

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 19th September, 2017

The House met at 2.34 p.m.

[The Speaker (Hon. (Ms.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. I welcome you to this session. Proceed Mr. Clerk.

COMMUNICATIONS FROM THE CHAIR
HOUSE LEADERSHIP

Hon. Speaker: Good afternoon, Hon. Members. I have two matters to communicate to you this afternoon. The first one is on the House leadership and the second one is on the biometric registration. On the majority party leadership members, I am pleased to notify you that I am in receipt of a letter dated 12th September, 2017 from the NASA coalition appointing the following members in the position of majority leadership.

Hon. Francis Mwaniki Ngunga, Leader of Majority;
Hon. Justus Muasya Kiteng'u, Deputy Leader of Majority;
Hon. Tariq Mulatya Muema, Majority Party Whip,
Hon. Peter Joseph Mutiso, Deputy Majority Party Whip.

The following communication relates to the minority party leadership. I also received a letter dated 18th September, 2017 from the minority party whip on appointment of minority leadership and the following members were appointed.

Hon. Alex Kamitu, Leader of Minority;
Hon. Brian Kisila, Deputy Leader of Minority;
Hon. Jacqueline Nziva, Minority Party Whip;
Hon. Titus Kaloki, Deputy Minority Party Whip.

I wish that leadership every success as they embark on their new role and I urge them to execute their duties with diligence and true calling to the rules and procedure of this assembly.

BIOMETRIC REGISTRATION

On biometric registration, I wish to notify you Hon. Members that the county assembly has computerized management of attendance of members, both in plenary and in committees. It

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is important, members, to note that you are required to avail yourselves starting the 19th September, 2017 at the MCAs lounge to facilitate your biometric registration and that will be by your fingerprints being taken.

The deadline for that exercise is 22nd September, 2017 and it is important you listen to this. The deadline for that exercise is 22nd September, 2017 and the exercise is being undertaken by the ICT office at the MCAs lounge. The ICT office is part of our staff. Thank you, members.

(Applause)

PAPERS LAID

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN
THE ADDRESS OF THE GOVERNOR

Hon. Speaker: We have the papers as listed in the appendix and I call upon Hon. Kamitu to start on that.

Hon. Kamitu: Thank you Madam Speaker. Pursuant to Standing Order 20(4), I wish to lay on the Table of the House, today, Tuesday, 19th September, 2017; the Governor's address on the opening of the second assembly delivered on Monday, 18th September, 2017. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, you have the paper laid on your table and I believe you need time to look at that report. Are we in agreement that we look at it and deal with it tomorrow?

(Applause)

When we finalize this sitting, I will let you know the time for sitting tomorrow just to remind you. Proceed. Leader of Majority, you have a paper too.

SPEECH BY THE SENATOR

Hon. Ngunga: Madam Speaker, pursuant to Standing Order 20(4), I wish to lay on the table of the House today, Tuesday, 19th September, 2017; the senator's address, Hon. Boniface Kabaka to the second assembly of Machakos County, delivered on Thursday, 7th September, 2017. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, you have the paper laid by the Majority Leader Hon. Francis Ngunga and I wish to direct that similarly, we create time. We agree when we can discuss this paper. You remember it was a speech by the Hon. Senator on the day you were sworn in. Are we in agreement we discuss this paper tomorrow alongside the one of the Governor?

(Applause)

Thank you. So you take time and look at it. Proceed.

NOTICES OF MOTIONS

THANKS OF THE ASSEMBLY FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF THE GOVERNOR

Hon. Speaker: Notice of motion is at the page in the appendix. Can I call upon Hon. Alex Kamitu.

Hon. Kamitu: Madam Speaker, I wish to give notice of the following motion;
That pursuant to the provisions of the Standing Order 20(5), the thanks of the assembly be recorded for the exposition of public policy contained in the address of the governor during the opening of the second assembly delivered on Monday, 18th September, 2017.
Thank you Madam Speaker.

Hon. Speaker: Notice of motion is noted.

Hon. Kamitu: Thank you, Madam Speaker.

Hon. Speaker: The majority leader.

APPROVAL OF MEMBERS OF HOUSE BUSINESS COMMITTEE

Hon. Ngunga: Madam Speaker, I wish to give notice of the following motion;
That pursuant to Standing Order 151(1), the assembly approves the appointment of the following members to the House Business Committee for the first session of the second assembly of Machakos County.

1. Hon. Florence Mwangangi - Speaker of the County Assembly/ Chair person
2. Hon. Francis Ngunga - Majority Leader
3. Hon. Alex Kamitu - Minority Leader
4. Hon Justus Kiteng'u - member
5. Hon. Tariq Mulatya “
6. Hon. Jacqueline Nziva “
7. Hon. Betty Nzisa Nzioki “
8. Hon. Ngela Munyasya “
9. Hon. Francis Kalumu “
10. Hon. Peter Joseph Mutiso “
11. Hon. Moffat Maitha “
12. Hon. Anastacia Mutuku “
13. Hon. Joshua Muli “
14. Hon. Judas Ndawa “
15. Chairperson of committees

Thank you Madam Speaker. Madam Speaker, I wish to correct that member number 11 we substitute Hon. Moffat Maitha with the Hon. Geoffrey Kingori for the purpose of this House Business Committee. Thank you, Madam Speaker.

