

(1) MKS - 100 fine - and indemnification (Budget) 2013-2014
(2) 2014-2015
(3)

PETITION TO THE SENATE BY HON. FESTUS NDETO, MCA REPRESENTING KOLA WARD IN MACHAKOS COUNTY, CONCERNING MARGINALIZATION OF KOLA WARD IN IMPLEMENTATION OF DEVELOPMENT PROJECTS BY THE MACHAKOS COUNTY GOVERNMENT.

Honourable Senators,

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Members of Executive Report was
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1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the 2013-
Senate that a petition has been submitted, through the Office of the Clerk of 2013
Senate, by one Hon. Festus Ndeto, Member of the Machakos County Assembly June
representing Kola Ward, concerning marginalization of Kola Ward in
implementation of development projects by the Machakos County Government.
2. As you are aware, under Article 119(1) of the Constitution, and I quote:- "*Every
person has a right to petition Parliament to consider any matter within its
authority, including enacting, amending or repealing any legislation.*"
3. Honourable Senators, in his petition, Hon. Ndeto states as follows- Bill boards
 - a) **THAT** in the approved Budget for Machakos County for the Financial Year
2013/2014, a number of projects were earmarked for development in Kola Ward,
as follows-
 - i) Construction of three roads each at a cost of Kshs.5 million;
 - ii) Construction of Early Childhood Development (ECD) classrooms;
 - iii) Construction of two water projects, namely Lumbwa Water Project and
Kitunduni Water Project at the cost of Kshs.9 million and Kshs.6 million,
respectively;
 - iv) Drilling of four (4) boreholes and four (4) dams;
 - v) Disbursement of Kshs.4 million set aside for the elderly, physically
challenged, youth and women groups;
 - vi) Disbursement of Kshs.2 million set aside for bursaries;
 - vii) Construction of Muumandu Market drainage system;
 - viii) Construction of Muumandu Market shades at a cost of Kshs.5 million;
 - ix) Construction of a health centre in the ward at a cost of Kshs.12 million;
 - x) Supply of 10,000 liters water tanks for each primary school in the ward;
 - xi) Purchase of land for public utilities;
 - xii) Construction of ward administration offices; and

xiii) Purchase of 2 ambulances for the ward.

b) **THAT**, of the above projects, only the two ambulances, the water tanks for primary schools, one road and the health center, which is only partly constructed, have been implemented;

c) **THAT**, of the projects earmarked for Kola Ward in the financial year 2014/2015, no single project has been implemented; and

d) **THAT**, the Governor of Machakos County has stated through his allies that he will not do anything for Kola Ward due to the petitioner's political persuasion and stand against corruption, and the petitioner believes that indeed this is the reason why the electoral Ward he represents has been marginalized when it comes to initiation and implementation of development projects in Machakos County.

e) **THAT**, as a result of (d) above, the Governor has acted in contravention of Article 27 of the Constitution, on equality and freedom from discrimination, by denying public resources to Kola Ward thereby disadvantaging Kola Ward residents who are loyal tax payers; and

f) **THAT**, unless something is done to reverse this unfortunate trend, the residents of Kola Ward will be denied the right to enjoy the gains of devolution whose prime objective is to bring services and development closer to the people.

g) **THAT**, he (the petitioner) has brought to the attention of the relevant County Departments, relevant County Assembly Committees and also sought the intervention of the County Assembly through Statements without a solution; and

h) **THAT**, the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.

4. The petitioner consequently requests the Senate to investigate the matters raised in the petition in order to-

i) Ascertain why the people of Kola Ward have been sidelined in implementation of development projects by the Machakos County Government during the Financial Years 2013/2014 and 2014/2015;

ii) Establish where the funds earmarked for the said projects were spent; and

iii) Intervene and resolve the matter relating to the skewed development in Machakos County to the disadvantage of Kola Ward.

5. Honourable Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than thirty minutes.

[after comments by Senators]

6. Honourable Senators, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Finance, Commerce and Budget. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

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I, the undersigned,

Hon. Festus Muthembwa Ndeti, a citizen of Kenya and Member of the County Assembly of Machakos representing Kola Ward, wish to draw the attention of the Senate to the following-

1. **THAT** in the approved Budget for Machakos County for the Financial Year 2013/2014, a number of projects were earmarked for development in Kola Ward, as follows-
 - i) Construction of three roads each at a cost of Kshs.5 million;
 - ii) Construction of Early Childhood Development (ECD) classrooms;
 - iii) Construction of two water projects, namely Lumbwa Water Project and Kitunduni Water Project at the cost of Kshs.9 million and Kshs.6 million, respectively;
 - iv) Drilling of four (4) boreholes and four (4) dams;
 - v) Disbursement of Kshs.4 million set aside for the elderly, physically challenged, youth and women groups;
 - vi) Disbursement of Kshs.2 million set aside for bursaries;
 - vii) Construction of Muumandu Market drainage system;
 - viii) Construction of Muumandu Market shades at a cost of Kshs.5 million;
 - ix) Construction of a health centre in the ward at a cost of Kshs.12 million;
 - x) Supply of 10,000 liters water tanks for each primary school in the ward;
 - xi) Purchase of land for public utilities;
 - xii) Construction of ward administration offices; and
 - xiii) Purchase of 2 ambulances for the ward.
2. **THAT**, of the above thirteen (13) projects, only the two ambulances, the water tanks for primary schools, one road and the health center (which is only partly constructed), have been implemented;
3. **THAT**, of the projects earmarked for Kola Ward in the Financial Year 2014/2015, no single project has been implemented; and
4. **THAT**, the Governor of Machakos County has stated through his allies that he will not undertake development projects in Kola Ward due to my political persuasion and stand against corruption;
5. **THAT**, in so doing the Governor has acted in contravention of Article 27 of the Constitution, on equality and freedom from discrimination, by denying public resources to Kola Ward thereby disadvantaging Kola Ward residents who are loyal tax payers; and

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6. **THAT**, unless something is done to reverse this unfortunate trend, the residents of Kola Ward will be denied the right to enjoy the gains of devolution whose prime objective is to bring services and development closer to the people.
7. I hereby confirm:-
- i) **THAT**, I have brought to the attention of the relevant County Departments, relevant County Assembly Committees and also sought the intervention of the County Assembly through Statements without a solution; and
 - ii) **THAT**, the issues in respect of which the petition is made are not pending before any court of law, or other constitutional or legal body.

WHEREFORE your humble petitioner prays that the Senate-

- 1. Investigates the matters raised in the petition to ascertain why the people of Kola Ward have been sidelined in the implementation of development projects by the Machakos County Government during the Financial Years 2013/2014 and 2014/2015;
- 2. Investigates to ascertain where and how the funds earmarked for the projects stated above were spent; and
- 3. Intervenes and resolves the matter relating to the skewed development in Machakos County to the disadvantage of Kola Ward.

Name	Full Address	ID. Number	Signature
Hon. Festus Muthembwa Ndeto	P.O. BOX Muumandu, Machakos.	14472253	<i>[Signature]</i> 25/05/2015

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