

**PETITION PRESENTED TO THE SENATE ON BEHALF OF
HON. FESTUS MUTHEMBWA NDETO, MCA**

BY

**THE SPEAKER OF THE SENATE PURSUANT TO STANDING
ORDER NO. 220 AND 225**

**PRESENTATION NOTES ON THE PETITION FOR THE HON.
SPEAKER**

Hon. Speaker
You may approve/read.
2009
26/05/15

May, 2015

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,

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted, through the Office of the Clerk of Senate, by one Hon. Festus Ndeto, Member of the Machakos County Assembly 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-
 - 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.

2

*Petition concerning alleged marginalization of Kola Ward in implementation of
development projects by the Machakos County Government*

REPUBLIC OF KENYA



**PETITION TO THE SENATE BY
HON. FESTUS MUTHEMBWA NDETO, MEMBER OF MACHAKOS
COUNTY ASSEMBLY REPRESENTING KOLA WARD**

**MADE PURSUANT TO
ARTICLE 119 OF THE CONSTITUTION OF KENYA**

MAY, 2015

I, the undersigned,

Hon. Festus Muthembwa Ndeto, 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

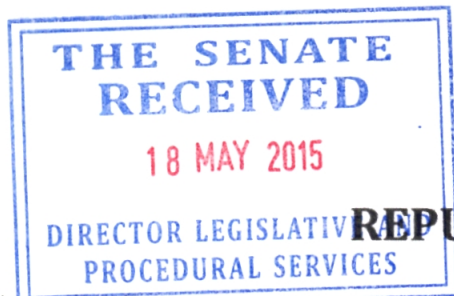
Petition concerning alleged marginalization of Kola Ward in implementation of development projects by the Machakos County Government

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.

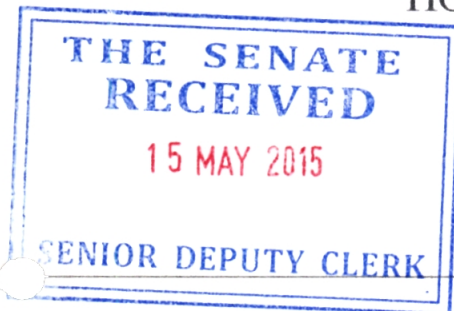
WHEREFORE your humble petitioner prays that the Senate-

- 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	 25/05/2015
	Email:fmndeto@yahoo.com Tel: 0726921001		



REPUBLIC OF KENYA
HON. PASTOR FESTUS NDETO



KOLAWARD
MACHAKOS SUB COUNTY
CELL PHONE: 0726921001
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PETITION TO THE SENATE HOUSE FROM FESTUS MUTHEMBWA
NDETO MEMBER OF MACHAKOS COUNTY ASSEMBLY
REPRESENTING KOLA WARD.

I DRAW THE ATTENTION OF THE SENATE HOUSE TO THE FOLLOWING

I WISH TO STATE THAT

- 1) I am the duly elected member of Machakos County Assembly representing Kola Ward.
- 2) The two years in office I have diligently discharged my duties as stipulated in the constitution of Kenya article 185 of representation, legislation, budget approval and oversight.

In view of the above and aware of the amount budgeted for development, I wish to draw your attention on the following grievances and problems facing the citizen of Kola Ward

I WISH TO STATE THAT

For the two years (2013/2014 – 2014/2015) the County Government of Machakos under the leadership of Governor Dr Alfred Mutua has failed to implement project budgeted for the people of Kola Ward.

② Mr. Mogere

Please peruse and see if the petition is admissible, prepare for presentation
18/5/15

① DLPs

Please note & deal with
18/5/15

② C. Mungia

Please peruse and revert.
Mogere
19/05/15

I WISH TO STATE THAT

That The Governor through his allies has stated that he will not do anything for Kola Ward due to my political persuasion and my stand against the fight of corruption.

I WISH TO STATE THAT

In the first financial year 2013/2014 the following items were budgeted.

- ✓ 1) Construction of three roads each at a cost of 5M totaling to 15M.
- 2) Construction of ECD classrooms at a cost of \
- 3) Two water projects Lumbwa water project at 9M and Kitunduni water project at a cost of 6M
- 4) 4 boreholes and 4 dams
- 5) 4 Million sh. for social welfare of the elderly, physically challenged, youth and women groups.
- 6) 2 Million K sh. for bursary.
- 7) Muumandu Market drainage system.
- 8) Construction of market shade at a cost of 5M.
- ✓ 9) A health centre at a cost of 12M
- ✓ 10) Supply of water tanks 10,000 litres to each primary school in the ward.
- 11) Purchase of land for public utilities
- 12) Construction of ward administration offices.
- ✓ 13) 2 Ambulances

I WISH TO STATE THAT

Out of all the above projects budgeted for Kola Ward only the two ambulances, the water tanks for primary schools, one road and the healthy centre which is partly constructed have been done.

I WISH TO STATE THAT

For the 2014/2015 Budget there is no single project that has been done in KOLAWARD as per what was budgeted.

I WISH TO STATE THAT

For the two years have made all the efforts to go to the relevant county ministries, reported the issues to the relevant County Assembly committees, and reported the matter to the County Assembly through statements and nothing has been done.

I WISH TO STATE THAT

None of the issues raised above is pending before any court of law or any legal body.

MY HUMBLE PRAYER

Therefore your humble petitioner prays that the senate summons the Machakos County Government Governor Dr Alfred Mutua to explain why the people of Kola Ward who are tax payers have been side lined and projects budgeted for them for the two financial years 2013/2014 and 2014/2015 not implemented and also to have the governor explain where money made for this project went to?

Your petitioner will ever pray that the senate will see the urgency and the seriousness of this matter considering devolution came to bring services and development near to the people yet the people of Kola Ward have not at all seen the benefit of devolution due to the failure by the County Government to implement the 2013/2014 and 2014/2015 budgets as budgeted and funded for by the central government.

THE PETITION

Petition concerning failure to implement the 2013/2014 and 2014/2015 budget in Kola Ward hence my prayer and request to the Senate to sermon the Governor to explain why the people of Kola have suffered under his govern ship by not receiving what is duly made for them through the budget.

HON.FESTUS MUTHEMBWA NDETO



**PO BOX MUUMANDU
MACHAKOS**

ID NO.14472253