

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 18th October, 2022

The House met at 2.44 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, we do not seem to be having quorum we can have the bell rung for ten minutes.

(Quorum bell rung)

You can advise he stops to ring the bell. We have two notices; one by the Majority Leader and the other one by the Minority Leader. I would call upon the Minority Leader to proceed and give notice of motion.

NOTICES OF MOTIONS

FAST TRACKING THE CONFERMENT OF MATUU, KATHIANI,
MASII, MWALA AND MASINGA TOWNS TO MUNICIPALITIES

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker.

Hon. Speaker, Article 184(1) of the Constitution of Kenya 2010 states that National legislation shall provide for the governance and management of urban areas and cities and shall, in particular;

- a. Establish criteria for classifying areas as urban areas and cities;
- b. Establish the principles of governance and management of urban areas and cities; and
- c. Provide for participation by residents in the governance of urban areas and cities;

Aware that Section 37 provides for the role of the County Executive Committee in urban area and city planning;

Hon. Speaker, further aware that through its legislative role as enshrined in Article 185 of the same Constitution this House approved a report on regional and integrated strategic urban Developments plans of 16 urbans centers;

Hon. Speaker, aware that in the aforementioned report Matuu, Kathiani, Masii, Mwala and Masinga towns were recognized and approved as urban cities amongst other urban centers;

Cognizant of the fact that with the growing population, there is need to upgrade Matuu, Kathiani, Mwala and Masinga urban centers to municipalities;

Hon. Speaker, aware that on conferment of municipal status, Section 9 of the Urban and Cities Act No. 13 of 2011 provides that the County Governor may, on the resolution of the County Assembly, confer the status of a municipality on a town that meets the criteria set out in subsection (3) by grant of a charter in the prescribed form;

Acknowledging that Section 9(3) of the Urban and Cities Act No. 13 of 2011 provides that for a town to be conferred municipal status it has to satisfy to have a population of 70,000 and 249,000 residents;

Hon. Speaker, aware that Amendments to the Urban Areas and Cities Act, No 13 of 2011 (“principal Act”), were signed into law by H.E the President on March 12, 2019 reducing this number and stating that for an urban area to be classified as a municipality it has to have a resident population of at least 50,000 and that it has the capacity to provide the services listed in the First Schedule of the Amendment Act. Such services including planning and development control, water and sanitation, ambulance services, among others;

Hon. Speaker, in view of the above, and based on the recent results of the census exercise carried out on 24th August, 2019 by the National Government, I wish to give notice of Motion that the County Executive Committee fast tracks the conferment of Matuu, Kathiani, Masii, Mwala and Masinga towns to Municipalities.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Minority Leader. I call upon Majority Leader to proceed and give that other notice of motion.

APPROVAL OF MEMBERS TO CONSTITUTE THE COMMITTEE ON PROCEDURE AND HOUSE RULES

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

Hon. Speaker, that aware that the Committee on Procedure and House Rules is established pursuant Standing Order 187;

Further aware that the Committee comprises of the Speaker who is the Chairperson, the Deputy Speaker, Members of the Speaker's Panel and not more than three other Members;

Informed that the said Committee is tasked with the mandate of proposing amendments to Standing Orders and that Standing Orders is a crucial guide in determining how business in the Assembly is conducted and how Members behave;

Remembering that the Office of the Clerk through a letter reference No. MKSA/PCS/CMM/P&P/VOL.2/32 dated 14th October, 2022 forwarded a letter to the Leaders of Wiper, Maendeleo Chap Chap and United Democratic

Party to provide one (1) member from each Party to constitute the said Committee;

Hon. Speaker, I wish to give Notice of Motion that this House approves the following members to constitute the Committee on Procedure and House Rules in addition to those specific members provided under Standing Order 187 (2).

1. Hon. Jackson Ndaka - WIPER
2. Hon. Brian Kisila - MCCP
3. Hon. Boniface Katiti - UDA

Thank you, Madam Speaker.

Hon. Speaker: Thank you.

MOTIONS

APPROVAL OF THE ASSEMBLY CALENDAR FOR THE FIRST SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: Hon. Majority Leader, proceed and move your motion.

