

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 9th October, 2018

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30p.m.*

[The Speaker (Hon. Kahindi) in the Chair]

PRAYER

STATEMENT

OFFICE OF THE COUNTY ATTORNEY

Hon. Mwarandu: Thank you Mr. Speaker, Sir. I rise to read a Statement to be sought from the Chairperson, Kilifi County Public Service Board, through the Chairperson Administration, Labor and Social Services Committee. It concerns the Office of the County Attorney.

Whether, the Chairperson Kilifi County Public Service Board is aware that the law establishing the office of the County Attorney has not been passed by Parliament. Whether, the Chairperson Kilifi County Public Service Board is aware of a letter of appointment dated 1st April, 2018 issued to one Ms. Mitchell Bibi Fondo sign by his Excellency, the Governor, and copied to the Chairperson, Kilifi County Public Service Board.

Whether, the Chairperson Kilifi County Public Service Board is aware that the appointment of the County Attorney by the Governor without the approval of the County Assembly and the passage of the Office of the County Attorney Bill, 2018 by Parliament of Kenya is irregular and null and void. If yes, what measures has the Chairperson, Kilifi County Public Service Board taken to address the matter stated herein? Thank you, Mr. Speaker.

The Speaker (Hon. Kahindi): Thank you.

MOTIONS

APPROVAL OF MEMBERS TO COMMITTEES

The Leader of Majority (Hon. Mwathethe): Thank you Mr. Speaker, for giving me the opportunity to move the following Motion. Being the Chairperson of the Committee on Selection, I would like to move a Motion;

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That, pursuant to the provision of Standing Order 163 and the resolution of the Committee on Selection on Wednesday 3rd October, 2018, this House approves the following Members to the Committees as indicated below.

First hon. Sabrina Tumaini to serve in the Committee on Health and hon. Stallone Mkadi to serve in the Committee of Research and ICT. Before I call on my vice chairperson who is the Leader of Minority to Second the Motion, I would like to point out that after the exit of hon. Amina to go join the Executive in the capacity of a Chief Officer, positions were left open by her exit and there are some members who were badly placed in committees. Each of them was serving in one sectoral committee.

So, the Committee on Selection sat and suggested that these two Members should go and fill these gaps that were left. It is also true that a few other members are still affected in that. It is required for every Member to serve in three sectoral committees, which is not the case to some Members but the committee resolved that it will sit again and look at that issue more on a later date. I therefore urge my vice chairperson who is the leader of minority to second this Motion so that members can adopt it and these members can be relieved.

The Speaker (Hon. Kahindi): Yes hon. Matsaki.

(Question proposed)

(Hon. Matsaki stood to second)

The Leader of Minority (Hon. Matsaki): Mr. Speaker, Sir, I rise to support what the Chairperson has said. The Standing Orders states that every member is supposed to be in three or two committees. Now, since hon. (Ms.) Amina left for the position of the Chief Officer in the office of the Governor, she left few chances for other Members to join. As a committee we decided that these two members should at least occupy the positions which were left. That is hon. Sabrina Tumaini for Health Services Committee and hon. Stallone Mkadi in Research and ICT Committee.

We also understand that that there are members who are disadvantaged but maybe in the near future as a committee we are going to see how best we are going to place them in at least one or two committees. I want to urge hon. Members in this House to support this Motion so that at least these two Members can have an opportunity to be in these sectoral committees. Thank you.

Hon. Maitha Thank you Mr. Speaker, for giving me this opportunity. I rise to support the Motion. Hon.(Ms.) Amina was also a Member in my Committee on Implementation so let me notify the Chairperson on Selection that we also need a replacement of the same. Thank you, Mr. Speaker.

Hon. (Ms) Victorine: Thank you Mr. Speaker. I rise to support this Motion of the placement of these two hon. Members. I support fully. Thank you.

Hon. Pascal: Thank you Mr. Speaker. Before I support, I have some reservations because according to the Leader of Majority's submissions he pointed out that there are other Members who are disadvantaged, just the way the two Members have been put across here. Then I ask myself why we should do a piecemeal placement of members.