Hon. Speaker: Hon. Charles Kingori not Geoffrey?

Hon. Kingori: Hon. George Kingori.

Hon. Speaker: Hon. George Kingori.

Hon. Ngunga: Madam Speaker, I stand corrected. Hon. George Kingori. Thank you Madam Speaker.

Hon. Speaker: Leader of Majority, you have another notice?

APPROVAL OF MEMBERS OF COMMITTEE ON SELECTION

Hon. Ngunga: Madam Speaker, allowing me again I wish to give notice of the following motion; that pursuant to Standing Order 152(1), the assembly approves the appointment of the following members to the committee of selection for the second assembly of Machakos.

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|-----------------------------|---|-----------------------------|
| 1. Hon. Francis Ngunga | - | Majority Leader/Chairperson |
| 2. Hon. Alex Kamitu | - | Minority Leader |
| 3. Hon. Justus Kiteng'u | - | Member |
| 4. Hon. Tariq Mulatya | - | Member |
| 5. Hon. Grace Mutwiwa | - | Member |
| 6. Hon. Christine Koki | - | Member |
| 7. Hon. Peter Joseph Mutiso | - | Member |
| 8. Hon. Geoffrey Kamulu | - | Member |
| 9. Hon. Phoebe Koki | - | Member |
| 10. Hon. Johanna Munyao | - | Member |
| 11. Hon. Kaloki Ikusya | - | Member |
| 12. Hon. Moffat Maitha | - | Member |
| 13. Hon. Pauline Munguti | - | Member |

Thank you, Madam Speaker.

Hon. Speaker: Mr. Clerk, proceed.

ELECTION OF CHAIRPERSON OF COMMITTEES

Hon. Speaker: Hon. Members, I draw your attention to the provisions of Article 178 (2) of the Constitution of Kenya, which states that 'a sitting of the County Assembly shall presided over by the Speaker of the Assembly or in the absence of the Speaker, another Member of the Assembly elected by the Assembly.

Further, section 9(4), of the County Governments Act provides that, at any time in absence of the Speaker of the County Assembly or in matters that directly affect the Speaker, the County Assembly shall elect a Member to act as the Speaker as contemplated under Article 178(2)(b) of the Constitution.

Standing Order 14(1), provides that, 'as soon as practicable after the election of a Speaker, following a general election, a Chairperson of Committee shall be elected.' Further, Standing Order 14 (4), provides that, 'the procedure for electing a Chairperson of committees

shall with necessary modifications shall be the same as that prescribed for the election of the Speaker.’

Hon. Members, the Clerk of the County Assembly circulated an internal memo on 14th September, 2017, inviting interested persons to collect nomination papers for the election of the office of the Chairperson of Committees between the hours of 8 a.m. and 5 p.m. commencing on Friday, 15th September, 2017 and ending on Saturday, 16th September, 2017. You are aware that it was an internal memo because the Member to be elected is just amongst you.

Standing Order 5(2), requires that nomination papers be handed back to the clerk at least 48 hours before the time appointed and which the Assembly is to meet to elect the Chairperson of committees, that is by Sunday, 17th September, 2017 at 2.30 p.m.

Hon. Members, at the close of this period, only two candidates had picked nomination papers for election as Chairperson of Committees, namely;

1. Hon. Paul Nzai Museku - MCA Mumbuni North Ward
2. Hon. Johanna Munyao - MCA Mutituni/Ngelani Ward

Hon. Members, Standing Order 8, provides that, a candidate may by written notice to the clerk, withdraw his or her name before a ballot is started and in the event of such withdrawal, the clerk shall cross out the name of that candidate off any ballot papers issued for that or any subsequent ballot.

The Clerk received a letter from Hon. Johanna Munyao on the 18th September, 2017, withdrawing his candidature from the election of Chairperson to committees.

(Applause)

The Clerk, upon the closure of the nomination period publicized, made available to all Members a list showing all qualified candidates and copies of their curriculum vitae. Standing Order 11 provides that despite the provisions of this part, there is only one candidate who has been duly nominated for election as chairperson of committees---

(Applause)

.....as the expiry of nomination period, that candidate shall be declared forthwith to have been elected as Chairperson of committees without any ballot or vote being required.

(Applause)

Hon. Members, it is my pleasure to declare that Hon. Paul Nzai Museku has been duly elected as Chairperson of Committees---

(Applause)

...for the County Assembly of Machakos. Thank you, Hon. Members.

(Hon. Museku took the designated seat)

(Applause)

Hon. Speaker: Hon. Members, there being no other---
Sorry members, I think I was going to give you leave too early. My Order Paper shows up to Order No. 8 but my attention is drawn to the fact that there is Order No. 8. Clerk proceed.

