

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Friday, 16th December, 2022

Special Sitting

*(Convened via Kenya Gazette Notice No. 15326
(Vol. CXXIV-No.266) of 9th December, 2022)*

The House met at 10.55 a.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR
CONVENING OF THE SPECIAL SITTING

Hon. Speaker: Good Morning Hon. Members. Welcome to today's sitting. I have the following communication to make on convening of the sitting. This special sitting is informed by the County Assembly of Machakos Standing Order 26 (1) and (2) which state that:

- (1) Whenever during a Session, the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House –
 - (a) On request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
 - (b) On the signed request by Members not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional.”

Hon. Members, this sitting has been convened vide Gazette Notice No. 15326 (Vol. CXXIV-No.266) issued on 9th December, 2022. The Gazette Notice partly reads; NOTICE is given to all members of the County Assembly of Machakos and the general public that pursuant to Standing Order 26 of the County Assembly of Machakos Standing Orders that I have appointed Friday 16th December, 2022 as a day for Special Sitting of the County Assembly of Machakos.

The business to be transacted during this special sitting shall be:

- (a) Consideration of the Report of the Committee on Appointments on the Vetting of nominees for appointment to the Selection Panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board.
- (b) Any other business pursuant to Standing Order 151(6)(d),(e) and (f) as may be admitted by the Speaker.

Thank you, Hon. Members.

MESSAGE
NOMINEES FOR THE POSITION OF CHIEF OFFICERS

Hon. Speaker: I have the following message from Her Excellency, Hon. Wavinya Ndeti, the Governor of Machakos County pursuant to Standing Order 39. Honorable Members, Section 8 of the County Governments Act, 2012 as amended in 2020 provides that the county assembly shall vet and approve nominees for appointment to County Public offices as may be provided for in this Act or any other law.

Section 45 of the same Act further provides that the Governor shall nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board.

Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, provides that notification of Appointment shall be from an Appointing Authority shall be lodged with the Clerk of the County Assembly.

Hon. Members, the Office of the Clerk is in receipt of a letter dated 15th December, 2022 forwarding nominees for the positions of Chief Officers nominated by the Governor from amongst persons competitively sourced and recommended by the County Public Service Board.

Pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017, the nominees are hereby committed to various Sectorial Committees as in the schedule below for vetting and reporting within 21 days.

S/NO	NAME	DEPARTMENT	COMMITTEE TO BE COMMITTED
1.	Muiya Andrew Mwema	Agriculture and Food Security	Agriculture
2.	Ngumbau Mutiso Benedict	Cooperative Development	Agriculture
3.	Maureen Mwende Maingi	County Administration and Decentralized Units	Decentralized Units and Urban Areas
4.	Adipo Collins Otieno	Finance	Finance and Revenue Collection
5.	Metho Benson Kituku	Environment	Environment and Natural Resources
6.	Mutua Tobias Mutuku	Economic Planning	Trade, Economic Planning and industrialization
7.	Kinyae Bruce Isika	Youth	Social Welfare and Sports
8.	Charles Kyalo Mutinda	ECDE and Vocational Training	Education and Social Services
9.	Simba Simon Mwako	Education	Education and Social Services
10.	Katusya Dennis Musyoka	ICT	Labour, Public Service and ICT
11.	Col. Gedion Mbithi	Inspectorate, Fire Fighting and Emergency Services	Decentralized Units and Urban Areas
12.	Mutungu Anthony Mutuku	Lands	Lands and Energy