I thought they would sit as a committee and identify all the disadvantaged Members then when they bring that proposal in the House, we do a comprehensive placement of Members in

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the other Committees. I think it is not fair to have a piecemeal kind of placement of some Members while we know it is a common problem to other Members too. So, I might have a different opinion in terms of this Motion and therefore based on that argument, I oppose this Motion. Thank you, very much.

Hon. Mwambire: Thank you Mr. Speaker, Sir. I stand to support this Motion. As the chairperson has stated that Members are supposed to be in two or three committees, I believe that these hon. Members felt that they are not properly representing some of the committees. The chairperson who is the mover of this Motion considered their request. So for those who are still affected, I hope they also put their request through the Chairperson and maybe they will be considered. So for this matter, I stand to support the approval of these Members to the said committees. Thank you.

The Speaker (Hon. Kahindi): Hon. Kenga.

Hon. Kenga: Thank you very much, Mr. Speaker. I rise to demonstrate my support for the Motion which has just been moved by the Leader of Majority. It is indeed very true that the Member who has been nominated to the Health Services Committee, hon. Sabrinah Tumaini and hon. Stallone Mkadi to the Research and ICT are Members that had been greatly disadvantaged. They have all along been raising these concerns, now an opportunity has arise from the fact that one among us who served in the various committees was nominated for the position of the Chief Officer in the Office of the Governor. I support that it is in order for the Committee on Selection to fill the various positions that were left by the hon. Member who is now serving as the Chief Officer in the Office of the Governor.

Again, there is a point of concern that has been raised by the Chairperson for Implementation. Mr. Speaker, the hon. Member who left to join the Executive was also a member of the Implementation Committee and that position as we speak it is still vacant. From the reservations that have been aired by the Member who initially served in the last Assembly also known as “*BODI*” but it is hon. Pascal from Mwanamwinga, moving forward we can identify the others who are still disadvantaged and one of them can occupy the slot that was left by the Member in the Implementation Committee.

Mr. Speaker, you will realize that the Committee on Health is now undergoing a burden that they have to fulfill. It is yesterday when the nominee Mr. Alio Ibrahim’s name was committed to the Committee on Health. I want to believe that with the joining of hon. Sabrinah Tumaini to the Committee she is going to energize the committee and even help in coming up with the best decision that will serve the interest of the people of Kilifi. Therefore, Leader of Majority, congratulations having done the work of bringing these names at this opportune time to enable the committee to seriously engage in the business that is ahead of them. Thank you very much. I beg to support.

The Speaker (Hon. Kahindi): Yes Chairperson Health hon. Thaura.

Hon. Thaura: Thank you Mr. Speaker, for giving me this opportunity to actually give my sentiments. I speak in my capacity as the Chairperson Health Services Committee and I would first like to congratulate my good brother for trying to point out the issue of Alio which

actually was a very sensitive issue just the other day. As we speak, we are getting another Member and we shall be up to the task.

The Speaker (Hon. Kahindi): So are you in support of the Motion or not?

Hon. Thaura: There has been a very big burden in terms of meeting the quorum in most of the times and so I believe we will be in a better position with the hon. Member joining us. I support the Motion.

The Speaker (Hon. Kahindi): Thank you. Hon. Peter Ziro.

Hon. Ziro: Thank you very much Mr. Speaker, for this golden opportunity. I stand to support the Motion. I just want to ejaculate or rather put forward a principle of law into this Motion that justice delayed is justice denied. For the two members who have just been proposed to join these various committees justice to them has been delayed. This is the right time so that they can feel that they represent at least the minimum number of committees in this House. Mr. Speaker, I am...

The Speaker (Hon. Kahindi): Hon. Mwarandu, what is your point of order?

(Hon. Mwarandu stood on a Point of Order)

Hon. Mwarandu: Mr. Speaker, the hon. Member on the floor has said that he wants to ejaculate ...