Hon. Nicholas Nzioka, (Machakos Central, WDM-K):

Hon. Speaker, that aware that the Calendar enables the Assembly to plan for the execution of its business and it sets out a schedule of days for the House Sittings and days of recess;

Aware that Standing Order 24(1) provides that, except for the Session commencing immediately after a general election, the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December;

Hon. Speaker, further aware that Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly;

Aware that Standing Order 25(2) provides that once the Calendar of the Assembly is approved by the House it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation;

Noting the House business Committee considered the Calendar of the First Session and compiled a report;

Hon. Speaker, I wish to move the motion THAT pursuant to the provisions of Standing Order 25, the House approves the Assembly Calendar for the First Session of the Third Assembly as tabled by the House Business Committee.

Session one, the session commenced on 27th September, 2022 and terminates on 7th December, 2022 with a total of 36 plenary sittings.

The first session is divided into two parts one short recess and one long recess. The first part runs from Tuesday, 26th September, 2022 to Wednesday, 19th October, 2022.

This will be followed by a short recess of 19 days starting from 20th October 2022 to 7th November 2022.

The second part will commence on Tuesday, 8th November, 2022 and will run up to Wednesday, 7th December, 2022.

The first session will be completed by a long recess which will commence on Thursday, 8th December, 2022 and run up to Monday, 13th February, 2023 when the second session will begin.

However, it should be noted that the committee sittings will commence on the 23rd January, 2023.

I would wish to request for a seconder. Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC) seconded.

Hon. Speaker:

(Question proposed)

I now invite Members to debate the motion. Members, the floor is yours; you can contribute. Mheshimiwa Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I stand to support the business before the House and applaud the House Business Committee for working many hours to ensure that we have a calendar. Madam Speaker, looking into the calendar the committee also considered that the Hon. Members of this House also need time to mingle with the electorates and also participate in the development of the wards so we have proposed these adjournments so that members can have time.

As you are aware, Madam Speaker, once people are voted in, they are always given 100 per cent and there is no room for improving from 100 up to 110; the only available option is to either maintain or you reduce but if you reduce by a big portion it is very dangerous. So to have this happen, Members of this House need also to be near the electorates so that they can be able to collect the proposals of the appointing authority who is the electorate.

Again, Madam Speaker, the committee also considered that there is what we call personal....the Members need to be trained and we have at least provided time so that Members of this House can also have time to be trained on their new assignment. Madam Speaker, it is a normal practice if somebody is given a new task, he or she must be trained on the new work because you may not be able to meet the expectations of the electorate if you are not trained on the job that you have been given.

So, the House Business Committee has looked on that issue, so I am begging my colleagues of this House to approve the Calendar as it has been presented to by our most able Majority Leader. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Minority Leader. Do we have more contributions from the House? Mheshimiwa Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Chair. I also wish to support the motion that has been moved by the Majority Leader of the House owing to the fact that despite the amount of work that is ahead of the House, the Calendar as it has been presented presents as an opportunity for us as the elected leaders to have an opportunity to go and interact with our constituents and also it has been presented, it provides a good opportunity for us to go

back to our electorates so that we can identify any gaps that are there that can help the House to plan and also to guide the Executive accordingly. So, on that note, I wish to support the motion. Thank you.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Dee.

Hon. Mutisya Kivuva (Nominated, WDM-K): Thank you, Madam Speaker. I want to support the motion of the Majority Leader and as nominated, we will have time to go and consult with our Party leaders---

(Laughter)

.....and come back here and transact business. On that note, I beg to support. Thank you.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Rosina.

Hon. Rosina Kanini (Nominated, WDM-K): Thank you, Madam Speaker. I want to support the motion that has been tabled by our Majority Leader. As parents, it will give us time to be with our children over the holiday and help in mentoring them. Thank you, Madam Speaker. I support.

Hon. Speaker: Thank you, Mheshimiwa Rosina. Mheshimiwa Ndwiki.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker. First thing, I want to support this motion because since we did our election, we do not have any time to visit our people and they are missing us. We get calls of 'where are you gone' and others say we do not pick their calls but now we will have time to go mingle with our people.

Also our members of the family, we have been so busy that we cannot have time for them. So, I think the committee was guided well to propose this program and also go and re-organize ourselves and come with motions that will benefit our people. So, I support the motion and I want to thank the committee for that good program. Thank you.

Hon. Speaker: Thank you, Hon Ndwiki. Mheshimiwa Kaloi then I come to Mheshimiwa Katiti.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Hon. Speaker. I stand to support the motion due to the fact that as you are aware, we are facing a lot of drought especially in our rural areas. We are expecting some rainfall next month so as the Governor promised to deliver seedlings to our people on the ground, so it is a high time we go to be with them to see the exercise for the Governor completed so I stand to support. Thank you.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Katiti.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. I wish to support the motion because it will give us time so that we can go and collect the data of the issues that we left untouched about the County Integrated Development Plan (CIDP) so that we

can incorporate it in our agenda. Thank you. I support.