13.	Munyao Joseph Mutwiwa	Industry and Innovation	Decentralized Units and Urban Areas
14.	Dr. Miyianda Wycliffe	Medical Services	Health and Emergency Services
15.	Mercy Ndululu Mutua	Office of the Governor	Labour, Public Service and ICT
16.	Kala Mohammed Rashid	Public Health	Health and Emergency Services
17.	Mwanza Lawrence Maingi	Public Service and Performance Management	Labour, Public Service and ICT
18.	Papaa Koin Lompo	Public Works	Transport, Roads, Housing and Public Works
19.	Mike Jace	Revenue Management	Finance and Revenue Collection
20.	Kasivu Justus Musau	Roads and Transport	Transport, Roads, Housing and Public Works
21.	Kitheka Simon Kioko	Trade and External Relations	Trade, Economic Planning and industrialization
22.	Vincent Muendo Musili	Culture and Tourism	Culture and Tourism
23.	Guliye Abdullahi Yunis	Water, Sanitation and Irrigation	Water and Irrigation
24.	Simon Kirima Muraguri	Energy	Lands and Energy
25.	Mulei Stephen Kyalo	Climate Change	Environment and Natural Resources
26.	Kioko Bernice Mueni	Gender, Sports and Social Welfare	Social Welfare and Sports
27.	Paul Mawili Wambua	Urban Development	Decentralized Units and Urban Areas

Thank you, Hon. Members. Next order.

PAPERS LAID

Hon. Speaker: May I call Hon. Nicholas Nzioka to proceed and lay the Papers.

REPORT ON VETTING OF NOMINEES TO THE SELECTION PANEL

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. There is a Paper I am laying on behalf of Hon. Stephen Mwanthi, the Deputy Speaker and also MCA for Ekalakala ward.

- a. Hon. Speaker, pursuant to Standing Order 190(5), I wish to lay the following paper on the table of the Assembly today, 16th December, 2022; the second report of the Committee on Appointments of the Third Assembly on the vetting of nominees to the selection panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board.

FIRST SUPPLEMENTARY BUDGET ESTIMATES 2022/2023 AND QUARTERLY REPORTS FROM DEPARTMENTS 2022/23

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- b. Paper laid by the Majority Leader; Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, 16th December, 2022;
1. The first Supplementary Budget Estimates for the FY 2022/2023.
 2. First quarter report from the Department of Water, Irrigation, Environment, Climate Change and Natural Resources for the FY 2022/2023.
 3. First quarter report from the Department of Health and Emergency Services for the FY 2022/2023.
 4. First quarter report from the Department of Agriculture and Food Security for the FY 2022/2023.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Nicholas Nzioka. I wish to commit those Papers; the First Paper on Supplementary Budget Estimates for the FY 2022/2023 to the Budget and Appropriations Committee. Paper No. 2 on Water, Irrigation, Environment, Climate Change and Natural Resources, I commit it to Water and Irrigation Committee. The third one on health and emergency services, I commit it to Health and Emergency Services Committee. The last one on agriculture, I commit it to the Agriculture Committee. Thank you, Hon. Members.

NOTICE OF MOTION

REPORT ON VETTING OF NOMINEES TO THE SELECTION PANEL

Hon. Speaker: May I call the Majority Leader to proceed and give the notice.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that Section 58A(1) of the County Governments Act, 2012 as amended in 2020 provides that whenever a vacancy arises in a County Public Service Board, the Governor shall nominate and with the approval of the County Assembly, appoint members to a selection panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board (CPSB);

Aware that the Governor submitted five (5) nominees to the Assembly for approval to the Selection Panel and were committed to the Committee on Appointments pursuant to Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017;

Further aware that the Committee conducted approval hearings in accordance with the provisions of the Constitution, County Governments Act, 2012, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders;

Hon. Speaker, I wish to give notice of the motion THAT taking into consideration the findings of the Committee on Appointments in its second report of the Third Assembly on the vetting of nominees to the Selection Panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board and Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, laid on the Table of the House on Friday, 16th December, 2022, this House:

- (1) Approves Charles Nzioki Kanyaa, as Chairperson of the selection panel;
- (2) Approves Samera Shakeel Aziz, as member of the selection panel;
- (3) Approves Nelson Wanyonyi Osiemo, as member of the selection panel;

- (4) Approves John Mwangi Thiong'o, as member of the selection panel; and
- (5) Approves Beatrice Musau Ndambo, as member of the selection panel.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Majority Leader. Next Order.

STATEMENT SOUGHT

STATUS OF FOREST COVER AND CLIMATE ADAPTATION IN THE COUNTY

Hon. Speaker: May I call Hon. Mercy Njagi to make the Statement.