(Laughter)

The Speaker (Hon. Kahindi): I did not even hear, what did he say?

Hon. Mwarandu: He wanted to ejaculate; I do not know what he meant by ejaculation because the meaning of ejaculation is the action of ejecting semen from the body that is ...

(Laughter)

The Speaker (Hon. Kahindi): Okay spare us the details hon. Mwarandu. Hon. Peter Ziro I would ask you to withdraw that because that is not parliamentary language please. I did not hear that but please for all intended purpose the meaning of that word is not parliamentary. Kindly withdraw it.

Hon. Ziro: Mr. Speaker, I think that was just a slip of the tongue, it is just ... you know it is just the second day of this week and sometimes when you are moved by the Holy Spirit and you know I am a Pastor, you speak in tongues without even knowing, so maybe I was talking in tongues. Anyway, I withdraw.

The Speaker (Hon. Kahindi): Now, which kind of Holy Spirit is that? Anyway proceed and wind up.

(Laughter)

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Hon. Ziro: Mr. Speaker, what I was saying is that ...

(Hon. Kenga stood on a Point of Information)

The Speaker (Hon. Kahindi): Hon. Kenga you have a point of information to hon. Ziro. Hon. Ziro, do you wish to be informed?

Hon. Ziro: Yeah, I wish to be informed because information is power.

The Speaker (Hon. Kahindi): Thank you.

Hon. Kenga: Thank you very much. Mr. Speaker, you asked the Member to withdraw based on his contributions but I was quick to goggle the meaning of the word that he used. He said he wanted to ejaculate or bring forth, if you go to the dictionary, one of the meanings is ...

The Speaker (Hon. Kahindi): How many meanings does the word have? Read the other meanings.

Hon. Kenga: The other meaning in fact he is very much in order and I was wondering why you were forcing him to withdraw.

The Speaker (Hon. Kahindi): What is the other meaning?

Hon. Kenga: Mr. Speaker, I am giving you the meaning right away.

The Speaker (Hon. Kahindi): The question is what did the Member intend to mean if there are two meanings?

Hon. Kenga: Yeah, let me give you the meaning; the second meaning means to cry out, to bring forth or saying it quickly. So he was saying it quickly. This is a learning process; all of us can try and goggle so that we can see the meaning of these words.

(Laughter)

The Speaker (Hon. Kahindi): It is now upon the Member hon. Ziro to tell us which of those two meanings he actually meant because one is coming from a Pastor and the other one I do not know where it is coming from. Yes hon. Ziro.

Hon. Ziro: Mr. Speaker, ...

(Hon. Mumba stood on a Point of Order)

The Speaker (Hon. Kahindi): Yes what is your Point of Order hon. Mumba?

Hon. Mumba: Mr. Speaker, I rise on a Point of Order and this is a very deep concern on matters of faith. It is very hard nowadays to determine the extent of faith in someone that we can believe in what he says. I believe this is a House based on facts. The Member on the Floor has been reiterating and repeating on matters of faith; if this is a House that is lead on facts, how can we ascertain the magnitude of faith that he has in him? He is telling this House that he is talking

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in tongues and using words such as ejaculation. I do not think there are tongues in that kind of word. So, Mr. Speaker, with your indulgence I think the Member needs to be guided on matters of...

The Speaker (Hon. Kahindi): Hon. Peter Ziro you are opening a canister of worms...

Hon. Ziro: No, I think the Member is possessed because I know him; he also professes the same faith like mine Mr. Speaker...

The Speaker (Hon. Kahindi): Can we now end the circus and wind up.

Hon. Ziro: Okay Mr. Speaker, what I want to tell him is that...

The Hon. Speaker (Hon. Kahindi): Order! Order! Hon. Mumba you know the issue of faith actually are very personal and it will be not in order for us to put the Member to task on whether he is possessed or not...

Hon. Ziro: It is my personal responsibility Mr. Speaker to choose the kind of religion I want...

The Speaker (Hon. Kahindi): Yes, proceed. I have protected you; you are protected.

