliament, I believe you do need this recess badly to go and assess the situation on the ground so that when you come back, when the money comes from Nairobi, you go down to work immediately because you will have put the machinery and the procedures on the ground.

As the chairman of the County Assembly Service Board, I want to assure you by the time the money comes here, the process for establishing your offices is at my heart and it will be done with the speed it deserves to establish those offices at the ward level. So you don't need to worry about that one or to remind me. I know there is money for ward offices and that will be done as soon as the money arrives here. The money is not here yet.

So Honourable Members, I will be available for any consultation any time in the course of the recess. You have my number, if you don't have my

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numbers get it from the Clerk; make sure you have my telephone number, if you want to consult me while you are on recess, on anything, I'll be available and I will attend to you and I will be a lesser amount on a course, on a course or seminar, I'll try to be in the office to do administrative work as much as possible.

So I wish you all the best, and we hope we all meet again on 10th, God willing, we shall all meet again on 10th. Honourable Mutemi, I hope to meet you again on 10th God willing.

(Laughter)

The Speaker: With those remarks Honourable Members, the Clerk will remain, remain seated when I leave; the Clerk will brief you on what we are doing tomorrow, we have something we are doing in the morning all of us. We cancelled the committees, we are doing something in the morning all of us, and in the afternoon.

May you now stand please to adjourn the house.

Honourable Members, the house now stands adjourned until 10th September 2013, on a Tuesday at 2:30pm.

The County Assembly Rose at 4:58pm.