Hon. Mercy Njagi (Nominated, MCCP): Thank you, Madam Speaker. I wish to seek my Statement on forest cover in Machakos County.

Hon. Speaker, Article 69(1)(b) of the Constitution, 2010, provides that the State shall work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;

The National Forest Assessment Report 2021 carried out by Kenya Forest Service (KFS) and released on 3rd June, 2022 indicated that Kenya had surpassed the 10 per cent tree cover target and recorded 12.13 per cent tree cover. However, the same KFS Report indicated that for Machakos County, tree cover stood at 6.03 per cent raising concern on reaching the 10 per cent target;

Hon. Speaker, during public participation for the Machakos County Environmental Management Bill 2020 conducted in all the 40 Wards, members of the public recommended that planting of trees should be a priority in environmental management;

Acknowledging that the County has three gazetted forests namely Iveti forest covering 364.07 hectares, Muumandu forest covering 139.2 hectares and Uuni forest covering 96.6 hectares;

Further aware that the Report on Machakos County Climate Change Policy, 2019 recommended the need to fast track the implementation of County tree planting and tree planting campaigns in order to increase tree cover to at least 10 per cent. Aware that the national tree planting day is celebrated in Kenya every year in Kenya on April 21st;

Hon. Speaker, pursuant to Standing Order 41, I wish to seek a Statement from the Chairperson, Environment and Natural Resources Committee through a detailed report on:

1. What measures has the County Government taken to increase tree cover within the County?
2. What structured measures have been initiated to provide for climate adaptation in the County?

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. That Statement is committed to Environment and Natural Resources Committee to report on or before 14th February, 2023. Thank you. Next order.

MOTION

REPORT ON VETTING OF NOMINEES TO THE SELECTION PANEL

Hon. Speaker: May I call upon the Majority Leader Hon. Nicholas Nzioka to proceed and move the motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, that aware that Section 58A(1) of the County Governments Act, 2012 as amended in 2020 provides that whenever a vacancy arises in a County Public Service Board, the Governor shall nominate and with the approval of the County Assembly, appoint members to a selection panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board (CPSB);

Aware that the Governor submitted five (5) nominees to the Assembly for approval to the Selection Panel and were committed to the Committee on Appointments pursuant to Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017; Further aware that the Committee conducted approval hearings in accordance with the provisions of the Constitution, County Governments Act, 2012, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders;

Hon. Speaker, I wish to move the motion THAT taking into consideration the findings of the Committee on Appointments in its second report of the Third Assembly on the vetting of nominees to the Selection Panel for the purpose of selecting suitable candidates for appointment as members of the County Public Service Board and Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017, laid on the Table of the House on Friday, 16th December, 2022, this House:

- (1) Approves Charles Nzioki Kanyaa, as Chairperson of the selection panel;
- (2) Approves Samera Shakeel Aziz, as member of the selection panel;
- (3) Approves Nelson Wanyonyi Osiemo, as member of the selection panel;
- (4) Approves John Mwangi Thiong'o, as member of the selection panel; and
- (5) Approves Beatrice Musau Ndambo, as member of the selection panel.

Madam Speaker, with your indulgence, I wish just to read the foreword of the report and the recommendations; with your permission, Madam Speaker?

Hon. Speaker: Proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you. Pursuant to Section 58A(1) of the County Governments Act, 2012, Her Excellency, the Governor of Machakos County nominated Charles Nzioki Kanyaa as Chairperson of the Selection Panel, Samera Aziz from the private sector, Nelson Wanyonyi Osiemo as an advocate of the High Court of Kenya who is a member of the Law Society of Kenya, John Mwangi Thiong'o as an Accountant who is a member of the Institute of Certified Public Accountants of Kenya and Beatrice Musau Ndambo from an association representing workers.

Notification of the nominations was conveyed to the Speaker of the County Assembly through letter Ref No. GMC/CO/GEN dated 30th November, 2022 for five (5) positions of members of the Selection Panel for purposes of selecting Chairperson, Secretary and Members of the County Public Service Board. The vacancies in the County Public Service Board had been occasioned by resignation of the Chairperson and one member and the removal from office of the Secretary and two members of the County Public Service Board.