Hon. Ziro: Thank you very much. God bless you Mr. Speaker. I just wanted to wind up by saying that I have known hon. Mbura as better skilled in matters of research; there is a test I gave him and he did it very well. I wanted him to research for me on cassava growth and he did well. So, I believe he is one of the best in the Committee on Research and ICT. I have no doubt in hon. Mkadi and Sabrina also as Members who will give tangible contribution to the Committee. Thank you Mr. Speaker...

The Speaker (Hon. Kahindi): Thank you. Hon. (Ms.) Sidi.

Hon. (Ms.) Sidi: Thank you Mr. Speaker. I also rise to support the Motion and I think it is high time you put the question because the mood of the House is that they all accept the Members. Thank you.

The Speaker (Hon. Kahindi): Hon. (Ms.) Victoria.

Hon. (Ms.) Victoria: Thank you Mr. Speaker Sir, for giving me this opportunity to contribute on this Motion. Mr. Speaker Sir, it was very discouraging when other Members go outside for committee work and there are other Members who do not go anywhere unless we go as a House. So, I thank the Committee concerned for taking this step to include our fellow Members in the respective Committees. At least now they feel that they are part and parcel of us. Thank you Mr. Speaker Sir, and please just put the question because I think everybody is comfortable. Thank you.

The Speaker (Hon. Kahindi): Thank you hon. Members. The determination to put the question is my discretion because I am looking at who wants to speak here. It will be unfair for you to speak and then you say put the question when I have a list but that notwithstanding I think my list is now over. Hon. Victoria you were the last one and I had to give you an opportunity.

(Question put and agreed to)

APPROVAL FOR THE CONFERMENT OF MUNICIPALITY STATUS TO KILIFI AND MALINDI TOWNS

The Leader of Majority (Hon. Mwachethe): Thank you Mr. Speaker. Again I rise to Move a Motion:-

THAT, Aware that section 91 of the Urban Areas and City's Act, 2011 provides that the County Governor may on the resolution of a County Assembly confer the status of a municipality of a town that missed the criteria set out in sub section 3 by a grant of a charter in the prescribed form.

Aware that; His Excellency the Governor appointed the Ad Hoc Committee to review and recommend that Kilifi and Malindi Towns for upgrade to municipality status pursuant to the criteria set out in the Urban Areas and City's Act, 2011.

Further Aware that; the Ad Hoc Committee reviewed the two towns and found that Malindi and Kilifi towns met the criteria for upgrade and conferment of municipality status.

This County Assembly resolves to approve the upgrading and conferment of Municipal status to Malindi and Kilifi towns as stipulated in the Urban Areas and City's Act, 2011.

Mr. Speaker, before I call on the Chief Whip government side to second, I want to move this Motion by making just very few remarks. Mr. Speaker, it is required by law that a process of upgrading a town to a municipal status is followed. The Ad Hoc Committee was formed and it went and reviewed and recommended that Malindi and Kilifi town be upgraded into municipal status. The Report was forwarded to this Assembly and it is for that reason that the Governor brought this information. Today we are here to deliberate whether to agree or to disagree if these two towns will be upgraded into municipality status.

Mr. Speaker, it is known that once a town has been upgraded to a municipal status then a board to run the town will be formed. Therefore, it is for this House to approve so that these towns can be upgraded to become municipalities that will have other systems of running the towns. Therefore, Mr. Speaker, with those few remarks... before I forget there was a timeline for that, within a certain time these towns must have already been approved so that the status is conferred and allow some developers like the World Bank which is willing to fund the infrastructure of these towns like opening the sewage systems, opening up some roads and upgrading a few things. That cannot be done before this Motion has been adopted. Therefore, for that reason Mr. Speaker, I would like that this Motion be debated and eventually be adopted. I would like to call upon my Chief Whip Government side to second. Thank you, Mr. Speaker.

(Question proposed)

(Hon. Mwayaa stood to second)

The Speaker (Hon. Kahindi): Yes hon. Mwayaa.