MOTIONS

APPROVAL OF MEMBERS OF HOUSE BUSINESS COMMITTEE

Hon. Speaker: We have the leader of the majority party.

Hon. Ngunga: Madam Speaker,

That aware that the House Business Committee should be appointed within seven days on Assembly of a new House;

Aware that the Committee is crucial in determining how business is debated in the House and in preparation of an Assembly calendar;

Aware that the House should approve membership of the House Business Committee at the commencement of every session;

Noting that the House Business Committee membership should reflect relative majorities of seats held by each of the Assembly parties in the Assembly;

Aware that the nominations should take into consideration of interests of independents and aware that parties have nominated members to serve in the House Business Committee;

Madam Speaker, I wish to move the motion that pursuant to Standing Order 151(1) the Assembly approves the appointment of the following members to the House Business Committee for the first session of Second Assembly of Machakos County;

1. Hon. Florence Mwangangi - Speaker of the County Assembly/ Chairperson
2. Hon. Francis Ngunga - Majority of Leader
3. Hon. Alex Kamitu - Minority Leader
4. Hon. Justus Kiteng'u - Member
5. Hon. Tariq Mulatya “
6. Hon. Jacqueline Nziva “
7. Hon. Betty Nzioki “
8. Hon. Angela Munyasya “
9. Hon. Francis K. Kalumu “
10. Hon. Peter J. Mutiso “
11. Hon. George King'ori “
12. Hon. Annastasiah Mutuku “
13. Hon. Joshua N. Muli “
14. Hon. Judas M. Ndawa “
15. Chairperson of Committees

Thank you, Madam Speaker.

Hon. Speaker: Your seconder.

Hon. Ngunga: At this juncture Madam Speaker, I wish to call upon the Hon. Justus Kiteng'u to second my motion.

Hon. Kiteng'u: Thank you, Madam Speaker, thank you Members. I take this opportunity to second Majority Leader's motion. Thank you.

(Applause)

(Question proposed)

Hon. Maitha: Point of order, Madam Speaker.

Hon. Speaker: Yes Hon. Maitha.

Hon. Maitha: Madam Speaker, the name Hon. Moffat Maitha has been listed as a member the committee of House Business but has been replaced with Hon. King'ori. Therefore, I would wish that to be taken note of.

Hon. Speaker: That is noted, Hon. Member.

Hon. Maitha: Thank you.

Hon. Speaker: Hon. Members, I understand that there are changes that are happening even on the floor of this House.

(Laughter)

You know, this is a matter of negotiations; give and take and political decisions must always be undertaken after lengthy discussions. When are you likely to complete this, Majority Leader?

Hon. Ngunga: Madam Speaker, I had noted that correction and I made the correction when I was moving my motion, Madam Speaker.

Hon. Speaker: Can I put the question then?

(Question put and agreed to)

(Applause)

APPROVAL OF MEMBERS OF COMMITTEE ON SELECTION

Hon. Ngunga: Madam Speaker;

While thanking the members for the cooperation in approving the HBC members, let me also move the motion on Selection Committee;

Madam Speaker, that aware that the committee of selection should be appointed within ten days of the Assembly of a new House;

Aware that the committee is crucial in nominating members to serve in various house committees;

Noting that members to serve in committee on selection shall be nominated by assembly parties and approved by the house and aware that the parties have nominated their members;

Madam Speaker, I wish to move the motion that pursuant to Standing Order 152(1), the assembly approves the appointment of the following members to the committee on selection for the second assembly of Machakos County;

- | | |
|---------------------------|----------------------------------|
| 1. Hon. Francis M. Ngunga | – Majority of Leader/Chairperson |
| 2. Hon. Alex Kamitu | - Minority Leader |
| 3. Hon. Justus Kiteng’u | - Member |
| 4. Hon. Tariq Mulatya | “ |
| 5. Hon. Grace Mutwiwa | “ |
| 6. Hon. Christine Koki | “ |
| 7. Hon. Peter Mutiso | “ |
| 8. Hon. Geoffrey Kamulu | “ |
| 9. Hon. Phoebe Koki | “ |
| 10. Hon. Johana Munyao | “ |
| 11. Hon. Ikusya Kaloki | “ |
| 12. Hon. Moffat Maitha | “ |
| 13. Hon. Pauline Munguti | “ |

Thank you, Madam Speaker. I would like to call upon Hon. Peter Mutiso to second the motion.

Hon. P.J. Mutiso: Thank you Madam Speaker and the Hon. Members. I second the motion. I also agree with it because it adheres to the laws of the land and the Standing Orders.

Hon. Speaker: Hon. Members, as you address the House, please use the microphones. Remember your contribution goes to the HANSARD so that you are recorded properly.

(Question proposed)

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point, the House adjourns until tomorrow Wednesday, 20th September, 2017 at 10.00 a.m. Thank you.

The House rose at 11.50 a.m.