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa kindly.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. I stand to support the motion that will give us some time to also go and see through what the Executive has been doing in our wards. Much has been happening, people have been running up and down trying to fix our roads, trying to select those who will be beneficiaries of the seeds as Hon. Member is saying and again importantly, we will have time also to have our electorate and give them the firsthand information of what is happening.

Like you know, they are expectant and some of them have been calling everyday asking for bursaries. Now we will have time to sit with them and explain why the bursaries are not coming in time, so I beg to support.

Hon. Speaker: Thank you, Members. Mheshimiwa Philip Ndolo.

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Madam Speaker. I stand to support the motion by the Majority Leader. As you know we have come from elections and also we need to rest and also some of us we are family members and we need to have time for our families. Thank you, Madam Speaker. I stand to support.

Hon Speaker: Thank you. Now I invite the mover of the motion to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Members, I think the House Business Committee did a splendid job in looking at how to ensure that the House Business is taken care of and also ourselves and our electorates. So I thank you for the support of the calendar of the Assembly. Thank you.

Hon Speaker:

(Question put and agreed to)

Next Order.

NOMINATION OF MEMBERS TO THE SPEAKER'S PANEL

Hon. Speaker: May I call upon the Majority Leader to proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker that aware that Standing Order 14A provides for the Speaker's Panel which shall comprise of members who may exercise all the powers invested in the Deputy Speaker; Aware that Members of the Speakers Panel may preside over the House in the absence of the Speaker and the Deputy Speaker as stipulated in Standing Order 14A(7); Further aware that the Speaker in consultation with the Assembly Party Leaders, submitted four Members for consideration by the House Business Committee;

Aware that the House Business Committee considered the Members as submitted by the Speaker;

Hon. Speaker, I wish to move the motion that, pursuant to the provisions of Standing Order 14A, the House approves the nomination of the following Members to the Speaker's Panel.

- | | |
|--------------------------|-----------------|
| 1. Hon. Anastacia Mutevu | - First Member |
| 2. Hon. Daniel Muindi | - Second Member |
| 3. Hon. Loyd Mutua | - Third Member |
| 4. Hon. Dickson Maundu | - Fourth Member |

Thank you, Madam Speaker.

Hon. Speaker: Thank you. You may call your seconder.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I call upon the Leader of Minority to second.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Hon. Speaker. I stand to second the motion which has been tabled by my brother here Hon. Majority Leader and the reason for seconding the motion is that, if you look at the list, it is well balanced and as you aware, Madam Speaker, there is a time the Speaker of the House will be committed somewhere and by may be another reason, the Deputy Speaker can also be away and the Assembly cannot stop its business.

So if we approve these Members that is an assurance that the Assembly will never stop transacting its business because of lack of somebody to preside over. So it is a noble idea to have these Members on board. Thank you, Madam Speaker.

Hon. Speaker:

(Question proposed)

I now invite Members to debate the motion. Members, the floor is yours. Mheshimiwa Dominic.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I raise to agree with the list which has been presented on the basis that it cuts across the political divide and again it also takes care of all genders. I support, Hon. Speaker.

Hon. Speaker: Thank you, Mheshimiwa. More contribution? I call upon Mheshimiwa Anastasia.

Hon. Anastasia Nundu (Nominated, WDM-K): Thank you, Hon. Speaker. I stand to thank Members who saw me fit for the Speaker's Panel and more so the Speaker for seeing me worthy to be Member No. 1. So, thank you so much. I stand to support.

Hon. Speaker: Thank you, Mheshimiwa. I hope I am not closing any one out and at this point I would like to call the mover of the motion to reply. Sorry for that.

Hon. Nicholas Nzioka (Machakos Central, WDP-K): Thank you, Madam Speaker. Indeed I would like to thank the Members for looking at the membership across the parties including single-member party if Mheshimiwa Mbuva is here. Particularly, I would also want to welcome on your behalf Madam Speaker, Mheshimiwa Anastasia Mutevu, she was very keen to join the Speaker's Panel because she is saying that in the future, she wants to be a Speaker like you. So, thank you very much, Members and thank you, Hon. Speaker.

Hon. Speaker: Thank you. She has threatened; my seat is threatened.

(Laughter)

After 10 years, is that so? We are in agreement. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: There being no more business the House stands adjourned to Wednesday, the 19th day of October, 2022 at 10.00 a.m.

The House rose at 3.20 p.m.