Hon. Mwayaa: Asante sana Mheshimiwa Spika kwa kunipa nafasi hii ya kuongea machache kuhusu mjadala ambao uko mbele yetu.

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Mheshimiwa Spika, wacha nianze kumpongeza Gavana wetu wa Kilifi Amason Jefwa Kingi, pamoja na serikali yake kwa kuja na mchakato mzima wa kutaka kuongeza mji mwengine katika jimbo letu la Kilifi. Tukirudi hapo nyuma utapata kwamba Kenya ilikuwa na jiji moja la Nairobi. Raisi wa wakati huo na watu wake wakaona ni vyema waongeze jiji lengine likaitwa Mombasa, lakini hawakukomea hapo ikaendelea mpaka wakaunda jiji lengine la tatu linaitwa Kisumu. Hayo yote yalikuwa ili kuboresha mbinu ili mwananchi aweze kuhudumiwa vyema na pia kukuza Kenya nzima.

Saa hii tuko katika karne ya ugatuzi na ukiangalia kila gatuzi liko na gavana wake ambapo hapa kwetu ni mheshimiwa Amason Jefwa Kingi. Yeye pia anajaribu kutumia mbinu hiyo hiyo ya wale walioanza zamani. Sisi nasi kama gatuzi la Kilifi ikiwa ndilo jimbo letu, tuko na furaha kuona kwamba tunaunda miji ya kaunti yetu ya Kilifi na kwa jambo hilo ni kujiendeleza. Itakuwa vyema tukiwa na mji hapa kwetu na uwe unajisimamia; ugatuzi ni kuleta huduma karibu na mwananchi. Kuunda hii miji tutakuwa tunahimiza ugatuzi maana tutakuwa tunaleta huduma karibu na mwananchi.

Mheshimiwa Spika, naunga mkono huo mji ukapate kuongezwa tukapate mji mwengine ambao ni Kilifi na baada ya kuongezwa kwa mji huo nina imani jinsi tunavyoendelea tutapata mji mwengine kama si Mtwapa itakuwa ni Mariakani. Mheshimiwa Spika, kwa kufanya hivyo kutaboresha hadhi ya miji maana katika hiyo miji kutakuwa na wasimamizi wake kama Bodi na wakurugenzi. Nawaomba waheshimiwa wenzangu waweze kupitisha hoja hii maana ndio lengo la ugatuzi. Naunga mkono kwa dhati. Asante.

Hon. Pascal: Thank you, Mr. Speaker for this opportunity. Let me take this opportunity to support the conferment of the two towns of Malindi and Kilifi to municipality status. For a long time we have seen major towns being managed from Nairobi. Due to devolution, they will be managed at grass root level; this is a step in the right direction as far as management of towns is concerned.

Mr. Speaker, you will agree that the coming in of devolution has brought about development to the grass roots. So when we have these towns elevated to Municipality, we will have jobs brought down to the people.

We have experts and other many youth who are educated enough to take up the responsibilities of running the management of these towns but because they have not had that opportunity, we have seen them lagging behind staying in their areas without anything to do. So elevation of these towns will bring all these opportunities and in one way or the other we will be addressing these problems in the society.

Again, the elevation of these towns will come along with what we call funding; there are resources which are supposed to be taken to these towns once they have been elevated to such a status. So as a House, we will be better placed to be on the right direction for us to actually support him and have these two towns elevated to municipality status.

I stand to support and I call upon honourable members to hold hand with the governor to agree to his proposal. Thank you very much.

The Leader of Minority (Hon. Matsaki): Thank you Mr. Speaker. I have a concern; the Motion is good but the timing. I want you to guide this House especially in the matters concerning law. Which one is to come first? I have information that the offices have already been occupied. There are people who were interviewed and given these positions. So as a house were we to pass this Motion then the vacancies be filled or we fill the vacancies before this Motion is brought to this House?