On Tuesday, 6th December, 2022, the Speaker of the County Assembly, pursuant to Standing Order 39(1), read the message from Her Excellency the Governor, Machakos County

communicating the names of the nominees. Further, pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the names of the nominees were committed to the Committee on Appointments for approval hearings and reporting to the House within twenty one days.

Consequently, and in accordance with Article 196(1) of the Constitution, Section 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(5) and (6), the Clerk of the County Assembly placed an advertisement in the print media on Wednesday, 7th December, 2022 inviting the public to attend the approval hearings and/or submit any information or comments on suitability or otherwise for appointment of the nominees.

The submissions were to be way of sworn affidavits or hand-delivered to the Office of the Clerk of the Assembly. By close of the submission deadline, the committee had not received any memoranda touching on the suitability of the nominees for appointment. In the same advertisement, the Clerk of the County Assembly notified the public that the Committee on Appointments would conduct the approval hearings on Wednesday, 14th December, 2022.

The nominees appeared before the Committee as scheduled for approval hearings in accordance with the provisions of the Constitution, County Governments Act, 2012, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Machakos Standing Orders.

Pursuant to Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominees met the requirements of Chapter Six of the Constitution, demonstrated knowledge on the role of the Selection Panel, understood composition and functions of the CPSB and had the requisite qualifications.

The nominees scored above the pass mark of 60 per cent set by the Committee to be approved for appointment as members of the selection panel for purpose of selecting the Chairperson, members and the Secretary of the CPSB. The nominees are:

- (1) Charles Nzioki Kanyaa as Chairperson of the Selection Panel (average mark of 85 per cent);
- (2) Samera Aziz, member from the private sector (average mark of 89 per cent);
- (3) Nelson Wanyonyi Osiemo, an advocate of the High Court of Kenya who is a member of the Law Society of Kenya (average mark of 91 per cent);
- (4) John Mwangi Thiong'o, an Accountant who is a member of the Institute of Certified Public Accountants of Kenya (average mark of 88 per cent);
- (5) Beatrice Musau Ndambo, member from an association representing workers (average mark of 78 per cent).

Having conducted the approval hearings for the nominees pursuant to Section 58A(1) of the County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the Committee recommends that the House:

- (1) Approves Charles Nzioki Kanyaa, as Chairperson of the selection panel;
- (2) Approves Samera Shakeel Aziz, as member of the selection panel;
- (3) Approves Nelson Wanyonyi Osiemo, as member of the selection panel;
- (4) Approves John Mwangi Thiong'o, as member of the selection panel; and
- (5) Approves Beatrice Musau Ndambo, as member of the selection panel.

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded during the accomplishment of this duty. The Committee further appreciates the civil society and members of the public for following the proceedings at

the Assembly public gallery, through the Assembly YouTube channel and other media platforms. Gratitude also goes to the Fourth Estate for being available to cover the proceedings of the Committee thus enhancing accountability and transparency of the process. I wish to express my appreciation to the Honorable Members of the Committee for their dedication and participation in this exercise.

On behalf of the Committee on Appointments and pursuant to Section 58A(1) of the County Governments Act, 2012, Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 179(6), it is now my duty and privilege to present to the House, the Second report of the Committee on Appointments on the Approval hearings of the nominees to the Selection Panel for purpose of selecting the Chairperson, members and the Secretary of the County Public Service Board.

Madam Speaker, I have said that I have already read the recommendations so I wish not to repeat the same because it is just what I have read.

Hon. Speaker: That is true.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker: Proceed and call the seconder.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Now I wish to welcome the Leader of Minority Mheshimiwa Ndawa to second.

Hon. Mbili Ndawa (Matuu, MCCP) seconded.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

May I now call upon Members to debate the motion? Members the floor is your to debate the motion. Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, this report was given to us very early; about one hour before the start of the sitting and I can see that Members have actually digested the report and are in agreement with the report. So, I suggest you put the Question.

(Applause)

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: There being no more business, the House stands adjourned.

The House rose at 11.32 a.m.