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The Speaker (Hon. Kahindi): Hon. Leader of Minority, I cannot verify your source of information. Therefore, as I sit here I am not in a position to give direction. We have been presented with a Motion which is before us and the Motion is to approve for the elevation. I think if there is any other information, the Leader of Majority will be able to explain but what is before us currently is the Motion which we either support or reject. So your opportunity is to contribute towards supporting the Motion or not supporting the Motion. Because I am not privy to any information you are saying at this moment. I cannot give direction towards that matter but of course I can advise what the law is all about.

The Leader of Minority (Hon. Matsaki): Thank you Mr. Speaker. I know there is someone who is already sitting in this office, while we have not passed this Motion. In fact he is a good friend of mine he comes from Rabai sub-county and from my Ward who was given this chance to be a town Manager and maybe I can even have his appointment letter. Since you are saying I either support or do not support this Motion, I have said this Motion is good and this is the way to go but sometimes when we talk about laws then we should have the guidelines. May be the Leader of Majority, Hon. Mwathethe, did not have the time to tell us why that is so. I am sure even yesterday when we were sitting for our House business committee I tried to raise this issue. I have concrete evidence that there is somebody in that office while we have not passed this Motion; so for now let me suspend my decision of either supporting or not to support but with law we must be guided by the honourable Speaker in this honourable House. Thank you.

The Speaker (Hon. Kahindi): Thank you hon. Leader of Minority Hon. Matsaki. You see when an issue comes it is in order for the Speaker to give direction on matters of law that is the reason why you have the Speaker in the first place but issues of facts presented verbatim during proceeding may not really add value at this particular moment if there are issues that you are aware of and which are issues of great concern those must have been communicated earlier through due process.

As to whether the Leader of Majority has failed to explain in full disclosure and information, I think as a matter of interest I will use Standing Order no.1 to allow him to elaborate on this matter because it is a government issue. It is an issue that is provided in the law and very important for any county government; members need to be told exactly what is happening. By virtue of Standing Order no. 1 hon. Member, I know I have already allowed you but I will allow you again to elaborate further so that you are able to capture anything that you had not captured. If there is any that is.

Leader of Majority (Hon. Mwathethe): One or two things Mr. Speaker. I wish I had carried the file with me which is in my office. If you allow me I will go for it. I want to point out to hon. Matsaki that the information he has is wrong. You can have information which could either be wrong or right and if he has information and letters that people have already been appointed and are already serving in office, I would humbly want him to bring forth those letters because we are talking of things which are only hearsay. He has information which he cannot verify but I am sure if he is maybe confused, the Governor appointed an Ad Hoc committee which went through and reviewed the status of these towns and recommended that these towns be upgraded to municipalities. That committee was chaired by hon. (Dr.) Mzungu Chitibwi and a few other Members.

If he thinks those other Members are the ones in office now, then that is why I am saying he has wrong information. It was only the committee that went round and reviewed the status of these towns if or not they had reached the level of being upgraded. The committee had

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committee Members; maybe he is confusing those Members to be members who will be running the towns. He could be thinking that the chairman of the Ad Hoc committee is the one who will be chairman of the Board that will be running.

Politics is not always friendly. I do not know if he has reservations that this Member should be the chairperson of one of these towns and if any then he should point them out to us.

The Speaker (Hon. Kahindi): Okay hon. Member, you have made your point. Let us proceed with the debate. Hon. Matsaki, I understand your predicament but there are procedural matters which need to be followed procedurally and when a Motion is being debated, I only have one choice as a Speaker; to put a question and it is your responsibility to support or not. If there are any facts that would have warranted this Motion not to be presented, those facts should have been presented in writing to my office because even as the Motion came to the office, I approved it myself and approved it on the basis that it is a Motion which is derived from statute. This is something that every county does. Just for housekeeping, the system is fully working so you do not have to press the intervention button when you want to speak. Just press the mic button. Hon. Peter Ziro cancel the intervention and press the normal button. Thank you. Yes hon. Kenga.

Hon. Kenga: Thank you Mr. Speaker. I rise to demonstrate my support for the Motion as moved by the Leader of Majority and seconded by the Majority Whip in this Assembly. The Urban Areas and Cities Act lays out the procedure that ought to be followed for a town to be conferred with a city status, a municipal status and the likes. The Motion has been very clear that Section 9 Sub Section 1 of the Urban Areas and Cities Act 2011 provides that the county governor may on the resolution of the county assembly confer the status of a municipality on a town that miss the criteria.

Again section 9 sub section 3 gives out the thresholds that are supposed to be met for a town to be conferred with the status of a municipality. A town and I quote the Urban Areas and Cities Act Section 9 sub Section 3 and it has various thresholds that;

“a town is eligible for the conferment of municipal status under this Act if the town satisfies the following criteria. That;

(A) Has a population of at least 250,000 residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law preceding the grant. (B) Has an integrated development plan in accordance with this Act. Integrated development is not the CIDP but an integrated plan of the area as in accordance with this Act. And then (C) Has demonstrable revenue collection potential. (D) Has demonstrable capacity to generate sufficient revenue to sustain its operations. (E) Has the capacity to effectively and efficiently deliver essential services to its residents as provided for in the First Schedule (F) Has institutionalized active participation by its residents in the management of its affairs. (G) Has sufficient space for expansion. (H) Has infrastructural facilities including but not limited to street lighting, markets, and fire stations and finally has a capacity for functional and effective waste disposal”.

Now once a town has met this criterion, then with the resolution of an Assembly, the governor can now declare or confer this town with the municipal status. Before we even come to issues of employment, once the town has been conferred with this status what follows is for the Board of the municipality to be put in place. Now, with the coming in of the Board, a town manager is appointed and is supposed to get instructions from the Board and implement the policies that the board has put in place to better services to the residents. It might be a challenge considering the issues and the concerns raised by hon. Matsaki from Kambe Ribe but I want to

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say that by law if for any reason an officer has been offered an appointment letter and this Assembly has not discussed it, today is when we are debating on this Motion. Then I want to say that legally the position created is null and void because the towns of Kilifi and Malindi have not been conferred with a municipal status. Since he is sure that he has concrete evidence then it is upon himself to forward the same to this Assembly maybe through a Statement or whatever means as stipulated in the Standing Orders for us to be able to take action as a House.

I want to urge Members of this hon. Assembly given that an Ad Hoc committee as said by the Leader of Majority did sit and looked at the thresholds and found out that the two towns of Kilifi and Malindi met the thresholds then we need to approve and adopt this Motion.

There are challenges that will come with our towns getting conferred with the municipality status. One of the challenges is on the issue of the Board. Section 25 of the Urban Areas and Cities Act, is on the remuneration of members of the Board. Mr. Speaker, you will realize though they do not get a salary but they have to get benefits and allowances and these benefits must come from the County Government.

Therefore, it is a challenge because if for any reason these people fail to perform as expected on the side of revenue collection which is one of the thresholds that has been put in place then it means, we shall be paying people who are not delivering to the services that are required in municipalities. This Article states that the Chairperson, vice chairperson and members of a board or a town committee shall not receive a salary but shall be paid such allowances and benefits as the County Executive Committee shall with the approval of the County Assembly and with the advice of the Salaries and Remuneration Commission determine.

It is clearly spelt out but now the challenge is where we get these funds from. These people must up their game; they must be very efficient and effective in how they perform so that we can increase the revenue that we collect for us to be able to move ahead. It has been said clearly by the Leader of Majority that there is a programme; the World Bank urban areas support programme, with our towns getting that status we are going to attract funding from the World Bank. I want to state clearly that this funding is not going to run for all years. It is a programme that is with us maybe for a few years but the World Bank may at some point terminate this support programme.

Now, if this is done then we need to have our municipal towns be in a position to even operate on their own without the support from the other quarters. Why am I supporting this Motion? I am looking at various issues; Malindi and Kilifi are towns that do well on issues of tourism but one of the greatest challenges that we have had that makes tourists run away from our towns is on the issues of poor drainage systems; the environment is not clean therefore it is affecting tourism to a great extent.

We need somebody who will be on the ground; a manager in Malindi and a board in Kilifi that will make sure that our towns are very clean, the sewerage system is working properly and there are proper drainage systems. For them to deal with the issues of street lighting and water flow is perfect, we are going to provide a conducive environment for tourism to flourish. Once that is done, we are going to create numerous jobs that can tap from the sector for the youth of Kilifi that have been going without employment.

We are also going to improve on the issue of security. On the issue of security, if our towns do not have proper street lighting system then you realize there will be so many cases of crime but this can arrest the issues of crime once it is properly implemented. Therefore with those remarks I want to support this Motion and strongly urge Members to support this Motion

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so that we can move ahead as a County. This is part of the devolution fruits that we have always cried for; we need to have these services even extended to Mariakani.

If Mariakani cannot be conferred with a city status because they are not meeting the threshold, Mariakani can be conferred with a township status; a board is put in place and somebody is overseeing the services. We move to Mtwapa and Marereni where I come from. We also move to Adu and we have our villages planned properly. With that we will have a healthy nation and a healthy County and we will be able to prosper and move forward. Thank you very much. I beg to support.

Hon. Mwambire: Thank you Mr. Speaker, Sir. When we talk of cities and municipalities we are talking of physical geography and human geography. In this I mean to support the contributions which have just been laid by the hon. Deputy Speaker who was just on the floor. Municipalities normally come up with charters and these charters are normally service providers to the populations in the cities. So, I believe having Malindi as a municipality helps in the running of the affairs of Malindi.

When I talk of physical geography I mean the infrastructure; the storm water drainage, the settlement and etc. When I talk of human geography I mean the populations living in the cities and how are they going to get the services. How are they going to deliberate on the issues which are cross cutting in these areas where they are settling? I understand that Malindi has a digital map and Kilifi has a digital map that is a strategic plan; the way people are supposed to be settled, industrial development and settlement. Kilifi is one of the municipalities which is long overdue; people are settling anyhow. I believe when we approve this and these municipalities come into place, they will have all those charters which will be responsible for all these matters. So, I stand to support this Motion and also to urge our hon. Governor to look into the issues of Mtwapa and Mariakani because these are also municipalities which need these charters and services; when we delay things will go wrong. Thank you very much Mr. Speaker. I stand to support this Motion.

The Speaker (Hon. Kahindi): Hon Peter Ziro.

Hon. Ziro: Thank you Mr. Speaker, for the chance to support this Motion. According to my understand a municipality is a administrative division having cooperate status and powers of governance granted by national or state laws which it is responsible to. The responsibility of a municipality is to offer basic services to its people in return to taxes they pay. Such taxes are very important to the people of that particular municipality and such services include water supply, sewerage collection and disposal, refuse removal, electricity, municipal health services, municipals roads and storm water drainage, street lighting, municipal parks and recreational centres. In the two major towns in our county of Kilifi, you realize such services are very poor in some areas like Malindi; I believe some of these services are not there. The member who was on the floor and I quote what hon. Kenga read. He has just read the Urban Area and Cities Act, 2011 section 9 that gives powers of a municipal status and the epitome responsibility of passing this law is with the County Assembly. The Governor has done his job; he sat down came up with the policies but now as a County Assembly we have the epitome responsibility of passing this Motion so that the reality of these municipality can be realized.

Mr. Speaker, I want to argue Members not to sit behind because we will be judged for this Motion. Let us stand and support this Motion wholeheartedly and any refusal to support the passage of this Motion, I will term it as a negation to the much tried essence of the Act of 2011. With those few remarks Mr. Speaker, I wish rest my case in support of this Motion. Thank you.

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The Speaker (Hon. Kahindi): Hon. Members a Motion has been presented by the Leader of Majority, the same has been deliberated.

(Question put and agreed to)

ADJOURNMENT

Hon. Members, in the absence of any other business in the order paper, I move to adjourn this sitting until next week on Monday. Thank you.

The House rose at 3:25 p.m.

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